

# ADDISON PARK

local homes for local heroes



Up to 330 discounted affordable homes  
exclusively for Key Workers

## Statement of Case

**Appeal by Headlands Way Limited**

**Land North of Chiswell Green Lane, Chiswell Green, St Albans, Hertfordshire**

**Ref: 5/2021/3194**

Outline application (access sought) for the demolition of existing buildings and the building of up to 330 discounted affordable homes for Key Workers, including military personnel, the creation of open space and the construction of new accesses and highways works including new foot and cycle path and works to junctions.

Brian Parker  
MRP Planning

November 2022



MRP Planning, 10 Orient Close, St Albans, Hertfordshire AL1 1AJ

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### **Personal Statement**

I have a BA (Hons) in Geography and an MSc in Urban and Rural Planning and am a Member of the Royal Town Planning Institute. I am familiar with the St Albans District and its 1994 Local Plan and, since 2009, with the Council's attempts to adopt a new Local Plan. The evidence in this Statement has been prepared and is given in accordance with the guidance of the RTPI and I confirm that the views expressed are my professional opinions.

Brian Parker

November 2022



## **Introduction**

1. MRP Planning has been instructed by McPartland Planning Limited (“MPL”) to submit an appeal on behalf of its client, Headlands Way Limited, under section 78 of the Town and Country Planning Act 1990 following a refusal by St Albans City and District Council (“the Council”) to grant permission.
2. The Application, Ref: 5/2021/3194, was validated on 24<sup>th</sup> November 2021. The Decision Notice was published on 25<sup>th</sup> October 2022 (CD 8.1).
3. On 16<sup>th</sup> November, a Notification of Intent to Submit an Appeal was sent to the Council and to the Planning Inspectorate (CD 8.23).
4. This Statement of Case sets out why the Council’s Reasons for Refusal are flawed and why “*very special circumstances*” exist to allow a scheme for up to 330 discounted affordable houses for Key Workers. As required by the *Procedural Guide for Planning Appeals – England, March 2021* (“the Guide”), a Draft Statement of Common Ground and supporting Core Documents have been submitted.

## **Supporting Documents**

5. The Core Documents are listed in Appendix 1. References to them will appear as, for example, (CD 1.1 [paragraph x]).

## **The Appeal Site**

6. The Site, of c.14.2 hectares, is a largely agricultural field on the western side of Chiswell Green, with limited vehicular access from Chiswell Green Lane and The Croft (Fig. 1).



Fig. 1 Site Location Plan (CD 1.36.2)

7. The Site comprises a small paddock with stables and a larger area of hay production/grazing with a large barn. Most of its heavily-screened boundary is adjacent to public roads and footpaths. The entire Site is in the Green Belt, located c.3.2 kilometres south of the centre of the St Albans, an attractive Cathedral City which lies to the north of the M25 and between the M1 and A1(M); and c.2.1 kilometres north of Junction 21a of the M25 *via* the A414.
8. The Site enjoys good access to Hemel Hempstead and Hatfield. St Albans City Station has direct train services - south to the centre of London (20 minutes) and on to London Gatwick and Brighton; and north to London Luton and Bedford. A shuttle train service operates between St Albans Abbey and Watford Junction, stopping at Park Street station, c.2.5km east of the Site.
9. Chiswell Green is identified as a large village in the 1994 Local Plan (CD 4.1.2). It has a wide range of facilities - see Fig. 2 below. The closeness of local amenities and the level of public transport provision to health, educational, retail, leisure, and other facilities, means the Site is an appropriate and sustainable location for new residential development.

