

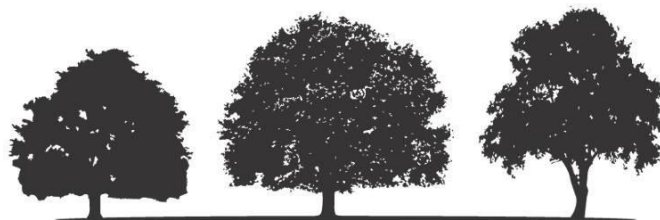
**COMMENT TO
THE PLANNING INSPECTORATE**

REFERENCE APP/B1930/C/22/3311314

LAND AT FORMER BUTTERFLY WORLD

Statement by

Keep Chiswell **Green**



KEEP CHISWELL **GREEN**

Introduction

1. Keep Chiswell Green (KCG) is a local volunteer-led campaign group, formed in response to the several planning applications submitted for development of the Metropolitan Green Belt to the west of Chiswell Green, and the numerous proposals put forward for development of this land under the St Albans City and District Council's "Call For Sites" in preparation for the next Local Plan. KCG can confidently say it represents the overwhelming majority of residents of Chiswell Green, based on 98% of residents who have supported us through our door to door canvassing of in excess of 1,000 properties in the village at the time of writing.
2. The planning application for Butterfly World was validated on 23/06/2003 (SADC Ref: 5/2003/1343). Planning permission was granted on 16/2/2005 as there were very special circumstances to justify the proposal and outweigh the harm caused to the green belt.
3. While the grant of planning permission recognised that the Butterfly World development constituted inappropriate development in the Metropolitan Green Belt, St Albans City and District Council (SADC) considered that "the importance of maintaining the tourist attraction" and the "improved amenity for residents in Chiswell Green Lane" constituted the very special circumstances necessary to permit this development.
4. This site, known as the Gardens of the Rose, had been, since 1959, the location of the headquarters of the Royal National Rose Society – the world's oldest plant society - and the 30,000 rose shrubs contained in the gardens attracted visits from its 100,000 members and other visitors from across the UK and internationally.
5. The addition of a butterfly breeding and conservation initiative on the site was seen to add value to the Gardens of the Rose and to diversify the appeal of the attraction to include ecologists, students and school groups.
6. Condition 36 of the original planning application for Butterfly World states,

"The development hereby permitted shall be used only for purposes directly for the use of the site for horticulture, horticultural training, research, butterfly keeping and for visits by the public to the Gardens and Butterfly World and for no other purpose without the prior approval in writing of the Local Planning Authority."
7. The Butterfly World initially proved popular and several subsequent planning applications for various buildings on the site in connection with the operation of Butterfly World received permissions.
8. Each of these was granted on a temporary basis and had time limits imposed as part of the permissions, typically for a maximum of three years, and they were renewed periodically renewed whilst the Butterfly World was in occupation at the site.
9. There were also plans for the further enlargement of the Butterfly World to include a biome and gardens in the Chelsea Gardens model to demonstrate what could be done horticulturally to encourage butterfly and insect populations. A large circular

space had been created in anticipation of the biome which was visible from aerial vantage points.

10. Sadly, the Butterfly World failed to secure the funding necessary to construct the biome and the attraction gradually lost popularity and viability. It closed permanently in December 2015.
11. All the permissions granted expired and therefore conditions that had been attached to the various permissions became effective, including the conditions that the land was to be restored to its former condition. Planning application 5/2008/2877 details this clearly :

“This permission shall be for a limited period only expiring 3 years after the date of this notice. On or before that date, the building hereby permitted shall be removed, the use hereby permitted shall be discontinued and the land restored to its former condition in accordance with a scheme of work submitted to and approved by the Local Planning Authority.”

12. We are given to believe that the conditions relating to the return of the land to its former condition were not enforced due to lack of resourcing at St Albans City and District Council and due to the alleged insolvency of the business entity.
13. The site was left with some of the temporary buildings and the hard landscaping in place :



14. The site remained largely empty from December 2015 until Bud Recovery moved onto the site in March 2020. In June 2020, an application was made for retrospective planning permission in the name of Convene Construction (SADC ref 5/2020/1265) for “Temporary use of car/coach park for 12 moths for car/van collection, delivery and storage at Car Park Off Miriam Lane Chiswell Green Hertfordshire”.

