

Standing up for Hertfordshire's countryside

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

Our Ref:

Your Ref:

14th December 2018 (by email)

Dear Mr. Allington,

Application No. 18/02722/FP

Residential development of 167 dwellings (Use Class C3) and associated works including formal open space, internal road network, landscape enhancement and creation of accesses from Heath Lane and St. Albans Road and the demolition of 66 St Albans Road On Land South of Heath Lane, Codicote, Hertfordshire, SG4 8YL

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 North Hertfordshire Local Plan.

We recognise that this site has been allocated for residential development in the Submission Local Plan currently under Examination in Public (site allocation CD5). However, while it can be accorded appropriate weight, that Plan has not yet been adopted and it is unlikely that the Inspector will publish his findings until the second quarter of 2019.

Paragraph 136 of the NPPF makes it clear that Green Belt boundaries should only be altered through the preparation and review of local plans. It is for the Local Plan Inspector to adjudicate on that matter, not for the boundaries to be changed through applications such as this. Given that approval of this application would pre-empt the findings of the Examination and the Inspector's conclusions, it is necessarily premature. Equally para. 49 of the NPPF sets criteria for determining prematurity. Under both of the criteria, this application must be considered premature.

The applicant does recognise that the application may have to be considered against the policies in the current Local Plan and so presents the following 'very special circumstances' which they consider are sufficient to outweigh harm to the Green Belt:

(1) Facilitating the expansion of Codicote Church of England Primary School.

This is paradoxical. The school will need to expand in order to accommodate the increase in intake created by the development. It cannot be a very special circumstance to put forward a situation which would not exist if the development did not go ahead. It is noticeable that

the portion of the site which would be allocated to the school has not been included in the application.

(2) Provision of affordable housing.

It is a requirement of the adopted Local Plan and the emerging Local Plan that affordable housing forms part of the provision on developments of this size. Consequently this is not a very special circumstance. National Planning Practice Guidance, Ministerial Statements and case law have all been clear that the provision of housing, including affordable housing, is highly unlikely to ever amount in itself to the necessary "very special circumstances" required to justify development on the Green Belt.

(3) Land to meet the District's short-term housing requirements.

This is not a very special circumstance. There is indeed a short-term housing supply need, the resolution of which is at the heart of the Examination in Public. It is for the Local Plan Inspector to determine that matter. National Planning Practice Guidance says that such need does not take precedence over Green Belt policies and recent appeal decisions taken by the Secretary of State has made it clear that even a very substantial local shortfall in housing land supply does not constitute the exceptional circumstances needed to justify the release of Green Belt land for development. (DCS 200-007-658 and DCS 200-007-617).

(4) Unlocking development potential on other sites in Codicote with draft allocations to meet district-wide housing need.

This is tied into circumstance (1) above, and the same paradox applies. The argument is that Hertfordshire County Council's concerns that the development of sites allocated in the emerging Local Plan will lead to problems with school allocation, will be resolved through the Section 106 agreement for this application, which will release land for expansion of Codicote Primary School. It is implicit that if this application is not approved, the development of the other sites are unlikely to proceed. It cannot be right that the approval of inappropriate development on one Green Belt site facilitating further inappropriate development on other sites can be considered a 'very special circumstance' which outweighs the resulting harm to the Green Belt.

5. The site's allocation in the emerging NHDC Local Plan

While recognising that the Submission Local Plan can be afforded appropriate weight, the application cannot be determined against policies in a plan which has not been adopted.

The fact that the site is allocated in the emerging Plan does not mean that it therefore has a special status sufficient to overturn Green Belt policies.

6. Enhancements to Public Rights of Way on the site and in the surrounding area

We do not see how converting public rights of way through open countryside into footways through a residential housing estate can be considered enhancement. The Applicant asserts that *“The site is currently within the Green Belt, and therefore, paragraph 141 of the NPPF is relevant in setting out that the enhancement of the ‘beneficial use’ of the Green Belt which includes providing opportunities to provide access and recreation, is a planning policy aim which is capable of being attributed weight as part of Very Special Circumstances.”* This cannot be true when the intent of the application is to remove the site from the Green Belt.

In the Planning Statement the applicant lists ‘benefits’ which will arise from the development. A number of these are covered above. Among the others cited are:

Significant open space and landscaping are proposed throughout the development.
This is only to be expected in any well designed development.

The proposal will provide employment opportunities during the construction with wider economic benefits for supply chains within the industry.
This is true of any development.

Sustainable modes of transport are promoted with significant improvements to the surrounding transport network incorporated including footpaths and access points ...Highways improvements and new access roads to the site from Heath Lane and St Albans Road.

There are a number of concerns regarding the impact on the transport network and the inadequacies of the proposed junctions on to Heath Lane and St Albans Road. Those concerns are comprehensively covered in the report by Railton TPC Ltd. on behalf of the Save Rural Codicote group.

Sustainable urban drainage system will be incorporated to improve surface water drainage.
This is something which is to be expected in any development of this size.

None of these are benefits which are above and beyond what would normally be expected.

51% of the land subject to this application is classified as Grade 3a Agricultural land. The NPPF specifically protects high quality agricultural land, which it defines as grades 1, 2 and 3a. Over half of the site area being of high quality is not an insignificant amount. As such, it is a material consideration which the Council should take into account in determining the planning balance.

We are also concerned that the proposal represents sprawl, in contravention of the first purpose of the Green Belt. It is exacerbated by the fact that the proposed number of dwelling is almost 20% greater than that included as acceptable in allocation CD5.

Consequently, for the reasons stated above, we urge the Council to refuse this application.

Yours sincerely,

David Irving