

FINAL

Planning Application
Development at Rectory Farm, Kings Langley
(LPA Reference 22/01836/MFA)



Statement by Jed Griffiths MA DipTP FRTPI

On Behalf of

**KINGS LANGLEY & DISTRICT
RESIDENTS ASSOCIATION**



July 2022

Introduction

1. This statement has been prepared by Jed Griffiths MA DipTP FRTPI on behalf of the Kings Langley and District Residents' Association (KLDRA). It has been compiled in response to a planning application by Cala Homes and Angle Property for development of land at Rectory Farm, Kings Langley (LPA reference 22/01836/MFA). The description of the proposed development is as follows:

“Comprehensive development, comprising 135 dwelling units, community buildings (including café and farm shop, cycle hub, repair shed, meeting & office space), creation of new public open space and play space, creation of new vehicular and pedestrian access from Hempstead Road, provision of cycle and car parking and associated works.”

2. In the formulation of this statement, the Association has given careful consideration to the application plans and the suite of supporting documents. Particular attention has been applied to the Planning Statement, which sets out the applicant's case for the release of the application site from the Green Belt. The Association's comments are set out in the ensuing paragraphs.
3. The Association notes the applicant's account of pre-application engagement and public consultation, which is summarised in Chapter 4 of the Planning Statement and detailed in the Statement of Public Consultation. As a result of the meetings with Dacorum Borough Council, Hertfordshire County Highways, and other public bodies, the applicants seem to imply that the proposed development is fully acceptable in planning terms. This is not so - pre-application discussions, particularly with the local planning authority, are conducted on a “without prejudice” basis. Advice given by officers does not necessarily mean that planning permission will be granted by members of the authority when all material considerations are before them.
4. In terms of the wider consultation with the local community, the applicants note (in paragraph 4.20 of the Planning Statement) that there was a low level of response. It is therefore assumed that the “majority of respondents” recognise the need for the delivery of additional housing in Kings Langley. Judging by the representations which have been made to KLDRA and on the Council web-site to date, there is no such level of support. The Planning Statement is clearly misleading, not only on general public consultation, but also on its account of a meeting with Kings Langley Parish Council, which states that the Parish Council responded “positively” to the proposals. It is a fact, however, that the Parish Council does not support the application and will be submitting an objection to the Borough Council.

Context

5. Part 4 of the applicant's Planning Statement sets out the planning policy context for the proposed development. It highlights the statutory responsibility of the local planning authority to determine applications in accordance with the adopted development plan for the area, unless material considerations indicate otherwise. In this respect, the current development plan consists of three elements;
 - The Dacorum Core Strategy , adopted in 2013
 - The Dacorum Local Plan Allocations Document, adopted in 2017
 - The Saved Policies of the Dacorum Local Plan 2006

6. In a section entitled Emerging Planning Policy, the Planning Statement maintains that the proposed development is in accordance with the "emerging Local Plan and emerging Policies Map." It is a fact that the application site was shown in the Issues and Options (Regulation 18) version of the Dacorum Local Plan as "Growth Area KL02 – Land at Rectory Farm." Together with many other organisations and individuals, the Association formally objected to the policy. The Borough Council is currently considering all the representations received during the Regulation 18 consultation period.

7. In these circumstances, the Association believes that the "emerging" Local Plan and its policies should be given little or no weight in the determination of this application. It should be considered only against the existing components of the Dacorum Local Plan, as listed above, the National Planning Policy Framework (NPPF), and any other material considerations.

8. Reference is also made to the emerging Kings Langley Neighbourhood Plan, which has taken two and a half years to prepare and has received a high level of public support. At the time of writing, it is under examination. Following the receipt of the examiner's report, it is expected that the Neighbourhood Plan will be "made" by the Borough Council later this year. It will then form part of the statutory development plan and will be a material consideration in the determination of planning applications in Kings Langley.

