

Richborough

Proof of Evidence - Planning

Land to North of Little Green Lane, Croxley Green

In respect of

Appeal Ref 6004972

LPA Reference Number 24/2073/OUT

On behalf of

Richborough

MNP-00124

Final

21 July 2026



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Table of contents

1.0	Preface	2
2.0	Introduction	4
3.0	Resolved Position of the Local Planning Authority	8
4.0	The Need for Housing	10
5.0	The Development Plan Policies.....	15
6.0	The Tilted Balance.....	26
7.0	Summary and Conclusion	44

List of tables

Table 4-1 Average Housing Growth 2001 - 2025	11
Table 4-2 Actual delivery by period	12
Table 5-1 Three Rivers housing delivery against plan targets/Standard Method.....	17
Table 5-2 HDT Measurements 2018-2023, Three Rivers	18
Table 5-3 Completions by settlement hierarchy	20
Table 5-4 Completions outside of settlement extents	21
Table 5-5 Policy Summary Table	24

1.0 Preface

- 1.1 My name is Cameron Austin-Fell, and I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I hold an Honours Degree from Leeds Metropolitan University and a Masters in Town Planning from the University of Newcastle upon Tyne.
- 1.2 I am a Planning Director at Tetra Tech Consulting Ltd (formerly RPS Consulting). I have worked for the company for approximately 12 years, seven of which have been as a Director. Tetra Tech Consulting Ltd is a multi-disciplinary environmental development consultancy with offices throughout the UK (and with offices worldwide). I am based at its Birmingham office.
- 1.3 I have been practicing in the planning profession for 18 years. My experience includes working in both local government development plan roles and private sector consultancies. I have worked on a wide variety of projects and appeared at a number of s78 Inquiries, Hearings and Development Plan Examinations across the Country.
- 1.4 I have been instructed by the Appellant, Richborough, to prepare evidence for the appeal, following the refusal to grant planning permission (24/2073/OUT) for an outline scheme of up to 600 dwellings with means of access to the site to be considered at this stage and all other matters reserved. I became involved in the appeal following the submission, a matter which was undertaken by colleagues at Tetra Tech. I did however comment on and shape the drafting of the Statement of Case and the draft Statement of Common Ground prior to submission.
- 1.5 My evidence deals with planning matters. This draws upon themes identified within the reasons for refusal, including the claim that the proposed development cannot be considered a Grey Belt site. My evidence will consider this, as well as the suitability of the location for housing, having regard to local and national policies. As part of my evidence, I consider the overall planning balance, including what I consider to be the benefits of the case and any perceived harms.
- 1.6 My evidence provided for this appeal is true and has been prepared in accordance with the Code of Conduct of the Royal Town Planning Institute and I can confirm that the opinions expressed within my Proof of Evidence are true professional opinions, irrespective of my client instruction.
- 1.7 My evidence is to be read alongside that of my colleagues – refer to **CD8.11 – 8.19**.
 - Silke Gruner (Iceni) – Landscape & Green Belt Matters (**CD8.11**)
 - Stephen Harris (Emery Planning) – Five Year Housing Land Supply (**CD8.12**)
 - Andy Moger (Tetlow King) – Custom and Self-Build Housing (**CD8.13**)
 - James Stacey (Tetlow King) – Affordable Housing (**CD8.14**)
 - Julian Forbes-Laird (FLAC) – Arboriculture (**CD8.15**)
 - James Parker (Ridge) – Transport (**CD8.16**)
 - John Baird (Osbourne Clark) – Mortgagee in Possession (Moratorium Period) (**CD8.17**)

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- Giles Sutcliffe (Savills) – Mortgagee in Possession **CD8.18**
 - Rob Huntley (Pioneer) – Affordable Housing Valuation Statement **(CD8.19)**
 - Richard St John – Regulatory Framework Statement **(CD8.20)**
 - Matt Kingham (Iceni) – Education **(CD8.21)**

2.0 Introduction

- 2.1 My Planning Proof of Evidence is prepared on behalf of Richborough (“the Appellant”) and is produced pursuant to an appeal case made against Three Rivers District Council (“the Council”). This follows the Council’s refusal of planning application reference 24/2073/OUT which sought Outline Planning Permission for the following:

“Outline Application: Development of up to 600 residential dwellings (Use Class C3(a)), construction of a 5-bedroom property for childrens social care and supported living (Use Class C3(b)). Two vehicular access points from Little Green Lane and further pedestrian / cycleway accesses. A one form entry primary school (Use Class F1(a)) (plus expansion land for a two form entry primary school). A mixed use local centre including provision for NHS health and social care services (Use Class E(e)), community building (Use Class F2), retail and cafe provision (Use Class E(a-c)), car parking and associated infrastructure. A country park, areas for play and recreation, allotments, community orchard and landscaping with associated infrastructure including sustainable urban drainage systems. (Layout, scale, appearance and landscape as reserved matters).”

- 2.2 The proposal relates to a site that has twice been recommended for allocation in the emerging Local Plan by Council Officers but resisted and discounted by Members due to perceived harm on the Green Belt, on both occasions. This is despite the current development plan (Core Strategy) now being 16 years old and out of date with no signs of an imminent replacement. This is the same emerging Local Plan that has received a holding direction from the Secretary of State (“SofS”) **[CD7.3]**, due to soundness concerns that the plan is only allowing for 56% of its housing need, with little explanation to why the shortfall of some 5,000 dwellings is justified.
- 2.3 The application was supported by a full suite of technical reports. No statutory or internal consultee maintains an objection and Officers recommended approval. My evidence explains why the residual harms are limited and are outweighed by the benefits.
- 2.4 For the reasons set out below, I consider that the refusal cannot be justified in planning terms and that the appeal should be allowed.
- 2.5 The Officer’s Committee Report provides a summary of the planning application consultation responses from statutory and non-statutory agencies, together with interested parties as a result of the consultations carried out and is provided at **CD4.3**.
- 2.6 The application was reported to Committee on 22 January 2026 with a clear Officer recommendation for approval. Members refused the application on three grounds: Green Belt, Ancient Woodland, and the absence of a completed S106 agreement.
- 2.7 My evidence therefore principally deals with matters of policy compliance, material considerations and the planning balance. I also draw on the evidence of others, particularly in relation to the Council’s

original reasons for refusal (where I address policy compliance matters) and other technical matters of the Appellant's case including comments raised by 3rd parties.

Planning Appeal

- 2.8 The Council and Planning Inspectorate ("PINS") were advised of the Appellant's intention to submit the appeal on 28 January 2026. The Appellant submitted the appeal to PINS on 11 February 2026. This included the Appellant's Statement of Case ("SoC") and Statement of Common Ground ("SoCG"). My evidence follows the content and structure of the detailed SoC, albeit this has been updated where necessary and appropriate, principally to relate to the Council's SoC and communication following the Case Management Conference ("CMC").
- 2.9 PINS confirmed on 26 March 2026 that the Inspector appointed to decide the appeal is **S R G Baird BA(Hons) MRTPI**, and due to the high level of public interest and technical matters at play, an Inquiry procedure was agreed with both the Appellant and the Council as the most appropriate route. The Inspectorate has since confirmed the appeal will proceed by way of a Public Inquiry.
- 2.10 Since the appeal was lodged, the Council has confirmed that it will no longer be seeking to defend either of the substantive reasons for refusal and therefore, subject to appropriate conditions and a satisfactory S106 agreement, it does not invite the Inspector to dismiss the appeal. Further information is provided in Section 3 below.

Statement of Common Ground

- 2.11 The parties have prepared Statements of Common Ground (SoCG) identifying matters agreed and in dispute. An initial SoCG was signed on 29 June 2026 and a further version on 07 July 2026 **[CD8.1]**.
- 2.12 In addition to the main SoCG, separate topic-specific SoCGs have been prepared setting out the matters agreed and disputed in respect of infrastructure and Section 106 obligations **[CD8.2]**.
- 2.13 The Section 106 agreement is well advanced and is intended to be completed before the close of the Inquiry **[CD8.20]**.

