

Standing up for Hertfordshire's countryside

Mr W. Myers
Development Control
Welwyn Hatfield Borough Council
Campus East
Welwyn Garden City
Herts. AL10 6AE

Our Ref:

Your Ref:

12th July 2019 (by email)

Dear Mr. Myers,

Application No. 6/2019/1370/MAJ
Erection of 26 Dwellings on Land to east of Firs Wood Close, Northaw

CPRE Hertfordshire object to this proposal for inappropriate residential development in the Green Belt.

The site is not allocated for housing in either the current Welwyn Hatfield Local Plan or the Submission Local Plan which is now at an advanced stage of Examination in Public. This application would, in effect, alter the Green Belt Boundary. 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 it at this stage would pre-empt the findings of the Examination in Public. The Council, following instruction from the Inspector at the Examination in Public, is currently undertaking a search for further housing sites. In our view, premature approval of residential development of this nature would prejudice balanced decisions on the scale and location of housing in the Borough.

These proposals must be considered against the Green Belt provisions in Section 13 of the NPPF, saved policy GBSP1 (Green Belt) of the Welwyn Hatfield District Plan and draft policy CS4 (Green Belt Boundaries and Safeguarded Land) of the Submission Local Plan.

The applicant bases the application on NPPF para 145 (f) which considers affordable housing for local community needs under policies set out in the development plan to be appropriate. Consequently no explicit 'very special circumstances' sufficient to outweigh the harm to the openness and other harm to the Green Belt are presented. There are references to the need for affordable housing and the Council's lack of a five year supply of housing land.

In determining the weight which can be afforded the former, the Council will have to consider whether the local community need is that of the Borough as a whole, or the area in

immediate proximity to the site. The applicant does not provide details of either, only the statement that there is a need which this development would help to meet.

The applicant also refers to the inability of the Council to maintain a 5-year housing land supply. On the matter of 5-year housing supply case law has made it clear 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.”* (Tewkesbury BC v. SSCLG) and the Government’s position is that: *“the single issue of unmet demand ... for housing, is unlikely to outweigh harm to the Green Belt and other harm to constitute the “very special circumstances” justifying inappropriate development in the Green Belt.”* (written ministerial statement of 1 July 2013, re-emphasised on 17 January 2014) Planning Practice Guidance issued in October 2017 confirms the Government’s policy position that, in the determination of planning applications in the Green Belt the simple unmet need for housing as a material consideration alone is unlikely to outweigh the harm to Green Belt policies, and other harm, such as to tip the planning balance in favour of inappropriate development in the Green Belt.

Equally It is not the case that in the absence of a 5-year housing land supply Local Plan Policies are superseded. In 2017 the Supreme Court (in the case of Suffolk Coastal DC v Hopkins Homes Ltd. (2017 UKSC 37)) held that Local Plan policies to protect the countryside from development (such as Welwyn Hatfield’s 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.

NPPF para. 78 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and NPPF para. 138 outlines the need to promote sustainable patterns of development. This site is not in a sustainable location.

It is acknowledged in the application that the site is not in close proximity to employment sites or social and retail amenities, the nearest centres being in Cuffley and Potters Bar. However, neither can be easily accessed on foot.

The Transport Assessment (para. 2.43) says that *“there is a wide range of amenities located on Potters Bar High Street, around 2km travel distance from the site. These can be accessed by cycling or using the bus (Service 242) from the bus stop located in Northaw.”* However to do so, a pedestrian would first have to get to Northaw. Again the Transport Assessment says that *“There is a bridleway which commences on the northern side of Coopers Lane Road and runs into an area of mature woodland. This provides a direct walking route to bus stops.”* In other words the residents of this development will be expected to walk over 1km along an unsurfaced and unlit pathway through a wood in order

to access bus services which will then take them to amenities in either Potters Bar or Cuffley. The Transport Assessment anticipates that this walk will take sixteen minutes. While this may be acceptable on a sunny day, it is unlikely that anyone would willing do it in inclement weather or on a dark winter's day. The Institution of Highways & Transportation Guidelines For Providing for Journeys On Foot makes the point that among the many real or perceived deterrents to walking are unpleasant pedestrian environments and personal security fears, both of which would be the case here.

Planning for Walking (CIHT, 2015) provides the following guidance on walking distances "Most people will only walk if their destination is less than a mile (1.6Km) away... with a typical catchment of around 800m, or a 10 minute walk" (CIHT, 2015, p.29). Of the eleven walking distances listed in the Transport Assessment, only one (The Oshwal Religious Centre) is under ten minutes walk. Shops in Potters Bar High Street are half an hour away, the station 40 minutes and the nearest industrial estate almost an hour on foot. The main road serving the site, Coopers Lane Road, has neither footways nor street lighting in either direction. Consequently, the primary mode of transport for residents will be the car.

For the above reasons we consider this site to be unsuitable for residential development and urge the Council to reject it.

Yours sincerely,

David Irving