

Colney Heath Parish Council
Land adjoining Mill House, Coursers Road
Planning application 5/2020/1124 Background information

The application together with all documents can be found on SADC website

<https://planningapplications.stalbans.gov.uk/planning/search-applications?civica.query.FullTextSearch=5%2F2020%2F1124#VIEW?RefType=PBDC&KeyNo=114672>

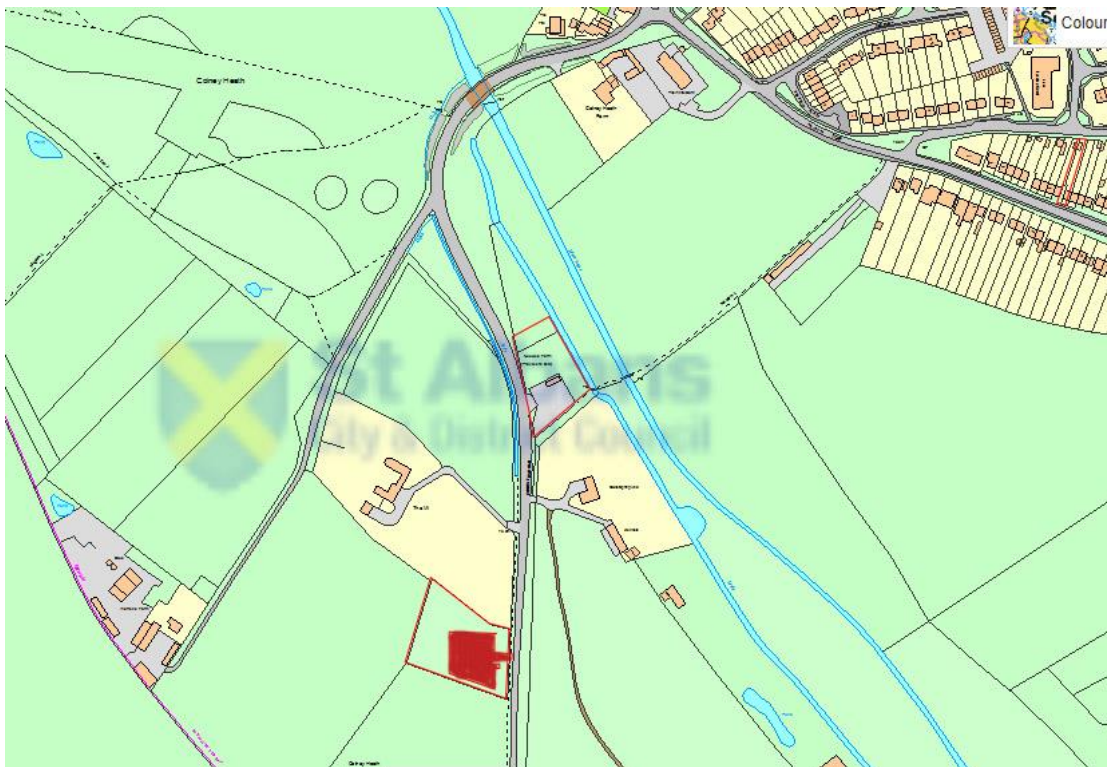
The application is stated as:

'Permission is sort for change of use of land to residential for Gypsy Travellers families. The site will contain static and touring caravans, parking and water treatment plant with associated hardstanding, parking and related infrastructural development.'

Appendix 1 (page 6) The design statement and supporting letter

Planning application submitted	22/05/2020
Construction and occupation started	23/05/2020
Application registered by St Albans Council	26/05/2020
Comments to St Albans Council due by	04/07/2020

Site location blocked in red



Relevant Planning History

5/2018/3157 29/11/2018
Construction of stable block and hardstanding – application withdrawn

5/2019/2726 08/11/2019
Certificate of lawfulness for vehicular access onto Coursers Road - refused

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Green Belt Policy

The site is within the Metropolitan Green Belt and outside the Colney Heath Green Belt community envelopes.

St Albans District Council, the planning authority, will determine the application against current Green Belt policies.

Appendix 2 (page 10) National Green Belt Policy
Appendix 3 (page 11) St Albans Green Belt policy

Extract from planning application in italics below

'Access and Appearance

3.0 The access into the site would be from the existing access off Coursers Road (See block plan) which has been in use for a number of years.'

NOTE: Application 5/2019/2726 refused by SADC

'5 Sustainability

The site is not too far from existing bus routes that provide a regular service to local villages.

The site is in reach of all necessary services including shop, schools and Medicare.

