

IN THE MATTER OF:
LAND EAST OF OXHEY LANE, CARPENDERS PARK, WATFORD,
WD19 5RJ

FURTHER OPINION

I. INTRODUCTION

1. I am instructed by Boyer Planning (“**Boyer**”) on behalf of Burlington Developments London Limited (“**Burlington**”) in relation to Burlington’s current outline planning application (“**the Application**”) for development at Land East of Oxhey Lane, Carpenders Park, Watford, WD19 5RJ (“**the Site**”).
2. The local planning authority is Three Rivers District Council (“**the Council**”).
3. The Application was submitted in May 2025 and validated under the reference 25/1020/OUT. It is due to be considered by the Council’s Planning Committee on 19th March 2026.
4. The description of development (“**the Development**”) is:

“Outline planning application for up to 256 homes (C3 use class)(including affordable and self/custom build housing), housing with care (C2 use class), a children’s home (for looked after children)(C2 use class) together with associated access (including off-site highway works), parking, open space and landscaping (appearance, layout, landscaping and scale as reserved matters)”
5. I previously advised on this matter by way of an Opinion dated 24th September 2025. I assume the reader of this Further Opinion is familiar with the contents of my earlier Opinion which I take as read.
6. I am now asked two further questions. I set these out, and my answers to them, in the next section of this Further Opinion.

II. THE ADDITIONAL QUESTIONS AND MY ANSWERS TO THEM

Q1. Does the range of transport modes available, either existing or those delivered as a result of the proposed development, represent a genuine choice to travel in a sustainable way? If so, do these transport modes, and their proximity to the application site, maximise sustainable transport solutions in accordance with paragraph 110 of the National Planning Policy Framework (“NPPF”)? Overall, having regard to the range of services and facilities and their proximity to the site more generally, can the proposed development be considered to be in a sustainable location, in the context of paragraph 155c of the NPPF?

7. In appeal decisions APP/P1940/W/22/3311477&3311479 *Land at Church Lane, Sarratt* (3rd May 2024), Inspector Matthew Nunn rejected the Council’s objection on sustainability grounds to two developments proposed by Burlington at Sarratt.
8. The Inspector stated at paragraph 76, that in relation to this issue: “*A realistic approach is required, and residents of the appeal developments would be in no different position to other existing residents in Sarratt, nor in parts of the wider District*”.
9. It is plain from the Transport Assessment for the current application that the opportunities for accessing employment, services and facilities by sustainable transport will be significantly greater for the present scheme than in the Sarratt schemes that were found to be acceptable by the Inspector. Not only are there bus services within a c.700m walking distance and a range of other facilities within a c. 20 minute walk or less than 8min cycle, there is also a train station with direct services to London within a 14 minute walk or 5 minute cycle ride.
10. I also note that the Council recently approved an application for 96 homes on land to the east of Oxhey Lane (Ref. 25/0155/FUL) in relation to which the nearest station, Bushey, was 1.4km from the site – which is

further away than the nearest station to the current application site (Carpenders Park, c.1.05km away). Members considered that other scheme to be sufficiently sustainably located.

11. There are strong grounds for concluding that the site meets the criterion set out in paragraph 155(c) of the NPPF. A refusal on the basis that this criterion is failed would not, in my opinion, be defensible. There would be a risk of costs if the Council could not explain cogently why it acted inconsistently with its grant of planning permission 25/0155/FUL despite the development to which that permission relates being located further away from the nearest train station than the development in the present case would be.

Q2. The Planning Practice Guidance (“PPG”) provides guidance on how the contribution land makes to the relevant Green Belt purposes should be assessed. In the context of purpose (a), to inform the level of contribution the site makes to this purpose, taking on board the characteristics of the site and surroundings, would the proposed development result in an incongruous pattern of development? If not, why not?

12. Whilst this involves the exercise of planning judgment, it does as a matter of law require regard to be had to material considerations including the existing care home on the eastern side of Oxhey Lane, as well as the recently approved development to the east of Oxhey Lane under the aforementioned planning permission 25/0155/FUL, the design rationale and proposed landscaping strategy set out in the application documents and the PPG which illustrates the concept of an *“incongruous pattern of development”* with the example of *“an extended “finger” of development into the Green Belt”* (which the proposed development plainly would not comprise). Having regard to those, it would be untenable for the council to hold that the development would result in an incongruous pattern of development. A reason for refusal on this basis would not be sustainable on appeal.

13. The case set out in the application for treating the Site as Grey Belt (in relation to which the issue of whether the development would be an “incongruous patten of development” is just one consideration amongst many, as set out in my previous Opinion) is compelling.

IV. CONCLUSION

14. I have nothing to add as currently instructed but would be happy to answer any further questions arising out of the above advice, if and when required. an extended “finger” of development into the Green Belt



LORD BANNER K.C.

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10th March 2026