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Standing up for Hertfordshire's countryside

Lilly Ruddock
Planning and Building Control
St. Albans City and District Council
St. Peter's Street
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Our Ref:

Your Ref:

1st July 2020 (by email)

Dear Ms. Ruddock,

Application No. 5/2020/1041

Outline application (all matters reserved) - Construction of two dwelling houses (access and layout) - Plot 13 Land Adjacent Bridge Cottages, Sandridgebury Lane, St Albans ,Hertfordshire

CPRE Hertfordshire object to this application for inappropriate development in the Green Belt contrary to the National Planning Policy Framework and the Green Belt policies in the current and emerging St Albans Local Plans.

This is the first of the 107 plots on this site, originally marketed by Gladwish Land Sales in 2003, which has come forward for planning permission. As such it will set a precedent for all further applications.

This site is an open field of some 12 hectares in the Green Belt outside the settlement boundary of St Albans. It slopes up from Sandridgebury Lane to a ridge running from woodland on the east to the railway line on the west. Inevitably any development on it will be prominent. As a consequence, the site is subject to a Direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015, prohibiting any construction under permitted development rights which will cause harm to the openness of the Green Belt.

Clearly the construction of two residential properties would similarly cause harm to the openness of the Green Belt. Paragraph 145 of the NPPF sets out exceptions which are deemed not to be inappropriate. This proposal does not fall into any of those categories, though the applicant believes that it does.

The Design and Access Statement, drafted by the applicant's agent, proposes that the site can be considered to be "limited infill in a village" which is permissible under NPPF 145(e). (Design and Access Statement Page 13) This is based on the assumption that as this is one plot of 107,

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President: Sir Simon Bowes Lyon, KCVO
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when the rest of the potential development is complete, then this proposal will have infilled one of the plots with limited development. Frankly, we find this logic bizarre. There is no guarantee that any of the other 106 plots will ever be developed and even if they were they would not constitute a village. This proposal, if allowed, would result in two houses standing isolated in the middle of a field. That is not limited infilling. The generally accepted definition of infilling, is *“the development of a small gap in an otherwise continuous built-up frontage, or the small-scale redevelopment of existing properties within such a frontage.”* (viz. APP/C3620/W/15/3005744 et al)

Equally strange is the statement that *“Since this plot is the first development in the area there is no great impact on the openness of the Green Belt and doesn’t cause any substantial harm to the openness of the Green Belt.”* (DAS Page 13). This is a nonsense. Section 13 of the NPPF is clear that *“The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.”* (NPPF para. 133). Case law in Lee Valley Regional Park Authority v Epping Forest DC EWCA Civ 404 held that *“The concept of ‘openness’ means the state of being free from built development, the absence of buildings as distinct from the absence of visual impact.”* And Timmins v. Gedling Borough Council (EWHC 654) held that *“any construction harms openness quite irrespective of its impact in terms of its obtrusiveness or its aesthetic attractions or qualities”*. Constructing two 2-storey buildings on an open site will clearly impact on both the spatial and visual openness of the Green Belt. The recent Supreme Court judgement in Samuel Smith Old Brewery (Tadcaster) and others v North Yorkshire County Council *“requires the decision-maker to consider how those visual effects bear on the question of whether the development would “preserve the openness of the Green Belt”* .

Similarly *“As the proposal would not enlarge the plot’s footprint there would be no material conflict with the purposes of the Green Belt, including in assisting in safeguarding the countryside from encroachment”* (DAS page14) is also nonsense. The footprint in this context is not that of the plot (which cannot be increased unless the applicant purchases adjoining land), but that of the development on it. At present there is no footprint at all, so any development will enlarge it, causing encroachment into the countryside and creating conflict with the purposes of the Green Belt.