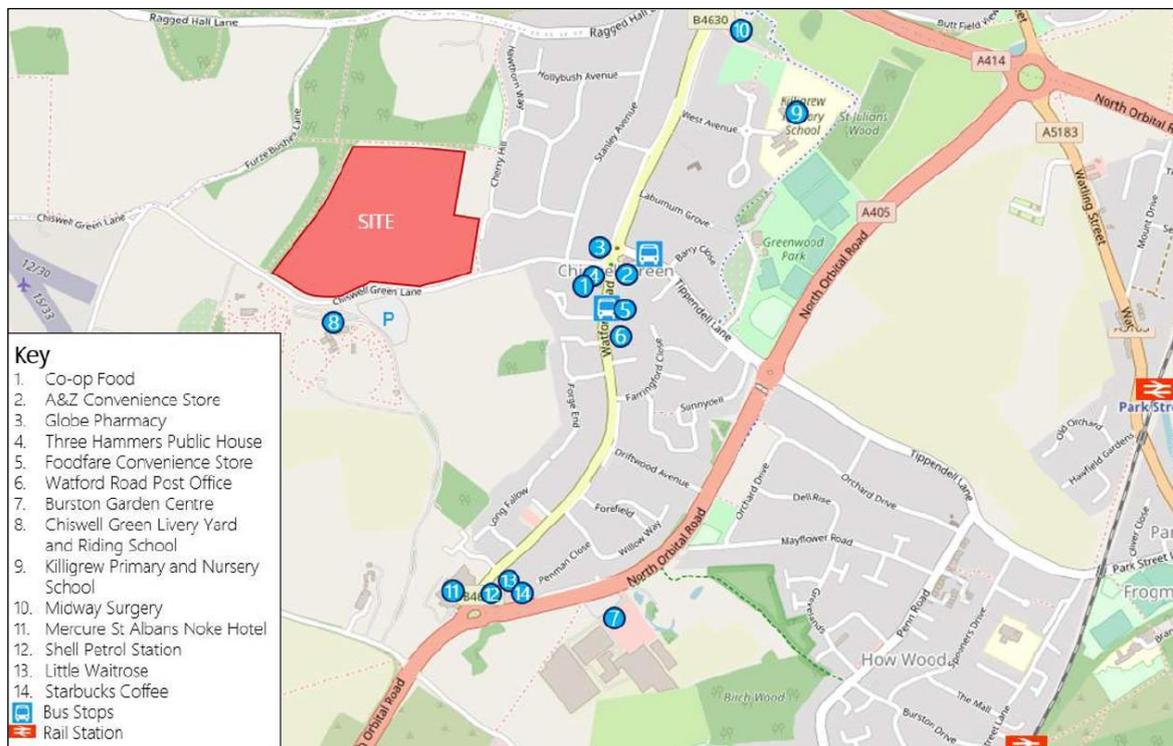


Fig. 2 Local amenities (CD 1.26 [p.22])

10. Further details of the Site are set out in the Design & Access Statement (CD 1.7) and the Landscape and Visual Impact Assessment (“LVIA”) (CD 1.17).

### The Appeal Scheme

11. The proposal seeks to meet some of the affordable housing need of essential local workers (aka Key Workers), the only group identified in the definition of “*Affordable Housing*” in the NPPF (CD 4.8, Glossary).
12. Named after Sir Christopher Addison, the country’s first Health and Housing Minister who championed the policy of “*homes fit for heroes*” after the First World War, Addison Park seeks to redress some of the serious imbalance caused by the Council’s indifference to Key Workers, by delivering up to 330 affordable homes exclusively for them, and discounting each by at least a third (CD 1.21, p. 6), far more than the 20% required to qualify as affordable housing.
13. As confirmed in the draft S106, the housing is for Key Workers as defined in the Council’s Affordable Housing SPG (CD 4.7 [5.12]), supplemented by military personnel - which is consistent with both:
  - a) The definition of “*essential local workers*” in the NPPF; and
  - b) The Council’s adoption of the Hertfordshire Armed Forces Covenant, signed in December 2011 and reaffirmed in December 2021<sup>1</sup>.
14. The dwellings will help those who earn too much to qualify for social housing, but too little to afford their own homes in one of the most expensive places in the country (CD 1.21 [3.3]).
15. These “*essential local workers*” are excluded from the Council’s focus on people on very low incomes, but cannot compete with high earners in other sectors, such as those in banking and financial services who commute to London<sup>2 and 3</sup>.
16. The Indicative Proposed Site Layout Rev. C (CD 1.36.1) shows how the Site might accommodate a development of up to 330 dwellings (see Fig. 3 below).

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<sup>1</sup> Whilst the Covenant refers to social housing, the Appellant believes military personnel should not be excluded from this opportunity to own their own home.

<sup>2</sup> “*The commuter town where homes are as unaffordable as Chelsea*” Gifford, C. The Daily Telegraph 22<sup>nd</sup> June 2022

<sup>3</sup> “*St Albans: London’s number one commuter town*” online at Simply London: relocating made simple



Fig. 3 Indicative Proposed Site Layout (CD 1.36.1)

17. The quantum and mix of dwellings may change at the Reserved Matters stage subject to discussions with the Council. The current indicative mix of house sizes informs the draft S106 Agreement (CD 8.20).
18. Access is a matter for approval and is set out in detail in the Transport Assessment (CD 1.26-1.28 and plans CD 1.29.1-1.29.5); Transport Assessment Addendum (CD 2.8 and Plans CD 2.9.1-2.9.4); and Travel Plan (CD 1.30-1.31).

