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Standing up for Hertfordshire's countryside

Jonathan Kwok
Planning and Building Control
St. Albans City and District Council
St. Peter's Street
St. Albans
Herts AL1 3JE

Our Ref:

Your Ref:

23rd September 2020 (by email)

Dear Mr. Kwok,

Application No. 5/2020/1667
Outline application (access sought) - Erection of nine dwellings
Land Adjacent (South), Winslo House, 200 Radlett Road,
St Albans, Hertfordshire AL2 2EN

CPRE Hertfordshire have concerns regarding this proposal for residential development in the Green Belt. We recognise that the application is for approval of access details only, but that cannot be separated from the principle of a substantial residential development of nine dwellings in this location.

Colney Street is essentially an industrial estate on the eastern side of the A5183, with sporadic dwelling houses on the western side. It can hardly be classed as a 'settlement' in the conventional sense. While the eastern side of the A5183 is industrial estate, it is separated from the road (and hence this site), by a 26metre wide tree belt and does not have a dominant presence on the street scene. From Old Parkbury Lane north to the M25, Radlett Road has a rural appearance until you cross the M25 and enter Frogmore. Not even Winslo house can be seen from the road. From Old Parkbury Lane south to the Oakridge foot care clinic the industrial estate is more prominent and there is development on the western side of the road, but this is some distance from the application site and cannot be associated with it either spatially or visually.

Consequently we cannot reconcile the situation on the ground (in line with *Tate v Northumberland County Council* [2018] EWCA Civ 1519) with the applicant's claim that "the site is immediately enveloped by a substantial amount of development" (Planning Design and Access Statement para. 2.4) and can therefore be considered as limited infilling in a village in conformity with National Planning Policy Framework para. 145(e). To the west the site is bounded by a tree belt with open countryside beyond. To the north is over 100 metres of the open garden curtilage of Winslo house, to the east is the industrial estate, separated from the site by the A5183 and tree belt. To the south the nearest dwelling is 45 m away, again separated from the site by garden and tree belt.

The claim that the site constitutes 'ribbon development' is also not borne out by the situation on the ground. By the applicant's own admission, the development along the west side of the A5183 has "an irregular grain". (PD&S para. 6.61). It cannot be described as ribbon development, which only starts at Frogmore, on the other side of the M25.

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President: Sir Simon Bowes Lyon, KCVO
Chairman: Richard Bullen

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It is also claimed that the site is previously developed land and hence the development can be considered appropriate under NPPF para. 145(g). The NPPF requires that any development should not have a greater impact on the openness of the Green Belt than the existing development. We agree that the site is previously developed, but as this application is for access only, there are insufficient details of the proposed development to determine whether or not the requirement on openness will be met. The gross floor space of the proposed houses is left blank on the application form. It is insufficient for the applicant to assert that the proposal will be marginally smaller in footprint than the existing and that “this will have a positive impact on the openness of the site” (PD&S para. 6.25).

The applicant draws attention to the Council’s inability to demonstrate a 5-year housing land supply. It is not the case that in the absence of a 5-year housing land supply Local Plan policies are superseded. This aspect of the NPPF has been the subject of considerable dispute and 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 St Albans 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. *Hunston Properties Ltd EWCA Civ 1610* held that “*the weight to be given to such a housing shortfall (and whether it constituted ‘very special circumstances’ for the purposes of the NPPF) is a matter of planning judgment. The weight to be attached to the shortfall may, as a matter of planning judgment, be reduced where a shortfall is inevitable due to a district being subject to policies which restrict development*” (such as Green Belts).

This application purports to be for approval of access arrangements only. The application focusses entirely on access on to Radlett Road. However the drawings show a secondary access on to Colney Street which is not referred to in the documentation. The Council will have to consider the implications of this before determining the application.

In our view this application represents inappropriate development in the Green Belt and as such should be rejected by the Council.

Yours sincerely,

David Irving