The site is affordable (all cost at the expense of the site residents) and would have no financial impact of the local authority or the Council's tax payers, while at the same time it would reduce the need for sites which the LA should provide for Gypsy Traveller community'

The site is 690m from the nearest shops and bus stop.

Much of the route has no pavement which requires walking in Coursers Road. This route at the end nearest to the site is outside the village 30mph limit, pedestrians must walk in the road through a highspeed bend would be dangerous.

The 'regular service' is 4 buses per day in each direction.

Route	Departs from	Destination	Arrive/Dept in Colney Heath
305	Potters Bar	St Albans New Greens	7.33 School days
305	Potters Bar	St Albans St Peters Street	7.40 School holidays
305	Hall Gardens	St Albans St Peters Street	10.12
305	Hall Gardens	Sandridge	13.12
305	Brookmans Park	St Albans St Peter Street	16.44
305	Sandridge	Hall Gardens	10.12
305	St Albans St Peters Street	Hall Gardens	13.12
305	St Albans New Greens	Brookmans Park	16.17 school days
305	St Albans St Peters Street	Brookmans Park	16.17 school holidays
305	St Albans St Peters Street	Potters Bar	1717
200	Essenden Hill	London Colney	10.23 Monday only
200	London Colney	Essenden Mill	12.40 Monday only

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Sustainable access to services		
	Distance	Desirable distance (1)
Bus stop - The Cock	690m	400m
Shop – Colney Heath Post Office	690m	400m
Primary School – Colney Heath	1600m	1000m
Healthcare - Village Surgery London Colney	4400m	1300m

(1) How far do people walk? Presented at the PTRC Transport Practitioners meeting London July 2015

Protecting the Natural and Historic Environment

National Planning Policy Framework (NPPF): -

15. Conserving and enhancing the natural environment

Para 170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

Colney Heath Common is a 22.5-hectare Local Nature Reserve and Hertfordshire Heritage site is immediately adjacent to the south and west of the site

NOTE

Colney Heath Common, owned by the Parish Council, includes narrow strips on both sides of this part of Coursers Road as part of the Common.

The Parish Council is progressing Voluntary Registration of the Common at the Land Registry

Access will be required across CHPC land similar to that granted to the owner of Fredericks Wood

Listed buildings

NPPF: -

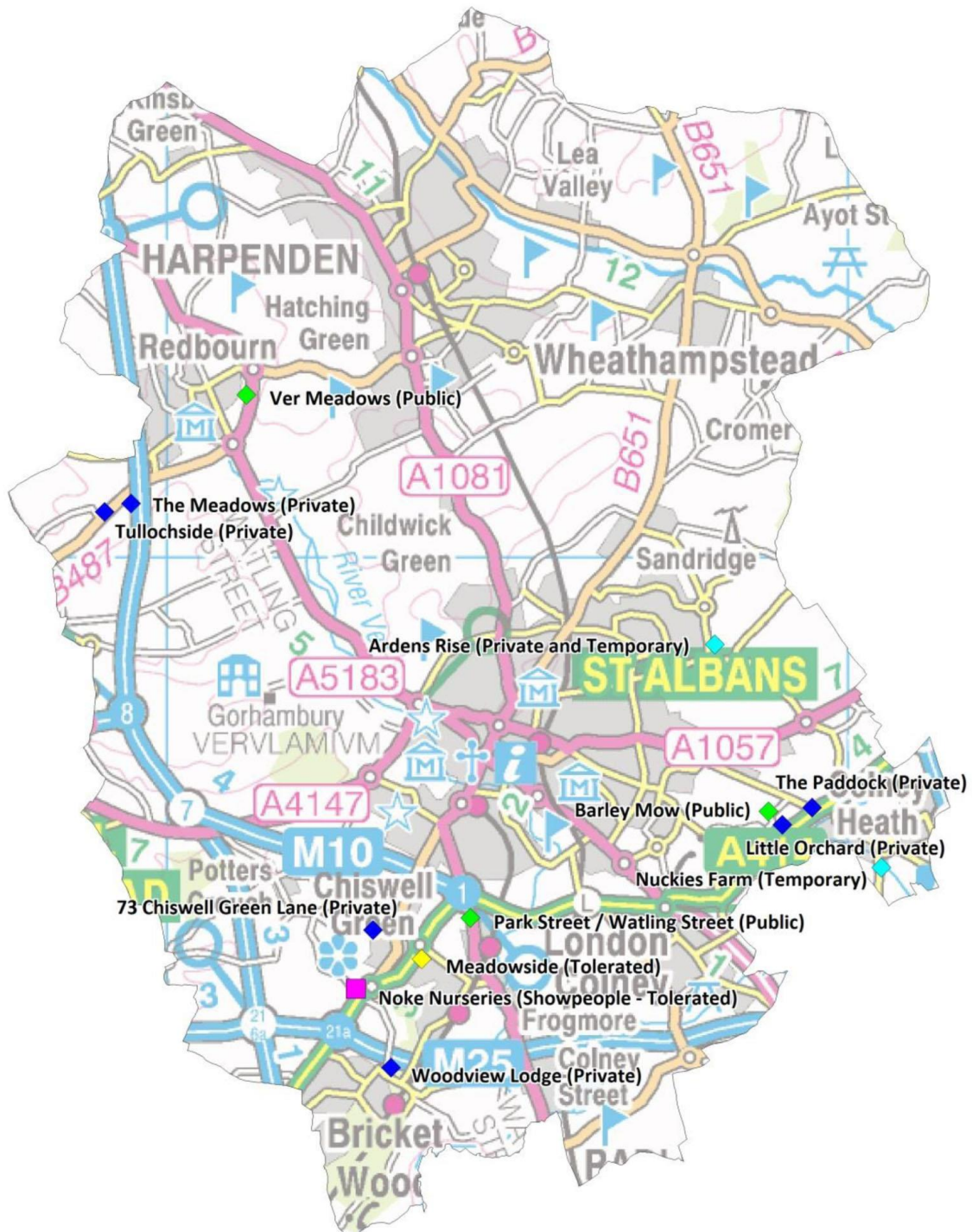
194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional.

