



The countryside charity
Hertfordshire

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Standing up for Hertfordshire's countryside

**52, and Land rear of 28-74 Ragged Hall Lane,
Chiswell Green**

Ref: APP/B1930/W/23/3331451

PLANNING APPEAL HEARING

Interested Party Statement

by Chris Berry BA(Hons), Dip TP, MRTPI

for

CPRE Hertfordshire – the countryside charity

January 2024

INTRODUCTION

1. My name is Chris Berry. I am a Chartered Member of the Royal Town Planning Institute, hold a Bachelor of Arts with Honours degree in Geography from the University of London and a post-graduate Diploma in Town and Country Planning from the University of Newcastle-upon-Tyne.
2. I have practised in both the public and private sectors for over 45 years and been employed by a wide range of organisations including local government, development corporations, planning consultancies and development agencies. Latterly I have acted as interim Chief Planning Officer and Assistant Director for a number of London and Hertfordshire Boroughs and am presently employed as Planning Manager for CPRE Hertfordshire – the countryside charity.
3. I am presenting this statement for the Hearing on behalf of CPRE Hertfordshire. CPRE Hertfordshire acts to protect countryside in Hertfordshire and is active in supporting local organisations and communities to protect open spaces and rural activity from inappropriate development and environmental degradation.
4. In this statement I seek to identify the potential harm to the Green Belt caused by the proposed development and comment on the planning policy framework and the potential changes to government policy which may be material to the determination of this appeal.

BACKGROUND TO THE APPEAL

5. The proposal is for a total of up to 53 houses and associated infrastructure. The original planning application reference number 5/2023/1300 was submitted to St Albans City & District Council in June 2023. A decision on the application is still pending and an appeal was lodged on 17th October 2023 on the basis of non-determination of the application.
6. The relevant development plan is the adopted St Albans District Plan Review. The emerging Local Plan has been the subject of recent Regulation 18 consultation public consultation and the subject site is not proposed to be allocated for housing.

GREEN BELT

7. The site lies within the London Metropolitan Green Belt as defined in the adopted St Albans District Plan Review which proscribes inappropriate development according to criteria as stated in paragraph 147 of the National Planning Policy Framework (NPPF) unless very special circumstances are demonstrated. The Applicant's consultants in the Planning Statement accompanying their application accept that very special

circumstances are required to be demonstrated and seek to justify the proposal primarily on the basis of the failure of the Local Plan to plan for required market and affordable housing.

8. With regard to the principle of development in the Green Belt, CPRE Hertfordshire has argued consistently in both Examinations in Public of Local Plans in Hertfordshire, and in representations to planning applications, that the intent of Paragraph 11 (and footnote 7) in the NPPF is clear with regard to the protection of protected land.

9. The presumption in favour of sustainable development is set out in paragraph 11 of the NPPF. For decision-makers, this means that:

“where there are no relevant development plan policies, or where the policies for determining the application are out-of-date, granting permission, unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- (ii) any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework, taken as a whole.”*

10. Footnote 7 of the NPPF identifies clearly that land designated as Green Belt is an area of particular importance which provides the “clear reason for refusing the development proposed” as noted in (i) above.

11. The Government’s commitment to protecting Green Belt land is elaborated in Chapter 13 of the NPPF. The five purposes of the Green Belt are set out in paragraph 138, as follows:

- (a) to check the unrestricted sprawl of large built-up areas;*
- (b) to prevent neighbouring towns from merging into one another;*
- (c) to assist in safeguarding the countryside from encroachment;*
- (d) to preserve the setting and special character of historic towns; and*
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

CPRE Hertfordshire believes that the first, third and fifth of these purposes are directly relevant to the determination of these appeals.

12. Historically, Green Belt has been a key component of the planning system in Hertfordshire and in terms of the first Green Belt purpose, its primary function has been to control the outward sprawl of London. In the 1970s, the Green Belt was

extended as part of the Hertfordshire County Structure Plan to cover approximately 40% of the land area of the County to continue to provide this protection.

13. The third purpose, to safeguard the countryside from encroachment, is the most significant concern in this case, particularly when set in the context of challenging the permanence of the Green Belt and the clear and obvious loss of openness which would result from the construction of 53 houses and associated development. There is no doubt that development of the site would result in a considerable loss of Green Belt openness, contrary to the fundamental aim set out in the NPPF (paragraph 137). No amount of screening or planting could compensate for the introduction of 53 dwellings into this rural setting which would completely change the character of the area.
14. The case of *Samuel Smith Old Brewery (Tadcaster) v North Yorkshire County Council [2020]* has clarified the definition of openness by identifying it as a matter of planning judgement. Openness was ruled not necessarily to be a statement about the visual qualities of the land but rather a counter-point to urban sprawl, defined as an absence of “urbanising development”, which definition applies clearly to this appeal site.
15. No ‘very special circumstances’ are identified which relate to the conditions pertaining to the specific circumstances of the site. Proposed benefits with regard to environmental and related matters are no more than would be expected and provided as part of any development of this size.
16. The Applicant’s Planning Statement includes commentary on the pre-application advice received from the Council. CPRE Hertfordshire notes and supports the assessment of the Officer with regard to the advice provided which identifies the inappropriateness of the proposals.
17. The application is one of several recent significant proposals for residential development in the Green Belt (approximately 50 such applications in Hertfordshire alone since 1st January 2022) which constitute a wholesale challenge by development interests to this highly valued land designation.
18. This proposal for up to 53 units constitutes a clear encroachment into open countryside outside the Chiswell Green Village boundary with very significant impacts on its openness and character in this location. It is an inappropriate extension of the village and constitutes development of the type which the Green Belt designation exists to prevent.
19. Very special circumstances (VSC) should not be seen solely as a mechanistic weighting exercise, but as clear and powerful reasons related to the conditions and circumstances of the site that warrant a departure from consistent planning policy in

favour of respecting and retaining the Green Belt. A series of provisions such as the Appellant proposes should not normally amount to VSC when much of what is being promoted would be expected of a significant development in any location.