Core Documents

- 2.14 To assist the Inspector, a list of Core Documents ("CDs") has also been provided with the appeal. Documents contained within this list have been given a CD reference number which are quoted throughout this evidence and preceding this paragraph.

Main Issues and Structure of My Evidence

- 2.15 The position in relation to the appeal follows the Case Management Conference ("CMC") held on 07 June 2026. As part of the CMC, the following were identified as Main Issues by the Inspector (paragraphs 14 - 16) of the CMC Summary Note **[CD8.6]**:

- Green Belt / Openness / Grey Belt / Golden Rules.

- Reason for Refusal (RfR) 2 (Ancient Woodland) has been withdrawn. However, the Council's Statement of Case (para 5.9) says that harm to the Ancient Woodland will need to be weighed in the overall balance.
- There are also outstanding matters in relation to infrastructure provision set out in RfR 3.

2.16 The Parish Council, as a formal Rule 6 Party, also raised other matters in their Statement of Case. Other matters for the inquiry may therefore include:

- Impact on Ancient Woodland
- Need for infrastructure
- Housing land supply / affordable housing provision
- Impact on highway safety
- Design / layout / density
- Impact on heritage assets

2.17 Matters have narrowed since the CMC. The Parish Council has withdrawn from Rule 6 status and the Council no longer pursues RfR1 or opposes permission, subject to conditions and a completed S106 agreement.

2.18 Additionally, since the CMC, specific Proofs of Evidence from the Appellant have been prepared to the disciplines set out at paragraph 1.7 of this Proof of Evidence and **CD8.11 – 8.21**.

Mortgagee in Possession

2.19 Of particular relevance to the outstanding Section 106 matters is the Appellant's evidence relating to the affordable housing mortgagee in possession / mortgagee exclusion clause provisions **[CD8.17–CD8.20]**. That evidence does not address the overall planning merits of the Appeal Proposal, nor is there any dispute that affordable housing should be secured through the Section 106 obligation. Rather, it addresses a discrete but important issue concerning the form of the affordable housing obligations, namely the appropriate wording of the mortgagee in possession clause and, in particular, whether the moratorium period should be three months, as proposed by the Appellant, or five months, as sought by the Council.

2.20 I do not address the detailed drafting of the mortgagee in possession clause in my own evidence. My evidence proceeds on the basis that the affordable housing will be secured through a completed Section 106 agreement in a form acceptable to the decision-maker, with any remaining dispute on the mortgagee in possession provisions addressed through the specialist evidence identified above.

Interested Parties

2.21 I have also reviewed the interested party representations made in respect of the Appeal. These are summarised in the Interested Party Comments table, which identifies the principal topics raised and the relevant technical disciplines to which those matters relate. The representations raise a range of issues, including Green Belt, landscape impact, Ancient Woodland and ecology, transport and highway safety,

construction traffic, local infrastructure, drainage, affordable housing, and general planning policy matters. A number of the representations overlap with, or duplicate, matters already identified as main issues or matters addressed through the Appellant's specialist evidence.

- 2.22 I have not sought to respond to each interested party representation individually in this Proof. Where the matters raised are planning matters, they are addressed within my evidence on development plan compliance, Green Belt / Grey Belt, the tilted balance and the overall planning balance. Where the matters raised are technical in nature, they are addressed in the relevant topic-specific evidence.
- 2.23 Thames Water has also commented on foul water and wastewater infrastructure. Thames Water identifies that there is currently insufficient capacity within the foul water network and that the existing sewage treatment works requires upgrading, but it does not object to the Appeal Proposal. Instead, it requests a condition preventing occupation until the necessary upgrades have been completed. The Appellant's response is that this matter can be appropriately controlled through proposed Condition C32, which prevents occupation prior to completion of the necessary upgrade works. The response also records that Thames Water has informed the Appellant that the sewage treatment works upgrades are planned and will be completed by 2030. In respect of the surface water comments, any new pipe network would be designed, installed and tested to adoptable standards, such that groundwater infiltration and surcharge risks are appropriately managed through the detailed drainage and adoption process.
- 2.24 My proof therefore focuses on policy compliance and the planning balance, with site-specific and third-party matters addressed in appendices where necessary.

3.0 Resolved Position of the Local Planning Authority

Refusal Reasons and the Council's Case

3.1 The application was reported to Committee on 22 January 2026 with an Officer recommendation to grant permission, subject to a S106 agreement and conditions. Members resolved to refuse permission for three reasons.

- **Reason for Refusal 1** concerned the Green Belt. The Council alleged that the proposed development constituted inappropriate development in the Green Belt, would cause harm to openness, would conflict with Green Belt purposes (a) and (c), and that very special circumstances did not exist.
- **Reason for Refusal 2** concerned Ancient Woodland. The Council alleged that the development, by reason of intensification of use, would result in the deterioration of Ancient Woodland within and adjacent to the Site, and that there were no wholly exceptional reasons to justify that effect.
- **Reason for Refusal 3** concerned the absence of a completed Section 106 agreement. The Council identified a range of obligations which it considered necessary to make the development acceptable in planning terms, including obligations relating to education, SEND, the children's home, waste, highways, health, affordable housing, biodiversity net gain, sports provision, the Country Park, woodland management and monitoring.

3.2 Since the appeal was lodged, the Council has confirmed that it no longer maintains either substantive reason for refusal. Subject to appropriate conditions and a satisfactory S106 agreement, it does not invite the Inspector to dismiss the appeal.

Refusal for Refusal 1 – Green Belt

3.3 The Council has since confirmed that it no longer intends to pursue this reason for refusal. This is a very important change in the appeal position. It means that the Council no longer advances a case that the proposal should be dismissed by reason of Green Belt policy.

3.4 The Appellant's position remains that the Site is Grey Belt for the purposes of the NPPF. The proposal would not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan, would meet a demonstrable unmet need, would be in a sustainable location adjacent to Croxley Green, and would comply with the Golden Rules. Accordingly, the development should not be regarded as inappropriate development in the Green Belt.

3.5 The withdrawal of the Council's Green Belt reason **[CD8.9]** for refusal does not mean that Green Belt matters are irrelevant to the appeal. The Site remains within the Metropolitan Green Belt and the Inspector will still need to be satisfied that the proposal is acceptable having regard to the NPPF and the Development Plan. However, the Council's updated position substantially narrows the matter. The principal point is no longer whether the Council maintains a Green Belt objection; it does not. Rather, the remaining Green Belt issues are matters for the Inspector's judgement in the context of the

Appellant's evidence, the agreed SoCG position, any residual third-party representations, and the overall planning balance.

Reason for Refusal 2 – Ancient Woodland

- 3.6 The Council confirmed on 24 April 2026 that it no longer intends to pursue this reason for refusal. It follows that Ancient Woodland is not defended by the Council as a reason why planning permission should be refused.
- 3.7 No Ancient Woodland would be lost. This is a matter of agreement between parties set out in the SoCG (Para 6.65 of **CD8.1**). The scheme provides adequate buffers, retains woodland and boundary features, and secures mitigation, management and monitoring through the design, conditions and the S106 agreement.

