

Standing up for Hertfordshire's countryside

Harriet Sanders
Planning and Building Control
St Albans City & District Council
St. Peter's Street
St. Albans
Herts AL1 3JE

Our Ref:

Your Ref:

5th July 2019 (by email)

Dear Ms. Sanders,

Application No. 5/2019/1015
Demolition of storage unit and garage and construction of two detached bungalows
on Land adjacent to The Cats Whiskers,
1 Oaklands Lane, Smallford, St. Albans, Hertfordshire

This application is the latest in series of applications for residential development on this site, all of which have either been withdrawn or have been refused by the Council. (Applications nos. 5/2006/1911; 5/2018/0099; 5/2018/1369 and 5/2018/2673)

CPRE Hertfordshire oppose this current proposal, which, like the previous applications, will impact on the openness of the Green Belt contrary to the Green Belt Policies in the current and emerging St Albans Local Plans, and the National Planning Policy Framework. Under both the NPPF and the Green Belt policies in the current St Albans Local Plan, the applicant is required to demonstrate very special circumstances sufficient to outweigh the harm to the openness of the Green Belt. No very special circumstances are presented.

Unlike the previous application, no Planning Statement or Design and Access Statement have been submitted with this application. Consequently this response is based on the layout and location plans only. Assumptions have been made based on information from the previous applications. The site location plan indicates that the entrance to the cattery and the car park of the Village Vets is through the site and will continue to be so following the development.

Assuming that the site is within the curtilage of the cattery and the Village Vets, it may be that the applicant assumes that it can be classified as brownfield land. The current NPPF definition of brownfield land includes the caveat "*it should not be assumed that the whole of the curtilage should be developed*". It is our view that caveat is intended to cover situations where the development would be contrary to other national and local policies, in this case those protecting the openness of the Green Belt. The two bungalows proposed are clearly more substantial than the current garage and storage on the site and, as such, would

have significant impact on the openness of the Green Belt. Similarly the provisions of paragraph 145(g) of the NPPF, i.e.: “*limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings)*” also contain the caveat regarding impact and harm to the openness of the Green Belt.

Nor can the site be regarded as limited infilling. The accepted definition of infilling is the filling or closing of gaps in something, such as between other buildings in already developed areas. That is clearly not the case in this instance which concerns an isolated group of buildings unrelated to any pattern of built development.

Previous applications have referred to the Council’s inability to demonstrate a 5-year supply of housing land. It is not the case that in the absence of a 5-year housing land supply Local Plan Policies are superseded. This aspect of the NPPF has been the subject of considerable dispute and in 2017 the Supreme Court (in the case of *Suffolk Coastal DC v Hopkins Homes Ltd. (2017 UKSC 37)*) held that Local Plan policies to protect the countryside from development (such as St Albans Local Plan Policies relating to the Green Belt) are not policies for the supply of housing and therefore are not out of date and should be accorded full weight. In other words the presumption in favour of the grant of planning permission 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.

At the present time, development along Oaklands Lane is restricted to the eastern side of the road. This proposal would alter the current character of the lane and introduce ribbon development, to the detriment of that character.

As inappropriate development in the Green Belt, there is a requirement for the applicant to demonstrate very special circumstances sufficient to outweigh the damage caused to openness and other harm to the Green Belt. The application contains no Planning or Design and Access Statement outlining the proposals, nor does it present any very special circumstances. Consequently we urge the Council to refuse the current application.

Yours sincerely,

David Irving