9. There is reference in paragraph 6.18 of the Planning Statement to the Habitats Regulations Assessment (HRA) being undertaken by Dacorum Borough Council to understand how the Local Plan or other projects (including planning applications) might affect the integrity of the Chilterns Beechwoods Special Area of Conservation. A mitigation strategy will be prepared in consultation with adjacent local authorities. The effect of this requirement, under the Habitats Regulations, means that an updated Local Plan is unlikely to be adopted until 2025. It has also resulted in a moratorium on the determination of major planning applications in the whole of the Borough Council area.

10. There is no acknowledgement in the Planning Statement of the fact that Kings Langley is divided between Dacorum Borough and Three Rivers District. To the east of the River Gade, Three Rivers District Council is engaged in a review of its Local Plan. At the Regulation 18 stage of public consultation in mid-2021, the draft Local Plan contained three proposed allocations at Kings Langley which in total (962 dwellings) would result in a 30% increase in housing in and around the village. Despite widespread objections to the draft, Three Rivers District is currently preparing a revised document for submission under Regulation 19 – this is expected to include all of the 2021 allocations.

11. With regards to the area of the village within Dacorum, the Association has been monitoring the rate of housing development in Kings Langley. To mid-March 2022, the number of dwellings for planning applications which have been submitted or approved is 131. This compares with a total of 119 dwellings proposed in November 2020 in the consultation draft Local Plan for 2020-2038 – an increase of 19% in less than two years. Add to this the current application (135 dwellings) and the proposed redevelopment of Network House (134 dwellings) and the pressures on the village are all too apparent.

12. In previous responses to Dacorum Borough Council, the Association has referred to the lack of information on brown-field sites, which could make a contribution to future housing development, thus easing the pressures on the Green Belt. In its current register, there are no sites shown for Kings Langley. This is questionable, as a number of sites have come forward for housing development in recent years – a more detailed assessment is required.

13. The current development pressures on Kings Langley are illustrated in Figure 1 below, which shows the application site, together with proposed housing sites in the Three Rivers Local Plan, and commitments in both local authority areas. In the view of the Association, Kings Langley has taken enough housing developments, which are more than sufficient for local needs. By its omission of the Three Rivers Local Plan, the applicant's Planning Statement fails to provide a full picture of the planning policy context.