**Correct Planning Approach**

19. The Proposals Map of the St Albans District Local Plan Review 1994 (CD 4.1.18) shows the Site within the Metropolitan Green Belt. The 1994 Local Plan is, however, 28 years old and considerably out-of-date, especially noting that [33] of the NPPF (CD 4.8) requires policies in Local Plans be reviewed at least once every five years.
20. Furthermore, the Council cannot demonstrate a 5-year supply of land for housing (“5YHLS”), which means that the most important policies for determining the Application are out-of-date for this reason also (see: fn8 and [74] of the NPPF (CD 4.8)). That, in turn, means that [11d)] of the NPPF was engaged for the purposes of making the Decision on the Appeal Application.

Accordingly, planning permission was to be granted unless, *inter alia*, the policies in the NPPF provided a clear reason for refusing – see: NPPF [11d)i].

21. As noted above, however, the Site is in the Green Belt, which is confirmed in fn7 to the NPPF to be one of the NPPF policies to which [11d.i)] NPPF applies. Further, the Appeal Scheme constitutes “*inappropriate development*” in the Green Belt, and [147]-[148] of the NPPF states that inappropriate development is harmful by definition and should not be approved except in “*very special circumstances*”. The Appeal Scheme is acceptable in principle, therefore, only if there are “*very special circumstances*”, sufficient clearly to outweigh the harm caused to the Green Belt by inappropriateness, and all other harm.
22. In this regard, however, it is to be noted that the housing shortfall in St Albans is so severe that the Council has long since concluded that “*exceptional circumstances*” exist to justify the release of sites from the Green Belt, in accordance with [140]-[141] of the NPPF and *via* a Local Plan Review, in order to deliver a sufficient housing land supply.
23. Moreover, whilst Ministerial Statements dated 2<sup>nd</sup> July 2013, 17<sup>th</sup> January 2014, and 17<sup>th</sup> December 2015 (CD 8.24), made by Brandon Lewis MP, stated that the single issue of unmet demand for conventional housing was unlikely to constitute the “*very special circumstances*” justifying inappropriate development in the Green Belt:
  - a) First, the Appeal Scheme is not for “conventional” housing in any event, but a unique scheme which comprises 100% affordable housing for Key Workers; and
  - b) Secondly, this policy approach was not translated into either the 2019 or 2021 NPPF, and associated guidance in the Planning Practice Guidance (“PPG”) was subsequently removed (CD 8.24).
24. Meeting unmet housing needs, and especially affordable housing needs, can therefore amount to “*very special circumstances*” justifying otherwise inappropriate development in the Green Belt, as recently confirmed both on Appeal in St Albans, and by the Council itself, in the following two decisions:
  - a) **Ref. 5/2020/1992 (Ref: APP/B1930/W/20/326592) (Land off Bullens Green, Colney Heath)** (CD 6.1), in which Inspector Masters held, *inter alia*, as follows at [47]-[49] and [53]-[54] on a site bordering St Albans and Welwyn Hatfield:

*“47. I am aware of the Written Ministerial Statement of December 2015 which indicates that unmet need is unlikely to clearly outweigh harm to Green Belt and any other harm so as to establish very special circumstances. However ... this provision has not been incorporated within the Framework which has subsequently been updated and similar guidance within the Planning Practice Guidance has been removed. I can therefore see no reason to give this anything other than little weight as a material consideration.*

*48. It is common ground that ... SADC [cannot] ... demonstrate a five year supply of deliverable homes. Whilst there is disagreement between the parties regarding the extent of this shortfall, the parties also agreed that this is not a matter upon which the appeals would turn. I agree with this position. Even taking the Council's supply positions of ... SADC at 2.4 years, the position is a bleak one and the shortfall ... is considerable and significant.*

*49. There is therefore no dispute that given the existing position ..., the delivery of housing represents a benefit. Even if the site is not developed within the timeframe envisaged by the appellant, and I can see no compelling reason this would not be achieved, it would nevertheless, when delivered, positively boost the supply .... From the evidence presented in relation to the emerging planning policy position ..., this is not a position on which I would envisage there would be any marked improvement on in the short to medium term. I afford very substantial weight to the provision of market housing which would make a positive contribution to the supply of market housing ....”*

*“53. The uncontested evidence presented by the appellant on affordable housing ... illustrates some serious shortcomings in terms of past delivery trends. ... In SADC, the position is ... serious. Since the period 2012/13, a total of 244 net affordable homes have been delivered at an average of 35 net dwellings per annum. Again, this equates to a shortfall also in the region of 4000 dwellings (94%) which, if to be addressed in the next 5 years, would require the delivery of 1185 affordable dwellings per annum.*

*54. The persistent under delivery of affordable housing ... presents a critical situation. Taking into account the extremely acute affordable housing position in ... SADC ..., I attach very substantial weight to the delivery of up to 45 affordable homes in this location in favour of the proposals.”*

b) **Ref. 5/2021/0423 (Land to Rear Of 112-156B Harpenden Road St Albans Hertfordshire (“Sewell Park”))**, in which the Officer Report (“OR”) (CD 8.9) confirmed:

