

Standing up for Hertfordshire's countryside

Stephen Emery
Planning and Building Control
St Albans City and District Council
St Peters Street
St Albans
Herts AL1 3JE

Our Ref:

Your Ref:

24th July 2019 (by email)

Dear Mr. Emery,

Application No. 5/2019/1579

One three-bedroom dwelling with associated parking and landscaping on Land between 17 and 18 Gustard Wood, Wheathampstead, Hertfordshire

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

This is the seventh application for residential development on this site. (Nos.5/2012/1214, 5/2012/2913, 5/2013/2518, 5/2015/ 0582, 5/2016/1329 and 5/2017/1559.) With the exception of 5/2012/1214 which was withdrawn, these have been refused by the Council and dismissed on appeal.

The current application reduces the size of the proposed dwelling, but the principles underlining those dismissals remain.

In the Planning Statement accompanying the application the applicant claims that there have been material changes since the last application, namely: (i) There has been a revision to the National Planning Policy Framework; (ii) The Council cannot demonstrate a five-year housing land supply; (iii) The Council's proposed policies for limited infilling in the Submission Local Plan increase the number of units permissible on infill sites.

Among the changes in the NPPF is the removal of the requirement of limited infilling in villages to be in accordance with Local Plan Policies. However, that does not mean that such development is automatically appropriate development. While the applicant is correct to say that there is no formal definition of what constitutes an infill site, the one usually adopted by planning authorities is '*the infilling of a small gap within an otherwise built-up frontage or group of houses.*' In our view this site does not meet that definition.

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 paragraph 145 of the NPPF will always be essentially a question of planning judgment for the planning authority.

It is notable that in dismissing the appeal on Application 5/2012/2913, the Inspector held that “ *infill development is generally regarded as the completion of an otherwise substantially built up frontage of several dwellings that are visible within the street scene, by the filling of a narrow gap capable of taking one or two dwellings only. Although the appeal proposal is for one dwelling and Gustard Wood has elements of built up frontage, these lie to the north and south of Nos. 17 and 18. The extensive undeveloped gap that lies between these properties is much wider than the narrow gap that would provide for limited infilling, even by one dwelling as proposed in the appeal.*” Similarly, in dismissing Application 5/2016/1329 the Appeal Inspector considered that “ *the combination of the extent of the gap between existing buildings, the scale of the development and the wider built context of the site all lead me to conclude that the appeal proposal would not constitute the limited infilling in villages which the Framework considers to be not inappropriate development. The proposal would therefore be inappropriate development in the Green Belt.*”

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). 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. In the case of Crane v. SoS (EWHC 425) (considering the original iteration of the National Planning Policy Framework), the court ruling was that “*neither paragraph 49 of the NPPF nor paragraph 14 prescribes the weight to be given to policies in a plan which are out of date. Neither of those paragraphs of the NPPF says that a development plan whose policies for the supply of housing are out of date should be given no weight.*” This applies equally to footnote 6 of paragraph 11 of the current NPPF, which embodies Green Belt policies. In other words, the presumption in favour of the grant of planning permission in paragraph 11 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.

Consequently, the site should be considered against the Green Belt policies in the current St Albans Local Plan and the Submission Local Plan. In both, this proposal represents inappropriate development which will cause harm to the openness, and other harm, to the Green Belt. In addressing the planning balance in the Planning Statement accompanying the application the Applicant considers that the economic, social and environmental benefits of the proposal outweigh the harm to the Green Belt. In our view the economic benefits of a single dwelling will be minimal. There is merit in the provision of a further unit of housing, but we do not agree that this should be given ‘significant’ weight. Nor do we agree that the retention of existing trees and new planting will result in a significant improvement in biodiversity.

In our view the previous reasons for refusal remain and that consequently the Council should similarly reject this application.

Yours sincerely,

David Irving