

Standing up for Hertfordshire's countryside

Joanna Woof
Planning and Building Control
St Albans City and District Council
St Peters Street
St Albans
Herts AL1 3JE

Our Ref:

Your Ref:

13th November 2019 (by email)

Dear Ms. Woof,

Application No. 5/2019/2487

Outline application (access only) - Construction of up to 30 dwellings with garages and associated parking, landscaping and access works (resubmission following refusal of 5/2018/0509)

Land Off Orchard Drive Park Street Hertfordshire

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

Contrary to the assertion in the Planning Statement accompanying the application, there have been no significant changes, either in legislation or the nature of this application since the previous application which the Council rejected in 2018. In terms of layout there have been minor modifications to avoid infringement of the TPO woodland, but this does not affect the overall impact of the proposal. The applicant acknowledges that the proposal represents inappropriate development in the Green Belt, but again puts forward the same 'very special circumstances' to offset the resulting harm, as they did previously, despite these having been rejected by the Council.

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"*neither paragraph 49 of the NPPF nor paragraph 14 prescribes the weight to be given to policies in a plan which are out of date. Neither of those paragraphs of the NPPF says that a development plan whose policies for the supply of housing are out of date should be given no weight.*" This applies equally to footnote 6 of paragraph 11 of the current NPPF, which embodies Green Belt

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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.

Much play is made of the conclusions made in the Green Belt Assessment commissioned by the applicant when set against that prepared on behalf of the Council to inform the emerging Local Plan. The Council will have to decide what weight it places on that comparison. The sites in question, taken together with the adjoining recreation and playground, provide a green wedge between How Wood and Chiswell Green. In our view, just retaining the tree belt along the A405 (Planning statement para 5.9) is not sufficient to fulfil that function and represents a misunderstanding of what the Green Belt is all about.

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. As nothing material has changed since the original application the previous reasons for refusal remain and consequently the Council should similarly reject this application.

Yours sincerely,

David Irving