- i. At [8.7.1]-[8.7.2], that the Council had a housing land supply of just 2.5YHLS; that there was a clear and pressing need for affordable housing; and that the Council was failing to meet its statutory duty for the provision of plots for self-build housing; and

- ii. At [8.7.3], that “the provision of housing therefore weighed heavily in favour of the proposals”, with the OR quoting extensively from the Bullens Green decision letter, before concluding that:

*“There is no material reason for officers to apply a different weighting to the proposals subject of this officer’s report. The housing situation and the emerging plan situation are the same ... Accordingly, very substantial weight is attached to the delivery of market and affordable housing, and substantial weight to the delivery of self-build plots.”*

### **The Reasons for Refusal**

25. Two Reasons for Refusal were given (CD 8.1 [11]):

*“1. The site is within the Metropolitan Green Belt and the proposed development represents inappropriate development within the Green Belt, as set out in the National Planning Policy Framework 2021. In addition to the in-principle harm to the Green Belt by reason of inappropriateness, other harm is identified as a result of the proposed development in terms of: its detrimental impact on the openness of the Green Belt, harm to Green Belt purposes, harm to landscape character and appearance, loss of high quality agricultural land, and impacts on social and physical infrastructure. The benefits comprise the provision of up to 330 affordable housing units including potential for self-build units at the site which would contribute significantly towards meeting an identified housing need in the District, and potential for provision of a significant area of public open space and a new public footpath. The potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is not clearly outweighed by other considerations; and as a result the Very Special Circumstances required to allow for approval of inappropriate development in the Green Belt do not exist in this case. The proposal is therefore contrary to the National Planning Policy Framework 2021, Policy S1 of the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 1 of the St Albans District Local Plan Review 1994.”*

*2. In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure: Additional Health services provision; Education provision in the form of new primary school, secondary school, and childcare provision; Special Educational Needs and Disabilities provision; Library service provision; Youth Service provision; Play Areas, Parks and Open Spaces and Leisure and Cultural Services provision; Affordable Housing provision; Open Space and recreation provision, Highway Works including provision for Sustainable Transport and Travel Plan; the infrastructure needs of the development would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework 2021, the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 143B (Implementation) of the St. Albans District Local Plan Review 1994.”*

### **The Case for the Appellant**

#### **Reason for Refusal 2**

26. Reason for Refusal 2 can be met by a S106 Agreement or Unilateral Undertaking. The latest draft and related correspondence are included as (CD 8.20) and (CD 8.21).

## **Reason for Refusal 1**

### The Planning and Housing Context

27. Evidence will be provided to demonstrate that there are planning and housing crises in St Albans. The 'current' Local Plan was adopted in November 1994. The Council has tried and failed to deliver a new Local Plan on numerous occasions (CD 1.21 [6.1]). The most recent draft Local Plan was withdrawn in November 2020, and yet there is no urgency to bring about a new Plan. The Local Development Scheme (LDS) 2020-23 had scheduled the Regulation 18 Consultation for January/February 2022 but, at the Local Plan Advisory Group ("LPAG") meeting in September 2022, the Council delayed it to July/September 2023, with a view to adoption in December 2025.
28. The previous two emerging Local Plans were withdrawn because of the Council's failure to engage properly with the Duty to Cooperate. Section 3 of the NPPF "Plan Making" confirms, amongst other things, that LPAs are "*under a duty to co-operate with each other, and other prescribed bodies, on strategic matters that cross administrative boundaries*"<sup>4</sup>. In its SPG, the Council's definition of Key Workers (CD 4.7 [5.12]) includes those working across the whole of Hertfordshire, which, clearly, makes it a "*strategic matter that crosses administrative boundaries*". However, not only does the Local Housing Needs Assessment ("LHNA") fail to measure Key Worker Housing need, it is also restricted to just five Districts thereby excluding Broxbourne, East Herts, North Herts, Stevenage and Welwyn Hatfield.
29. In the meantime, the Housing Land Supply situation has worsened - from 2.4 years in the 2020 AMR (CD 1.21 [3.4]) to 2.2 years in the 2021 AMR (CD 8.11 [p18]).
30. Moreover, the Council has met its 1994 annual affordable housing target of 200 dwellings just once (CD 8.11 [Table 10, p.41]). The shortfall against the 1994 target is approaching 3,500 homes. In its most-recently withdrawn Local Plan, of the 12,345 dwellings to be built on sites currently in the Green Belt, only 10 were allocated to Key Workers (CD 1.21 [page 18]).

