

**Rebuttal Statement by
Keep Chiswell Green**

**Response to representations made by
Carter Jonas**

Land to the South of Chiswell Green Lane

PINS Ref : APP/B1930/W/22/3313110

LPA Ref : 5/2022/0927

and

MRP Planning

Land to the North of Chiswell Green Lane

PINS Ref : APP/B1930/W/22/3312277

LPA Ref : 5/2021/3194

**with regard to the impact of the revised National Planning
Policy Framework and the 2022 Housing Delivery Test figures
on their respective appeal cases**

Context

1. This rebuttal statement responds to the submissions made by Carter Jonas on behalf of the Appellant for the Land to the South of Chiswell Green Lane appeal, and by MRP Planning on behalf of the Appellant for the Land to the North of Chiswell Green Lane appeal.
2. The response deals with the comments submitted by the Appellants in relation to the revisions made to the NPPF and published on 20th December 2023, and to the 2022 Housing Delivery Test published on 19th December 2023.
3. Both Appellants have commented outside the remit above and our lack of response to their comments on subjects outside the requested areas does not imply that we are in agreement with them, nor that we attribute any veracity or validity to these comments.
4. Given the lengthy submissions from the two Appellants, we comment overall, rather than address each point individually.
5. We agree with the Appellant for the Land to the North of Chiswell Green Lane that the policies in the revised NPPF 2023 are just as important as those that have been revised or introduced, as they reaffirm the Government's intentions with regard to planning and development.
6. This statement should be read in conjunction with our statements CD 6.1 to CD 6.3, our POE documents CD 6.12 to CD 6.30, and our Opening and Closing Statements to the Inquiry.

Housing need

7. Both Appellants refer repeatedly to the lack of housing land supply and historic under-delivery of housing in the St Albans District. This cannot be denied. However, it must be qualified that these calculations stem from “targets” based on the Objectively Assessed Housing Need figures (OAHN).
8. It is important to differentiate between the a) OAHN, b) housing demand – how many houses could be sold – and c) housing need – the number of households who are in actual need of housing.
9. The “standard method”, which produces the OAHN figure, is a mechanism for a nation-wide housing target to be split in an objective manner between the 337 local planning authorities in England. It does not attempt to consider location specific factors.
10. *Housing demand* is a measure of how desirable a location is for housing. In the case of the St Albans District, the desirability is very high due, amongst other factors, to its proximity to London, highly regarded schools, easy access to the strategic road network, and its position in the Green Belt.
11. *Housing need* is the assessment of how many households within the District are in actual need of housing. This will include those who are in council-funded alternatives to housing (eg B&B accommodation) and those whose council-provided housing is not suitable for their needs, those who work in the area but cannot obtain housing in either the private rented sector or to purchase, and those who are actually homeless. This is not an exhaustive list, but clearly, those who are in *need* of housing is not the same as those who *want* housing in the area, or a calculated number derived from the division of a nationwide target.

12. This simplistic categorisation of housing need would require refinement and investigation to produce sensible figures in each category, but it is clear that, when discussing “housing need”, the Appellants are referring to the performance of the District against the OAHN, which has not been modified to take local factors into consideration.

Plan-making

13. Both Appellants make reference to the lack of up-to-date local plan for the St Albans District, and to the emerging local plan which was submitted for Regulation 18 public consultation in the summer of 2023. Formulated before the publication of the revised NPPF, the emerging local plan used the OAHN, as required, as the target number of dwellings to be built in the district over the plan period.

14. However, the 2023 NPPF has retained the Government’s commitment to protecting Green Belt land and the amendment to paragraph 145 clarifies that :

“Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated.”

15. This paragraph goes on to state that :

“Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process.”

16. In practical terms, when combined with the revisions to paragraph 61 which clarify that :

“The outcome of the standard method is an advisory starting point for establishing a housing requirement for the area”

and

“There may be exceptional circumstances ... which justify an alternative approach to assessing housing need”

it is clear that it is now incumbent on local planning authorities to overlay the OAHN figures with an independent assessment of the “*housing need*” in their district and to provide full evidence and justification of exceptional circumstances where they believe their housing need requires them to alter Green Belt boundaries.

17. The “saved policies” of the 1994 St Albans District Local Plan Review still have protection of the Green Belt at their core, and despite the passage of time, this policy still accords with a key tenet of the 2023 NPPF – the protection of Green Belt land.

