

## TOWN AND COUNTRY PLANNING ACT 1990

### AGENT

Mr David Phillips  
DPV Consult Ltd  
20 Clyde Road  
London  
N22 7AE

### APPLICANT

Mr Stephen Rickard  
Castleoak Care Developments Ltd  
C/o Agent

## PLANNING REFUSAL

**Demolition of all existing buildings, structures and hardstanding and redevelopment of the site to provide a new retirement community comprising 80 assisted living apartments with community facilities and 44 bungalows together with associated access, bridleway extension, landscaping, amenity space, car parking and associated and ancillary works**

**Land to Rear of Burston Garden Centre North Orbital Road Chiswell Green St Albans Hertfordshire**

In the pursuance of their powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby **refuse** the development proposed by you in your application dated 11/12/2020 and received with sufficient particulars on 15/12/2020 and shown on the plan(s) below for the following reasons:-

1. The proposed development would comprise inappropriate development in the Green Belt which would cause in principle and actual harm to the openness of the Green Belt. The proposed development by reason of the quantum of development, together with the size of the assisted living building would be harmful to the character of the wider area. The case made for very special circumstances, together with the contribution towards the provision of housing is not considered to overcome this harm. As such the proposal is contrary to the NPPF 2019 and to Policies 1, 69 and 70 of the St Albans District Local Plan Review 1994.

2. The development would cause less than substantial harm to the grade II\* listed Burston Manor and the grade II listed outbuildings. The urbanisation of the application site would sever the last tangible link between the Manor groups and its historic landscape setting. This would cause harm to its significance. The creation of the houses along the southern boundary of the Manor group, with the 3 storey blocks visible beyond together with the amount and scale of built form, would result in the complete reduction in Burston Manor's visual prominence in the surrounding land from the south and east. This would result in the complete loss of the perception that the Grade II\* listed Manor house is a historic and important house, set in a wider agricultural setting. The formality of the proposed landscaping would completely erode the designed juxtaposition between the gardens around the Manor Group and the farmland around the site. The development would result in the severing of the last tangible link between the assets and their original setting. The historic relationship between the Burston Manor grouping and How Wood and Birchwood would be all but lost. The proposed screening in itself would be a harmful addition as this further blocks the long range views from and to the Manor group, in particular those between the Manor group and How Wood and Birch Wood. The proposed screening would fully visually contain the designated heritage assets and substantially reduce the appreciable link between the Manor group and the land which it is associated with. Overall the proposals would result in less than substantial harm to the significance of the grade II\* and grade II listed buildings forming the Burston Manor group which is not outweighed by public benefits, including the provision of additional dwellings. In accordance with the Framework and the statutory obligations

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imposed, great weight is given to this harm. As a result, the development would conflict with Local Plan Policy 86 and the NPPF 2019

3. In the absence of a legal agreement to secure contributions towards; Community facilities, Travel Plan, bridleway improvements, footpath improvements, NHS Services, Highway projects, affordable housing, occupancy limitation, first marketing limitation the development fails to adequately mitigate its effect upon local services and infrastructure and secure the identified 'very special circumstances'. As such the development fails to comply with Policies 1 and I43B of the Local Plan and the NPPF 2019.

**Signed**



**Tracy Harvey**  
Head of Planning & Building Control

**Dated 26/05/2021**

**INFORMATIVES:**

This determination was based on the following drawings and information:

Lighting Strategy January 2021 received 4.2.2021;

Horizontal Illuminance Plan 1178-DFL-L-LSD-003-A Rev B

Landscape Visual Impact Assessment February 2020 Received 4.2.2021

Computer generated Images of the development February 2021 (views 1 - 7)

Carterwood Letter dated 12.4.2021 received 15.4.2021

DVP Consult letter of 1st April 2021 received 15.4.2021

RPS letter of 1st April 2020 received 15.4.2021

DVP Consult letter of 1st March 2020 received 2.3.2021

Redacted Financial Viability Assessment dated 24.2.2021 received 2.3.2021

Design and Access Statement December 2020 received 14.12.2020

Primary Geoenvironmental and geotechnical Assessment received 14.12.2020

Flood Risk assessment and drainage strategy dates September 2020 received 14.12.2020

Planning Statement dates 11.12.2020 received 14.12.2020

0653-00-SL-PL-A-G7-013 Rev B; 0653-00-SL-PL-A-G7-011 Rev B; 0653-00-SL-PL-A-G7-012 Rev B; 0653-00-SL-PL-A-G7-017 Rev B; 0653-03-00-PL-A-313 Rev B; 0653-03-00-PL-A-312 Rev B; 0653-00-SL-PL-A-G7-018 Rev B; 0653-03-00-PL-A-311 Rev B; 0683-03-00-PL-A-310 Rev B; 0653-03-00-PL-A-314 Rev B; 0653-01-99-EL-A-115 Rev A; 0653-01-99-EL-A-114 Rev A; 0653-03-00-PL-316 Rev B; 0653-01-02-PL-A-112 Rev B; 0653-01-00-PL-A-110 Rev B; 0653-01-01-PL-A-111 Rev B; 0653-03-00-PL-A-315 Rev B; 0653-00-SL-PL-L-G7-014 Rev C; 3019.14; 3019.09; IR20077 001 D; 3019.17; 3019.15; 3019.16; 3019.18; 0653-01-03-PL-A-113 Rev B; 0653-00-SL-PL-A-G7-010 Rev B; 0653-00-SL-SE-A-G7-015 Rev B; 0653-00-SL-SE-A-G7-016 Rev B; 186/3493/1; 186/3493/2 received 14.12.2020

The Local Planning Authority has been positive and proactive in its consideration of this planning application. Whilst the applicant and the Local Planning Authority engaged in pre-application discussions the form of development proposed fails to comply with the requirements of the Development Plan and does not improve the economic, social and environmental conditions of the District.

### **Appeals to the Secretary of State**

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

This is a decision to refuse planning permission for a **Full planning permission / Change of Use**. If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.

However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

NB – the LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If you have agreed a longer period with the LPA, the time limit runs from that date.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square Temple Quay Bristol BS1 6PN or online at <https://acp.planninginspectorate.gov.uk/>

The Secretary of State may allow a longer period for the giving of notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development, or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under a development order.

#### Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.