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Standing up for Hertfordshire's countryside

Sam Dicocco
Planning and Building Control
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth Garden City
Herts SG6 3JF

Our Ref:

Your Ref:

19th August 2020 (by email)

Dear Mr. Dicocco,

Application No. 20/01605/PIP
Permission in Principle: Erection of seven dwellings
Mill Corner Farm, Jacksons Lane, Reed, Royston, Hertfordshire SG8 8AB

CPRE Hertfordshire object to this application for development in the Rural Area Beyond the Green Belt, contrary to the relevant policies in both the current and submission North Herts Local Plans.

Currently the site is located in the Rural Area Beyond the Green Belt and the development proposed is contrary to saved Local Plan Policy 6 and Submission Local Plan Policy SP2.

The applicant considers that as the Council cannot currently demonstrate a 5-year housing land supply, the housing policies within the current Local Plan are considered to be out of date and those within the Emerging Local Plan can only be given limited weight.

It is not the case that in the absence of a 5-year housing land supply Local Plan policies are superseded. The Supreme Court judgement (Suffolk Coastal DC v Hopkins Homes Ltd. (2017 UKSC 37)) clarified that existing Local Plan policies which are designed to protect the environment, (such as Local Plan Policy 6) retain substantial weight despite lack of a 5 year housing land supply, while allowing the need to secure an adequate supply of housing land to be taken into account. Recent appeal decisions in North Herts have upheld that position, (APP/X1925/W/17/3192151 and APP/X1925/W/18/3194048). The case of Hunston Properties Ltd (EWCA Civ 1610) held that *"the weight to be given to such a housing shortfall is a matter of planning judgment. The weight to be attached to the shortfall may, as a matter of planning judgment, be reduced where a shortfall is inevitable due to a district being subject to policies which restrict development."*

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CPRE Hertfordshire is a Charitable Incorporated Organisation

President: Sir Simon Bowes Lyon, KCVO
Chairman: Richard Bullen

Registered Charity 1162419

At the present time, the submission Local Plan is subject to Examination in Public. As such, the policies in it can be given substantial weight. Given the impact that the application will have on the Rural Area Beyond the Green Belt and Policy SP2, and that approval would have a significant effect on the Local Plan process by predetermining decisions about the scale, location and phasing of new development in Reed contrary to that policy, NPPF para. 49 on prematurity may be engaged.

Paragraphs 77-79 of the NPPF state that in rural areas, planning policies and decisions made should take account of local circumstances and be responsive to local needs. There was widespread public consultation with the residents of Reed in the preparation of the Submission Local Plan and the settlement boundary was agreed with the residents and the Parish Council. Within that boundary, site RD1 was designated to meet local housing need. This is not site RD1.

Current Local Plan Policy 7 states that the Council will normally only permit development in a selected village such as Reed if the site lies within the main area of the village as shown on the Proposals Map. In the Submission Local Plan Reed is classed as a Category A village where development will be allowed within the settlement boundary. This site does not meet either of those criteria. Development of this site will clearly have an adverse impact on the openness of the Rural Area Beyond the Green Belt and extend the village beyond its settlement boundary.

In terms of the sustainability of the site, it should be noted that in dismissing an appeal for development on an adjoining site the Inspector concluded that “residents would be heavily reliant on private motor transport and would opt to use private cars rather than more sustainable modes of transport for trips to and from shops, school, work, health, leisure and other day to day services and facilities further afield.” (APP/X1925/W/16/3147753). There is no reason to believe that this development would be any different.

The Applicant points out that National Planning Practice Guidance indicates that the scope for Permission in Principle is limited to a site’s location, its land use and the amount of development proposed. Consequently, they do not address the fact that the frontage of the site is within the Reed Conservation Area, saying that any heritage impact will be addressed as part of a future Technical Details application. In our view this is wrong. In considering the viability of a site’s location the Local Planning Authority must take into consideration all matters of principle which will impact on the suitability of the site for development. In this instance these are the facts that the site is in the Rural Area Beyond the Green Belt, it is outside the designated development boundary, it does not meet sustainability criteria and is partly within the Conservation Area.



This application is the first stage (or permission in principle stage) which establishes whether a site is suitable in principle. In our view this application does not meet the requirements of the policies in either the current or emerging Local Plans or the matters of principle contained in them. The proposal would not be sustainable development for which the NPPF indicates a presumption in favour and there are no material considerations that outweigh the conflict with the current and emerging development plans. It should be rejected.

Yours sincerely,

David Irving