



The countryside charity
Hertfordshire

31a Church Street

Welwyn

HERTS AL6 9LW

www.cpreherts.org.uk

office@cpreherts.org.uk

01438 717587

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:

7th May 2020 (by email)

Dear Ms. Laidler,

Application No. 07/20/0307/O

Outline planning permission with all matters reserved for custom build development of five house plots (resubmission of planning permission 07/19/0906/O)

At Ashfield Nursery, Newgatestreet Road, Goffs Oak, Hertfordshire EN7 5RY

This is the latest in a series of applications for this site, the previous applications having been either refused or withdrawn. Each iteration has involved a reduction in the number of units proposed, but the fundamental objections remain. We have made these points before but repeat them here.

Residential development on this horticultural site in the Green Belt is contrary to the Green Belt policies in the National Planning Policy Framework and the current and emerging Broxbourne Local Plans.

At the present time the portion of the Green Belt in which this site sits 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. Development 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. The site was not included as a potential residential development site in the Broxbourne emerging Local Plan.

The Design and Access Statement accompanying this application is essentially the same as that for application no. 07/19/0906/O and the applicant puts forward the same points which they consider sufficient to outweigh the inappropriateness of the development:

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CPRE Hertfordshire is a Charitable Incorporated Organisation

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

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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.

Policy GB2 of the Submission Local Plan allows for redevelopment of glasshouse sites, subject to a number of criteria ... and consequently... The scheme is compatible with the Emerging Local Plan.

Among the criteria in GB2 are the extent of the dereliction of the glasshouses and the viability of the businesses on the site. The photographs included in the Design and Access Statement do not demonstrate significant dereliction. In our previous response to 07/19/0906/O we stated that we did not doubt the unviability of the nursery as a business in its current form. However, since that statement, we have become aware that the business Ashfield Nursery Ltd remains listed at Companies House as an active business for the growing of vegetables, with the last Confirmation Statement from the company being dated 22 March 2020 and the current Director similarly listed as active. The fact that the company has closed the nursery does not mean that it is therefore unviable. Consequently, the Council must not accept the statements of dereliction and unviability at face value, but must satisfy itself on these points before determining the application.

The proposal includes remediation of a contaminated site.

Similarly, the Council will have to satisfy itself on the extent of contamination and the need for remediation. Remediation is a requirement for any contaminated site and is not, in itself, a very special circumstance.

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 buildings 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."*

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.

Consequently, we urge the Council to refuse this application.

Yours sincerely,

David Irving