### The Appeal Scheme

31. Addison Park is a unique scheme which addresses and remedies the Council's indifference to the affordable housing need of essential local workers. The scheme comprises 100% affordable housing: a mixture of First Homes, Discounted Market Sales housing, and Shared Ownership housing – all of which will be discounted by at least a third against the prevailing open market price, and available exclusively to Key Workers.

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<sup>4</sup> The methods by which future co-operation and cross-boundary issues are to be addressed, may change following new statute and policy.

### The Council's Objections

32. Evidence will be provided to demonstrate that the Council has significantly exaggerated the amount of potential harm:
- a) reliance on a discredited Green Belt Review from which the Council has previously resiled, is clearly unfair and prejudicial. The justification for giving it weight in respect of the Appeal Scheme (CD 3.1 [8.2.13]) is clearly insufficient. When the Site is assessed fairly, the level of harm will be seen to be far less than the Council claims;
  - b) the critical response to the Appellant's LVIA is also unfair and prejudicial;
  - c) the reaction to the loss of agricultural land is different from the Council's approach elsewhere; and
  - d) after lengthy delays caused by the Council, a S106 Agreement is being negotiated.
33. At the same time, the Council significantly downplayed the main benefit of the Appeal Scheme, the provision of discounted affordable homes for Key Workers, in circumstances in which:
- a) only 10 out of 12,345 homes (less than 0.1%) in the most recent draft Local Plan were allocated to Key Workers (CD 1.21 [9.5]);
  - b) the Council has never attempted to measure the housing needs of Key Workers; and
  - c) the Council's current LHNA ignores Key Workers.

### Third Party Objections

34. In accordance with paragraph J.2.3 of the Guide<sup>5</sup>, proportionate response to the submissions of interested parties is included in CD 8.25.
35. Whilst there were no highways objections raised by the Council or either of the statutory consultees – Hertfordshire County Council and National Highways – concerns were raised by interested parties. Consequently, evidence will be produced to address those concerns and to demonstrate that the scheme is acceptable on highways grounds.

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<sup>5</sup> "The appellant's full statement of case ... should take due account of any representations received from interested people by the local planning authority at application stage."

### Other Considerations

36. Whilst the Council has downplayed the benefits of the Appeal Scheme, significant benefits are delivered in respect of:
- a) meeting identified housing needs generally;
  - b) within that, specifically meeting both:
    - i. Affordable Housing needs; and
    - ii. the need for self-build units;
  - c) the provision of a significant area of open space; and
  - d) the provision of a new footpath.

### *Housing Needs Generally*

37. As noted in the Bullens Green Lane Decision (CD 6.1 [47]-[49]), and the Sewell Park OR (CD 8.9 [8.7.1]-[8.7.3]), the Council has nowhere near a 5YHLS and substantial weight is to be attributed to the provision of any additional housing.

### *Affordable Housing*

38. More importantly, however, as identified in the Bullens Green Lane Decision (CD 6.1, at [53]-[54]), and the Sewell Park OR (CD 8.9 [8.7.1]-[8.7.3]), the persistent under delivery of affordable housing in St Albans represents a “critical situation” and “an extremely acute affordable housing position”, such that “very substantial weight” was attributed to the provision of, respectively, just 45 and 60 affordable homes. The current Appeal Scheme is offering up to 330 affordable homes which, manifestly, demands that proportionately greater weight be attributed to the enormous benefit this delivers.
39. Yet more weight must be attributed to the fact that the Appeal Scheme is meeting the affordable housing needs of Key Workers, a need which the Council has no plans to address. Despite identifying ‘Key Worker housing’ as a form of affordable housing in its 2004 Affordable Housing Supplementary Planning Guidance (“SPG”) (CD 4.7 [5.2]), the Council has never attempted to measure it. Having chosen not to measure the housing need of Key Workers, the Council even justified reducing “the potential benefits of the development” (CD 3.1 [8.11.14])

because it has no evidence of affordable housing need for Key Workers. Such a circular argument is unfair and indefensible.

40. Furthermore, the OR criticises the proposal because it is unlikely to lead to “*a mixed and balanced community*” which, it alleges, is required by paragraph 63 of the NPPF (CD 3.1 [8.11.18]). Such criticism is unfounded, however, for all of the following reasons:

a) Whilst paragraph 63 of the NPPF requires “*planning policies*” to “*specify the type of affordable housing required*”, St Albans has no such policy.

b) The only group of people specifically identified in the NPPF definition of affordable housing are “*essential local workers*”, the very people the Council has persistently ignored and whose needs for affordable housing the Appeal Scheme addresses.

c) Nothing in the NPPF ranks one form of affordable housing over any other. In this regard:

i. The National Planning Policy Guidance (“PPG”) confirms, at Paragraph: 005 Reference ID: 67-005-20190722, that:

