

Standing up for Hertfordshire's countryside

Katie Smith
Planning and Development
Broxbourne Borough Council
Bishop's College
Churchgate
Cheshunt
EN8 9XQ

Our Ref:

Your Ref:

12th December 2018 (by email)

Dear Ms. Smith,

Application No. 07/18/1097/O
Outline application for demolition of all existing buildings and erection of 81 new homes
with access off Goff's Lane
On Land at Tina Nursery, Goff's Lane, Goffs Oak EN7 5EP

CPRE Hertfordshire oppose this proposal for inappropriate residential development in the Green Belt contrary to the Green Belt policies in the National Planning Policy Framework and the current Broxbourne Local Plan.

We recognise that this site has been allocated for mixed use development in the Submission Local Plan currently under Examination in Public and, while it can be accorded appropriate weight, that Plan has not yet been adopted. Policy GB2 in the Submission Local Plan puts forward proposals for former glasshouse sites. Within the policy itself the Council requires the use of such sites for Self-Build housing. The applicant does not propose self-build, but only conventional housing for sale.

Nor can the site be considered as 'previously developed land'. The definition of 'previously developed land' within Annex 2 of the NPPF 'Glossary' excludes '*land that is or has been occupied by agricultural buildings*'. Section 336 of the Town and Country Planning Act 1990 defines agriculture as "*horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock.*" Consequently glasshouses for horticultural use are agricultural buildings. Glasshouse sites are therefore not classed as being previously developed land. As a result, residential development on this site would be inappropriate under the provisions of NPPF.

Consequently the proposal is for inappropriate development in the Green Belt. This is recognised by the applicant who puts forward ten main points as 'very special circumstances' which they consider sufficient to outweigh harm to the Green Belt:

Nos. 1: *Removal of the existing derelict buildings, and*
No 10: *Improved visual and landscape amenity through the removal of the existing derelict and unsightly buildings and their replacement with new buildings compatible with the character and appearance of the area.*

These are essentially the same. Basically the argument is that the existing, derelict nursery is unsightly and its replacement with inappropriate residential development would improve the site. The aesthetics of the existing use compared to the proposed dwellings is not a relevant planning consideration. You will recall that in the 2015 Lee Valley Regional Park Authority v Broxbourne Borough Council judgement, the judge rejected the claimed attractiveness of the development when compared to the existing, and dismissed concerns about dereliction of the existing as very special circumstances, and restated that “*The concept of ‘openness’ here means the state of being free from built development, the absence of buildings - as distinct from the absence of visual impact.*”

2: *Restoration and remediation of the site.*

As the applicant notes in the Planning Statement, there is contamination on the site which will have to be dealt with as part of any redevelopment. This is not a very special circumstance, only required practice.

3: *A 30% reduction in built form and a 68% reduction in building footprint.*

The argument is that this will improve the openness of the Green Belt. This is correct but not directly relevant. It does not override the point made in para. 143 of the NPPF that any inappropriate development is, by definition, harmful to the Green Belt. Consequently we do not consider that this can be given significant weight as a very special circumstance.

4: *Landscaping improvements throughout the site.*

Good landscaping should be an intrinsic part of any application and consequently cannot be considered as a very special circumstance.

Nos. 5: *Provision of publicly accessible open space;*

6: *Improved pedestrian and cycle links through the site;*

7: *Ecological enhancements;*

and 9: *Infrastructure improvements in the local area such as a pedestrian crossing across Goff’s Lane, are welcome but hardly count as ‘very special’ circumstances as these are all things which one would expect any development on this site to provide.*

8: *Housing delivery in accordance with the council’s draft local plan including a policy compliant level of affordable housing.*

While recognising that the Submission Local Plan can be afforded appropriate weight, the application cannot be determined against policies in a plan which has not been adopted. Irrespective of the degree of weight accorded it, it cannot be the case that complying with the Council’s policies be considered very special circumstances. They are a requirement.

This proposal will effectively connect Goff's Oak with the hamlet of St. James contrary to the principles of maintaining the openness of the Green Belt.

Consequently, we urge the Council to refuse this application.

Yours sincerely

David Irving