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Standing up for Hertfordshire's countryside

Terry Garner  
Planning and Development  
Broxbourne Borough Council  
Bishop's College  
Churchgate  
Cheshunt  
EN8 9XQ

Our Ref:

Your Ref:

14<sup>th</sup> February 2020 (by email)

Dear Mr. Garner,

**Application No. 07/20/0070/O**

**Outline planning application with all matters reserved except for access for residential development on Land at Pendine, St James Road, Goffs Oak, Hertfordshire EN7 6TR**

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, on a site which has not been allocated for residential development in either Local Plan.

The current application, for 9 dwellings, is a revised and reduced version of an earlier application for 11 dwellings which was refused on appeal (APP/W1905/W/16/3160683), though it must be noted that the applicant is unspecific about the number of dwellings which will ultimately be built. The proposal covers the whole of the site.

In rejecting the earlier application the Inspector held that the eastern part of the site is not previously developed land and that the number of dwellings proposed would result in a greater impact on the openness of the Green Belt than the existing development. Consequently development of the site was contrary to para 145 of the National Planning Policy Framework. He also held that given the quantum of housing it could not be considered as limited development. In Para 3.5 of the Planning Statement accompanying the current application, the applicant considers that the inspector's assessment of what constitutes limited infilling is wrong. By extension, the applicant's argument is that in the case of a gap site, which this is, any development represents limited infilling.

In the case of R (Tate) v. Northumberland County Council [2018] EWCA Civ 1519 the Court of Appeal confirmed that *"the question of whether a particular proposed development is to be regarded as 'limited infilling' in a village for the purposes of the policy (in the NPPF) will always be essentially a question of fact and planning judgment for the planning decision-maker. There is no definition of 'infilling' or 'limited infilling' in the NPPF, nor any guidance*

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*there, to assist that exercise of planning judgment. It is left to the decision-maker to form a view, in the light of the specific facts".* In both the appeal decision on the previous application and the Pre-application advice issued by the Council in August 2019, the applicant is clearly advised that the entire site cannot be considered as previously developed land and that the quantum of housing is not compatible with limited infilling. In other words both the Inspector and the case officer, in using their judgement, do not agree with the applicant's point of view.

However the issue has been confused by the inclusion in the application documents of an undated 'Feasibility' layout prepared by Council's urban design team which shows the whole site developed in the manner proposed by the applicant which, the applicant says, demonstrates that their proposals are acceptable to the Council. Because this plan is undated, it is not possible to ascertain whether it was drawn up before or after the appeal Inspector's adjudication.

In our view the Inspector's judgement , that only a portion of the site can be considered as previously developed land and that the quantum of housing goes beyond what can be considered as limited, is sound. The same points are also valid in this case and we urge the Council to reject this application.

Yours sincerely,

David Irving