

LAND TO NORTH OF LITTLE GREEN LANE, CROXLEY GREEN



PROOF OF EVIDENCE OF ADAM RALTON BA (HONS) MSc MRTPI

For: THREE RIVERS DISTRICT COUNCIL

Planning Appeal reference 6004972

Date: 21 July 2026

THREE RIVERS DISTRICT COUNCIL

Qualifications and Experience

My name is Adam Ralton. I have been employed by Three Rivers District Council on a full time basis since November 2017 and I have occupied the post of Team Leader within the Development Management department throughout that time.

I have a Bachelor of Arts in Geography and a Masters Degree in Spatial Planning.

I am also a Chartered Member of the Royal Town Planning Institute (53583).

I am familiar with the site and its surroundings.

Involvement With the Project

I was instructed in July 2026 to assist with proving a factual account of the status of applications and planning permissions within the Council's area, to inform the Inquiry in relation the impact on development of the Appellant seeking a Mortgagee in Possession clause ("MiP") of 3 months, rather than the 5 months required by the Council. Mr Roy Pinnock's evidence deals with the effect of the MiP clause.

I was not involved in the consideration of the proposal at application stage.

I confirm that my evidence provides a factual account.

Professional Endorsement:

The evidence I have prepared, in this Proof of Evidence, is true and accurate and is given in accordance with the Code of Professional Practice of the Royal Town Planning Institute. I confirm that the opinions set out in my evidence are my professional opinions and are based on my skills, experience and professional judgement.

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1. Background:

- 1.1 On 21 May 2026 the Council's Planning Solicitor issued a first draft of the S106 for this appeal to the appellant's solicitor. This included at 1.16 of Schedule 2 a 'Mortgagee in Possession' Clause (MIP clause) as follows:

1.16. the restrictions on the use and disposal of the Affordable Housing under this Part shall cease to apply to the whole or any part of an Affordable Housing Unit transferred or leased by any Chargee pursuant to an event of default (Affected Affordable Dwelling) where:

(a) the Chargee has first given the Council and the Affordable Housing Provider (as appropriate)

(i) five (5) months prior notice in writing (Chargee's Notice) of its intention to exercise any power of sale or lease in respect of any Affected Affordable Dwelling PROVIDED THAT such notice shall not be a valid Chargee's Notice unless it is accompanied by a conveyancer's certificate signed and dated by the conveyancer and confirming that, at the date of the notice, the Chargee giving the notice is entitled to execute a transfer of the freehold of the Affected Affordable Dwelling and to grant all rights required to gain access to the Affected Affordable Dwelling from the public highway; and

(ii) the opportunity during the whole of the five (5) months to secure a transfer of the Affected Affordable Dwelling in order to ensure that it continues to be used for the purposes of Affordable Housing;

- 1.2 On 25 June 2026, the appellant submitted to the Council's Planning Solicitor by email a draft Statement of Common Ground (SoCG) relating to the S106 on this application. That draft statement introduced, for the first time in the appeal correspondence, the following area of disagreement:

"...(c)The Council have included a 5-month MiP clause period. Richborough's view is this should be 3 months and will be preparing evidence on this point".

- 1.3 This matter of disagreement can be found at para 3.2(c) in the final S106 SoCG [**CD 8.2**].

- 1.4 This topic was subject of a day's evidence in a recent call-in public inquiry (hereafter "the Oxhey Lane inquiry") relating to a site 'Land East of Oxhey Lane' (Call in reference APP/P1940/V/26/3378268, LPA planning reference 25/1020/OUT). That application seeks outline planning permission 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). The application was called-in by the Secretary of State following the resolution of the Planning Committee to refuse planning permission.

