

JUDGE ORDERS SECRETARY OF STATE TO RECONSIDER PLANNING PERMISSION FOR 3,600 HOUSES

Plans to build 3,600 homes to the west of Stevenage are in disarray after a judge overturned planning permission for the development.

The project, proposed by **Stevenage Borough Council** on land mainly within neighbouring North Herts, was given government planning permission in 2009, despite opposition from **North Herts District Council** and **Herts County Council**.

But on **Tuesday 21 June** Mr Justice Ouseley quashed the decision in the High Court after a legal challenge brought by the two authorities. The councils complained that the secretary of state had failed to impose conditions that would deliver the requirements of Government policy "Carbon Dioxide and Energy Performance" (ENG1) in the East of England Plan requiring new developments to secure at least 10 per cent of their energy from renewable or low-carbon sources.

In his decision, the judge said: "I am persuaded on the totality of the evidence that the secretary of state did in fact ignore ENG1. The clear inference from the conditions imposed is that he did not take it into account."

The judge added that the permission also failed to secure the provision of temporary school accommodation that the secretary of state intended, and in fact enabled the developer to "avoid all responsibility for the provision of schools".

The decision comes just three weeks after a planning inspector threw out a separate SBC plan to expand the town by 20,000 homes to the north and west.

The application for 3,600 homes will now go back to the secretary of state Eric Pickles for reconsideration. He could decide to re-open the inquiry or refuse planning permission.

Tom Brindley, NHDC portfolio holder for planning, said members were "very pleased" with the decision.

"The application site is a huge open swathe of North Hertfordshire's Green Belt and we have fought long and hard for more than 10 years to resist inappropriate development there.

"We strongly urge the Secretary of State to draw a line under this saga by refusing planning permission. Councils and communities should be allowed to come up with sustainable plans for the future, sorting out their real housing needs as they are today, under a localism agenda."

23 June 2011

CPRE Hertfordshire
31a Church Street
Welwyn, AL6 9LW
01438 717587
office@cpreherts.org.uk
www.cpreherts.org.uk