20. The Appellant considers that the sites do not make a significant contribution to the Green Belt and are effectively poorly performing and not contributing to landscape quality. We profoundly disagree with this assertion, and so do very extensive local community and public comments. We further note that it is not the quality of Green Belt land which is protected but the function it fulfils as open countryside.
21. The arguments used by the Appellant are frequently applied by developers to urban edge sites in the Green Belt but if accepted they form a circular argument. The site is released from Green Belt and the next site becomes the urban edge and the same argument is then applied and the Green Belt is eroded constantly.

ST ALBANS LOCAL PLAN

22. The status of the emerging St Albans Local Plan and the continuing Government consideration of the significance of designated protected land are directly relevant to this Inquiry. The St Albans Local Plan was recently subject to Regulation 18 public consultation and allocated a large number of sites in the Green Belt for residential development to satisfy the requirements of the objectively assessed need for housing during the plan period, using the Government's "Standard Method".
23. Whereas CPRE Hertfordshire has previously made clear its disappointment that the Council has not applied the policy constraints in paragraph 11 of the NPPF (as already noted), this means that more than adequate provision has been made for housing within the emerging Local Plan. This site is not included in the emerging Local Plan and its promotion is both inappropriate and unnecessary.
24. As a responsible local planning authority, the Council rightly wishes its Local Plan to reflect local community concerns and aspirations, as required by the NPPF. Such concerns regarding Green Belt protection and related matters have been expressed extensively in responses to the planning application.

GOVERNMENT POSITION

25. The Government has constantly restated its commitment to the Green Belt, from the Statement by the Secretary of State for Levelling Up, Housing and Communities on 6th December 2022 which noted "It will be up to local authorities, working with their communities, to determine how many homes can actually be built, taking into account what should be protected in each area—be that our precious Green Belt or national parks" (Hansard: Planning System and Levelling Up Bill: Community Control. 6.12.22).

26. Following this written ministerial statement on 6th November 2022, the Secretary of State published on 22nd December an open consultation document *Levelling-up and Regeneration Bill: reforms to national planning policy*. This included a “prospectus” for possible changes to the NPPF which were subject to consultation until 2nd March 2023, and it is clear that the context for local plans should become more flexible and take account of local circumstances and conditions.
27. Notably, the Prime Minister, in a Parliamentary response to Sir Mike Penning, MP for an adjacent constituency to St Albans, said on 25th January 2023: “He is also right to say that this Government will always protect our precious green spaces. The recent changes in our planning reforms will ensure that we can protect the green belt everywhere.”
28. An updated NPPF has now been published (December 2023) which states that local planning authorities are not required to review and alter Green Belt boundaries if this would be the only way of meeting housing need in full (although authorities would still have the ability to review and alter Green belt boundaries if they wish, if they can demonstrate that exceptional circumstances exist). In its most recent Reg 18 consultation St Albans Council has in any case not sought to include this site in its emerging Local Plan
29. It is clear that the Government’s intention is to retain the Green Belt in its present form and the constant attempts to undermine Green Belt protections for residential developments are in danger of bringing the planning system into disrepute.

AFFORDABLE HOUSING

30. The provision of affordable housing is cited as a contribution to the very special circumstances promoted by the Appellant. The House of Commons Library Research Briefing (March 2022) on Affordable Housing notes that there is “no agreed definition of affordable housing” and the NPPF does not indicate a price level.
31. A recent illustrative analysis of average house prices and average household incomes in the County by a CPRE Hertfordshire member (Affordable Housing in Hertfordshire, April 2022) indicates the present inability of market housing to address in any meaningful way the demand for housing by average earning households in both Dacorum Borough and Hertfordshire as a whole. Given that the definition of affordable housing has become effectively irrelevant with regard to house purchase by an average earning household in Hertfordshire, it is inappropriate to promote affordable housing as providing justification for use of the Green Belt for this purpose.

32. Whilst accepting that a proportion of households can find ways of affording the slightly reduced “affordable housing” prices offered, this is a general factor relating to housing provision. It is not appropriate to use proportions of “affordable housing” as supporting the case for very special circumstances which should be related to specific local conditions.

SUMMARY AND CONCLUSIONS

33. In summary, CPRE Hertfordshire supports fully the very extensive local community objections which have been expressed. The benefits of the scheme do not clearly outweigh the harm caused to the Green Belt and therefore there are no very special circumstances.
34. The quantum of development proposed means that there would be very substantial harm caused to highly valued open countryside and which is designated as Green Belt. These designations seek specifically to prevent the type and magnitude of development proposed.
35. The planning policy context for these appeals has changed considerably since the original planning applications were made. Publication of the amended NPPF is a clear indication of the Government’s commitment to the protection of the Green Belt and a more flexible approach to the preparation of Local Plans, specifically in the calculation of future housing requirements.
36. For the reasons set out in this statement, the Inspector is respectfully urged to dismiss this appeal.

Chris Berry
Planning Manager
CPRE Hertfordshire

5th January 2024