- 1.5 The Oxhey Lane inquiry took place between 1 July 2026 and 9 July 2026. Part of the evidence submitted for that inquiry included the applicant's rebuttal to the LPA's factual account of the status of applications and planning permissions within the council's area. That rebuttal included within its Appendix 1 a letter from Richborough dated 15 June 2026 confirming "Pleased to provide you with this letter confirming that the Mortgage in Possession (MIP) clause is a matter currently in dispute within the draft Section 106 agreement on our appeal at Land North of Little Green Lane, Croxley Green". That letter, provided to the Oxhey Lane call-in appeal before the LPA were notified of the dispute being part of this appeal, is at Appendix A to this proof.
- 1.6 No detailed information has been provided at this time regarding the appellant's position. However, it is clear from 1.2 above that the dispute is around whether the MIP clause should be three months, or five months, and the impact the appellant considers the 5 month clause is having on affordable housing delivery.
- 1.7 To address this issue, and consider whether the council's position on the MIP clause is having negative implications for the delivery of affordable housing in the district, this proof provides a factual account of the status of applications and planning permissions within the Council's area. A separate proof of evidence prepared by Mr Pinnock deals with the justification for the LPA's position on the clause.
- 1.8 This proof sets out the Council's records on:
 - (A) Sites with planning permission granted with a MIP clause greater than 3 months, where the permission has lapsed (ie where permission was granted, but has not been implemented)
 - (B) Sites where the consideration and determination of a current planning application incorporating the provision of on-site affordable housing has stalled due to the Council's MIP clause requirements
 - (C) Residential Appeals where the MIP clause is a matter of dispute
 - (D) Sites where a planning application for residential development incorporating the provision of on-site affordable housing has been made and remains under consideration as at the date of this proof

- (E) Sites with permission granted for residential development which secure on-site affordable housing which remain capable of implementation where works have not commenced as at the date of this proof
- (F) Approved residential-led developments with on site affordable housing

2. Scope of Evidence

- 2.1 The information provided below is a factual account of the position at the time of writing my proof, using the available Council planning systems which can extract data relating to developments and also my local knowledge.

A) Sites with planning permission granted with a MIP clause greater than 3 months, where permission has lapsed (ie where permission was granted, but has not been implemented)

- 2.2 From my knowledge and from searches through the relevant planning systems, I am not aware of any planning permissions that have secured on-site affordable housing and that are subject to a 3+ month MIP clause which have lapsed.

B) Sites where the consideration and determination of a current planning application incorporating the provision of on-site affordable housing has stalled due to the Council's MIP clause requirements

- 2.3 From my knowledge I am only aware of one specific proposed development which may have 'stalled' (that is to say, the application remains undetermined and has ceased progressing) as a direct result of the MIP clause following a resolution to grant planning permission.
- 2.4 Application 22/1912/OUT (at 24 Denham Way and land to the rear) sought outline planning permission for "Outline application: Demolition of existing buildings and erection of up to 50 dwellings with associated access, parking, amenity space, landscaping and SuDs basin (Appearance, Layout, Landscaping and Scale as reserved matters)" on an unallocated, Green Belt site at No. 24 Denham Way and land to the rear. The application was recommended for approval by Planning Officers and the Planning Committee resolved to grant planning permission subject to the completion of a S106 agreement to secure (amongst other contributions) an on-site affordable housing contribution. The application proposed 50% of all dwellings to be affordable.
- 2.5 Initial discussions were had the same year to progress with a S106. The 5-month MIP clause and BNG were topics of discussion at the time. Following the provision of a draft S106 in December 2023, I have been informed that there has been some dialogue between the applicant and council. This has related to discussions with the council's housing officer regarding the MIP clause and a request for a list of Registered Providers who have acquired housing stock in Three Rivers District subject to a 5 month MIP clause. In 2025 the appointed planning agent contacted officers and sought to discuss the scheme's viability and changes to the NPPF. Officers advised that given the length of time and policy changes the application

would need to be reassessed. Further, the best course of action would be for a fresh application be submitted. In early 2026 Officers were advised that the applicant was considering their position and would provide a further update in due course. Despite further updates being sought by officers later in March and June 2026, I understand that no response or further instruction has been received.

2.6 From my knowledge, I am not aware of any current live major development applications at the time of this proof which have not yet been determined, and which have stalled due to the Council's position on MIP clauses.

2.7 There is one application for major development at Catlips Farm, Berry Lane, Chorleywood where the 5 month MIP clause is disputed as part of the application. Outline application 26/0194/OUT seeks permission for 333 houses (of which 50% would be affordable), a care home, a GP surgery and other development (set out in the table within Appendix 1 below). As part of that application, the applicant raises concerns regarding the imposition of a MIP clause greater than 3 months in length. The evidence submitted as part of that dispute, and the application itself, is under consideration with no determination reached by the Local Planning Authority (LPA) in respect of the scheme. However, that application has not stalled due to the MIP clause. It has exceeded its statutory determination date, but this is in relation to other technical and planning matters, including consultee objections, being addressed. Progress continues to be made in addressing matters as part of this application.

