

Standing up for Hertfordshire's countryside

Secretary of State for the Environment
Department for Communities and Local Government
(Call-In Request)
Eland House
Bressenden Place
London SW1E 5DU

Our Ref:

Your Ref:

8 August 2014

Dear Sir,

Outline application for a residential/mixed use development incorporating Housing up to 523 Units (with delivery of a 1FE Primary School) or up to 485 Units (with delivery of a 2FE Primary School), a shop, a Hotel (with ancillary gym/restaurant), Commercial floor space, public open space and allotments, with all matters reserved except for means of access from the Dinant Link Road and Lord Street and a sustainable urban drainage systems with associated earth works to enable delivery of Phase 1: Broxbourne BC Reference 07/13/0899/O.

CPRE Hertfordshire understands that the above application has by now been referred to you by Broxbourne Borough Council (BBC), as a departure from the development plan under the Town and Country Planning (Consultation) (England) Direction 2009. This letter requests that in accordance with the above Direction, you call in the application for your own determination for the following reasons:

- 1) The site of the above outline planning application comprises greenfield, open agricultural land, and lies within a particularly vulnerable part of the Metropolitan Green Belt between the A10 radial route from London to Cambridge, and Hoddesdon, and the proposed development represents inappropriate development that conflicts with national Green Belt policy as set out in the NPPF, and Green Belt policy in the Council's Adopted Local Plan 2005;
- 2) The grant of planning permission for development on the scale proposed would compromise important decisions on the scale and location of development, and Green Belt boundaries within Broxbourne Borough, that should be taken through the Council's emerging Local Plan following public consultation. In this regard, the officers' report wrongly advised the Committee that weight could be given to unadopted proposals for areas of search for housing that included the application site in a draft plan published in 2010.

That draft plan was found by the independent Inspector to be sound only with the removal of specific major development proposals, but the Council resolved not to modify the plan and failed to proceed to adoption. As a result, no weight should be given to that draft plan, and it would in any event require review if it had been

adopted, given that it was prepared before the NPPF was published, before the Regional Plan was revoked, and before the 2011 National Census was undertaken, rendering its assumptions on population trends and housing requirements redundant;

- 3) The grant of planning permission would also have implications of significance beyond the area of Broxbourne Borough, and Hertfordshire, because of the importance of the application site to the purpose of the Metropolitan Green Belt in preventing further urban sprawl of the continuous built up area from London northwards along the Lea Valley to Hoddesdon, and the precedent that it would set for proposals on other Green Belt land; and
- 4) The Committee's decision did not in our opinion comply with the requirements set out in the NPPF for development in the Green Belt, when considering 'very special circumstances'. The Council's decision was taken in the context of officers' advice as set out in the report to the Committee, that failed to explain how, and to what extent, very special circumstances (vsc) had been demonstrated by the applicant that outweigh the substantial harm that would be caused. Paragraph 88 of the NPPF quite clearly states that '*very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*' We believe that the Committee failed to fully address this requirement in reaching its decision, and was misled by the officers' report on aspects of the proposals that could be considered to be vsc.

The factors specifically set out as 'germane to the consideration' of the factors that could constitute vsc in paragraph 8.7 of the report are not directly relevant to such consideration, and CPRE Hertfordshire wishes the Secretary of State to carry out his own assessment of whether the circumstances exist to outweigh the harm that would be caused.

As an example, we wish to point out that the officers' report states that there is no shortage in the five year supply of available housing land in the Borough, but it also gives an opinion that there may be such a shortage later this year, that the application would meet, and states that this contributes to very special circumstances. Such speculation should never be a basis for a decision to override Green Belt policy, and we would point out that the Secretary of State has stated that even where there is unmet demand for housing this is unlikely to outweigh harm to the Green Belt to constitute vsc justifying inappropriate development. Similarly, 'benefits' to the community from the provision of various facilities within the development, said by the officers' report to result from the proposals, may represent factors that a local planning authority can take into account in assessing the merits of a planning application, but they are not 'very special circumstances' of the type required by Green Belt policy, and indeed would be expected in any large scale housing scheme.

We would be pleased to provide further information on all or any of the above matters if this would be helpful in reaching your decision.

Yours Faithfully,



Kevin FitzGerald,
Honorary Director, CPRE Hertfordshire

cc National Planning Casework Unit
Broxbourne Borough Council