

# Supplementary Planning Statement

Bricket Wood Sports & Country Club, Paintball Site and Bricket Lodge, Lye Lane, St Albans AL2 3TF



The demolition of existing buildings, the construction of up to 115 dwellings, the creation of a new access and associated highways improvements.

# Outline Planning Application with Access Sought

The demolition of existing buildings, the construction of up to 115 dwellings, the creation of a new access and associated highways improvements.

On behalf of Mr Ken Rudkin, J K Rudkin Builders Ltd

**SADC Ref: 5/2022/2443**

Ref: KR/BL/sps

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## 1 Introduction

- 1.1 This Supplementary Planning Statement is submitted following the publication of an Appeal Decision earlier this month: Ref. APP/V1505/W/22/3296116, attached as Appendix 1. The Inquiry Decision clarified the correct approach to be taken in respect of a residential scheme in the Green Belt on previously developed land if it contributes to an identified affordable housing need.
- 1.2 The Appeal Decision is relevant and material because the Application Scheme is a residential proposal on previously developed land in the Green Belt and contributes to an identified affordable housing need. It's also important to note that the Inquiry also took place in a similar context, i.e. in which the LPA (Basildon Borough Council), couldn't demonstrate a 5-year supply of housing and where there is a serious and growing shortfall of affordable housing.
- 1.3 The Inspector concluded that given the impact on openness was not "substantial" then, when properly considered against the final element of paragraph 149g, the Appeal scheme was not inappropriate development in the Green Belt.
- 1.4 When that approach is applied to the Application Scheme, the same conclusion can be reached: i.e. that because the harm to the openness of Green Belt is not substantial, the proposal is not inappropriate development and, so, "very special circumstances" are not required.

## 2 The Appeal Decision and Paragraph 149 g

- 2.1 Paragraph 2 of the NPPF confirms that *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."*
- 2.2 The NPPF and the Appeal Decision published in November 2022 are material considerations that the Council must take into account when making its Decision.
- 2.3 The Appeal Decision turned on the correct interpretation of final element of Paragraph 149 g of the NPPF, which states that the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), will not be inappropriate if it doesn't:

*"... cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority."*

- 2.4 As set out in Section 3 of the Planning Statement, the Application Site is clearly previously developed land (or brownfield land). Prior to the clarification provided by the Appeal Decision, it was considered that the final element of Paragraph 149 g applied only to schemes which were solely for affordable housing. Consequently, the substantial harm to the Green Belt was considered to be "substantial" because of the **combined** harm caused by inappropriateness **and** openness. However, the Appeal Decision confirmed that a scheme doesn't have to be 100% affordable housing in order to contribute to an identified affordable housing need in a District. Consequently, a review of the planning balance is required.
- 2.5 The Planning Statement and Affordable Housing Statement submitted with the Application, establish that there is a serious affordable housing problem in St Albans and that the proposal's 35% affordable housing contribution *"... promotes social cohesion and plays a proportionate role in addressing the urgent need in the District"*.
- 2.6 The identified need for affordable housing includes a shortfall of c.3,500 against the target of 200 dwellings per annum in the 1994 Local Plan Review. This is far worse than the shortfall of 2,494 in Basildon Borough Council where the Inspector concluded: *"each of the 2,494 affordable homes that should have been built, but have not, represent a missed opportunity to help alleviate the housing concerns of individuals and families. The situation represents a significant conflict with the economic and social overarching objectives set out in paragraph 8 of the Framework"* (Appendix 1 [32]).
- 2.7 The Inspector concluded that in Basildon *"... affordable housing delivery is abysmal"* (Appendix 1 [21]). It follows that in St Albans, the delivery of affordable housing can be considered to be far worse.
- 2.8 Because the Application Scheme meets an identified need for affordable housing, then only if the harm caused to openness is substantial should it be considered to be inappropriate development for which *"very special circumstances"* are required.

## 3 The Harm to the Openness of the Green Belt

- 3.1 In paragraph 7.4 of the Planning Statement, I acknowledge that harm will be caused to the openness of the Green Belt. However, in paragraph 7.10 of the Planning Statement, I also set out that because to the scale and extent of the existing development, the visually-contained nature of the previously-developed Site, the lack of encroachment into the countryside and the physically-restricted essence of the site –

with mature trees on three sides – the scheme causes very limited harm to the purposes of the Green Belt. These are very similar conclusions reached by Inspector Woodward in the Appeal Decision.

3.2 The Landscape and Visual Impact Assessment also confirmed there would be no long-term significant adverse effects arising from the scheme.

3.3 In the Appeal Decision the Inspector clarifies the demanding nature of the test in the NPPF:

*“It is important to note that the threshold for the proposal to be considered as inappropriate development is substantial harm. This is a high bar ...”* (Appendix 1 [17])

3.4 Therefore, whilst it’s clear that the scheme causes some harm to the openness of the Green Belt, because that harm, on its own, isn’t substantial then the scheme is **not inappropriate**.

## 4 Conclusion

4.1 This Supplementary Statement has reviewed the nature of the Application Scheme in light of an Appeal Decision which clarified how a proposal on previously developed land should be considered if it contributes to an identified affordable housing need.

4.2 That review has concluded that because of the scale of the existing development on the Site, the dense screening on three sides, the lack of encroachment into the countryside and the visually-contained nature of the Site, the harm to the openness of the Green Belt is not substantial. The scheme, therefore, can be seen to be appropriate development and, so, *“very special circumstances”* are not required.

4.3 The Planning Statement had already demonstrated that the benefits could be seen to outweigh the harm of inappropriate development on an unattractive brownfield site. Consequently, the case for Granting Conditional Permission for **appropriate development** is now considered to be overwhelming.

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November 2022

Appendix 1 – Appeal Decision Nov 2022 Ref: APP/V1505/W/22/3296116 (separate document).