

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/J1915/W/16/3164362

DETAILS OF THE CASE

Appeal Reference APP/J1915/W/16/3164362

Appeal By HERTINGFORDBURY LAND LTD

Site Address
Former Brickworks Off Cole Green Way
Hertford
Hertfordshire
SG14 2LF

SENDER DETAILS

Name MR PETER NORMAN

Address
3 Bluebell Close
HERTFORD
SG13 7UP

Company/Group/Organisation Name Hertford Civic Society

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

- Final Comments
- Proof of Evidence
- Statement
- Statement of Common Ground
- Interested Party/Person Correspondence
- Other

YOUR COMMENTS ON THE CASE

Hertford Civic Society is opposed to this application, the fifth since 2012, for a retirement community on the former brickfields site. The land is in the Metropolitan Green Belt as well as being part of one of the important 'green fingers' which follow the river valleys and allow the countryside to penetrate almost to the centre of Hertford. It is not 'on the edge' of the Green Belt, as the appellants contend.

The appellants submit that the proposed development would not be inappropriate because physical evidence of the former use of the land for mineral extraction and brickmaking remains, so that the site should be categorised as brownfield land. There is room for argument as to whether the land should properly be regarded as brownfield, but even if it is brownfield, that does not make the development now proposed appropriate. Paragraph 89 of the NPPF makes it clear that, with certain exceptions, the construction of new buildings in the Green Belt is inappropriate. One such exception is "limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development" (our emphasis). It is undeniable that the proposed care home and residential blocks would have a greater impact on openness than the residual surviving features resulting from previous uses of the land. The proposed development is therefore inappropriate and it is for the appellants to show that there are very special circumstances to justify it.

The appellants have put forward a strong case to demonstrate the need for specialist housing for older people. We do not doubt that need, and in general terms would agree that a development of the kind proposed is needed, would prove popular and would find a ready market in Hertford. We understand that the Council accept that a five-year supply of land available for housing development in the District cannot yet be demonstrated, but the Government have made it clear that, no matter how strong the need for accommodation, such need alone does not amount to the very special circumstances necessary to override Green Belt policy. On 1 July 2013 the then Local Government Minister Brandon Lewis said in a Written Parliamentary Statement "The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the Green Belt." That policy has been reaffirmed by successive Ministers since.

The Council is currently engaged in the expensive, lengthy and rigorous process of preparing a new plan for the District, and has undertaken a review of the Green Belt. Despite the fact that almost all Green Belt land around Hertford was found to fulfil an important Green Belt function, it regrettably seems almost inevitable that some will have to be released in order to meet the ever-growing housing needs of the District. It is all the more important, therefore, that choices about the future of the Green Belt are made in the context of an objective review and an overall planning strategy, and not pre-judged by decisions on individual planning applications.

Details of the proposed buildings and of the access to the appeal site have changed since previous applications for this development were refused. Indeed it is unclear whether the vehicular access from Mimram Road included in the application plan is still part of the scheme; the appeal statement says "it had to be removed from the application", but there appears to be no revised application drawing. There are also references to tennis courts, bowling greens, allotments, etc, which appear to be part of the overall concept and are included on a 'Masterplan' drawing but which, confusingly, are not within the application site. In any event, the application and appeal are essentially for the same development as that previously refused. The proposed community would be inappropriate development in the Green Belt which is not justified by very special circumstances, and we urge you to dismiss the appeal.