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Standing up for Hertfordshire's countryside

Ms Jill Shingler
Development Management
East Herts District Council
Wallfields
Pegs Lane
Hertford
SG13 8EQ

Our Ref:

Your Ref:

14th July 2021 (by email)

Dear Ms Shingler,

Application no. 3/21/1419/OUT

Outline application for a Continuing Care Retirement Community comprising up to 168 one and two-bedroom extra-care apartments, 40 assisted living apartments, a village centre building with community and medical facilities, external landscaping and green infrastructure - all matters reserved.

Lanbrook St Marys Lane Hertingfordbury

I write with reference to the above application which follows refusal of the previous application 3/20/1461/OUT for the site which is presently subject to appeal. The present application seeks to address the reasons for refusal but is in effect the same application as previously submitted with no amendments other than limited additional information.

CPRE Herts made representations to the former application and restates its strong objection to the effectively unamended application for the following reasons.

1. The site lies within the London Metropolitan Green Belt as identified in the adopted East Herts District Plan (EHDP) Policy GBR1, and according to the revised National Planning Policy Framework (NPPF), which states that "inappropriate development should not be approved except in very special circumstances on land that is identified as Green Belt". This proposal would effectively double the size of the village of Hertingfordbury which is a Group 2 Village in the East Herts District Plan within which only limited development should be permitted.
2. The proposal causes material harm to the openness of the Green Belt and the landscape character of the area between Hertingfordbury and Hertford which serves a vital purpose as a buffer between these two built-up areas. The construction of over 200 predominantly three storey residential units constitutes a major encroachment onto highly valued Green Belt.
3. The major justification for the development noted in the applicant's Planning Statement, in both the former and present applications, lies in the stated need for specialist housing for older people within the District. A considerable attempt is made to promote this need,

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CPRE Hertfordshire is a Charitable Incorporated Organisation

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

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characterised as ‘Extra Care Need and Demand’, as constituting the ‘very special circumstances’ required for inappropriate development in the Green Belt.

4. As stated in our previous submission, there is no objective evidence presented to demonstrate the need for this particular development in this location. The arguments made apply equally to any area in the County which is not subject to the statutory protection afforded by the Green Belt, and are thus inappropriate to cite in support of development in this location.

5. It is well established that housing need, of any type, is not sufficient to constitute ‘very special circumstances’ for inappropriate development in the Green Belt. Paragraph 11 of the National Planning Policy Framework (NPPF) identifies Green Belt designation as a ‘strong reason’ for not permitting development in protected areas. This position has been strengthened subsequently by numerous ministerial and other statements, including by the Secretary of State for the Ministry of Housing, Communities and Local Government on 16th December 2020.

6. As also noted previously, the applicant’s statement that the Council may not be meeting its five year housing land supply target, even acknowledging that the threshold for the engagement of the ‘tilted balance’ planning judgement has not yet been reached, is in our view, irrelevant to the consideration of this application. Also, the introduction of the possible impact of the coronavirus pandemic on the granting of planning permission is completely speculative, and not in any case being borne out by the number of applications received.

7. The applicant continues to suggest that the housing to be provided is largely Use Class C2 when it is clear that it constitutes Use Class C3 (dwelling houses) and is described as market housing in the application. This would not confer any special circumstances for development in the Green Belt with regard to the type of accommodation proposed.

8. In any case, EHDP Policy HOU6 Specialist Housing for Older and Vulnerable People requires specialist housing to be located within settlements where there is easy access to a wide range of services and facilities. The proposed limited ‘village centre’ proposed does not remove the intent of this requirement which is for wider social connections for the people affected by this policy.

9. According to the applicant’s Design and Access Statement, there will be connectivity for residents with Hertford town centre, which is approximately two kilometres away along Cole Green Way, which is largely unlit. The Government and Chartered Institute of Housing and Transport’s guidance suggest 1.2 kilometres to facilities for the able bodied to access services and facilities, so clearly the intended residents of the site will be car dependent or home based. Also, bus services are very limited, amounting to five services a day at best.



10. To approve this application would in effect result in an ad-hoc alteration to the Green Belt boundary. The NPPF states that Green Belt boundaries should only be altered in exceptional circumstances through a review of the local plan. The East Herts District Plan has been recently adopted and no such alteration is included.
11. Turning to the Planning Statement accompanying this application, the applicants are entirely concerned with addressing the reasons for refusal of the previous application (3/20/1461) but make no further nor amended proposals. Our previous concerns, as re-summarised above, remain in full.
12. The Planning Statement is mainly concerned with Refusal Reason 1, concerning housing need, local plan provision and the matter of 'very special circumstances' for inappropriate development in the Green Belt. Great play is made by the application of the lack of 'Extra Care Housing' to make the case for further development.
13. Extra Care Housing is not a statutory definition, and notwithstanding whether the present application provides it, which we would challenge, does not constitute a valid reason for overriding recently adopted policy for this location. The Council is not required to accommodate housing need where adopted local and national policy provides for the protection of designated areas such as the Green Belt.
14. A similar situation arises with regard to the applicant's suggestion that certain housing provision is absent from the Local Plan. NPPF advice to provide for the particular needs of older and disabled people is a general requirement and should not be used to justify provision in a particular location where other policies apply.
15. The applicant's assertions that there are gaps and consequences in what they see as a lack of housing provision are similarly speculative and may be ignored. The attempted rebuttal of the reasons for refusal by challenging the evidence base of the recently adopted Local Plan which was extensively examined in public is irrelevant, and it is ill-advised to suggest that the Council can guarantee delivery of market provided housing.
16. The extensive quotation of legal correspondence relating to potential development at Gilston is similarly irrelevant and not an appropriate concern of the application. The remaining reasons for refusal are dealt with in a cursory manner and add no further justification for this application.



CPRE Hertfordshire maintains its strong objection to the proposed development and urges the Council to refuse this application.

Yours sincerely,

Chris Berry
Planning Manager