



23 February 2026

Our Ref: 24.5080

Matthew Roberts

Via email only: matthew.roberts@threerivers.gov.uk

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Dear Matthew

Re: 25/1020/OUT – Land East of Oxhey Lane, Carpenders Park – Grey Belt / ‘Golden Rules’

I am writing on behalf of our client, Burlington Developments London Ltd, to set out our position on matters relating to the grey belt / ‘Golden Rules’ as set out in paragraphs 155 and 156 of the NPPF. At the same time, I provide our views on the emerging Local Plan given its current fluid nature.

We have discussed grey belt associated matters on a number of occasions and we have set our views on how the site meets with the grey belt definition as per the NPPF within our letters dated 3 October 2025 and 7 November 2025. As you know our position was supported by a legal opinion from Lord Banner KC which was ultimately supported by the Council’s own legal advice, provided by Dr Alex Williams. On this basis, I believe there is consensus that the site indeed can be considered grey belt.

In light of the above and given policy set out within the NPPF in order for the proposed development to be considered appropriate in principle, it is necessary for the proposals to accord with the requirements set out within paragraphs 155 and 156.

In order to assist you in your assessment and to allow you to respond to any Member queries I thought it would be helpful to set out our position on compliance with the requirements of paragraphs 155 and 156 in light of matters that we have agreed during the application process and having regard to the increasing body of decisions on these matters.

Paragraph 155a

It is common ground that the proposals would utilise grey belt land and for the reasons set out within paragraphs 4.2 – 4.7 of our supporting Green Belt Assessment prepared by Pegasus, the proposed development would not fundamentally undermine the five purposes when taken together of the remaining Green Belt within the wider plan area.

Paragraph 155b

Again it is common ground that there is a demonstrable unmet need for new housing within the District which based on the latest published Housing Land Supply Statement (December 2024) shows that the Council is only able to demonstrate a 1.7 year supply (a numerical shortfall of 2,536 homes).



As such the proposed development will undoubtedly make a positive contribution to this significant shortfall however the housing benefits go beyond just making a numerical contribution to the delivery of new housing.

As you know, the proposals not only make provision of up to 128 new market homes, in a range of sizes but include the delivery of up to 128 new affordable homes, of up to 90 homes (70%) will be for social rent, the most affordable tenure along with up to 38 shared ownership homes (30%). Furthermore, the proposals include provision of 60 housing with care homes which cater for changing demographics and would allow residents to live independently for longer, provision of a 4 bedroom home for looked after children (to be managed by the County Council) and up to 13 homes (10% of the proposed market homes) being reserved for self/custom build. The need for all of these types of housing is made clear in our supporting application documents.

On this basis, it can truly be said that the proposed will provide a wide range of housing benefits, beyond those typically associated with a housing scheme, and would therefore accord with the objectives of paragraph 71 of the NPPF.

Paragraph 155c

We have previously provided information on the sustainability of the site within our letter dated 7 November 2025. This highlighted that the Council's evidence base¹ identified that the site was well served by facilities and transport and that Carpenders Park achieved a sustainability category of 'good', the second highest category. Furthermore, as set out within the TA², a number of key facilities³ are identified as being within 800m of the site, a comfortable walking distance. Carpenders Park railway station is also within easy walking distance which provides regular and reliable services every 15 minutes to destinations between London Euston and Watford Junction.

Subsequent to this, there were further discussions with HCC Highways on the range of measures that will be delivered (either directly as a result of the development or via financial contributions).

These measures are detailed in the i-Transport highways note, dated 13 January 2026, and include resurfacing and footway widening on Oxhey Lane, installation of a controlled signalised crossing at Oxhey Lane / Carpenders Avenue and the resurfacing of the footway on the south side of Carpenders Avenue (and provision of tactile paving at various junctions).

¹ Draft Settlement Appraisal

² Table 3.3

³ St Meryl Primary School, Post Office, Co-Op, DB Jones Pharmacy whilst Carpenders Park overground station is c1,000m from the site (a 14 minute walk).



A financial contribution in the region of £614,000 has been agreed with HCC to fund provision of a complementary 328 bus service (328a) that would loop along Carpenders Avenue and Oxhey Lane (with a further £38,000 contribution to fund the provision of a new bus stop on Oxhey Lane). In light of the Council's promotion of the Beryl bike scheme, the proposals will include provision of an appropriate parking allowance within the development and in addition a financial contribution of £20,000 will be made to support off-site Beryl bike improvements.

Taken together and along with our considerations set out within our November 2025 letter, we consider that the development would clearly be in a sustainable location with the proposed bus contribution further boosting the site's sustainability, having particular regard to paragraphs 110 and 115 of the NPPF.

Paragraph 155d

For the reasons I set out below the proposals would meet with the 'Golden Rules' as set out in paragraph 156 for the following reasons:

a) Affordable housing provision: The proposals provide 50% of the general needs housing as affordable, which will be secured by way of a legal agreement. In respect of the housing with care homes, in accordance with the Council's Affordable Housing SPD, given the nature of the proposed accommodation, the requirements of Policy CP4 (Affordable Housing) are not applicable meaning that as per paragraph 167 of the NPPF, the associated affordable housing requirement is 15%. This has been agreed in the form of a financial contribution. As such, this element of the 'Golden Rules' has been met.

b) Necessary Improvements to infrastructure: It is considered that necessary improvements in this context is the same as in the context of NPPF paragraph 58(a), which reflects the requirement in CIL Regulation 122, namely necessary provision or contributions to infrastructure to make the impacts of the development acceptable.