The site adjoins the Mill at the Mill House Colney Heath which is a grade 2 listed building no.. 163547 listed on 27th September 1984.

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Location of Gypsy and Traveller sites with St Albans District

Sites and Yards in St Albans - September 2014



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Gypsy & Traveller Sites within St Albans District by Parish				
Site name	Parish	Planning status	Ownership	No. Pitches
Barley Mow	Colney Heath	Approved	Public	15
Little Orchard	Colney Heath	Approved	Private	1
Nuckies Farm	Colney Heath	Approved	Private	3
The Paddock	Colney Heath	Approved	Private	7
The Meadows	Redbourn	Approved	Private	1
Tullochside	Redbourn	Approved	Private	10
Ver Meadows	Redbourn	Approved	Public	10
Ardens Rise House Lane	Sandridge	Approved	Private	1
Ardens Rise House Lane	Sandridge	Temporary	Private	3
Chiswell Green	St Stephens	Approved	Private	1
Meadowside Orchards Drive	St Stephens	Tolerated	Private	3
Meadowview Lodge	St Stephens	Approved	Private	8
Noke Nurseries	St Stephens	Tolerated	Show people	
Park Street/Watling Street	St Stephens	Approved	Public	10

Neighbouring District Gypsy and Traveller site to Colney Heath				
Site name	Parish	Planning status	Ownership	No. Pitches
Fairfield Welham Green	North Mimms	Approved for travelling show people	Private	N/K
Foxes Lane Welham Green	North Mimms	Approved	Private	3
Foxes Lane Welham Green	North Mimms	Not approved	Private	3
Thunderbridge Yard Welham Green	North Mimms	Temporary	Private	2
Thunderbridge Yard Welham Green	North Mimms	Not approved	Private	1

Appendix 4 (page 12) Planning Policy for Traveller site

Appendix 5 (page 14) St Albans Local Plan policies for Traveller site

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Application 5/2020/1124 Design Statement and letter of support

BFSGC

Saga Ct, Unit 3 Sibleys Rise, South Heath, Bucks, HP16 9QQ

DESIGN AND ACCESS STATEMENT

Client: Mr Patrick McInerney.

Site – Land Adjacent The Mill House, Coursers Road, Colney Heath,
St Albans, Hertfordshire, AL4 0PB

Date: 22nd May 2020

Application for: "Permission is sort for change of use of land, to residential for Gypsy Travellers families. The site to contain static and touring caravans, parking and water treatment plant, with associated hardstanding, parking and related infrastructural development."

1.0 Brief & Design

1.01 The applicant seeks permission for the proposal as described.
The application site would provide homes for Gypsy Traveller families.

Documents submitted with this application.:

- Location Plan
- Proposed Block Plan
- Statutory Declaration re the access.
- Design and Access Statement (this)

1.02 In consultation with the client a site layout has been put together to meet the applicant's requirements. The design and layout is resubmitted by way of block plan BP-01-2020.

The layout comprises four static caravans, four touring caravan, with parking, hardstanding, and water treatment plant, coming off a shared highway access.

