

Standing up for Hertfordshire's countryside

Richard Tiffin
Planning and Building Control
North Hertfordshire District Council
PO Box 480
Herts
M33 0DE

Our Ref:

Your Ref:

27th February 2019 (by email)

Dear Mr. Tiffin

Application No 19/00321/FP
Erection of two five bedroom dwellings, with associated infrastructure and landscaping
works following demolition of existing property.
At Wychelms, Mill Lane, Therfield, Royston, Hertfordshire SG8 9PR.

Notwithstanding the amendments between this application and withdrawn Application No. 18/01081/FP, CPRE Hertfordshire consider that the current proposal remains an over-development of the site in this rural location.

Whatever its aesthetic qualities, the existing four bedroom property is a modest presence in what is, essentially, a rural farm access road. Both of the proposed new dwellings are greater than the existing in footprint and will have a more dominant impact on the lane and the surrounding countryside.

In the Planning Statement accompanying the application the applicant makes two interrelated statements which we would challenge:

(1) *“Policy 6 of the Local Plan is demonstrably out of date and as such cannot be afforded full weight in the decision making process.”* (para. 5.02).

The Supreme Court (in the case of Suffolk Coastal DC v Hopkins Homes Ltd. (2017 UKSC 37)) held that a Local Plan policy to protect the countryside from development (such as Policy 6) is not a policy for the supply of housing and therefore is not out of date and should be accorded full weight. In determining appeals against refusal of development in the Rural area beyond the Green Belt in East Hertfordshire, the Planning Inspectorate similarly held that *“Local Plan Policies ... to protect the countryside from unnecessary development, is an aspiration of the Framework, I therefore consider to be in conformity with the Framework and capable of attracting significant weight.”* (APP/J1915/A/13/2205582, APP/J1915/A/13/2205581 and APP/J1915/A/13/2199777).

and (2) *“The Council cannot currently demonstrate a five year supply of deliverable housing land and as such the development proposals fall to be considered under the ‘tilted balance’ of paragraph 11 of the NPPF.”* (para 5.04).

In the case of *Crane v. SoS* (EWHC 425) (considering the original iteration of the National Planning Policy Framework), the court ruling was that *“neither paragraph 49 of the NPPF nor paragraph 14 prescribes the weight to be given to policies in a plan which are out of date. Neither of those paragraphs of the NPPF says that a development plan whose policies for the supply of housing are out of date should be given no weight.”* This applies equally to footnote 7 of paragraph 11 of the current NPPF. In other words the presumption in favour of the grant of planning permission in paragraph 11 is not irrefutable and the absence of a five-year supply of housing land will not necessarily be conclusive in favour of the grant of planning permission.

In our view, the proposal is for inappropriate development in this location and we urge the Council to reject it.

Yours sincerely,

David Irving