C) Residential Appeals where the MIP clause is a matter of dispute

2.8 The following are under consideration by the Planning Inspectorate (either as a S77 Secretary of State referral, or S78 Planning Appeal) and the MIP clause is one matter of dispute between parties

Reference	Site	Status
25/1028/FUL	Land rear of 76-78 Church Lane, Sarratt	Written representations planning appeal ongoing. Main planning issue is appropriateness in the Green Belt. Referenced at 2.11 below.
25/1020/OUT	Land East Of Oxhey Lane Oxhey Lane Carpenders Park	Call-in public inquiry. Main planning issue is appropriateness in the Green Belt Referenced at 1.4 above.

Reference	Site	Status
25/0484/OUT	Land North of Chalfont Road, Maple Cross	Hearing, appeal ongoing. Statements exchanged 23 July. Main planning issue is appropriateness in the Green Belt

D) Sites where a planning application for residential development incorporating the provision of on-site affordable housing has been made and remains under consideration as at the date of this proof

- 2.9 The table at **Appendix B** below includes all current major planning applications proposing new housing, where there is no resolution to grant and no formal decision issued. These would, if all granted, result in a total of between 1161 and 1536 new dwellings.

E) Sites with permission granted for residential development which secure on-site affordable housing which remain capable of implementation where works have not commenced as at the date of this proof

- 2.10 Other planning permissions which have been granted and are yet to commence, include:

Land To The Rear Of 76-78 Church Lane, Sarratt (21/2896/OUT): Construction of up to 20 residential dwellings (Use Class C3) with new access to Church Lane and proposed pedestrian link to existing public footpath (appearance, landscaping, layout and scale reserved) – Permitted 20 affordable units. Allowed at appeal, subject that reserved matters shall be made not later than 3 years from 19 July 2023, with development taking place no later than 2 years from the date of approval (19 July 2023).

- 2.11 This applicant currently has a Reserved Matters application pending consideration (26/0462/AOD) for 20 houses. The applicant has advised (in a letter sent to Burlington and contained within their Rebuttal referenced above) that “the submission of Reserved Matters should not be interpreted as evidence that the MIP provisions have had no effect. Rather, the Reserved Matters application was submitted principally to preserve and maintain the benefit of the outline consent whilst the outstanding MIP issue is resolved through the appeal process”.
- 2.12 This site is also subject to a refused planning application 25/1028/FUL, now at appeal, which was refused by the Council’s Planning Committee and sought full planning permission for 20 houses, of which 50% would be secured as affordable. The MIP clause is a matter of dispute

in that appeal, (5 months or 3 months) which is proceeding by written representations (PINS appeal ref 6002930, referenced at 2.8 above).

- 2.13 An application to vary the S106 agreement attached to the outline planning permission has been submitted (reference 26/0240/VAR) and is currently with officers. The submission seeks to 1) vary the MIP clause and 2) alter the approved tenure of the affordable housing.

Land at rear of 17-49 Church Lane, Sarratt (22/0601/OUT): Outline application: Erection of up to 83 new dwellings and a new Doctors Surgery with vehicular access onto Sarratt Road (Appearance, Layout, Landscaping and Scale as reserved matters) Allowed at appeal, subject that reserved matters shall be made not later than 3 years from 3 May 2024, with development taking place no later than 2 years from the date of approval (3 May 2024).

- 2.14 There have been limited pre-application discussions in respect of reserved matters for this site, but no formal application has been lodged. A Cycle Tracks Order Public Inquiry is scheduled for 21 and 22 July 2026 to deal with the proposed cycle track upgrade which is required by the planning approval (Condition 8 of the appeal decision for Appeal A) and may be impacting the delivery of the site. The MIP clause has also been raised as an issue by the developer (the same developer as the abovementioned Oxhey Lane call-in application) and subject of an application for a variation to the S106 agreement which was refused by the LPA.

