



TOWN AND COUNTRY PLANNING ACT 1990

SUMMARY

**OF PROOF OF EVIDENCE OF
SHAUN GREAVES BA (HONS) DipURP MRTPI**

**ON BEHALF OF
ST. ALBANS CITY AND DISTRICT COUNCIL**

APPEAL BY CASTLEOAK CARE PARTNERSHIPS LTD

**LAND TO THE REAR OF BURSTON GARDEN CENTRE, NORTH ORBITAL ROAD,
CHISWELL GREEN, ST. ALBANS, HERTFORDSHIRE**

NOVEMBER 2021

PLANNING INSPECTORATE REFERENCE: APP/B1930/W/21/3279463

LPA REFERENCE: 5/20/3022

Scope of Evidence

1. My evidence addresses the following matters:
 - 1) The effect of the proposed development on the openness and purposes of the Green Belt;
 - 2) The effect of the proposed development on the Character and Appearance of the Area;
 - 3) The effect of the proposed development on the significance of the Grade II* listed Burston Manor House and the Grade II listed outbuilding;
 - 4) Whether the proposed development would make adequate provision for community and infrastructure needs; and
 - 5) Whether harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposed development

Previous appeal decision and reasons for refusal

2. A similar scheme to the Appeal Proposal was dismissed on appeal in January 2020. There have been changes to the scheme that in my view have not substantively changed the weight that should be attributed to the key benefits and harms considered by the previous Inspector.
3. The key issue remains whether there are very special circumstances that clearly outweigh the combined weight of harm to the Green Belt, the harm to designated heritage assets and the harm to character and appearance.

The Appeal Site

4. The Appeal Site is currently an unused area to the east of Burston Garden Centre. There is open grassland, planting beds, sheds polytunnels and planting beds previously used for the growing of roses.
5. The site is located within the Green Belt. It is common ground that the Appeal Proposal is inappropriate development in the Green Belt.
6. Adjacent to the site to the north is the grade II* listed Burston Manor House, originally dating from the 12th Century and a grade II listed 17th century former dovecote/granary outbuilding. The perimeter boundary to the east is formed by an approximately 2m high close-boarded fence, abutting a public bridleway, with How Wood and the village of How Wood beyond. Birchwood and Birchwood Bungalow is to the south and to remainder of the Burston Garden Centre is to the west.

Planning Policies

7. The development plan comprises the saved policies of St Albans Local Plan (1994). The relevant policies are generally in accordance with the National Planning Policy Framework, which is an important material consideration. The emerging St. Stephens Neighbourhood Plan has yet to be formally examined and attracts only limited weight.

Green Belt Openness and Purposes

8. The previous Inspector found that the spatial and visual harm to openness would have constitute significant harm to the Green Belt in addition to inappropriateness. In my view the changes to the scheme do not result in a different conclusion on this matter. The Appeal Proposal would cause significant harm to the openness of the Green Belt.

9. In assessing the original scheme against the five purposes of the Green Belt defined by The Framework, the previous Inspector found conflict with three of those purposes: (a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns from merging into one another; and (c) to assist in safeguarding the countryside from encroachment. I have considered the revised scheme against these purposes and have I have shown that the revisions do not lead to a different conclusion on this matter. There would still be clear conflict with Green Belt purposes in terms of purposes (a), (b) and (c).

Character and appearance

10. The amendments to the scheme, including a modest reduction in the quantum of the development, do not change the fact that the proposal is for a retirement village of a scale that would have an urbanising effect that would be out of character with its wider surroundings. The previous Inspector considered that the original scheme would have given rise to a moderately harmful impact upon the character and appearance of the area. I consider that the Appeal Proposal would still have a moderately harmful impact in this regard and would conflict with LP Policies 69 and 70 and the objectives of the Framework. The proposal would also be contrary to the Framework and particularly paragraph 130 which requires developments to be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Designated Heritage Assets

11. As with the previous scheme, it is common ground that the Appeal Proposal would cause less than substantial harm to the grade II* listed Burston Manor and grade II listed outbuilding and that this harm should be given great weight. As previously there is disagreement between the Appellant and the Council where the harm falls within the spectrum of less than substantial harm.

12. The previous Inspector disagreed with the appellant that the original development would cause a minor level of less than substantial harm to the heritage significance of the listed buildings through development within their setting concluded that the original scheme fell firmly within the realms of less than substantial harm and was of the clear view that this would be to a moderate degree within the spectrum. Changes in the revised scheme have sought to reduce the impact upon the setting of the listed buildings. However, I consider that the proposal would still constitute a large-scale urban development that would wipe away the last tangible link between the heritage asset and their original setting and that the proposal would still cause less than substantial harm to the significance of the listed buildings, to a moderate degree within the spectrum. The proposal would therefore conflict with Policy 86 of the St Albans Local Plan and Section 16 of the National Planning Policy Framework which seeks to conserve and enhance the historic environment. In accordance with the duties of s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as interpreted by the Court of Appeal, this harm must be given considerable weight in the determination of this appeal.

Provision for Community and Infrastructure Needs

13. The Council's third reason for refusal relates to the absence of a legal agreement to secure contributions community and infrastructure needs. The appellant intends to enter into a S106 agreement. . I consider that planning obligations are required to mitigate the effect of the development upon local services and infrastructure and secure identified very special circumstances and this is a matter that will be addressed at the Public Inquiry.

Whether harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and whether this would amount to very special circumstances required to justify the proposal.

1.1.1 The Appellant has identified several planning benefits of the Appeal Proposals.

14. I have considered the material considerations that have been put forward by the Appellants as very special circumstances, the differences between the previous appeal proposal and the current proposal, having regard to the previous appeal decision, which I consider to be an important material consideration based upon the principle of consistency in decision making.
15. I consider that the identified need for extra care accommodation contributes to the weight in terms of overall housing need and that overall the benefits relating to general and C2 housing need, and the associated release of under-occupied housing weighs substantially in favour of the proposed development.
16. I consider that moderate weight should be attached to the lack of alternative sites for a scheme of this scale as a material consideration in this appeal.
17. The health and wellbeing benefits of the proposed development are set out in the application and at the previous appeal and this is a matter that weighs substantially in favour of the Appeal Proposal.
18. I considered the other benefits identified by the appellant and set out the weight that I consider should be attributed to them.

Conclusion

19. I conclude that the benefits do not clearly outweigh the harm to the Green Belt and any other harm. The very special circumstances required to justify this development in the Green Belt do not exist. There are specific policies in the Framework that indicate that this development should be restricted. Overall, I consider that, from the available evidence, there are no material considerations which indicates that the Appeal Proposals should be determined other than in accordance with the development plan, and therefore that the appeal should be dismissed.