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Standing up for Hertfordshire's countryside

James Kenyon
Planning and Development
Broxbourne Borough Council
Bishop's College
Churchgate
Cheshunt
EN8 9XQ

Our Ref:

Your Ref:

1st May 2020 (by email)

Dear Mr. Kenyon,

Application No. 07/20/0299/F
Environmental decontamination, creation of wildlife habitat and erection of 14 No. detached houses set amongst dense landscaping and provision of footpath/cycleway link to Barrow Lane at Halstead Hill Nursery, Halstead Hill, Goffs Oak, Hertfordshire EN7 5NA

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 and submission Broxbourne Local Plans. This is the latest in a series of applications for development on this site which have either been withdrawn or refused by the Council and dismissed on appeal.

In this case the applicant is now claiming that the land is contaminated and that the housing is required as enabling development to facilitate the decontamination of the site and consider that as a very special circumstance sufficient to outweigh the resulting harm by inappropriateness and harm to the openness of the Green Belt.

Land contamination does not make the land 'previously developed' and raises a further reason to object to its suitability for housing which is already in the Green Belt and in an unsustainable location. It is noteworthy that the need to decontaminate the site was not cited as a very special circumstance in the documentation accompanying any of the previous applications. It is accepted convention that enabling development should be no more or less than the quantum of housing required to facilitate the work. As the Financial Appraisal mentioned in the Design and Access Statement has not been included among the documents posted on the Council's website, we have no means of assessing that. Consequently, before making a decision on whether the enabling development does constitute a 'very special circumstance' which outweighs the harm to the Green Belt the Council will have to satisfy itself, based on the information available to it, that there is a need to decontaminate the site and that the proposal it is genuinely enabling development for the purposes intended and not more than that.

CPRE is working nationally and locally for a beautiful and living countryside

CPRE Hertfordshire is a Charitable Incorporated Organisation

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

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Paradoxically, the Planning Statement does not address planning policy, which instead is covered in the Design and Access Statement. It does not specifically address the relevant planning policies in the NPPF, the current Broxbourne Local Plan or the Submission Local Plan which is currently subject to Examination in Public. As the Inspector determining the appeal on application 07/16/0612/F stated (APP/W1905/W/16/3164574), the current Local Plan *“may have proceeded the framework but there is no substantive evidence before me to suggest that is fatal to the Local Plan’s continuing relevance.”* Consequently the application should be determined against the policies in the current Local Plan.

Application 07/16/0612/F and the subsequent appeal were also for 14 no. detached self-build houses. The inspector held that the proposal was in conflict with Local Plan Policy GBC2 stating that 14 dwellings on site *“would result in a substantial loss of openness.”* The extent and scale of the proposed development *“configured around an internal estate road, would be at odds with the prevailing pattern of shallow, loose knit ribbon development along the lane. The scheme would have the appearance of a suburban cul-de-sac parachuted into a semi-rural setting.”* He also held that *“neither a demand for self build plots nor legislation with regard to self build is carte blanche for development in otherwise inappropriate locations.”*, that the site was not previously developed land and that, in accordance with footnote 6 to NPPF para 11, Green Belt policies should take precedence. The proposal met none of the exceptional criteria in NPPF para. 145. There is nothing in the current application which would change those findings.

We are concerned that the site is not sustainable in terms of safe access to social infrastructure and local facilities or multi-modal transport opportunities, contrary to para.110 of the NPPF. (It was for this reason that other sites on Halstead Hill were rejected in the Strategic Housing Land Availability Assessment.) The proposal here is to send pedestrians and cyclists, accessing facilities in Cheshunt, through the residential site to the south, on to Barrow Lane, which is unlit, or, if accessing facilities in Goff’s Oak, up Halstead Lane which is both unlit and without footways. This is despite the comment in the Design and Access Statement that *“School children’s lives may well be saved by providing proper and safe connectivity for pedestrians and cyclists.”*

We also note that the Planning Application Form states that 3 full time and 1 part time jobs will be generated on the site, though there is no information in the documentation of what these jobs are, the nature of the employment or where it will take place. This needs to be clarified by the Council before determining the application.



This application is similar to the previous applications which have been refused and we urge the Council to also reject in this case.

Yours sincerely,

David Irving