30 Woodlands Road and Poultry Farm (22/1692/FUL): Demolition of existing buildings within the Poultry Farm and construction of 37 dwellings with associated residential curtilages, open space, landscaping, access and car parking. Granted 18 October 2023 with 45% affordable housing secured by S106.

- 2.15 The applicant has advised officers (April 2026) that the amount of affordable housing is no longer deliverable but have not cited issues with the MIP clause which was secured as 18 weeks (4-months).

F) Approved residential-led developments with on site affordable housing

- 2.16 Between 1 April 2016 and 1 April 2022, the LPA granted 34 residential led major planning applications. Of those, 12 included on site affordable housing, and all 12 have been implemented. Of those permissions, one had a three month MIP clause, and the remainder are 4+ months.
- 2.17 Since 1 April 2022, nine major residential led planning permissions have been granted, of which four included on-site affordable housing. The status of those four are detailed in the table below:

Reference	Address	Status	MIP Clause Length	Dwellings approved	Affordable secured on site
21/2896/OUT	Land To The Rear Of 76 And 78 Church Lane Sarratt WD3 6HL	Not implemented - see 2.11 above.	5 months	20	20 [100%]
22/0601/OUT	Land At Rear Of 17 - 49 Church Lane Sarratt Road Hertfordshire	Not implemented. See 2.14 above	5 months	83	44 [53%]
22/1692/FUL	30 Woodlands Road And Poultry Farm Nash Mills Hertfordshire HP3 8RZ	Not implemented. Expires Oct 2026. See 2.15 above	4 month	37	17 [45.9%]
25/0896/FUL	Land Adjacent Fortunes Farm High Elms Lane Abbots Langley Hertfordshire	Implemented	4 month	192	96 [50%]

3. Declarations

- 3.1 I am employed by Three Rivers District Council as a Development Management Team Leader and set out above facts to assist in relation to the proposed development at Land East of Oxhey Lane, Carpenders Park.

Statement of Truth

- 3.2 I confirm that, in so far as the facts stated in my Evidence, are within my own knowledge, I have made clear which they are and I believe them to be true, and that the opinions expressed represent my true and complete professional opinion.

Declaration

- 3.3 I confirm that my Proof of Evidence includes all facts which I regard as being relevant to the opinions which I have expressed and that attention has been drawn to any matters which would affect the validity of those opinions.
- 3.4 I can confirm that my duty to the Planning Inspector as an Expert Witness overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in giving my evidence impartially and objectively, and that I will continue to comply with that duty as required.
- 3.5 I can confirm that none of the evidence has been produced with the use of AI technology.

Appendix A – Letter from Richborough

Nathan Stevenson
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15th June 2026

Land North of Little Green Lane, Croxley Green, Three Rivers District Council

Dear Nathan,

Pleased to provide you with this letter confirming that the Mortgage in Possession (MIP) clause is a matter currently in dispute within the draft Section 106 agreement on our appeal at Land North of Little Green Lane, Croxley Green (the 'Site').

We submitted our application to Three Rivers District Council (TRDC) in December 2024 for up to 600 residential dwellings along with a mixed-use local centre including medical centre, retail and primary school. The application was validated on 16 January 2025 under reference 24/2073/OUT. The application was presented to TRDC's Planning Committee on 22 January 2026 with an Officer recommendation for approval. Members, however, disagreed with their professional Officers advice and refused the application. The decision notice was subsequently issued on the 30 January 2026. As appellant, we submitted our intention to appeal on 28 January 2026 and the appeal was submitted to the Planning Inspectorate (PINS) on 12 February 2026.

We received a first draft of the Section 106 agreement from TRDC on 30th May 2026 which included a 5-month MIP clause. The first draft was submitted to PINS ahead of the Case Management Conference on 1st June 2026 without prejudice of review by the appellant. PINS set the deadline to confirm areas of agreement and disagreement on Section 106 agreement of 29th June 2026 and for submission of proofs of evidence on 21st July 2026.