1.04 Caravans (mobile Homes) will conform to the definitions within Section 29 (1) the Caravan Sites & Control of Development Act 1960, also Section 13 (1) of the Caravan Sites Act 1968, as such plans and elevations of individual units are not required.

2.0 Location and Layout

2.01 The proposed site lies in Greenbelt land by designation, close to South Hatfield, Welham Green and London Colney,

NPPF paragraph 72 suggests working with the support of communities (such as this community) and we hope the LPA will engage positively during the process of this application..



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The site has a connection to a water supply.
The owner of the land is Mr Patrick McInerny, who would like to live on site together with family who are currently homeless.

2.02 The land is currently mostly permeable with the remains of some hardstanding from previous development.

2.03 The proposed development is modest and appropriate in scale.

2.04 Electricity can be connected to the site.

2.05 Arrangements would be made for the separate storage and collection of waste and recyclable waste. There is room on the site.

Access and Appearance.

3.0 The access into the site would be from the existing access off Coursers Road (See block plan) which has been in use for a number of years.

3.01 A landscaping scheme could be provided (or consulted on) if required.

3.02 No existing trees will be impacted by the proposed site. Native planting has been indicated on the 2013 block plan.

3.03 There would be no commercial activity on the site,

3.04 Not being remote from the nearest village (there is development at this location) the development could be said to be in a semi rural location, but any new development such as this application in the area is most likely to be in the countryside or Greenbelt, due to the high cost of land.

3.05. This application is being made by Mr Patrick McInerny, and it is important that these families have a stable culturally appropriate place to live (in line with the Chapman appeal decision) so the families can thrive and maintain good health.

3.06 It is important that these families have a stable place to live so they can access consistent health care and education for their children (further information can be provided).

3.07 The applicant (and proposed residents) are members of the Gypsy Traveller community and have Gypsy Status for planning purposes.

3.08 The Human Rights act is engaged in this situation, and any decision needs to be considered with a view to the HR Act Article 8 particularly.

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4. Flooding

The environment agency flood maps have been consulted and there are no flooding issues relating to the site.

5. Sustainability

The site is sustainable, and we make the following points:



- Mains electricity can be provided on site.
- The site has a mains water supply.
- The proposed site would be have a water treatment installed.
- Surface water would be disposal of via natural percolation.
- The site is not too far from existing bus routes that provide a regular service to local villages.
- The site has good and safe access to primary and other main roads and to the principle and major urban areas in this part of the county.
- The site is in reach of all necessary services including shops, schools and Medicare.
- There is screening around the site and new screening can be provide if needed to improve screening (the applicant is happy to do further planting as required).
- The site is affordable (all costs at the expense of the site residents) and would have no financial impact of the local authority or the Council's tax payers, while at the same time it would reduce the need for sites which the LA should provide for the Gypsy Traveller community.
- The NPPF makes it clear that there is a presumption in favour of sustainable development, and that presumption is a material consideration that adds weight to this application.
- An area for the storage of waste and recyclables would be provided on the hardstanding on the site.

6. Conclusion

- There is a lack of available sites in the area, and the county and this part of the country, as there is an undersupply of sites in the area which carries significant weight
- Where there is a lack of a five year supply of land for Gypsy site provision that adds weight to a planning application.
- The need of the family to be able to access regular health care and education in and from an appropriate setting. The applicant and family need to maintain a stable place to live to access consistent healthcare and education.

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- The family qualify for Gypsy status (and Corona Virus makes travel difficult). The family have travelled often and maintained a Gypsy life style to date.
- The Chapman Decision maintains the right of Gypsies and Travellers to be able to live in Culturally appropriate accommodation.
- The Human Rights of the applicants add weight to the application

The public sector equality duty contained in the Equality Act 2010 applies to decisions that relate to the occupiers of the site as they are Travellers, and thus have a "protected characteristic". Local authorities need to have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not, a positive recommendation in this instance would assist with those duties.

Together the various aspects outweigh harm caused by the proposed development and in policy terms there isn't anything that isn't out weighed by the personal circumstances, potential policy failure or other aspects.

In our opinion special circumstances (or VSC') and need exist, and have been detailed to justify the granting of planning permission.

This site is Available, Suitable, Affordable and Acceptable and together with the fact that VSC's have been submitted to the extent that we feel that they justify the granting of consent, and we invite the Council to grant permanent planning permission.

Joseph G Jones

BFSGC



May 2020

BFSGC

Saga Ct, Unit 3 Sibleys Rise, South Heath, Bucks, HP16 9QQ



Appendix 2 - National Planning Policy Framework (NPPF) Green Belt

13. Protecting Green Belt land

133. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

134. Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

135. The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. Any proposals for new Green Belts should be set out in strategic policies, which should: a) demonstrate why normal planning and development management policies would not be adequate; b) set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary; c) show what the consequences of the proposal would be for sustainable development; d) demonstrate the necessity for the Green Belt and its consistency with strategic policies for adjoining areas; and e) show how the Green Belt would meet the other objectives of the Framework.

136. Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.

Proposals affecting the Green Belt

143. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

144. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.

145. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.

Appendix 3 - St Albans District Council (SADC) policy Green Belt

Policy S3 - Metropolitan Green Belt

The Council attaches great importance to the Metropolitan Green Belt, which will be protected from inappropriate development. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt are its openness and permanence.

Green Belt in the District performs important national policy objectives as part of the Metropolitan Green Belt (MGB). The Green Belt is also regarded as performing an important local objective for maintaining the existing settlement pattern and the individual identity of settlements, as far as reasonably possible.

Consistent with its purposes and objectives, primarily where opportunities arise through development, Green Belt land will be proactively managed to:

- protect and create attractive landscapes and countryside
- promote healthy ecosystem services
- support productive and sustainable farming and forestry
- provide space for local and wider recreational needs

Infrastructure provision is essential to ensure development is sustainable across the District and beyond. Some of this will be provided in the Green Belt as set out in this LP. This particularly includes some new transport infrastructure, schools, school playing fields and small scale sport and outdoor recreation facilities.

Schools are a key element of infrastructure. They have been successfully provided and retained in the Green Belt in this District in numerous locations over many years. The largely open nature of such sites often makes an important contribution to the Green Belt. Where specifically indicated on the Policies Map and by policies in this LP, proposals for the creation of new state schools in the Green Belt is considered in principle to demonstrate the 'very special circumstances' necessary to justify inappropriate development (for that purpose).

Transport is a key element of infrastructure. Transport infrastructure has been successfully provided and retained in the Green Belt in this District in numerous locations over many years. Where specifically indicated on the Policies Map and by policies in this LP, proposals for the creation of new transport infrastructure in the Green Belt is considered in principle to demonstrate the 'very special circumstances' necessary to justify inappropriate development (for that purpose).

Small scale, largely open, forms of infrastructure development such as drainage areas, utilities installations and outdoor sport and recreation facilities and uses, (including detached playing fields for state schools), are not considered to be 'inappropriate development' in the Green Belt.

Appendix 4 - Planning Policy for traveller sites 2015

Policy C: Sites in rural areas and the countryside

14. When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

Policy D: Rural exception sites

15. If there is a lack of affordable land to meet local traveller needs, local planning authorities in rural areas, where viable and practical, should consider allocating and releasing sites solely for affordable traveller sites. This may include using a rural exception site policy for traveller sites that should also be used to manage applications. A rural exception site policy enables small sites to be used, specifically for affordable traveller sites, in small rural communities, that would not normally be used for traveller sites.⁶ Rural exception sites should only be used for affordable traveller sites in perpetuity. A rural exception site policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities

Policy E: Traveller sites in Green Belt

16. Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

17. Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan-making process and not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a traveller site only.

Policy H: Determining planning applications for traveller sites

22. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

23. Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.

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24. Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just those with local connections

However, as paragraph 16 makes clear, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

Appendix 5 – St Albans emerging Local Plan 2018

Policy L7 - Gypsies, Travellers and Travelling Show People

In considering proposals for such new accommodation, the Council will have regard to the following (in order of priority):

1. The suitability and potential of new sites as part of Broad Locations for development. Such new sites should accommodate a maximum of 15 pitches (each pitch being designed to accommodate 1 family / household). Pitch sizes should not exceed 500m².
2. That development should be in general accordance with Policy S1 Spatial Strategy and Settlement Hierarchy.
3. The potential and suitability of extending existing sites.
4. The suitability of sites with temporary permissions.
5. That development should take account of any additional criteria contained in Government guidance.

Within the constraint set by the pitch sizes limit above, site design will be judged in relation to the specific circumstances of the site and in particular whether there is a need to make an allowance for integral general amenity and landscaping space. A minimum pitch size of 450m² is likely to be required.

Because of a variety of factors including: proximity to the road network most used by Gypsies and Travellers; development site scale; area topography and landscaping opportunities; and the wide range of uses to be provided in the Broad Locations for development (Policy S6); provision of the following new sites will be required:

- East Hemel Hempstead (South) Broad Location - one 15 pitch site
- East Hemel Hempstead (Central) Broad Location - one 15 pitch site
- Park Street Garden Village Broad Location - two 15 pitch sites

Specific locations will be identified, allocated and safeguarded through collaborative Masterplanning, as set out in Policy S