15. Despite having no planning permission to operate from the site, Bud Recovery then advertised 2 acres of land for rent on the site (advertisement below from Facebook):



16. Bud Recovery then proceeded to build numerous other new structures on the site, including a commercial vehicle workshop (see image below used to advertise their facilities) :



17. Their planning application was only for the area of the site previously used as a car park, but they are in fact using the whole of the site for their activities as can be seen from the aerial photograph below taken six months ago :



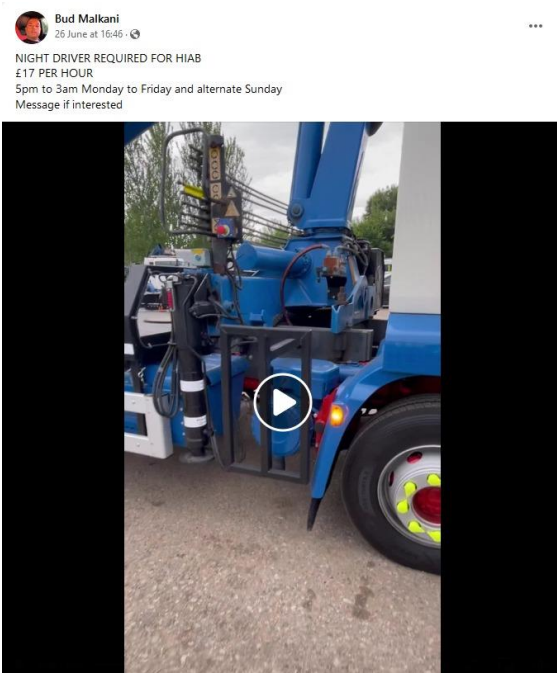
18. There are now in excess of half a dozen businesses operating from this site, all renting the grounds from Convene Construction.
19. Below is a photograph taken in Chiswell Green Lane of a large car transporter, one of the many vehicles which use the narrow residential road to illegally access the site :



20. The progress of Convene Construction's planning application was delayed by Covid but planning permission was refused in February 2021 with only one reason :

"The application site is located in the Metropolitan Green Belt wherein there is strict control over new development. The proposed development would represent an inappropriate form of development in the Metropolitan Green Belt, which would be harmful in principle, and also adversely impact upon the openness of the Metropolitan Green Belt. No very special circumstances have been demonstrated in this case which would outweigh the harm identified."

21. Convene Construction then filed a planning appeal against the decision which was registered on the SADC planning portal in April 2021 with appeal reference App/B1930/21/3272537. Since the end of their original one year “temporary” planning application had almost been reached by then, this was a clear indication that they intended to stay well beyond that time.
22. Convene’s appeal was rejected in October 2021 at which point all the various businesses occupying the site should have left and the site should have been returned to Green Belt.
23. However, this did not happen and they have continued to use the site and expand their operations further. There is traffic to and from the site 24 hours a day and they make noise at all hours in the process of carrying out their business activities.
24. In addition to the declared business of Bud Rescue & Recovery, the owners have sub-let other parts of the site without permission, and several additional businesses are run from the site, including VIP Partybuses Ltd, Mapach Ltd, London Broadway Car Sales Ltd, Akers Removals Ltd and Carwebs. It is also used for vehicle storage by several others. None of these other businesses have been declared on the planning application. Bud Recovery and VIP Partybuses (run by the same owner as Bud Recovery) are actively recruiting for staff to operate from the site. These are some recent advertisements :



Bud Malkani
17 June at 21:45 · 🌐

Please share



Bud Malkani
15 June at 12:09 · 🌐

JOB VACANCY
Assistant Manager required at our St Albans depot
Monday to Friday 8am to 6pm
Alternate Saturdays 8am to 12pm
Weekly pay on PAYE
Must have previous knowledge of this industry and be ready for a very busy challenge
£40000 per year plus bonus scheme in place
Let me know if you're interested!

Bud Malkani
17 June at 21:45 · 🌐

Please share this



Bud Malkani
15 June at 12:14 · 🌐

PSV DRIVERS NEEDED FOR VERY BUSY PARTYBUS COMPANY BASED IN ST ALBANS
Must have correct license to drive 16 seater minibus and be very well presented, punctual and speak good English as you will be taking all sorts of clients from school kids to celebrities and footballers!!
This job involves some day work and some evenings especially at the weekend!
Part time positions available
Serious money £17.50 per hour
Applications closing last day of this month
as this is a re-vamp with a completely new team of drivers and admin staff
Message if interested

25. It would seem that the owners of this site and their various illegal tenants have blatantly flouted numerous planning rules with impunity for nearly three years now despite complaints by local residents to St Albans City and District Council.
26. The applicant has knowingly ignored numerous planning laws and added to the destruction of a Green Belt site that should have been returned to its original condition.
27. Successive Governments have also placed great emphasis on the need to protect the Green Belt. This is emphasised in paragraph 137 of the NPPF, which states as follows:

“The Government places great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open: the essential characteristics of Green Belts are their openness and their permanence.”