*“All households whose needs are not met by the market and which are eligible for one or more of the types of affordable housing set out in the definition of affordable housing in Annex 2 of the NPPF are considered to be in affordable housing need.”*

ii. Accordingly, it has recently been established as follows in a decision letter, dated 29<sup>th</sup> October 2021, concerning 53-55 Drayton Green Road, West Ealing (APP: A5270/W/21/3268157) (CD 6.3):

*“34. ... There is no provision in local or national policy or guidance that justifies ranking one form of affordable housing need over another. Indeed, Planning Practice Guidance makes clear that all households whose needs are not met by the market and who are eligible for one or more of the types of affordable housing specified in the Glossary to the Framework are in affordable housing need.*

*35. On that basis, the significant weight to be attached to the benefits of the proposal in this regard are in no way diluted by the forms of tenure offered ...”*

d) Even where a Council does have a policy specifying the required mix of affordable housing (unlike St Albans), such a policy does not, in any event, require every development to provide the specified mix; rather, it would be a District-wide target

which affords the Council flexibility to address affordable housing needs differently in different cases – see the decision letter concerning the Granville Road Estate, NW2 2LD (LB of Barnet) (Ref: APP/N5090/W/15/3132049 (CD 6.4 [33])).

- e) The Appeal Scheme does provide a balanced mixture in any event: of First Homes, Discounted Market Sales housing, and Shared Ownership housing; and a mixture of dwelling size also.
- f) Finally, most Key Worker households don't comprise exclusively "key workers": they'll also include workers in the private sector as well as dependents and, so, are truly representative of the community. The point is that until their needs are addressed, the imbalance caused by the Council will persist.

- 41. For all these reasons, very substantial weight must be attributed to the highly significant benefit of providing up to 330 affordable housing units, specifically for Key Workers and their families. Evidence will be presented on past affordable housing delivery and affordability measures, and comparisons will be made between identified need and delivery performance

#### *Self-Build*

- 42. The Council confirmed in the Sewell Park OR (CD 8.9 [8.7.1]), that it is failing to meet its statutory duty for the provision of plots for self-build housing and, accordingly, substantial weight is also to be given to the delivery of self-build plots.

#### *Public Open Space*

- 43. Likewise, the provision of public open space is also a significant benefit of the Appeal Scheme and must be given significant weight.

#### *New Public Footpath*

- 44. The provision of a new public footpath which connects existing footpaths and bridleways, delivering more and safer opportunities for pedestrians, is, similarly, a significant benefit of the Appeal Scheme and must be given significant weight.

### **Conclusion**

#### **Harm to the Green Belt and Other Harm**

- 45. Evidence will be provided to support the detailed consideration of the potential harm to the Green Belt and other harm provided in Section 8 of the Planning Statement (CD 1.21), which concludes:

*“8.38 Whilst it’s clear that the scheme causes substantial harm to the Green Belt by way of inappropriateness and the impact on openness, in my view the potential harm to landscape character and visual amenity and by the loss of a Polo Field and grazing land, should be seen as limited. The extensive screening around high-quality, low-density housing also minimises the potential harm to the character and setting of the existing housing on The Croft, Cherry Hill and Chiswell Green Lane.*

*8.37 Expert reports conclude that the potential harm to or from: traffic and highway safety; ecology; flooding; noise; and air quality, are limited and acceptable.*

*8.38 The impact on education and healthcare can be mitigated by proportionate contributions to these public services and by the positive effect on the livelihoods of local Key Workers. There is no harm to the historic environment or to the plan-making process.”*

### **Other Considerations**

46. Evidence will be provided to support the detailed assessment of the benefits provided in Section 9 of the Planning Statement (CD 1.21), which concludes as follows:

*“9.16 The creation of open space and the opportunity to significantly increase biodiversity are, in my view, significant benefits which should be taken into account in the planning balance. However, in a District with an affordable housing crisis and where the Council hasn’t identified the need of its Key Workers, let alone proposed policies to meet that need, the most significant benefit of the proposal is the delivery of discounted affordable homes for military personnel and Key Workers who find it increasingly difficult if not impossible, to own their own homes locally.”*

### **Planning Balance**

47. Evidence will be provided to support the Planning Balance considered at Section 10 of the Planning Statement (CD 1.21). This concludes:

*“10.1 Substantial weight should be attached to the harm caused by reason of inappropriateness and to openness. However, the evidence demonstrates that only limited weight should be attached to the impact on the landscape character and visual amenity of the area and to other harm.*

*10.2 In a District with a housing crisis and, in particular, an affordable housing crisis, very substantial weight should be given to the provision of 100% affordable housing for Key Workers discounted by a third, a provision far greater than anything made at other Green Belt sites in the District that have been granted Permission on the basis of “very special circumstances”.*