MAP SHOWING POTENTIAL NEW DEVELOPMENT IN AND AROUND KINGS LANGLEY

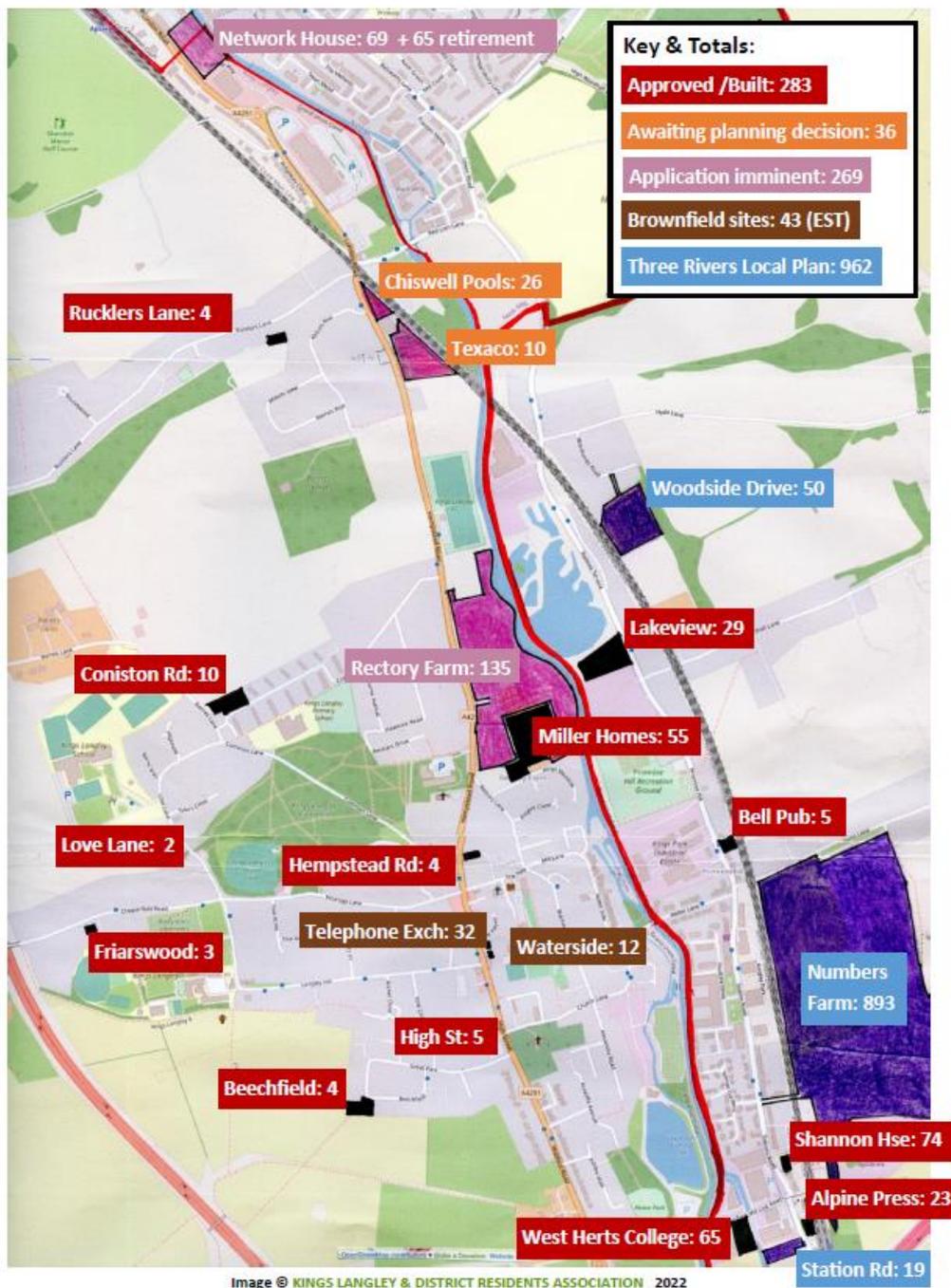


Fig. 1. Location of development sites in and around the whole of Kings Langley Village

Green Belt

14. As acknowledged by the applicant, the proposed development site is located in the Green Belt, as shown in the Dacorum Local Plan Proposals Map 1991-2011 (adopted in 2004). At the local level, Core Strategy Policy CS8 states that the local authority will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness, and the separation between settlements.
15. Current national policy on the Green Belt is contained in the NPPF July 2021, and confirms the government commitment to the protection of the Green Belt. In paragraph 147 of the NPPF, it is clearly stated that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in “very special circumstances.” Further, paragraph 148 advises that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. There are exceptions to this policy, which are set out in paragraph 149, but these do not include housing.
16. In Part 7 of the Planning Statement, the applicants assert that very special circumstances do exist to justify the removal of the site from the Green Belt and its use for housing. In support of their case, they cite the review of the Green Belt which was undertaken by the Borough Council as part of the Local Plan process. Reference is also made to the “*presumption in favour of sustainable development*” embodied in the NPPF, at paragraph 9, which states that local authorities should meet their objectively-assessed needs unless specific policies indicate that development should be restricted. One such policy is Green Belt.
17. Underpinning the 2021 Dacorum Strategy for Growth consultation was a calculation of housing needs for the Borough contained within the South West Hertfordshire Local Housing Needs Assessment (August 2020). The rate of dwelling increase (at 922 dwellings per annum) showed a marked upward trend compared to the Core Strategy 2013. The increased rates, however, were derived from a government requirement set out in National Planning Practice Guidance (NPPG) for local authorities to use outdated 2014-based statistics as the basis for forecasting housing needs. It should be noted, however, that the guidance also stated that the figures derived from the 2014-base are not a target for local planning authorities, but a starting point for consideration.

