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Standing up for Hertfordshire's countryside

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

Our Ref:

Your Ref:

25<sup>th</sup> November 2020 (by email)

Dear Mr. Hunter,

**Application No. 20/02412/FP**  
**Erection of 62 dwellings including open space, landscaping, local area for play, and associated highway works.**  
**Land Between 53 And 81 And Land Rear Of 7-53 Waterdell Lane,**  
**St Ippolyts, Hertfordshire**

CPRE Hertfordshire object to this application for residential development in the Green Belt contrary to the Green Belt Policies in the current North Herts District Local Plan No. 2 and which is both premature and goes beyond the boundary and quantum of development set out in Policy SI1 of the Submission Local Plan currently subject to examination in public.

In the Planning Statement accompanying the application, the applicant chooses to discount the current North Herts District Local Plan on the basis that the Submission Local Plan is now sufficiently advanced that the application should be considered against the policies included in it. However, until such time as the Submission Plan is adopted, District Local Plan No. 2 remains in force.

This proposal is contrary to Policies 2 and 3 of District Local Plan No. 2. Nor does it meet any of the exception criteria in Paragraphs 145 and 146 of the National Planning Policy Framework. Consequently, it represents inappropriate development in the Green Belt for which very special circumstances to outweigh the harm due to inappropriateness are required to be presented. The applicant cites the Council's inability to demonstrate a five year housing land supply. National Planning Practice Guidance confirms the Government's policy position that, in the determination of planning applications, the unmet need for housing is unlikely to outweigh the harm to Green Belt policies to tip the balance in favour of inappropriate development. You will also be aware that the most recent household projections for North Herts, issued by the Government's Office for National Statistics on 29 June 2020, indicate a significant reduction when compared to the 2014 projections on which the Council's current

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CPRE Hertfordshire is a Charitable Incorporated Organisation

President: Sir Simon Bowes Lyon, KCVO  
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assessments are based. Recent announcements suggest that further changes to the standard method of calculation will also impact on the Council's 5 year housing land supply needs. Case law in *Hunston Properties Ltd* [EWCA Civ 1610] and *Suffolk Coastal DC v Hopkins Homes Ltd*. [2017 UKSC 37] clarified that existing Local Plan policies which are designed to protect the environment and Green Belt retain substantial weight despite lack of a 5 year housing land supply.

Notwithstanding that point, the Submission Local Plan is intended to address the issue of housing land supply. It is also intended to determine the quantum and location of housing needed to address that need and any consequential alteration to Green Belt boundaries. This application would pre-empt the outcome of those determinations prior to the conclusion of the Examination in Public.

In the context of St Ippolyts and Gosmore, the Submission Local Plan presents a need for 52 new homes, spread over two sites (SI1 and SI2). This proposal exceeds that total by 19% on site SI1 alone. Including SI2, that would result in an excess over the proposed quantum for the village of 42%. That is a significant amount. Paragraph 49 of the National Planning Policy Framework says that when a development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan and the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area, then the application for that development can be deemed premature. That is the situation in this instance.

We do not dispute that the policies in the Submission Local Plan can be given significant weight or that site SI1 has been designated for residential development. Policy HS1 says that planning permission for residential development and associated infrastructure on designated sites will be granted where development broadly accords with the indicative number of homes shown. However, the designation of SI1 is for 40 dwellings, not 62 (a 55% increase.) The site plan also incorporates land which is not part of the designated site as shown on the Local Plan Proposals Maps. That results in a greater land take from the Green Belt than proposed in the Submission Local Plan (a matter which should be resolved through the Examination in Public, not by applications such as this), adds to the sprawling nature of the development as it encroaches the countryside and enables the applicant to claim a lower density for the development than is in fact the situation on the designated site.

There are other aspects of the submitted documents which cause us concern.

In terms of sustainability, the Transport Statement rightly refers to the recommended walking distances in the Chartered Institution of Highways and Transportation publication 'Planning for Walking (CIHT, 2015)', but then claims that "*the above information clearly demonstrates that surrounding educational facilities and local amenities can be accessed within reasonable*



*walking distances and the site is therefore considered to be in a sustainable location for residential development.*” However, the information is selective and does not include the travel distances to meaningful retail facilities or secondary schools. Nor is there any recognition of the cumulative impact of this and the other designated sites in the adjoining villages of Gosmore and St Ippolyts on traffic generation or social facilities.

The site is bisected by a Public Right of Way (FP011). The proposal is to convert the right of way into a footway running alongside the estate road for its entire length. In effect this will remove the PRow designation and replace it with a road. DEFRA Rights of Way Circular 1/09 advises that estate roads should not be used for rights of way and Hertfordshire County Council’s criteria for Rights of Way state that *“Where a PRow passes through or is within a site ... the amenity value of the RoW must, as a minimum, remain unchanged in terms of width, perceived safety, attractiveness and surfacing.”* None of those points will be met by this proposal. If, following the Local Plan examination, the site were released from the Green Belt, we would at very least expect this central public route to be much more open and enhanced as a wildlife corridor, part of a green and blue infrastructure biodiversity and sustainable drainage plan. We note the objections of the HMWT to the failure to demonstrate biodiversity enhancement as part of the submissions in accordance with the NPPF.

The site encloses one Grade II listed building, the Icehouse, and immediately adjoins another, St. Ibbs Lodge. The two are separated by Half Hankerchief Lane. These buildings are correctly discussed in the Heritage Statement, but there is no reference to the likely impact on their setting of the proposed widening of the lane or the erection of railings in close proximity to the buildings. We are particularly concerned that there is no discussion of the implications of the proposal in the Flood Risk Assessment to locate the SUDs attenuation basin within 10 metres of the Ice House.

In terms of the site layout, we regret that, as the Tenure Plan shows, all of the affordable and shared housing is located in two clusters at either end of the site and not distributed throughout the site. This is not best practice. The provisions for sustainable drainage would appear to lead to a dislocated rather meaningless engineered basin, rather than to adopt features such as swales, low lying green spaces that can be integrated and enhance landscaping throughout the development.

As we mentioned above, part of the masterplan for this development extends beyond the site area designated in SI1. There is a history of this outlined in the Design and Access Statement. In the initial concept layout the proposed development of 72 houses extended out beyond the rear garden line of Waterdell Lane. In December 2017 the development was reduced in size to 65 units and pulled back into the boundary of designated site SI1. In October 2018, it then reverted to incorporating the western half of the additional land. The present application is a variation on that layout. This begs the question of what the applicant intends



to do with the other half of the additional land in their ownership. We note that the current road layout between units 37 and 42 will allow access onto this land for future development. This should be resisted.

We are somewhat puzzled by the justification that *“The edge of the village’s existing built-up area to the north west should be projected across the site boundary to create continuity in the appearance of the village when viewed from the adjoining countryside.”* This is a nonsense. It merely allows the applicant to maximise the number of units within the designated site by removing public open space from it.

We also note the conflict between the Landscape and Visual Impact Assessments dated January 2018 and March 2019, which has been drawn to your attention by the residents of Queenborough. The former contained a number of recommendations for mitigation which have not been implemented in this proposal and which have been omitted from the later assessment, which accompanies this application. The Council should satisfy itself as to why this has been done and why the mitigation measures have not been incorporated in the design.

In our view this application represents an inappropriate development of this site and should be rejected.

Yours sincerely,

David Irving  
Senior Planning Volunteer  
CPRE Hertfordshire