Reason for Refusal 3 – Section 106 Agreement

- 3.8 Reason for Refusal 3 concerns the absence of a completed S106 agreement at determination. It is procedural rather than an objection to the principle of development.
- 3.9 The Appellant's position is that Reason for Refusal 3 will be overcome by the submission of a completed Section 106 agreement before the close of the Inquiry. The Council's current position is also that, subject to the imposition of suitable conditions and the completion of the Section 106 obligation, the appeal should not be dismissed.
- 3.10 The practical consequence is that the Council no longer maintains a substantive planning case for refusal. My evidence nevertheless addresses the merits in full because the Inspector must still apply Section 38(6), the NPPF and the overall planning balance.
- 3.11 In light of that narrowed position, my evidence focuses on housing need, the most important policies, Green Belt/Grey Belt and Golden Rules, the scheme benefits, residual harms, the S106 and the overall planning balance.
- 3.12 My evidence is to be read alongside the evidence of the Appellant's other witnesses and technical appendices. In particular, where specialist matters are addressed by others, I do not seek to duplicate that evidence. Instead, I draw on those conclusions for the purposes of my planning judgement and the overall balance.

4.0 The Need for Housing

The National Housing Crisis

- 4.1 The national housing crisis and the Government's objective of significantly boosting supply are important background to this appeal.
- 4.2 Since the Labour Government were elected in May 2024, there has been a renewed mandate for growth, with growth targets of 1.5m homes to be delivered by the end of parliament.
- 4.3 The Government has made clear *"that reforms to the housing market and planning system are essential to unlocking the homes and critical infrastructure which communities need and that are vital to realising our country's economic potential"*¹ (20th March 2026), consistently highlighting the *"urgent need"* to address the UK's housing crisis to drive economic growth.
- 4.4 The above speech coincided with a year in which the Labour Government launched a new NPPF, a document which proposed radical reforms to the planning system with the aims of boosting the supply of housing much further than previous iterations of the NPPF.
- 4.5 Later in December 2025, the Government sought views on a draft NPPF, with a consultation from 16 December 2025 to 10 March 2026. This document proposes further reforms and notably a strong signal of intent from the Government in its opening statement at Paragraph 1: *"It is a material consideration of critical importance"*. The new NPPF is expected to be published in September and is therefore unlikely to be published ahead of the Inquiry sitting days. However, if it is published before the appeal decision is issued, the Appellant can provide comments to the Inspector if required. .
- 4.6 The commitment for change is clear, and the emerging NPPF will play an important role in delivering this change. And that change is needed desperately, as delivery is falling short. The latest data from Government² sets out that actual delivery for 2024/2025 was 208,600, some 91,400 houses short of the target. What is clear to me is that opportunities to bring forward growth in the short term will be vital, if the Government are to get anywhere near meeting this target. This is particularly important in areas that currently do not benefit from a planned strategy for growth – either where a Local Plan is out of date or failing deliver and in situations where Councils are falling short of their land supply results.
- 4.7 At a local level, Three Rivers District remains an unaffordable area to live. As indicated through recent affordability data in the authority published on 26 March 2026. The data shows that in 2025, the area was one of the least affordable in the country, with an affordability ratio of 10.7³ - meaning the median house price is 10.7 times the median annual earnings - compared with the England average of 7.6.
- 4.8 This is, in part, a consequence of Council's record of delivery, and a failure to keep up even with national trends.

¹ [Delivering 1.5 Million New Homes: Land Value Capture: Government Response](#)

² Housing supply: net additional dwellings, England: 2024 to 2025, Published 20 November 2025

³ [Housing affordability in England and Wales - Office for National Statistics](#) – Figure 3

- 4.9 As set out in Table 4-1 below, since 2021, the Council's average annual rate of housing growth has been 0.56%, materially below the national average of 0.89% over the same period.

Table 4-1 Average Housing Growth 2001 - 2025

Metric: Dwelling Stock	Three Rivers	Hertfordshire	England	Source
2001	34,152	429,811	21,206,812	MHCLG Table 125
2011	36,155	467,985	22,976,066	MHCLG Table 125
2021	38,422	503,985	24,927,588	MHCLG Table 125
2025	39,403	522,200	25,826,351	MHCLG Table 125 (published May 2026)
CAGR 2001-2025 (24 yrs)	0.6%	0.8%	0.8%	Entire period
CAGR 2011-2025 (14 yrs)	0.6%	0.8%	0.8%	Core Strategy adoption to date
CAGR 2011-2021 (10 yrs)	0.6%	0.7%	0.8%	Inter-censual only

- 4.10 As shown in Table 4.1, since 2001, there has been a 0.8% change in delivery of housing stock, year on year across England. In Hertfordshire, this figure was 0.8%. However, in Three Rivers District, the figure is 0.6%. This demonstrates that Three Rivers district has fallen well below national and sub-regional levels since 2001 and has not kept up with national expectations. This is particularly stark when considering that the national figure is not enough to keep up with demand, and nationally required to deliver more than 0.8% in line with the standard methodology.

The Five-Year Housing Land Supply

- 4.11 The Council's stated position on land supply is that only 1.18 years can be demonstrated. This falls well below the five years expected by the Council, a position which has both endured and eroded since 2018. The Council accept that a Five Year Housing Land Supply ("5YHLS") cannot be demonstrated as part of the agreed SoCG (Paragraph 6.36 of **CD8.1**) and that the shortfall is substantial. This alone is significant, and a compelling reason why new housing is needed now. But it goes further than that.
- 4.12 As specified in the SoCG, the Appellant takes a different view on the deliverable supply, placing the Council at only 0.59 years. The evidential basis for this figure is set out in the Proof of Evidence by Stephen Harris (Emery Planning) on behalf the Appellant.
- 4.13 As set out in Mr Harris' evidence, the difference between parties reflects disagreement on the deliverability of 13 sites (and the approach to windfall sites). We say that the Council has over-estimated delivery, and consequently, we would see 651 units removed from the supply.
- 4.14 This would place the Council with a supply of only 533 dwellings over the next five years, and an undersupply of some 3,979. This is a chronic position, and one which the Council can offer no clear

remedy in the short term. This will be a matter I reflect upon when I consider the balance of benefits and harms of the appeal scheme.

- 4.15 In also coming to a view on the Council's land supply, we need to consider the credibility of their position, and how realistic they have been in historical forecasting of housing delivery.
- 4.16 In addition, it is worth noting that Three Rivers Council also has a fairly checkered history when it comes to forecasting housing land supply. Indeed, in the most recent 5-year supply period, we can see in Table 4.2 below, that out of the last 6 reports, the Council has only been able to accurately forecast its housing delivery in one of those years.

Table 4-2 Actual delivery by period

Period	Forecast	Actual	% over / (under)
2014-2019	1,592	1,057	-34%
2015-2020	1,121	1,178	+5%
2016-2021	1,195	1,062	-11%
2017-2022	1,741	1,072	-38%
2018-2023	1,766	1,012	-43%
2019-2024	1,491	1,124	-25%

- 4.17 By reference to Planning Resource's national collation of published and appeal-derived housing land supply positions⁴, Three Rivers' position is exceptionally poor. Even on the Council's updated position of 1.18 years, it would sit around 12th lowest out of 242 authorities or legacy areas with a recorded numerical supply position, placing it within the bottom 5% of the dataset. On the Appellant's case, at 0.59 years, Three Rivers would fall to the second-lowest position in the dataset, placing it within approximately the worst 1% of recorded positions.
- 4.18 Further information on future housing delivery is provided in the 5YHLS Proof of Evidence by Stephen Harris (Emery Planning) (CD8.12).

Consequences of a lack of 5YHLS

- 4.19 Footnote 8 to Paragraph 11(d) confirms that the most important policies can be considered 'out of date', in a number of ways, including situations where authorities cannot demonstrate a housing land supply, or fail the Housing Delivery Test. It follows that Paragraph 11(d) should be engaged by virtue of the absence of a 5YHLS and its HDT failure, a matter accepted by the Council in Paragraph 6.36 of the SoCG [CD8.1].
- 4.20 In my view, the absence of a 5YHLS also affects the weight to be afforded to the provision of new housing and the weight to be afforded to policies which restrict the delivery of that new housing. In particular, the weight afforded to policies of restriction, including settlement boundaries and any limits

⁴ [Every English council's latest housing land supply position, plus document links \(updated 22.06.2026\) | Planning Resource](#)

on the distribution of housing to specific areas, should be reduced as a result of a lack of a five-year housing land supply.