18. As the Association has pointed out in its representations to the Local Plan, there has been a “meaningful change” to the factors used in these housing calculations, which have led to a reduction in the overall forecasts. A study in 2020 by CPRE Hertfordshire compared various methods of projecting household needs in the county, using the government’s standard methodology. For Dacorum, using the standard methodology and the 2014-based projections, the projected housing need was calculated as 1,022 dwellings per annum. By contrast, using the standard methodology and the ONS 2018-based projections, the annual rate reduced to 536 dwellings per annum.
19. From the results of the 2021 Census and the latest ONS 2020-based projections, it is clear that these downwards trends will continue into the future. The Association has welcomed the Borough’s stated intention, at paragraph 6.30 of the Housing Topic Paper, to keep the housing need figure under review. Nevertheless, it is already apparent that the projections used for the Strategy for Growth consultation were far too high. A fundamental review is required as a matter of urgency.
20. Despite the conclusions of the Green Belt Review and the AECOM Site assessment Study, the Association has consistently objected to the release of the application site from the Green Belt. Its removal would be fundamentally opposed to the basic principles of the Green Belt, as set out in paragraphs 137 and 138 of the NPPF. The essential characteristics of Green Belts are their openness and their permanence. Undeniably, the Rectory Farm site is a key element in the open landscape which surrounds Kings Langley.
21. In order to justify the release of the site from the Green Belt, the Planning Statement (at paragraphs 7.15 to 7.24) refers to the successive three stages of the Dacorum Green Belt Review and the assessments of the contribution of the site to the five Green Belt purposes, now set out in paragraph 138 of the NPPF. In addition, the applicant’s consultants have conducted their own assessment, as described in paragraphs 7.25 to 7.45 of the Planning Statement. Much of this is superfluous, as not all of the five Green Belt purposes apply to the site. As the Association has pointed out in its previous representations, the most fundamental of the five purposes is “to prevent neighbouring towns from merging into one another.” Contrary to the assessments by the Borough Council and the applicant’s consultants, the Association firmly believes that the site is extremely important in its fulfilment of this function. In terms of its strategic location, it lies within the key development corridor which runs from Watford, through Hemel Hempstead, to Berkhamsted and Tring. Within the gap between Watford and Hemel Hempstead, Kings Langley is one

of several smaller settlements where local separation helps to prevent the merger of the main towns.

22. At the more local level, the Association would stress the significance of the application site as part of the gap between the northern edge of Kings Langley and Nash Mills and Apsley, on the southern edge of Hemel Hempstead. Despite the presence of the main railway overbridge, the Green Belt here performs a key role in maintaining the identity of Kings Langley and the Gade Valley settlements to the north.
23. In support of their case, the applicant's consultants have evidenced the results of the Dacorum Green Belt Review, which stated that the site did not serve the purposes of the Green Belt to any material extent. This led to the recommendation by the Borough Council for the inclusion of the Rectory Farm site in the Strategy for Growth consultation document. In its response to the consultation, the Association disagreed strongly to the recommendation to remove the site from the Green Belt.
24. The detailed results of the assessment for Rectory Farm were set out in Appendix A (pp.62/63) of the Stage 3 Green Belt Review. The first step in the analysis considered the merits of retaining the site in the Green Belt. It noted that the eastern, western, and southern boundaries were easily recognisable and were likely to be permanent. The Association strongly supported that conclusion, and maintains that view.
25. The second stage of the assessment considered the position if the site were to be released for development. At the time, the southern boundary of the site was at the corner of Rectory Lane and Gade Close, and was considered to be readily recognisable. Since then, however, planning permission has been granted for the development of 55 dwellings on the area of the former farm buildings, which is in progress. In the view of the Association, a new and defensible Green Belt boundary can therefore be established on the northern edge of the development site.
26. In their own Green Belt assessment, the applicant's consultants claim that the northern boundary of the application site is defined by the Kings Langley Football Club, which is described as "existing development." Thus, the site would be contained by firm boundaries on three sides, as well as by the Grand Union Canal to the east. In response, the Association has drawn attention to the fact that the area beyond the northern boundary is occupied by the playing pitches of the football club, which are appropriate uses in the Green Belt. In terms of the Green Belt purposes, the application site, together with the playing fields to the north, forms a tongue of open land which penetrates the built-up area. It is an intrinsic part of the character of the village and its surroundings.