Yours sincerely,



Nick Banks
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**Appendix B – List of all current major planning applications with no
recommendation, resolution or decision**

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Reference	Address	Proposal	Dwellings
24/0476/OUT	Land East Of Green Street And North Of Orchard Drive Green Street Chorleywood Hertfordshire	Outline Application: Comprehensive development of the Site, delivering up to 300 no. residential dwellings (Use Class C3), associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access).	300
24/0538/OUT	Land East Of Green Street And North Of Orchard Drive Green Street Chorleywood Hertfordshire	Outline Application: Demolition of the existing farm building and comprehensive development of the Site, delivering up to 675 no. residential dwellings (Use Class C3), a new two-form entry primary school, associated access, and supporting amenity space, landscaping, green infrastructure and sustainable drainage systems (all matters reserved except for access).	675
24/0925/FUL	Kebbell House Delta Gain Carpenders Park Hertfordshire	Demolition of existing commercial buildings and construction of 4 x 5 storey blocks comprising 129 flats and 513sqm of Class E floorspace with associated access, basement parking and landscaping works.	129
24/1833/OUT	The Royal British Legion Church Lane Sarratt Rickmansworth Hertfordshire WD3 6HL	Outline Application: Demolition of existing buildings and construction of up to 18 residential dwellings, including on land to north west of buildings, with access onto Church Lane (Appearance, Layout, Landscaping and Scale reserved)	18

Reference	Address	Proposal	Dwellings
25/0196/FUL	Fir Trees Dawes Lane Sarratt Rickmansworth Hertfordshire WD3 6BG	Redevelopment of site and erection of 20 dwellings (Use Class C3) with associated parking, cycle storage and landscaping, served by new vehicular access and pedestrian access to Dawes Lane.	20
25/2168/OUT	Land Adjacent Woodlands Cottages Oxhey Lane Carpenders Park Hertfordshire	Outline application: Construction of up to 70 residential dwellings (Use Class C3) with associated access onto Oxhey Lane and infrastructure (Appearance, Layout, Landscaping and Scale as reserved matters)	70
25/2215/OUT	Land At Dawes Lane Sarratt Rickmansworth Hertfordshire WD3 6BA	Outline application: Demolition of existing structures and erection of up to 44 new homes with associated access, parking, open space, landscaping and ancillary works (Appearance, Layout, Landscaping and Scale as reserved matters)	44
25/2154/FUL	Green End Farm Church Lane Sarratt Rickmansworth Hertfordshire WD3 6HH	Demolition of no. 93a Church Lane, commercial units and private livery yard and erection of 16no. dwellings with associated access, parking and landscaping works	16

Reference	Address	Proposal	Dwellings
25/2197/OUT	Land Adjoining Notley Farm Bedmond Road Abbots Langley Hertfordshire	Outline application: Erection of up to 93 dwellings with associated access, parking, amenity space and landscaping (Appearance, Layout, Landscaping and Scale as reserved matters)	93
26/0194/OUT	Catlips Farm Berry Lane Chorleywood Rickmansworth Hertfordshire WD3 5EU	Outline Application: Demolition of existing development and redevelopment of the Site, including the construction of up to 333 dwellings (Use Class C3) of which 50% affordable housing, 66 bed Care Home (Use Class C2), Medical Centre (Use Class E (e)), Local Centre [containing Retail (Use Class E (a-c)), Community Facilities (use Class F2) and Cafe (Use Class E(a))] and associated play space, parking and associated infrastructure. New vehicular access onto Shepherds Lane and pedestrian and cycle accesses onto Shepherds Lane and Berry Lane, bus stop, bike station, landscaping, pedestrian / cycleway access routes, green infrastructure including community amenity space, allotments, play areas, outdoor gym trail / equipment and associated infrastructure including sustainable urban drainage systems (all matters reserved except for access).	333
26/0711/OUT	Land Between Ferndale, Church Lane And Sarratt Road Church Lane Sarratt Hertfordshire	Outline application: Construction of up to 54 residential homes (Use Class C3) with associated access (appearance, landscaping, layout, scale as reserved matters)	54

Reference	Address	Proposal	Dwellings
26/0601/OUT	Land South Of The White House, East Lane, And Between Bedmond Road And East Lane Bedmond Abbots Langley Hertfordshire WD5 0QE	Outline application: Erection of up to 66 residential dwellings including access (appearance, landscaping, layout and scale as reserved matters).	66
26/0959/FUL	30 Eastbury Avenue, Northwood	Demolition of existing buildings; construction of 2no. detached buildings to accommodate 18no. residential apartments with associated access, parking and landscaping works	18