*10.3 Substantial weight should also be given to the provision of new open space (which may include a Memorial Park and/or a sports facility), and to the clear potential to significantly increase biodiversity via tree planting and landscaping.*

*10.4 When considered collectively, I submit that very special circumstances, if not unique, clearly exist to allow this scheme to be granted.”*

48. For all these reasons “*very special circumstances*” clearly exist and the Appeal should be allowed.

Brian Parker  
November 2022

## Appendix 1 – List of Core Documents

### CD 1 Application Documents:

- 1.1 Affordable Housing Needs Assessment
- 1.2 Affordable Housing Statement
- 1.3 Agricultural Land Classification
- 1.4 Air Quality Assessment
- 1.5 Application Form
- 1.6 Arboricultural Report
- 1.7 Design & Access Statement
- 1.8 Draft S106 Heads of Terms
- 1.9 Ecology Appraisal
- 1.10 EIA Screening Decision Ref: 5.2021.2520
- 1.11 Flood Risk Assessment Part 1
- 1.12 Flood Risk Assessment Part 2
- 1.13 Geoenvironmental Preliminary Risk Assessment Part 1
- 1.14 Geoenvironmental Preliminary Risk Assessment Part 2
- 1.15 Geoenvironmental Preliminary Risk Assessment Part 3
- 1.16 Geoenvironmental Preliminary Risk Assessment Part 4
- 1.17 Landscape and Visual Impact Assessment
- 1.18 Local Requirements Checklist
- 1.19 Noise Assessment
- 1.20 Planning Application Plans
  - 1.20.1 Existing Site Plan
  - 1.20.2 Indicative Proposed Site Layout Rev. B
  - 1.20.3 Site Location Plan Rev. C
- 1.21 Planning Statement
- 1.22 Site Photos
- 1.23 Statement of Community Involvement
- 1.24 Sustainable Drainage Assessment
- 1.25 Topographical Survey
- 1.26 Transport Assessment Part 1
- 1.27 Transport Assessment Part 2
- 1.28 Transport Assessment Part 3
- 1.29 TA Plans:
  - 1.29.1 Proposed Access Arrangements Ref 21086 001 B
  - 1.29.2 Proposed Foot Cycle Enhancements Sheet 1 Ref 20108 002
  - 1.29.3 Proposed Foot Cycle Enhancements Sheet 1 Ref 20108 002
  - 1.29.4 Swept Path Analysis Fire Tender Ref 21086 TK0 A
  - 1.29.5 Swept Path Analysis Refuse Vehicle Ref 21086 TK1 A
- 1.30 Travel Plan Part 1
- 1.31 Travel Plan Part 2
- 1.32 Tree Protection Plan
- 1.33 Utilities Assessment Part 1
- 1.34 Utilities Assessment Part 2
- 1.35 Utilities Assessment Part 3
- To make Valid:
  - 1.36 Plans:
    - 1.36.1 Indicative Proposed Site Layout Rev. C
    - 1.36.2 Site Location Plan Rev. D

## **CD2 Additional/Amended Reports and/or Plans Submitted after Validation**

- 2.1 Errata to Planning Statement
- 2.2 Legal Opinion of Mr Paul Stinchcombe KC
- 2.3 Leaflet for Planning Committee Councillors
- 2.4 Rebuttal of Officer Report sent to Councillors
- 2.5 Emails referred to in CD 2.3 and 2.4
- 2.6 Minerals Resource Assessment
- 2.7 Sustainable Drainage Assessment Revised
- 2.8 Transport Assessment Addendum
- 2.9 TAA Plans:
  - 2.9.1 Proposed PRow Improvements Ref 21086 003
  - 2.9.2 Proposed PRow Upgrades Ref 21086 004
  - 2.9.3 Proposed Memorial Car Parking Allocation Ref 21086 005
  - 2.9.4 Proposed Pedestrian Cycling Upgrades Toucan Crossing Ref 21086 006
- 2.10 Submission re: The St Stephen Neighbourhood Plan

## **CD3 Officer Report**

- 3.1 Officer Report, October 2022
- 3.2 Spatial Planning recommendation to refuse
- 3.3 Officer Report, March 2022
- 3.4 Officer Report, August 2022