- 4.21 A very helpful exposition of what to do where there is a five-year housing land supply deficit, is provided in the judgment of ***Lindblom LJ in Hallam Land vs SSCLG [CD6.3]***. The judgment makes clear (at Paragraph 51) that the extent of the five-year housing land supply shortfall is a material consideration in determining the weight to be afforded to the benefits of providing new housing on a particular proposal:

“The policies in paragraphs 14 and 49 [as were] of the NPPF do not specify the weight to be given to the benefit, in a particular proposal, of reducing or overcoming a shortfall against the requirement for a five-year supply of housing land. This is a matter for the decision-maker’s planning judgment, and the court will not interfere with that planning judgment except on public law grounds. But the weight to be given to the benefits of new housing development in an area where a shortfall in housing land supply has arisen is likely to depend on factors such as the broad magnitude of the shortfall, how long it is likely to persist, what the local planning authority is doing to reduce it, and how much of it the development will meet.”

- 4.22 In applying the tilted balance, **very substantial weight** should be attached to the delivery of market housing.

Delivery of Affordable Housing

- 4.23 The issue of Affordable Housing is addressed in the Proof of Evidence of Mr James Stacey (Tetlow King). Mr Stacey's evidence demonstrates a serious and persistent affordable housing shortfall in Three Rivers.
- 4.24 Mr Stacey’s evidence demonstrates that affordable housing delivery in Three Rivers has persistently fallen short by any relevant measure, including the requirements of Core Strategy Policy CP4, the 2008 SHMA and the 2024 LHNA. He identifies net delivery of only 35 affordable homes per annum since 2001/02, a chronic shortfall of 3,724 affordable dwellings against the 2008 SHMA.
- 4.25 Since the start of the 2024 LHNA period in 2021/22, affordable housing additions (net of Right to Buy) have averaged just 42 net affordable dwellings per annum, against a need of 527 net affordable dwellings per annum. A shortfall of 1,942 affordable dwellings has therefore arisen over the four-year period, equivalent to an average annual shortfall of -486 affordable dwellings.
- 4.26 Mr Stacey records that, at 31 March 2026, there were 946 households on the Housing Register, with needs unmet. He also explains that the Housing Register represents only part of affordable housing need, as it does not capture all households whose needs are not met by the market. These are real people in real need now.
- 4.27 Amongst other core indicators, Mr Stacey identifies that Three Rivers exhibits higher levels of unaffordability than observed at regional and national level, with a lower quartile house price to income ratio substantially above both comparators. He further notes that lower quartile house prices in MSOA

'Three Rivers 003', within which the appeal site lies, have risen by 266% between 2001 and 2025, compared with 237% across Three Rivers District.

- 4.28 The Appellant proposes a Golden Rules-compliant scheme comprising up to 300 affordable dwellings, equal to 50% of the scheme. I agree with Mr Stacey that this should attract **very substantial weight**.
- 4.29 Therefore in summary, I consider that, when applying the tilted balance, **very substantial weight** should be attached to the delivery of both market and affordable housing. Permission should be refused only if adverse impacts significantly and demonstrably outweigh the benefits.

5.0 The Development Plan Policies

5.1 The statutory development plan for the purposes of Section 38(6) is:

- Core Strategy (adopted October 2011)
- Development Management Policies Local Development Document (adopted July 2013)
- Site Allocations Local Development Document (adopted November 2014)
- Sarratt Neighbourhood Plan (Made December 2025)
- Hertfordshire Minerals Local Plan 2002-2016 (adopted March 2007)

5.2 The Core Strategy was adopted in 2011 and is based on a housing target of 180 dwellings per annum, which is far below the current local housing need. The Core Strategy states the majority of housing supply between 2001-2026 is expected to come from within existing urban areas.

How the Development Plan Seeks to Address Housing Need

5.3 The housing requirement in the Development Plan is located at Policy CP2, where for Three Rivers District, a figure of 4,500 dwellings was required between 2011 and 2026. The Local Plan is now operating beyond its plan period.

5.4 The Plan's spatial distribution approach was one that would see different tiers of settlements take a different percentage of the overall District requirement.

5.5 The Council's housing requirement under the Standard Method has increased significantly since the adoption of the 2011 Local Plan and now stands at 752 dwellings per annum.

Approach to Settlement Extents and Green Belt

5.6 Policy CP11 Clause A seeks to strictly control development outside of the main urban areas and to maintain the general extent of the Metropolitan Green Belt in the District. The Site is not within a defined settlement (although adjoins the northern boundary of the Key Centre of Croxley Green) and is not previously developed land. The Site is within the designated Green Belt and the final clause of Policy CP11 states: *"There will be a general assumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it"*.

5.7 However, the restriction inherent in Policy CP11 is predicated on the plan meeting the housing requirement, involving allocations delivering when expected in order to sustain an adequate rolling supply of sites. This is visible at Policy CP2 [Housing Supply] which states that:

"The earlier release of identified edge of settlement sites in the Green Belt will only be considered if:

- i. The Annual Monitoring Report projects that there will not be a five year supply of land for housing*

- ii. *The sites can realistically be delivered in the short-term*
- iii. *It can be clearly demonstrated that the early release of sites will achieve significant benefits in terms of sustainability and other objectives of the Core Strategy*
- iv. *It does not unduly impact on other sites coming forward in accordance with the Spatial Strategy.”*

- 5.8 This is not what is happening in Three Rivers District and in terms of limb (i), the Council’s own Annual Monitoring Reports show that the five-year housing land supply position first became deficient in the 2017/18 AMR. Further, the policy is premised on an annual housing requirement which is lower than that now required under the standard method.
- 5.9 Policy CP2 allows for the earlier release of edge-of-settlement Green Belt sites if the AMR projected a five-year supply shortfall, the sites could be delivered in the short term, and significant sustainability benefits would arise. Those circumstances now exist.
- 5.10 The policy itself is not designed to simply limit development in absolute terms. Rather, it is a spatial policy and I do not consider that the proposals offend the broader spatial aims of the Spatial Strategy, which is designed to ensure that development is directed towards the most sustainable locations with provision for necessary infrastructure. Croxley Green is ranked as a Key Centre which is described to *“include a range of medium sized settlements distributed throughout the District. All are fairly ‘self-contained’ centres that primarily serve the local population. They provide a range of services and facilities, and access to public transport is generally good. Therefore it is appropriate that a proportion of future development should be located within and immediately surrounding the Key Centre”*. This makes it suitable to accommodate market and affordable housing delivery.
- 5.11 An example of open market housing being granted planning permission outside of existing settlement limits within the District, includes an Appeal at Church Lane, Sarratt [CD5.3]. Highlighting when the Council started to experience issues maintaining a deliverable supply of housing. The decision referred to “The Council accepts that the need cannot be met purely within existing settlement boundaries and that significant Green Belt land will need to be built on to meet this unmet need. These circumstances mean inevitable adverse consequences for the openness of the Green Belt, its purposes, and in terms of landscape and visual effects. I consider a plan-led approach to development is certainly desirable, but in this instance, there seems little prospect of a timely plan-led remedy. The overwhelming deficiency in the five year housing supply needs to be addressed as a matter of urgency, rather than waiting for the adoption of a new local plan.”
- 5.12 In deciding what weight to attach to the breach of CP11, it is important to bear in mind that settlement boundaries are very much linked to the overall housing requirement and strategy for distribution, which relies on housing targets older than five years old. National policy tells us (Paragraph 62 of the NPPF) that we should no longer rely on those plan-led targets and should instead calculate local housing need using the standard method for the purposes of the 5YHLS. Accordingly, those housing targets in the adopted Plan are out of date for the 5YHLS calculation, and so too are the extents of the settlements (by implication of the maintenance of the general extent of the Green Belt) that were premised on the housing requirement. It is right that diminished weight should be given to this policy. This approach

follows that taken at **Suffolk Coastal [CD6.4]** whereby reduced weight was to be given to the settlement boundary policy as a policy of restraint, on the basis that it was driven by housing targets which were out of date:

'He was clearly entitled to conclude that the weight to be given to the restrictive policies was reduced to the extent that they derived from "settlement boundaries that in turn reflect out of-date housing requirements.' (Paragraph 63)

- 5.13 In coming to my conclusion that the policy should be afforded **moderate weight**, I have had regard to the fact that both the Development Plan and the NPPF attach immense importance to boosting the supply of housing generally and maintaining a 5YHLS in particular. I therefore consider that developing beyond the edge of Croxley Green should be supported provided it is otherwise in accordance with the Development Plan and the NPPF, which I consider it is.