27. In these circumstances, the Association fundamentally disagrees with the conclusion of the applicant, which argues that the site would have no impact on the purpose of the Green Belt which seeks to prevent towns from merging into one another. This fails to acknowledge the true character of the landscape setting of the site and its surroundings.
28. The applicants note that the Dacorum Green Belt Review was informed by the parallel Landscape Sensitivity Study, which gave the site a low landscape sensitivity and value. The Association has noted that, in its detailed assessment, the Landscape Sensitivity Study concluded that the site had a “neighbourhood” landscape value, because of its “relatively-fragmented” condition, and its proximity to an “arterial road” and an area of 20th century housing. In terms of its landscape susceptibility, the site was given a “low to moderate” score, but the Association considered that the urban influences were overstated in the assessment. The degraded parts of the site attributed to the former community farm are no longer a factor. Although the value of the Grand Union Canal is recognised as a positive landscape factor, no account has been taken of its overall contribution to the character of the area to the east of the canal, which is within Three Rivers District.
29. In the view of the Association, the applicant’s low overall view on landscape quality does not fully recognise the strategic value of the site and its contribution to the character of the green corridor described by the River Gade and the Grand Union Canal. The view from the east side of the canal shows very clearly the importance of the site in landscape terms and its role in preventing coalescence between Kings Langley and Apsley. Although there is some recognition of the value of the canal for wildlife, the applicants do not show a real net gain in biodiversity which would result from the development of the site for housing.
30. As the Association has stated in previous representations, this is not the first time that the Rectory Farm site has been proposed for housing. The Association would remind the Council that it was rejected 20 years ago by the Inspector examining the Dacorum Local Plan 1991-2011. The following extracts from the Inspector’s report are highly relevant in the determination of this application, as follows:

“Although the new housing would not be any closer to Hemel Hempstead than the existing houses on Coniston Road, it would nevertheless reduce the amount of open land between the two settlements. I consider, therefore, that development of the land would lead not only to a significant expansion of built development but it would also contribute to the merging of Kings Langley with Hemel Hempstead, contrary to the purposes of the Green Belt.”

“I do not consider that the undertaking of additional landscaping and/or the provision of open space would outweigh the harm to the Green Belt.”

“Whilst it would be no closer to Hemel Hempstead than any other development on the western slopes of the valley, it would extend the built-up area on the valley floor well beyond the existing development on the opposite side of the canal. In my view, therefore, it would result in a very substantial erosion of the important wedge of green space between Hemel Hempstead and Kings Langley, contrary to the well-established aims of the Green Belt. I am also concerned that the development of the site would erode the vulnerable green wedge on the opposite side of the canal in Three Rivers District and the housing on the western side of the valley in Kings Langley.”

“In reaching this conclusion, I have taken account of the fact that Rectory Farm would be well-located in terms of its accessibility to local bus routes, schools and shops in the village centre. However, in the light of its impact on the Green Belt, on the character of the area and on the capacity of the local infrastructure, I am not satisfied that it would constitute a more sustainable location than any of the other greenfield housing proposal sites.”

31. Since the publication of the above report, nothing has changed within the past 20 years, apart from the planning permission now being implemented on the southern part of the site. Arguably, this has removed some of the more negative features in the area, and provides opportunities for the enhancement of the remainder of the site.