18. It is recognised that the St Albans District is comprised of 80% Green Belt land. The emerging local plan has demonstrated that to meet the OAHN figure of over 15,000 for the District, nearly 2,000 of Green Belt land would have to be destroyed. In order for this to be approved at examination of the local plan, the LPA will have to provide evidence and justification of exceptional circumstances.

19. The GL Hearn Local Housing Need Assessment undertaken for the five LPA’s in the South West Hertfordshire area, and published in September 2020 (*p5 Economic Growth and Housing Need*) concluded that :

“The Standard Methodology would help support a considerably higher rate of job growth (64,844) than that set out in the SW Herts Economy Study (20,553).”

This means that permitting residential development in accordance with the OAHN figures would provide a surplus labour force of 44,291, employment for whom could not be met by the local area. The proportion of this excess that would be provided by the St Albans District under the Standard Method would be 9,200 additional inhabitants for whom the area could not provide employment. Providing housing in an area where there is insufficient employment increases commuting as residents need to seek work elsewhere.

20. The Appellants both emphasize that, as SADC cannot demonstrate a 5- or 4-year land supply, the presumption in favour of sustainable development, the “tilted balance”, applies. However, land supply is calculated as a function of OAHN, and as has been demonstrated above, due to the quantity of Green Belt land that would need to be destroyed and the fact that there is insufficient employment for the additional population that would be generated by the additional housing, it looks likely that the OAHN is not an appropriate figure to use in the St Albans District. The land supply calculation is therefore academic and does not reflect the land supply calculation that would ensue from a housing requirement figure that would be produced by a fact-based assessment of need in the District.

21. Additionally, both Appellants studiously ignore the stipulations of NPPF paragraph 3 which says “*The Framework should be read as a whole (including its footnotes and annexes)*”, in particular when considering NPPF paragraph 11 :

“For decision-taking, this means :

d) granting permission unless :

- i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed ⁷; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

where footnote 7 states :

“⁷ The policies referred to are those in this Framework relating to land designated as Green Belt”

22. The fact that the St Albans District is comprised of 80% Green Belt land means that both conditions of paragraph 11d apply to the District, and the decision as to whether to grant permission for a large-scale speculative proposal on Green Belt land still hinges on whether the benefits of the application proposal clearly outweigh the harm that would be done to the Green Belt and the other harms that would result from it.
23. The revised NPPF strengthens the requirements for development to be sustainable, and we still assert that neither Appellant has demonstrated that their proposals would be sustainable.
24. The revised NPPF has strengthened the protections for best and most versatile land; both appeal sites are comprised of grades 3a and 3b and are therefore suitable for crop production and animal grazing, for which surrounding land is used.
25. The Appellants have correctly stated that the emerging St Albans District local plan has passed through the Regulation 18 public consultation and that the Council has not yet published an alternative approach to calculating its housing requirements. However, it is also true that the District Council is under considerable pressure, as a result of its past failures to deliver a viable local plan, to complete the stages necessary for a sound local plan to be adopted within the timetable specified by the Government.
26. This leaves the District Council in a near- untenable position between two options; to revise the emerging plan to incorporate an independently-calculated housing requirement and protect our precious Green Belt, which would require a second Regulation 18 consultation and may extend the timeline to adoption, or to plough on

with the OAHN to try to meet the adoption deadline, only to find that the plan is found to be unsound at examination as there is insufficient evidence to justify the destruction of nearly 2,000 acres of Green Belt. This decision is still in the balance.

Conclusion

27. The fact that the 2023 NPPF has recognised the pressures that planning authorities operating in areas of constraint are under should render the historic results of the Housing Delivery Test, and the “presumption” that the results attract, irrelevant.
28. Looking forward, the 2023 NPPF has reinforced the stipulation that the OAHN is an advisory starting point; planning authorities are no longer required to revise their Green Belt boundaries in order to meet their OAHN, and planning authorities must now evidence exceptional circumstances to justify any revision of their Green Belt boundaries.
29. None of these support the assertions of the Appellants that there is any greater support for their proposals than prior to the publication of the revised NPPF or the 2022 Housing Delivery Test figures.
30. In conclusion, we respectfully urge you to uphold the intent of the revised NPPF – for development to be genuinely plan-led, to be sustainable and to have the support of local communities. Please dismiss these appeals and protect the Green Belt.

Keep Chiswell Green

Chiswell Green

12th February 2024