Delivery Performance Against Housing Targets (2001-2025)

- 5.14 I have analysed past housing delivery in Three Rivers using AMRs and MHCLG returns. The results are summarised below.

Table 5-1 Three Rivers housing delivery against plan targets/Standard Method

	01/02 - 08/09*	09/ 10	10/ 11	11/ 12	12/ 13	13/ 14	14/ 15	15/ 16	16/ 17	17/ 18	18/ 19	19/ 20	20/ 21	21/ 22	22/ 23	23/ 24	24/ 25	2001 - 2025
Dwelling Completions (net)(AMRs)	1926	48	107	185	176	142	285	215	144	264	149	406	99	154	204	219	376*	5099
Cumulative Comps	1440	1620	1800	1980	2160	2340	2520	2700	2880	3060	3579	4194	4820	5450	6083	6720	7360	
Annual Requirement	1440	180	180	180	180	180	180	180	180	180	519	615	626	630	633	637	640	7360
Source of requirement		LP CP 4	LP CP4	LP CP4	LP CP4	LP CP4	LP CP4	LP CP4	LP CP4	LP CP4	SM	SM	SM	SM	SM	SM	SM	
Shortfall																		- 2261

*Live table 122 (Net Additional Dwelling by LA District). Figures for 2001-2009 (second column) and the annual Standard Method figures are derived from Table 4.7 of the 2023/24 AMR.

- 5.15 As I explain here, in terms of overall housing completions against the housing requirements to 2025, there is a shortfall amounting to 2,261 dwellings.
- 5.16 The reason for the under-delivery in the District is a result, in no small part, due to a significant delay in bringing forward a new Local Plan for the District. The Council commenced preparation of the Local Plan, some seven years ago in 2017. The new Local Plan is not sufficiently progressed to be able to afford it or its policies significant weight. Even if the Council had progressed further with its new Local Plan, under delivery looks set to remain an ever-present prospect. The current published position, as indicated above is a proposed 'Low Growth – Green Belt Restraint / Protection Option.' This Regulation 18 version of the Local Plan consulted on delivery of just 4,852 dwellings (or 270 dwellings per annum), equating to just 43% of the Standard Method Local Housing Need figure of 637 dwellings per annum

across the new Plan-period (note: previous Standard Method). This would have constituted a shortfall of 5,135 dwellings against the Council's residual housing target based on the Government's standard method at the time. Applying the new Local Housing Need figure under new Standard Method to the proposed 'Low Growth' option proposing just 4,532 dwellings, equates to just 32% of new Standard Method Local Housing Need figure of 832 dwellings per annum across the plan period, constituting a shortfall of 10,124 dwellings. There is clearly a greater shortfall against the revised NPPF's requirements, which has not as yet been addressed. The proposed Low Growth and Green Belt Restraint option therefore would not be allocating enough land for housing to meet actual local need.

Past Performance Against Housing Delivery Test Measurements

5.17 Housing Delivery Test performance has also been dire, as summarised below.

Table 5-2 HDT Measurements 2018-2023, Three Rivers

3-yr period	Requirement	Delivery	Difference	% score	Action
2015-18	933	624	-309	67%	Buffer
2016-19	1,387	560	-827	41%	Presumption
2017-20	1,619	872	-747	54%	Presumption
2018-21	1,598	733	-865	46%	Presumption
2019-22	1,613	735	-878	46%	Presumption
2020-23	1,678	500	-1178	30%	Presumption
Totals	8,828	4,024	-4,804		

Source: MHCLG

5.18 The HDT measurements show a shortfall of 4,804 dwellings and a general deterioration in delivery performance.

Is there a remedy to address the housing shortfall?

5.19 The emerging Local Plan has been in preparation since 2017 and has been subject to several consultations, including Issues and Options, Calls for Sites, Preferred Options and lower-growth options.

5.20 The intervention letter by the Minister of State for Planning and Housing (dated 18th March 2026) **[CD7.3]** directs the Council to revise their Local Development Scheme timetable to undertake Regulation 19 consultation to commence by no later than 31 July 2026, and Submission of the plan for examination should be no later than 30 November 2026. It is clear to the Appellant that the examination of the emerging Plan will continue well into 2027.

5.21 Following the Minister of State's letter to the Council on 18th March 2026, the Council has been directed to make modifications to the proposed Regulation 19 plan to include, as a minimum, the sites set out below lifting the requirement to approximately 85% of need:

- CFS26a Kings Langley Estate south

- CFS21 Land at Rousebarn Lane – *the Appeal Site*
- PCS4 East Green Street
- PCS47 South of Little Oxhey Lane
- NCFS12 Land East of Oxhey Lane
- NCFS6 Land to East of Watford Road
- Additionally, OSPF22 Batchworth Golf Course should lease issues be resolved

5.22 At the time of writing, the Council has still not published their Regulation 19 plan following the intervention letter. Whilst I note that the deadline for this is the end of July, there are no planned Local Plan Sub-Committees of the Council before the end of July to target Member approval ahead of consultation.

5.23 Paragraph 49 of the NPPF requires that Local Planning Authorities (LPAs) may give weight to relevant policies in emerging plans according to:

- a) *“the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) *the degree of consistency of the relevant policies in the emerging plan to this Framework”.*

5.24 Given the current stage of preparation, I therefore consider that the emerging Local Plan can therefore only be given limited weight under NPPF paragraph 49. I will update the Inspector if its status changes materially before or during the Inquiry.

5.25 The emerging Plan will not address the urgent need for housing now. Even with the additional sites identified by the Minister, the District's minimum housing needs would remain unmet.

Reliance on Sites beyond settlement extents

5.26 I now consider the distribution of completions in relation to current settlement extents in the District. I consider this to be of relevance to this appeal, given the Site is located presently adjacent to (but outside) the Key Centre of Croxley Green. I draw the figures from data supplied from the Council's 2023-2024 Annual Monitoring Report. In doing this, I have also considered the adopted Site Allocations Local Development Document. This is important because it shows that the adopted spatial strategy was never intended to operate as an absolute restriction on housing outside settlement limits. The Site Allocations Plan confirms that housing provision was to be made primarily from within the existing urban area, but also from housing sites at the most sustainable locations on the edge of existing settlements, including in the Green Belt.