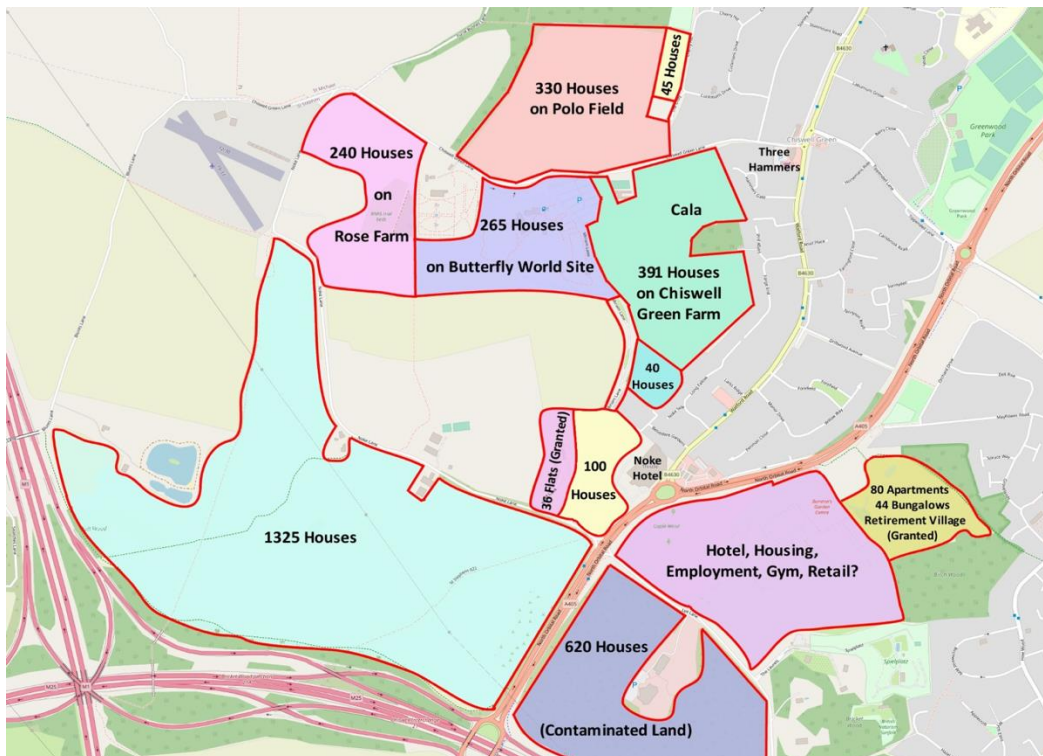
In terms of the NPPF (paragraphs 147 and 148) and Policy 1 of the District Local Plan Review 1994, this application is clearly inappropriate development in the Green Belt. It is, by definition, clearly harmful to the Green Belt and should not be approved except in “very special circumstances” which are not met here, and “substantial weight” should be given to any harm (paragraph 148).

28. The site is located within the St Stephen Plateau Landscape Character Area (LCA 10). To the west it joins with the Bedmond Plateau (LCA 9), which in turn is linked to the Upper Gade Valley (LCA 8). Together these three areas form an important tract of open countryside which separates the urban areas of St Albans, Hemel Hempstead, and Kings Langley. The area to the west of Chiswell Green is in the northern part of the St Stephen Plateau, which is highlighted in the Hertfordshire Landscape Character Assessment 2014 for its expanses of woodland and wooded farmland. These characteristics are also found in the adjacent Bedmond Plateau. In the view of KCG, the continued protection of this tract of countryside, particularly between Chiswell Green and Bedmond, is of paramount importance. The photograph below

shows the adjacent land and demonstrates the openness of the Green Belt in this area :



29. There are many pressures on this tract of Green Belt along the boundary with Chiswell Green shown by the attached KCG map below of the “call for sites” returns to SADC. Permitting the western boundary edge from Chiswell Green into the Green Belt to be breached by one site will destroy the integrity of the boundary and cause significant further pressure to release additional tracts of land within this area.



30. As can be seen from the map above, this site has been put forward by the owner under SADC's Call for Sites initiative, proposing that it is suitable for 265 new houses. This site was not considered suitable under any previous land assessment for new housing and there is no reason to think that the land assessment being carried out currently would view the site any differently, unless the owner of the site were to be able to have the site classified as "brownfield" or "previously developed". It would not require too cynical a view to imagine that there is an ulterior motive to the deliberate destruction of this site.

31. The applicant's abuse of the planning system in this instance is a very significant matter and a material planning consideration; the statement made on 17th December 2015 by Brandon Lewis, the then Minister for State for Housing and Planning, reads as follows :

"This Statement confirms changes to national planning policy to make intentional unauthorised development a material consideration, and also to provide stronger protection for the Green Belt, as set out in the manifesto.

The Government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action.

For these reasons, we introduced a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This policy applies to all new planning applications and appeals received since 31 August 2015.

The Government is particularly concerned about harm that is caused by intentional unauthorised development in the Green Belt.

For this reason the Planning Inspectorate will monitor all appeal decisions involving unauthorised development in the Green Belt to enable the Government to assess the implementation of this policy."

32. It appears to local residents that the use of the Butterfly World site for vehicle businesses is a calculated attempt by the site owners to damage the site beyond repair or return to its original condition in order to claim "brownfield" or "previously developed" status.

33. Keep Chiswell Green and the residents of Chiswell Green appeal to the Planning Inspectorate to discard this callous attempt to destroy acres of high quality Green Belt land for the financial benefit of one party and to refuse the applicant's request to develop the site.