## **CD4 The Development Plan**

### Policy

- 4.1 The Local Plan 1994 Front Sheet
  - 4.1.1 1 – Metropolitan Green Belt
  - 4.1.2 2 – Settlement Strategy
  - 4.1.3 8 – Affordable Housing in the Metropolitan Green Belt
  - 4.1.4 34 – Highways Considerations in Development Control
  - 4.1.5 35 – Highways Improvements in Association with Development
  - 4.1.6 39 – Parking Standards, General Requirements
  - 4.1.7 40 – Residential Development Parking Standards
  - 4.1.8 69 – General Design and Layout
  - 4.1.9 70 – Design and Layout of New Housing
  - 4.1.10 74 – Landscaping and Tree Preservation
  - 4.1.11 84 – Flooding and River Catchment Management
  - 4.1.12 84a – Drainage Infrastructure
  - 4.1.13 97 – Existing Footpaths, Bridleways and Cycleways
  - 4.1.14 102 – Loss of Agricultural Land
  - 4.1.15 106 – Nature Conservation
  - 4.1.16 143a – Watling Chase Community Forest
  - 4.1.17 143b – Implementation
- 4.2 1994 Policies Saved in 2007

- 4.3 The St Stephen Neighbourhood Plan
- 4.4 The Hertfordshire Minerals Local Plan, 2007

#### Guidance

- 4.5 St Albans Council Design Advice Leaflet No. 1, 1998
- 4.6 St Albans Council Revised Parking Policies and Standards, January 2002
- 4.7 St Albans Council Affordable Housing – Supplementary Planning Guidance, March 2004

#### National Policy and Guidance

- 4.8 The National Planning Policy Framework, July 2021
- 4.9 Planning Practice Guidance – available online only

### **CD5 Emerging Local Plan**

Nothing applicable at time of submission of Appeal

### **CD6 Relevant Appeal Decisions**

6.1 Ref: APP/B1930/W/20/3265925 – Bullens Green Lane. Not-Determined by the Council. Allowed at Appeal, 14/06/21

6.1.1 Preface

6.2 Ref: APP/B1930/W/21/3279463 – Land to rear of Burston Nurseries. Refused by the Council. Allowed at Appeal, 31/01/22

6.2.1 Proof of Evidence of Mr Shaun Greaves of GCCP Town Planning Consultants on behalf of the Council, 2019

6.2.2 Proof of Evidence of Mr Shaun Greaves of GCCP Town Planning Consultants on behalf of the Council, 2021

6.2.3 Preface

6.3 Ref: APP/A5270/W/21/3268157 – Manor Road and Drayton Green Road, West Ealing. Allowed at Appeal (with Costs) 29/10/21

6.3.1 Preface

6.4 Ref: APP/N5090/W/15/3132049 – Granville Road Estate, Granville Road, Childs Hill, City of London NW2 2LD. Allowed at Appeal, 08/08/16

6.4.1 Preface

### **CD 7 Relevant Judgments**

7.1 Bloor Homes East Midlands Ltd v Secretary of State for Communities and Local Government and another [2014] EWHC 754 (Admin)

7.1.1 Preface

7.2 R (Mansell) v Tonbridge & Malling BC [2017] EWCA Civ 1314

7.2.1 Preface

7.3 R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council [2020] UKSC 3

7.3.1 Preface

7.4 William Davis Limited and others v Charnwood Borough Council [2017] EWHC 3006 (Admin)

7.4.1 Preface

## **CD8 Other**

8.1 Decision Notice

8.2 Statement of Case

8.3 Statement of Common Ground

8.4 Officer Report Ref: 5/2021/2730 – Land off Orchard Drive, Park Street. Granted Conditional Permission by the Council on 20/12/21 subject to the completion of a S106.

8.4.1 Preface

8.5 LVIA for Sewell Park, Part 1

8.6 LVIA for Sewell Park, Part 2

8.7 LVIA for Sewell Park, Part 3 8.8 LVIA for Sewell Park, Appendices

8.9 Officer Report Ref: 5/2021/0423 – Land to rear of 111-156b Harpenden Road. Granted Conditional Permission by the Council on 26/07/21 subject to the completion of a S106 (completed 12/01/22).

8.9.1 Preface

8.10 South West Hertfordshire Local Housing Needs Assessment (GL Hearn, Sept. 2020)

8.11 St Albans Council Authority Monitoring Report, Dec. 2021

8.12 The Council's Decision-Making Performance

8.13 Different Approach to Similar LVIAs

8.14 Haringey HNA 2007

8.15 Fordham Research 2011

8.16 Bullens Green Lane SoCG

8.17 LPAG Work Programme June 2022

8.18 LPAG Work Programme September 2022

8.19 Keep Chiswell Green submission

8.20 Draft S106 Agreement

8.21 S106 Correspondence – request for justification

8.22 Spatial Manager at LPAG Jan 2022

8.23 Notification of Intention to Appeal

8.24 WMS and PPG on unmet need and VSC

8.25 Third Party Comments

8.26 Draft Housing Strategy

8.27 Corporate Plan 2022-202