

The Owner / Occupier

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**APPEAL BY: Vistry Homes Limited**

**LAND AT: Land to the Rear of 42-100 Tollgate Road & 42 Tollgate Road, Colney Heath, St Albans, Hertfordshire**

I have been asked by the Secretary of State for the Department for Levelling Up, Housing and Communities to inform you that an Inquiry is to be held into the above-mentioned appeal.

The Inspector appointed to decide the appeal is M Hayden BSc (Hons), Dip TP, MRTPI and the inquiry will open at **10.00am on 19 September 2023** in the Council Chamber, Civic Centre, St Peter's Street, St Albans. We have currently scheduled 7 sitting days but this may be subject to change as the Inquiry progresses.

**Disability Access:** parking spaces for badge holders are available outside the Council Offices and can be reached via Civic Close, off Bricket Road. There is ramp access to the Council Offices and there are lifts inside the building. A hearing loop is also available in the committee rooms and council chamber.

**The Appeal:** The appeal is against the Council's refusal of planning permission for: Outline application (access sought) - Demolition of existing house and stables and the construction of up to 150 dwellings including affordable and custom-build dwellings together with all ancillary works on ref no: 5/2022/1988.

The Council has refused permission for the following reasons:-

*"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 and harm to*



landscape character and appearance. Harm is also identified to the significance of the Grade I listed North Mymms Park house, Grade II listed Colney Heath Farmhouse and adjacent Grade II listed barn and the non-designated heritage assets of North Mymms Park and Tollgate Farm. Harm is also identified as insufficient information has been provided to demonstrate that the site has suitable access to sustainable transport modes. The benefits of the proposed development comprise the provision of up to 150 dwellings, including 40% affordable housing and up to 9 self-build units at the site which could contribute significantly towards meeting an identified housing need in the District, and the provision of public open space and delivery of 10% biodiversity net gain (through on-site and off-site provision). 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 Policy 1 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2021.

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; waste service provision; leisure and cultural services provision; affordable housing provision; open space and play space provision; biodiversity net gain; and highway works including provision for sustainable transport improvements and a travel plan; the development fails to adequately mitigate its effect upon local services and infrastructure and secure the identified 'very special circumstances'. The proposal is therefore contrary to Policies 1 (Metropolitan Green Belt) and 143B (Implementation) of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2021."

Vistry Homes Limited has appealed to the Secretary of State against this decision. The appeal will be determined on the basis of an inquiry. The procedure to be followed is set out in the Town and Country Planning Appeals (Determination by Inspectors) (Inquiry Procedure) (England) Rules 2000, as amended.

If you wish, you may attend the Inquiry and at the discretion of the Inspector, give your views. If you do not wish to attend or have someone represent you, you may state your observations in writing. If you wish to make comments, or modify/withdraw your previous representations, you can do so on the Planning Portal at <https://acp.planninginspectorate.gov.uk> or by emailing [rebecca.luxton@planninginspectorate.gov.uk](mailto:rebecca.luxton@planninginspectorate.gov.uk) If you do not have access to the internet, you can send **three copies** to:-

Rebecca Luxton  
The Planning Inspectorate,  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

**quoting reference APP/B1930/W/23/3323099 as soon as possible but in any event no later than 24<sup>th</sup> July 2023.**

**Please note that if the Department for Communities and Local Government receives your representations after the date given above, they will not normally be seen by the Inspector and they will be returned.**

For any group or organisation who wish to take an active part in the Inquiry, the opportunity is available to apply for what is known as Rule 6 status. Although unusual, there is also scope for

interested individuals to take part on the same basis. Rule 6 status means that you would be able to present your evidence on a formal basis and cross-examine the evidence of others. You can find guidance at the following link:

<https://www.gov.uk/government/publications/apply-for-rule-6-status-on-a-planning-appeal-or-called-in-application>

Arrangements for the Inquiry are currently being finalised by the Planning Inspectorate. These will include a pre-Inquiry conference call with the lead parties to deal with procedural and administrative matters, including how the evidence will be heard. As a Rule 6 party, it is anticipated that you would also be a part of that process. If, having read the above guidance, you wish to apply for Rule 6 status and/or have any related questions, you should contact the Planning Inspectorate immediately. If you are interested but are unable to access the guidance electronically, again, you should contact the Planning Inspectorate who will try to assist.

If, having read the above guidance, you wish to apply for Rule 6 status it is essential that you contact the Planning Inspectorate immediately.

If you made representations at the application stage your letter is already with the Planning Inspectorate and the Secretary of State will take your representations into account in determining this appeal. The purpose of this letter is to notify you of the Inquiry and to give you an opportunity to comment on the Appellant's Grounds of Appeal.

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in planning appeals" booklets free of charge from GOV.UK at

<https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or from us.

If you would like a copy of the decision when it is issued, this will be available on the Planning Portal and can be accessed using the Inspectorate's reference number given above. Alternatively you can request a copy from this office using the contact details given at the top of this letter.

You are invited to view the above Planning Appeal and you can view the application and planning appeal documents online at <https://planningapplications.stalbans.gov.uk/planning>

You will need to enter the reference number 5/2022/1988 in the first box "Application Reference Number" and click on the Search tab. The plans and all supporting documents, including the full Grounds of Appeal, can be viewed by using the "Documents" button. Alternatively, you may view the electronic planning files at the Council Offices during business hours, Monday to Thursday 8.45 – 5.15 and Fridays 9.15 – 4.45. If you will require assistance with viewing the electronic files, please call ahead and make an appointment with our Reception Team on 01727-866100.

If you are not the owner of the property to which this letter is addressed, would you please ensure that s/he is made aware of this appeal by showing him/her this letter, or alternatively, telephone me giving details of the owner's address so that a copy may be sent.

Yours faithfully

**Mrs Susan Lovell**  
**Administrator – Planning Appeals**