Other Planning Matters

32. In Chapter 8 of the Planning Statement, there is a detailed analysis of the proposals against the national and local policy considerations. It is cross-referenced to various technical and specialist reports submitted with the application. The Association’s selective comments, referring where appropriate to background material, are set out in the ensuing paragraphs.

Principle of Development

33. The opening section of Chapter 8 summarises the purpose of the planning system, as set out in the NPPF, which is to contribute to the achievement of sustainable development. Accordingly, it is claimed by the applicants that development of the site would help to support the Government’s objective of significantly boosting the

supply of homes. Passing reference is made to paragraph 11 of the NPPF, which elaborates on the requirement for plans and decisions to apply the presumption in favour of sustainable development. It is important, however, to emphasise that there are caveats which apply to the “presumption in favour.”

34. The relevant parts of paragraph 11 (c) and (d), applying to decision-making, are as follows:

“Plans and decisions should apply a presumption in favour of sustainable development.

For decision-making, this means:

approving development proposals that accord with an up-to-date development plan without delay; or

where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; 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.”*

35. In the Planning Statement, the applicants argue that the development plan for Dacorum is out-of-date and therefore the presumption in favour should be applied fully in the determination of the application. At the same time, however, they are seeking to apply the policies of the Strategy for Growth, which they also refer to as the Emerging Local Plan. This is misleading, as the Strategy for Growth was a Regulation 18 consultation. It is not the adopted development plan for the Borough, and its draft policies should carry little or no weight in the determination of the application.

36. At paragraphs 8.11 to 8.23 of the Planning Statement, the applicants describe the most recent position with regards to the provision of housing against local and national policy. The Association understands that there is a shortfall in the supply of dwellings, but that the gap is not as great as that which is suggested by the applicants. As pointed out above, the calculations of objectively-assessed need in the

Strategy for Growth document are based on the Government's standard methodology, which is derived from 2014-based projections of household growth. Adjusted to take account of the Government's requirements, the rate would amount to 1,023 dwellings per annum. As the Association and others have pointed out, this figure is unrealistic because it does not take account of more recent demographic changes. Using the ONS 2018-based projections, this figure would be reduced to 536 dwellings per annum.

37. Irrespective of the current position, the fact remains that the proposed development site is located in the Green Belt, and "very special circumstances" should be demonstrated which would outweigh the need to protect the land. It is the view of the Association that this should be done in the context of the Local Plan Review. Here the calculation of objectively-assessed needs should be done in the context of the most up-to-date demographic statistics, which would produce a more realistic set of projections.

Residential Development

38. The Association notes the proposals for affordable housing and housing mix on the site, which refer to the Borough Council's adopted policies. In the view of the Association, however, the proposed housing mix does nothing to address the types of housing (two- and three-bedrooms) specified in the Draft Kings Langley Neighbourhood Plan. The applicants fail to address fully the need for starter homes – there are only five two-bedroom flats for open market sale, and no houses. There is also a concern about the possible inclusion of three storey flats in the design. Clearly, this would not conform to the policy of the Kings Langley Neighbourhood Plan, which stipulates a maximum height of two storeys for future developments in the village (Design and Guide Code: Zone 4, Hempstead Road).

Biodiversity

39. Under the provisions of the Environment Act 2021, developments are now required to provide a net gain in biodiversity (BNG). The application is accompanied by an Ecological Impact Assessment (dated 31st May 2022) which purports to provide a comprehensive picture of wildlife on and around the site. Nevertheless, the Association is concerned that the assessment does not fully address many of the issues. These include the potential impact of the development on the River Gade, a rare chalk stream habitat. An objection to the development on these grounds was submitted by the Borough Council's own Environment and Community Protection

Group. The objection points out that the applicant's BNG Assessment does not include an investigation of the potential harm to the river, using the River Metric.