In outlining the Planning History of the site (of which there is none other than the Article 4 Direction), the applicant refers to the fact that *“the Court of Appeals (in December 2013) backed the High Court ruling(from September 2013) to overturn the Inspector’s refusal of 116 new homes...[at Sewell Park]”* (DAS page 4) We assume that this is intended to demonstrate a precedent. What the applicant does not say is that the Appeal Court ordered a reassessment of the original appeal. That was done through public inquiry in July 2014. In July 2015 the Secretary of State refused the appeal on the grounds that *“taking all of the benefits of the proposed development into account, both on an individual basis and cumulatively, the harm to the Green Belt has not been clearly outweighed, and very special circumstances do not exist to*

justify allowing the inappropriate development." A similar planning balance applies in this case.

As inappropriate development, the applicant is required to demonstrate very special circumstances sufficient to outweigh the harm to the Green Belt. As they believe that the proposal complies with NPPF para.145(e), no very special circumstances are presented. However attention is drawn to the following points:

- (i) The buildings are of outstanding and innovative design, which gives them exemption under NPPF para. 131.
- (ii) As the buildings will contain solar panels they can be considered to be a renewable energy project under NPPF para. 147.

NPPF 131 says that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability. NPPF Para 79 also outlines exceptionally when isolated homes in the countryside may be acceptable in practice this largely applies in rural areas beyond the Green Belt but this application does not meet the tests of 79 (e). We accept that, as outlined in the Design and Access Statement, the proposed design of the buildings will result in high sustainability. It is doubtful however that the inclusion of solar panels on a house can be considered as a renewable energy project under the intent of NPPF para 147, and even so that paragraph still requires very special circumstances to be presented. There have been recent appeal decisions which have held that eco-houses and high sustainability which goes well beyond current standards are now commonplace and that passive solar gain and heat conservation have been around for a long time now and cannot be considered innovative. *"Genuine and significant innovation is unlikely to occur so frequently as to lead to more than a very small number of exceptions."* (APP/N0410/A/14/2220241; APP/J1860/W/17/3179621).

While acknowledging that this is an application in outline only, there are a number of practical aspects which are not addressed in the application:

Access must necessarily come off Sandridgebury Lane which is a single track road. The Design and Access statement makes no reference to the access arrangements on to the lane, vision displays etc. Nor is there any discussion regarding the proposed road network within the site which will give access to the properties on this plot. There is no mention of how refuse freighters or emergency vehicles will access the site. The plot cannot be developed without such access. That then raises questions as to who will provide and maintain the necessary road infrastructure.

Similarly there is no mention of the provision of utilities such as gas and electricity, or mains water, surface water drainage or sewerage. All of these are essential for the development of



this plot to proceed but, given the extent of the potential development on the whole site, will be a substantial undertaking and again there is no indication of who will pay for, provide and maintain them.

The field is currently still being farmed. Development of this plot, together with the infrastructure required support it, will inevitably disrupt that usage, effectively sterilising the agricultural capacity of the site. There is no agricultural land quality assessment accompanying the application. However the most recent assessment by Natural England in Sandridgebury Lane (Cheapside Farm) was carried out in May 2020. It found that the majority of the land (79.5%) was Grade 3a. As Cheapside Farm is almost immediately adjoining this site, it is probable that this site is similar. The NPPF says that development on best and most versatile land (grades 1, 2 and 3a) should be constrained. Footnote 53 to the NPPF states that *“areas of poorer quality land should be preferred to those of a higher quality.”* As there is no statement provided on the agricultural land status in the submitted documentation, the Council should require the applicant to provide the agricultural classification before determining the application.

As shown on the plans accompanying the application, the footprint of the two houses fill most of the plot, leaving little amenity space. The flank walls, containing the windows to habitable rooms on both floors, are very close to the eastern boundary of the site, constraining any future development on the adjoining plot and raising issues of overlooking. Even were the principle of development to be acceptable, which it is not, the proposal represents poor design contrary to the NPPF and is not part of any credible ‘place making’ strategy.

Both in principle and in detail we consider this proposal to be inappropriate development in the Green Belt and we urge the Council to reject the application.

Yours sincerely,

David Irving