

**Standing up for Hertfordshire's countryside**

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

Our Ref:

Your Ref:

24<sup>th</sup> July 2019 (by email)

Dear Ms. Poyser,

**Application No. 19/01448/FP**  
**Residential development of 72 dwellings and associated new local open space, access and associated works on the former Wyevale Codicote Garden Centre, High Street, Codicote, Hitchin, Hertfordshire SG4 8XA**

CPRE Hertfordshire have concerns regarding this proposal for residential development in the Green Belt, which is contrary to policies in the current North Herts Local Plan No. 2. and the National Planning Policy Framework.

The applicant, in the Planning Statement accompanying the application, states that “*The principle of development has been proven to be acceptable either when attributing weight to the emerging allocation and Green Belt release, or, crucially, through a ‘very special circumstances case’ which states that the site meets the criteria provided in Paragraph 145(g) [of the NPPF].* There are also repeated references to the Council’s inability to demonstrate a five-year housing land supply.

The first point relates to the inclusion of the site as a potential development site (Site CD2) in the Submission Local Plan which is currently subject to Examination in Public. As you will be aware, the Inspector has asked the Council to reconsider its proposed release of Green Belt land and that process has not yet been completed. Consequently approval of this application would, in effect, alter the Green Belt Boundary in advance of any decision on that point. 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 and to determine the application at this stage would pre-empt the findings of the Examination in Public. In our view, premature approval of this application would prejudice balanced decisions on the scale and location of housing in North Herts.

Consequently, these proposals must be considered against the Green Belt provisions in Section 13 of the NPPF, and the saved Green Belt policies of the current Local Plan. Under both, ‘very special circumstances’ must be presented sufficient to outweigh the harm to the openness or other harm to the Green Belt.

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CPRE Hertfordshire is a Charitable Incorporated Organisation

President:  
Sir Simon Bowes Lyon, KCVO  
Chairman: Richard Bullen  
Registered Charity 1162419

As noted above, the ‘very special circumstance’ put forward is that the proposal complies with paragraph 145(g) of the NPPF. NPPF145(g) says that limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), is appropriate, except when it would have a greater impact on the openness of the Green Belt than the existing development or cause substantial harm to the openness of the Green Belt. Both the Planning Statement and the Design and Access Statement point out that the footprint of the existing development totals 3,087 square metres, but neither explicitly state the footprint of the proposed development. Working from the quantum of housing stated, and the dimensioned floor plans, we estimate the proposed development is approximately 4,339 square metres, an increase of 29% on the existing. It will therefore have a significantly greater impact on the openness of the Green Belt. Nor can it be true to say that *“The proposed development would not cause substantial harm to the overall openness of the Green Belt, as demonstrated by the Councils proposal to release the land from the Green Belt in its emerging policy.”* (para 6.1.12). It should also be noted that the Council’s estimate of the capacity of the site is 54 dwellings which would be closer to the existing footprint.

The Planning Statement refers at length to the Council’s inability to demonstrate a 5-year housing land supply. It is not the case that in the absence of a 5-year housing land supply Local Plan policies are superseded. 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. This aspect of the NPPF has been the subject of considerable dispute. The case of *Tewkesbury BC v. SSCLG* found that *“the absence of a five year housing supply will not always be conclusive in favour of the grant of planning permission; the absence of such a supply is merely one consideration required to be taken into account.”* and in 2017 the Supreme Court (in the case of *Suffolk Coastal DC v Hopkins Homes Ltd.*) held that Local Plan policies to protect the countryside from development (such as North Herts Local Plan Policies relating to the Green Belt) are not policies for the supply of housing and therefore are not out of date and should be accorded full weight. In other words, the presumption in favour of the grant of planning permission is not irrefutable and the absence of a five-year supply of housing land will not necessarily be conclusive in favour of the grant of planning permission. This cannot be considered as a ‘very special circumstance’.

In summary, it is our view that this proposal represents over-development of the site which would cause significant harm to the openness of the Green Belt, for which no valid very special circumstances sufficient to outweigh that harm have been presented. The determination of the application at the present time would be premature and would be prejudicial to the outcome of the ongoing Examination in Public. Consequently it should be resisted by the Council.

Yours sincerely,

David Irving