5.27 The table below summarises dwelling completions between 2001/02 and 2023/24 by settlement hierarchy.

Table 5-3 Completions by settlement hierarchy

Settlement hierarchy	Net completions	% of AMR settlement-table sample
Principal town	826	17.2%
Key centres	2,718	56.7%
Secondary centres	1,011	21.1%
Villages	26	0.5%
Other	216	4.5%
Total	4,797	100%

- 5.28 Croxley Green is one of six 'Key Centres' in Three Rivers District (defined in Figure 4 in the adopted Core Strategy). The monitoring evidence now shows that the allocated supply strategy is substantially spent as a source of future delivery. The 2023/24 AMR records that the Site Allocations LDD contains 34 housing allocations with an indicative dwelling capacity of 1,873 dwellings for the period 2012-2026. By 31 March 2024, 21 of those 34 allocations had either been completed, were under construction, or had outstanding commitments. More importantly, the Council's own housing trajectory identifies no further contribution from Site Allocations in 2024/25 or 2025/26, with future supply instead relying on extant permissions and windfall allowance. This is supported by the figures above, which shows that 73.9% of completions have occurred in 'Key Centres' (or higher) in the District between 2001-2024.
- 5.29 I have also reviewed the Council's Brownfield Land Register **[CD7.26]**. I treat that source with caution. The version available to me does not contain a clear publication date and it is not, in any event, a deliverable housing land supply trajectory. It also includes sites which overlap with adopted allocations, extant permissions, Call for Sites submissions, SHELAA sites and sites promoted through the emerging Local Plan process. It is therefore not a clean or additional source of deliverable housing supply. The Brownfield Land Register is a useful cross-check against any suggestion that there is a substantial unidentified reservoir of brownfield land capable of meeting the District's housing needs within existing settlement limits. If the entries expressly identified as adopted allocations are removed from the list, the remaining theoretical capacity is only around 1,027 dwellings. That figure must be heavily caveated, because it does not follow that all such sites are available, suitable, achievable, unconstrained, additional to existing commitments, or capable of delivery within five years. Many of the entries are not permissioned and some are dependent on emerging plan processes or other site-specific constraints. It demonstrates the finite and uncertain nature of the remaining brownfield opportunity in the District. The adopted allocations are substantially spent, the Brownfield Land Register does not identify a sufficient or reliable alternative supply.
- 5.30 It is also important to recognise the contribution development outside settlement extents has made to the overall delivery of housing in Three Rivers District. To show this, I have analysed the location of development relative to settlement boundaries in the adopted Core Strategy (on sites of 5+ dwellings) based on the total completions I have presented below. Between 2001 and 2024, there were 599 completions (net) on windfall sites located outside adopted settlement boundaries in Three Rivers District. I summarise my analysis in the table below.

Table 5-4 Completions outside of settlement extents

Period	Gross completions	Within existing urban area	Outside existing urban area	% outside existing urban area
2001/02 – 2023/24	5,649	5,050	599	10.6%

- 5.31 The 599 completions outside settlement extents represent 10.6% of the sample. This shows that homes outside defined settlements have already made a meaningful contribution, with most directed to Key Centre settlements consistent with the Core Strategy hierarchy.
- 5.32 This is material because, notwithstanding the very high proportion of delivery achieved within the urban area, the Council is only able to demonstrate a 1.18-year housing land supply on their own figures . Since 2001, 5,050 of 5,649 gross dwellings have been completed within the urban area, equating to 89% of gross completions. That is materially above the 75% urban-area component envisaged by the Core Strategy (i.e. Rickmansworth and Key Centres). The urban area has therefore carried a greater share of delivery than the adopted strategy anticipated, yet the Council remains in a position of acute housing land supply shortfall.
- 5.33 This demonstrates that continued reliance on the existing urban area, allocations and windfall alone is insufficient. Sustainable edge-of-settlement sites form part of the logic of the adopted strategy and are necessary if housing delivery is to remain aligned with the settlement hierarchy.
- 5.34 Reduced weight should therefore attach to the settlement-boundary restriction. It has not maintained an adequate housing land supply, even with homes being consented beyond settlement extents.

Weight to Policies

- 5.35 Although the Council no longer maintains an objection to the grant of planning permission, subject to the completion of an acceptable Section 106 obligation and the imposition of suitable conditions, the Decision Notice referred to a number of development plan policies which remain relevant to the planning balance. I therefore address below the weight to be attached to the most important policies relied upon in the Decision Notice. In doing so, I do not accept that all of those policies give rise to conflict with the Proposal; rather, where any residual conflict is identified, I explain why the weight to be attached to that conflict should be limited.

Policies cited in Reasons for Refusal

- 5.36 I assess the weight to the most important policies by reference to their consistency with the NPPF and their effectiveness in delivering housing.

Core Strategy (adopted October 2011)

Policy CP11: Green Belt

- 5.37 Policy CP11 maintains the general extent of the Metropolitan Green Belt and, because the Green Belt is drawn tightly around settlements, operates in practice as a settlement-boundary policy.

- 5.38 The Site is located within the Metropolitan Green Belt. However, for the reasons set out in my Green Belt evidence, the Site comprises Grey Belt and the Proposal satisfies the relevant criteria at paragraph 155 of the NPPF. In particular, the Proposal would utilise grey belt land and would not fundamentally undermine the purposes of the remaining Green Belt across the plan area; there is a demonstrable unmet need for the development; the Site is in a sustainable location on the edge of Croxley Green; and the Golden Rules are met. The Proposal should therefore not be regarded as inappropriate development in the Green Belt.
- 5.39 That conclusion is consistent with the approach taken in recent appeal decisions in Three Rivers. In the Bedmond Road decision **[CD5.4]**, the Secretary of State confirmed that Policies CP11 and DM2 reference national Green Belt policy and, having concluded that the paragraph 155 tests were met, agreed that the proposal was not inappropriate development, accorded with Policy CP11 and was not in conflict with Policy DM2. Similarly, in the Sarratt **[CD5.3]** and Little Green Street Farm decisions **[CD5.5]**, Inspectors found that where development fell within a relevant Green Belt exception and was not inappropriate development, it accorded with, or did not conflict with, Policy CP11 and Policy DM2.
- 5.40 I therefore do not consider that the Proposal conflicts with Policy CP11 or Policy DM2. That is not to ignore the Site's location outside the defined settlement boundary. Rather, any policy tension arising from the Site's location beyond the existing built-up area is more properly considered under the Council's spatial strategy and settlement-related policies, including Policies CP1, CP2 and PSP2, and then within the overall planning balance. In any event, those policies are out of date for the reasons set out below, including because they are based on an historic housing requirement, do not reflect current housing and affordable housing needs, and have not secured a five-year housing land supply.
- 5.41 Furthermore, I recognise that this has been an impediment for the Council in sustaining an adequate supply of deliverable housing sites. I consider that the LPA is dependent on greenfield sites outside the settlement extents of sustainable areas to meet the need for a minimum 5YHLS now. The Council has too accepted such a position in its most recently published version of its Regulation 19 Plan, stating: *"it is not possible to achieve the levels of new housing (and other) development which would be required to meet needs, within the urban area, and as such there will be a requirement to release Green Belt land in appropriate locations to accommodate development"*⁵. Policy CP11 is constraining the ability to meet the minimum housing need and need for affordable housing. The weight to be attached to the policy should be reduced.
- 5.42 The wider aim of the policy would see development encouraging positive use of Green Belt (which I consider should include directing development towards the most sustainable locations to meet identified need) and to bring forward 'not inappropriate' development. I consider that this proposal does encourage positive use of Green Belt, and due to constituting Grey Belt is not inappropriate development either. It is therefore in accordance with the broad thrust of the relevant aspects of a policy approach directing housing to the most sustainable settlements in the settlement hierarchy.

⁵ Paragraph 2.49 of Local Plan 2026-2041 Regulation 19 Part I

- 5.43 Accordingly, to the extent that any residual conflict is identified with the spatial strategy, I attach limited weight to that conflict. However, that is distinct from the position under Policy CP11: on the Appellant's case, the Proposal is not inappropriate development in the Green Belt and is therefore compliant with Policy CP11.
- 5.44 If, contrary to my assessment, the Inspector were to conclude that the Proposal is inappropriate development in the Green Belt, then there would be conflict with Policy CP11 and Policy DM2. In that alternative scenario, the Appellant relies on the very special circumstances case set out in Section of **CD8.3**. That is not, however, my primary position.

