

Standing up for Hertfordshire's countryside

Marie Laidler
Planning and Development
Broxbourne Borough Council
Bishop's College
Churchgate
Cheshunt
EN8 9XQ

Our Ref:

Your Ref:

4th December 2019 (by email)

Dear Ms. Laidler,

Application No. 07/19/0906/O
Outline planning permission with all matters reserved for
custom build development of ten house plots
At Ashfield Nursery, Newgatestreet Road, Goffs Oak, Hertfordshire EN7 5RY

Whilst we welcome the reduction in the number of units proposed on this site following the Council's refusal of Application No. 07/18/0811, CPRE Hertfordshire continue to oppose inappropriate residential development on this site in the Green Belt contrary to the Green Belt policies in the National Planning Policy Framework and the current Broxbourne Local Plan.

In putting forward the application, the applicant cites the Custom Build and Custom Housebuilding Act 2015 and the provisions of the Act which have been incorporated into Policy GB2 of the Broxbourne Submission Local Plan, currently subject to Examination in Public. However, approval of this application would, in effect, alter the Green Belt Boundary in advance of any decision on the quantum of housing required on Green Belt land or its location. Paragraph 136 of the National Planning Policy Framework is clear that amendments to Green Belt boundaries must be made through the Local Plan process, not by decisions made on individual planning applications. Consequently to determine this application at this stage would pre-empt the findings of the Examination in Public.

In Section 6 of the Planning Statement the applicant acknowledges that the proposal is for inappropriate development in the Green Belt and puts forward five points as very special circumstances sufficient to outweigh the resulting harm to the Green Belt.

1. Lack of a five year housing land supply.

Para. 044 of National Planning Practice Guidance makes it clear that Green Belt policies take precedence over housing and economic needs and that lack of a 5 year housing supply is not, in itself, a very special circumstance. In addition the Supreme Court judgement (Suffolk Coastal DC v Hopkins Homes Ltd. (2017 UKSC 37)) has clarified that existing Local Plan policies which are designed to protect the Green Belt retain substantial weight despite lack of a 5 year housing land supply. In earlier consideration of Broxbourne Council's subsequently withdrawn Core Strategy the Inspector concluded that: "*At present sufficient*

urban sites have been identified to meet housing needs without the release of Green Belt land in the first five year period.”

2. The site is no longer a viable business.

We do not doubt the unviability of the nursery as a business in its current form, but that is not in itself a ‘very special circumstance’ sufficient to outweigh the harm to the Green Belt. Where it is relevant is in the application of Policy GB2 in the emerging Local Plan, but that plan has not yet been adopted.

3. The proposal includes remediation of a contaminated site.

Remediation is a requirement for any contaminated site. This is not a very special circumstance.

4. The proposal enhances the openness of the Green Belt

In the 2015 Lee Valley Regional Park Authority v Broxbourne Borough Council judgement, the judge 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.”*

5. The scheme is compatible with the Emerging Local Plan.

It may well be that the scheme is compatible with Policy GB2 in the emerging Local Plan, but, as mentioned above that plan is not in place and reliance on Policy GB2 is premature.

This site was not included as a potential residential development site in the Broxbourne Submission Local Plan currently under Examination in Public. Consequently the application is both speculative and premature. At the present time the Green Belt acts as a buffer between the northern development of Goff’s Oak, which ends at Chiltern Close and the southern edge of the development along Hammondstreet Road. A group of ten dwellings on this site would create a visual intrusion into that buffer and visually link the two. It would lead to pressure for further development of the fields and substantial gardens on either side of it, resulting in ribbon development along Newgatestreet Road and the merging of the settlements.

Consequently, we urge the Council to refuse this application.

Yours sincerely,

David Irving