This position is supported by numerous Inspectors when considering compliance with this element of the 'Golden Rules'⁴. Furthermore, this position is also taken by planning officers in the adjacent authority of Hertsmere. In the case of the planning application for 38 homes at Harris Lane, Shenley (ref: 25/1347/FUL) which achieved a positive resolution at Hertsmere's Planning Committee on 12 February 2026, officers state at paragraph 7.41 of their report to Committee that *"...In terms of infrastructure, the improvements must be explicitly 'necessary' per the wording of the policy and indeed to comply with the CIL tests..."*

Whilst each application/appeal is determined on its own merits, these decisions do make clear that the correct interpretation of this test is that these improvements must be 'necessary'. It cannot be right that to satisfy this test there needs to be a 'betterment' as to do so would fail the CIL tests given that they would not be necessary, directly related to the development or

⁴ E.g Paragraph 25 - PINS ref: 3348677, paragraph 34, PINS ref: 3346228, paragraph 14 - PINS ref: 3347882, paragraphs 24/25 - PINS ref: 3365681



fairly and reasonably related in scale and kind to the development. This position is well established in case law⁵ which is clear that planning permissions cannot be bought.

On this basis, all necessary financial contributions which are CIL compliant will be secured by way of an appropriate legal agreement (along with other associated obligations) which will therefore satisfy this part of the Golden Rules.

c) Green Spaces: The proposals involve large areas of green infrastructure, including a large area of open space in the northern part of the Site, which altogether totals 6.2Ha. At present, aside from the existing PRow, there is no public access across the site however this green space will be accessible for future residents, as well as existing residents within Carpenders Park providing a significant net gain in publicly accessible green space. The Illustrative Landscape Proposals prepared by Pegasus provide full details of the green space proposed on site, which comprises of a number of different elements as summarised within our planning statement at paragraph 6.27. As such, this element of the 'Golden Rules' has been met.

In summary, it is considered that the site can be considered grey belt and that all provisions of paragraph 155 are met including the Golden Rules meaning that the proposed development should be seen as acceptable in principle. On this basis, the presumption in favour of sustainable development is applicable (as set out in paragraph 11(d)(ii) of the NPPF).

In light of the considerable scheme benefits (as set out in paragraphs 6.45 – 6.82 of our planning statement) means that these would clearly not be outweighed by the adverse impacts of development (namely landscape harm). As such, in this case the NPPF is clear that planning permission should be granted.

Emerging Local Plan

As you know the site was formerly proposed for allocation in the Council's 2021 Regulation 18 draft Local Plan for 485 homes (ref: CFS69a).

Since then, the Council have undertaken a different approach based around a more limited release of Green Belt sites and have undertaken a number of other consultations. At every stage the site has been promoted for development. In summer 2025, the Council published its Regulation 18 Consultation Document, along with 34 other residential sites being considered for allocation in order to increase housing provision in the new Plan (which was recognised to be too low).

In assessing these sites the Council split them into three categories: 'Potentially Suitable', 'Some Concerns' and 'Significant Concerns'. The Site fell within the category of 'Some Concerns' (ref: NCFS12). The capacity is noted as 381 and phasing is 0-5 years. The Council's assessment suggests that the main concern is in relation to Green Belt / landscape impacts however for the reasons set out in our representations to this consultation, we considered that the concerns identified could be addressed.

⁵ E.g. see *R (on the application of Wright) (Respondent) v Resilient Energy Severndale Ltd and Forest of Dean District Council (Appellants)* [2019] UKSC 53.



Following this consultation, we note that officers recommended that the site (along with 62 others) be proposed for allocation which in total would deliver 10,662 homes (85% of the standard method housing requirement). Notwithstanding this, at the Local Plan Sub-Committee in November 2025 (and subsequently ratified at Full Council in January 2027), it was agreed to remove the Site (alongside 5 others) from the draft Local Plan which had the effect of reducing housing delivery by 3,635 homes (to 56% of the standard method).

Within the officers report to Full Council on 27 January 2026 the risks of this were made clear to Members at paragraphs 3.21 – 3.24 (i.e. the Council would be at risk from Government intervention with the Plan being found unsound which would have significant cost implications for the Council). As such, officers recommended that these sites be added back into the draft Local Plan (see paragraphs 3.36 – 3.38), a recommendation that was not accepted by Members.

We note that one of the reasons that the site was removed from the draft Plan was due to the conclusions of the Council's Green Belt Assessment however as made clear at paragraph 3.32 of the officers report, this Green Belt Assessment is only one consideration and where a more granular assessment has been undertaken (as is in this instance) then it is entirely reasonable that a different conclusion can be reached (as has happened).

Despite the officer recommendation, the Council decided to move forward with a draft Local Plan that would only meet 56% of the identified housing requirement. As a direct consequence the Housing Minister intervened raising significant concerns with the Council's approach, for the reasons set out in his letter dated 8 February. As such there can be no reliance placed that the emerging Local Plan strategy will be found sound, indeed it is almost certain that it will not in its current form.

As requested by the Minister, the Council has provided further information to the Minister presumably to justify the approach taken. Clearly therefore the outcome of this intervention is currently unknown, however we consider it is highly likely that additional sites will be required in order for the emerging Plan to have a fighting chance of being found sound. In light of the plan making history of the site and conclusions reached by planning officers, the site is clearly capable of being an allocation that would assist in remedying the current housing shortfall.

Notwithstanding this, it is clear that until there is clarity on the future direction of the emerging Local Plan, it is not material in any way whatsoever when it comes to the decision-making process which we trust will be the position of the Planning Committee when Members come to determine our planning application.

I hope that the information provided is helpful in understanding our position on grey belt / Golden Rules following the extensive, and positive, dialogue we have had with you during the planning application process, as well as being clear in respect to our view on the relevance of the emerging Local Plan.



Should you though have any further queries or questions then of course please do not hesitate to contact either myself or Alice.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Philip Allin', enclosed in a thin black rectangular border.

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