Policy CP1: Overarching Policy on Sustainable Development

- 5.45 Policy CP1 is a most important policy because it sets the overarching sustainability criteria. Its broad objectives remain relevant, but it is out of date insofar as it is tied to a failed housing strategy and predates the 2024 NPPF Green Belt and transport reforms.

Policy CP4: Affordable Housing

- 5.46 Policy CP4 is a most important policy because it addresses affordable housing. It is out of date in part because its evidence base predates the current need position and because the Golden Rules now require 50% affordable housing on qualifying Green Belt schemes.
- 5.47 Notwithstanding the fact I consider the policy to be out-of-date, the proposed development exceeds the policy compliant provisions of CP4. Namely, the appeal scheme provides 50% affordable housing (up to 300 units). This exceeds the 45% target. The proposal includes a tenure split of 70% Rent (made up of 70% social rent and 30% affordable rent), 30% for affordable ownership (e.g. Shared Ownership). This is consistent with CP4's guideline of seeking 70% social rented housing and meeting the "most urgent housing needs" for larger family-sized homes. This alignment with the NPPF requirements is a reason to attribute the delivery of affordable housing a very substantial benefit in the planning balance.

Development Management Policies Local Development Document (adopted July 2013)

Policy DM2(a): Green Belt – New buildings

- 5.48 Policy DM2(a) is a most important policy because it restricts new buildings in the Green Belt. It predates the 2024 NPPF Green Belt route and Golden Rules and should therefore attract reduced weight where those national policy requirements are met.
- 5.49 The Council's withdrawal of RfR1 further confirms that it no longer maintains a substantive Green Belt objection to the proposal.

Policy CP2: Housing Supply

- 5.50 Policy CP2 is a most important policy because it sets the housing requirement and spatial strategy. It is significantly out of date: its 180 dpa target is far below current local housing need, yet its edge-of-settlement release mechanism supports suitable sites where a five-year supply is absent.

Policy PSP2: Development in Key Centres

- 5.51 Policy PSP2 is a most important policy because it directs growth to Key Centres. It is out of date insofar as it is based on the 2011 housing requirement, but the proposal accords with its strategic intent by delivering growth and infrastructure adjacent to Croxley Green.

Determination of Most Important Policies

- 5.52 The table below summarises my assessment of the most important policies and the weight I attach to them.

Table 5-5 Policy Summary Table

	Most important policy?	Up to date policy?	Policy compliant?	Weight
Policy	Policies cited in the decision notice			
Policy CP11: Green Belt	Yes	No	Yes	Moderate
Policy CP1: Overarching Policy on Sustainable Development	Yes	No	Yes	Moderate
Policy CP4: Affordable Housing	Yes	No	Yes	Moderate
Policy DM2: Green Belt	Yes	No	Yes	Moderate
Policy CP2: Housing Supply	Yes	No	Partial	Limited
Policy PSP2: Development in Key Centres	Yes	No	Partial	Limited

Assessment of Proposals and Conformity with Plan

- 5.53 I have also assessed the proposal against paragraph 155 of the NPPF. In my judgement it satisfies each limb: the Site is Grey Belt, need is demonstrably unmet, the location is sustainable, and the Golden Rules are met.
- 5.54 It is acknowledged that the Proposal does not represent an unqualified case of full compliance with every policy. In particular, the adopted spatial and Green Belt policies must be considered in the context of the current NPPF, the Council's housing land supply position and the age of the development plan. In addition, the Built Heritage Statement identifies limited harm to designated heritage assets, which requires a balanced judgement under paragraph 215 of the NPPF, this is undertaken in the next chapter.
- 5.55 Accordingly, the applicant's position is that the Proposal complies with the development plan taken as a whole, or, to the extent that any residual conflict is identified, such conflict is limited and is outweighed by material considerations, including the delivery of market and affordable housing, multi-functional open space, biodiversity and landscape enhancements, sustainable drainage, accessibility improvements and other scheme benefits. The courts have confirmed that development plan policies may pull in different directions and that it is for the decision-maker to exercise planning judgment in resolving any such tension. In *City of Edinburgh Council v Secretary of State for Scotland* [1997] 1 WLR 1447 [CD6.1],

the House of Lords confirmed the primacy of the development plan while recognising that policies must be interpreted and applied in context. The courts have also confirmed that a proposal need not comply with every relevant policy in order to accord with the development plan as a whole; in *R v Rochdale MBC ex parte Milne* [2000] EWHC 650 [CD6.2], it was held that it was sufficient for the Proposal to be in accordance with the development plan as a whole, even where not every policy was met.

6.0 The Tilted Balance

- 6.1 This section sets out the Appellant's planning case for the Proposal. It considers the statutory development plan starting point, the relevance of the NPPF as a material consideration, the engagement of the tilted balance, and the weight to be attached to the identified benefits and any residual harms in the overall planning balance.
- 6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 ('P&CPA') requires all applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.3 I note that the NPPF is a material consideration to be taken into account when applying Section 38(6) P&CPA in planning decision making. The NPPF makes it clear that the purpose of the planning system is to contribute towards the achievement of sustainable development, with the three dimensions set out at Paragraph 8. As stated at Paragraph 7, the Government's view is that the NPPF, taken as a whole, constitutes what sustainable development means in practice for the planning system. At the heart of the Framework is a presumption in favour of sustainable development outlined at Paragraph 10, which indicates that the three strands of sustainable development (Paragraph 8) should be pursued in a positive way.
- 6.4 Through the NPPF, we are introduced to the application of the 'tilted balance' as part of Paragraph 11. I consider that this sets out a clear sequence to be followed to identify whether the tilted balance can be engaged, repeated below.
- 6.5 Paragraph 11 of the NPPF sets out that for decision-making, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. There are three tests to decision-taking and the presumption established by Paragraph 11d:
- Whether the presumption is engaged
 - Whether the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development (i.e., is it disengaged)
 - Whether the adverse impacts would significantly and demonstrably outweigh the benefits

Test 1: Whether the presumption is engaged?

- 6.6 Both the Core Strategy (adopted October 2011) and Site Allocations Local Development Document (adopted November 2014) housing policies are unable to plan for, or deliver, the LHN figure for the area. This is evidenced by the Council being unable to demonstrate a 5YHLS. This is agreed between parties **CD8.1**, Paragraph 6.36.
- 6.7 These policies address the locational direction of development, and the quantum at locations as part of an overall spatial strategy and restrict development away from other areas outside of this strategy. In

accordance with paragraph 11(d), when taken together, these policies are out of date, as set out earlier in this Proof of Evidence.

- 6.8 The site is subject to a constraint identified in Footnote 7. These include Green Belt and Heritage. The Site constitutes Grey Belt. The NPPF glossary definition of 'Grey Belt' excludes land where the application of the policies relating to the areas or assets in Footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. Accordingly, the Proposal does not represent inappropriate development in the Green Belt. This means that there is no need for an assessment of very special circumstances under paragraph 153 of the NPPF. This is agreed between parties, as neither parties' weighted positions relate to 'Definitional harm to Green Belt', **CD8.1**, paragraph 7.20.

Test 2: Whether the application of NPPF policies that protect areas or assets of particular importance provides a strong reason for refusing the development proposed?

- 6.9 Test 2 is satisfied for the reason that there are no policies in the NPPF applicable that would provide a strong reason for refusal (i.e., planning harms).

Policy conflict

- 6.10 I acknowledge that the Proposal gives rise to conflict with elements of the development plan. In particular, the site lies outside the existing settlement extent and is not allocated for residential development. The proposal is therefore in conflict with the restrictive elements of the adopted spatial strategy and settlement extents framed by the settlement hierarchy.
- 6.11 However, I do not agree with the Council that this policy conflict should attract substantial adverse weight. In my judgement, limited adverse weight is appropriate.
- 6.12 The relevant policies must be assessed in context. The development plan is aged, the plan period is at or approaching its end, and the Council's 1.7-year supply shows that the adopted strategy is not delivering sufficient housing land.
- 6.13 In the Pickering appeal decision⁶, the Inspector found conflict with the settlement strategy because the site lay outside the planned limits of development. However, the Council had only a 0.8-year housing land supply. The Inspector concluded that the development plan was failing to meet its strategic challenges and that the settlement strategy was not working effectively. On that basis, the conflict with the relevant settlement strategy policies was given limited weight. That is closely analogous to the present appeal. Three Rivers has a severe housing land supply shortfall and the restrictive settlement strategy is not delivering the housing required.