40. The Association has also noted the comments of the Herts and Middlesex Wildlife Trust, which raise their concerns that the applicant's environment and ecological reports lack sufficient detail. These conclusions cast doubt as to whether the development can show a net gain in biodiversity.

Transport and Accessibility

41. Transport and accessibility matters are set out in some detail in the accompanying Transport Assessment and Framework Residential Accessibility Plan. The Association has studied these documents and considered that many points are challengeable. It is noted that the main vehicular access to the development will be a new junction on Hempstead Road. The applicants claim that the new access will be sufficiently far from existing T-junctions such that they will not interfere with each other. This is disputed by the Association – the junction modelling in Chapter 7 of the Transport Assessment does not reflect the reality of the experiences on the Hempstead Road to the north of the village centre, particularly during peak hours. The plans seemingly have no restrictions on vehicles parking in the on-site parking bays – this will lead to problems of vehicle parking and congestion over a wider area. The Association challenges the assertion, in paragraph 2.18 of the Transport Assessment, that the proposals, together with off-site improvements, will constitute “an improvement to the character and infrastructure of Kings Langley.”
42. The Transport Assessment claims (paragraph 5.37) that the parking arrangements are fully compliant with the Dacorum Borough Council parking standards, but in reality these standards have proved to be inadequate in an area of high levels of car ownership. In fact the applicants have catered only for the allocated parking requirements of the standards. Adding the unallocated and visitor parking (as per the standards) would generate a total requirement of 582 spaces. The proposal for 300 parking spaces is therefore a massive under-provision. The one car park for the flats to the north of the development, with its unallocated spaces, is most likely to be inadequate. Similar problems are likely to be encountered on the single car park for the users of the community building and the allotments. No account has been taken of the cumulative effects of the proposed development with the Miller Homes site to the south, now under construction.

43. There are many contradictions in the Transport Assessment, which concludes that the proposed development is feasible from a highways and transportation perspective. In highways engineering terms, this may be true, but the Association believes that there are many flaws in the assessment. In particular, the report has under-estimated the impact of additional traffic and the lack of adequate parking within and around the site. The claim that the site is accessible by non-car modes of transport is highly-questionable, given its location on the edge of the village. In their surveys, the applicants have focussed solely on the Hempstead Road. No consideration has been taken of the wider effects on other locations, including the High Street, Watford Road (towards Junction 20 of the M25), and the A4521 from the difficult Red Lion Lane/Rucklers Lane junction towards Apsley.

Energy

44. Energy proposals for the site, as set out in the accompanying Energy Strategy Statement, have been scrutinised by the Association. Although reference is made to appropriate sections of the NPPF, the applicants seemingly intend to do no more than meeting the regulations existing in early 2022. No mention is made of the climate emergency, awareness of which will have been heightened by the recent heat wave. Instead, the strategy proposes to install gas boilers in all the residential properties. No mention is made of how these installations could be replaced in the future by air source heat pumps, as described by the applicants at their meeting with the Parish Council. The measures described in the strategy will help to reduce CO2 emissions – it does not explain how these could be completely eliminated.

SUMMARY AND CONCLUSIONS

45. In summary, the Association objects to the application for the following reasons:

- The proposal is inappropriate development in the Green Belt and is contrary to the stated policies of the adopted Dacorum Core Strategy 2013 and the NPPF 2021;
- No very special circumstances have been demonstrated by the applicants for an exception to Green Belt policy;
- The proposals for affordable housing and housing mix do not address local housing needs as expressed in the Draft Kings Langley Neighbourhood Plan;
- There is insufficient detail on the impact of the proposed development on ecology – there is no evidence that a net gain in biodiversity can be achieved;
- The Transport Assessment is deficient in its proposals for vehicle parking and fails to address fully the potential impact of the proposed development on the wider road network in the area.

46. For the reasons set out above and detailed in this statement, the Borough Council is urged to refuse the application for the development of housing at Rectory Farm, Kings Langley.

Jed Griffiths MA DipTP FRTPI

Hertford

29th July 2022

FINAL