⁶ APP/U2750/W/25/3360685, paragraphs 24 and 25 of Decision Letter

6.14 Applying those principles, I give limited adverse weight to conflict with the restrictive elements of the development plan, having regard to the acute housing shortfall, spent allocated supply, the Site's relationship with Croxley Green and the changed national Grey Belt context.

6.15 For these reasons, development plan conflict weighs against the proposal, but only **limited adverse weight**.

Heritage

6.16 I have considered the effect of the Proposal on designated heritage assets, having regard to the Heritage Assessment prepared by Jonathan Millward BA(Hons) MA MCIfA, in support of the Planning Application [CD1.23], and the statutory requirements and the NPPF. I do however add comments from a planning perspective.

6.17 The Heritage Assessment identifies two designated heritage assets requiring detailed assessment: the Grade II listed Durrants House and the Grade II listed Registered Park and Garden at Cassiobury Park. Other designated heritage assets, including the Croxley Green Conservation Area and other listed buildings in the wider area, were scoped out of detailed assessment on the basis of lack of historic or visual relationship.

6.18 The heritage harm arises through change within the setting of Durrants House and Cassiobury Park. There would be no direct physical impact, loss of fabric, or alteration to either asset.

6.19 The heritage evidence identifies Durrants House as a designated heritage asset of less than the highest significance. Its significance is principally derived from its architectural value as a small nineteenth-century country house, together with its historic association with Thomas Hoade Woods and his probable involvement in the design of the building. Its setting also contributes to its significance, although to a lesser degree than its historic fabric. However, the evidence also records that there is no known historic or functional association between Durrants House and the Site, and that the design has responded to the asset through the inclusion of the green corridor known as "Durrants View", retaining views from the rear of Durrants House towards Whippendell Wood.

6.20 In respect of Cassiobury Park, the Heritage Assessment identifies the asset as a Grade II registered park and garden, whose significance is principally derived from its designed landscape interest and historic association with Cassiobury House and successive phases of landscape design. The Site forms part of the wider rural and wooded surroundings of the Park, but the evidence records no known historic association between the Park and the Site. It also identifies that views from the western edge of the Park into the Site are extremely limited due to woodland density and boundary vegetation. The scheme has responded to this by locating a country park along the northern and eastern parts of the Site, thereby retaining an open and more agrarian edge to Cassiobury Park and setting built form away from the asset. The proposed Country Park and open buffer along the northern and eastern parts of the Site have also been designed to retain a more open and agrarian character adjacent to the registered landscape and to offset the proposed built form from the asset.

- 6.21 It is agreed that the Proposal would result in less than substantial harm to the significance of the Grade II listed Durrants House, towards the lower end of that spectrum. It is also agreed that the Proposal would result in less than substantial harm to the significance of the Grade II registered Cassiobury Park, at the lowest end of that spectrum **[CD8.1, paragraph 6.78]**.
- 6.22 I have had special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest, as required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I also give great weight to the conservation of designated heritage assets, as required by the NPPF. The finding of less than substantial harm means that paragraph 215 of the NPPF is engaged, and the identified harm must be weighed against the public benefits of the Proposal.
- 6.23 The Heritage Assessment demonstrates the actual heritage harm identified is limited in extent. It arises from change within the wider setting of the assets rather than from any direct physical effect, and the level of harm is towards the lower end of the less than substantial scale for Durrants House and at the lowest end for Cassiobury Park. Nevertheless, having regard to the statutory duty and the great weight to be given to conservation, I afford the heritage harm **limited adverse weight** in the planning balance.
- 6.24 I then weigh that harm against the public benefits of the Proposal, including the delivery of market and affordable housing, the provision of a children's home, the primary school, local centre and health-related provision, the country park, biodiversity net gain, open space, active travel improvements and other infrastructure benefits addressed earlier in my evidence. Taken together, those benefits are substantial and comfortably outweigh the identified less than substantial heritage harm. Accordingly, the heritage balance under paragraph 215 of the NPPF is satisfied. It follows that designated heritage assets do not provide a strong reason for refusing the development under paragraph 11(d)(i), and the tilted balance remains engaged, with the heritage harm carried forward as an adverse impact within the overall paragraph 11(d)(ii) planning balance.

Landscape

- 6.25 I rely principally on Ms Gruner's evidence on landscape effects. From a planning perspective, I make the following observations.
- 6.26 The proposal would change the character of the Site and would cause adverse landscape effects, particularly to the Site itself and some localised views from Little Green Lane and the public right of way. However, I do not consider that the landscape harm should attract more than limited adverse weight.
- 6.27 First, the site is not subject to any national or local landscape designation. Nor is this a case where development would physically affect a protected landscape. The harm is therefore not to a designated landscape, but to the character and appearance of a greenfield site and its immediate local context.
- 6.28 For these reasons, I give landscape harm **limited adverse weight**. Significant adverse weight is not justified given the absence of landscape designation, localised nature of harm, containment by landscape features, the Country Park and open space, design controls and the reduction of effects over time.

Test 3: whether the adverse impacts would significantly and demonstrably outweigh the benefits (i.e., the assessment of the scheme in this scenario that it falls to the tilted balance).

- 6.29 The final test is whether the adverse impacts would significantly and demonstrably outweigh the benefits.
- 6.30 The significant housing shortfall attracts very substantial weight in favour of granting permission for the Proposal, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole. None of the harms identified will significantly and demonstrably outweigh the very substantial benefits of the Proposal as addressed in detail in the next section of this Planning Statement. Therefore, notwithstanding any potential conflict with specific development plan policies, this planning application should be approved, appropriately worded conditions and s106 obligations to secure the necessary requirements to make the development acceptable in planning terms (which would address RfR3).
- 6.31 Paragraph 11(d)(ii) directs the decision-maker to approve applications involving the provision of housing where a 5YHLS cannot be demonstrated unless *“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.”*
- 6.32 This paragraph states that regard should be had to *“...key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination”*. This Paragraph refers to Footnote 9 which sets out the policies/paragraphs of relevance addressed in turn below:
- NPPF paragraph 66 requires major housing development to meet identified local needs, across various tenure types. The Appellant is committed to deliver a policy compliant level and mix of affordable housing, or those evidenced by the Council's Housing Team as most relevant, based on evidence. This is agreed between parties **CD8.1** paragraph 7.3.
 - NPPF paragraph 110 requires planning decisions to actively support the objectives of sustainable patterns of development. The Site is accessible by sustainable modes of travel. In particular, the Site is located close to Croxley Green Local Centre, with a range of day-to-day services and facilities accessible on foot or by cycle, including primary schools, local shops, the post office and GP surgeries. The Proposals will deliver its own internal uses for future residents accessible by sustainable modes of travel.
 - NPPF paragraph 115 sets out further considerations for achieving the prioritisation of sustainable transport modes of transport, achieving safe and suitable access, the typology of streets and their design, and the mitigation of highway impacts to an acceptable degree through a vision-led approach. The Proposal adopts a vision-led approach to sustainable transport, including new and improved pedestrian and cycle connections, integration with public transport infrastructure, and measures to reduce reliance on the private car. This is agreed between parties **CD8.1**, paragraph 7.11.

- NPPF paragraph 129 supports planning policies and decisions to support development that makes efficient use of land. This includes taking account of identified needs and different types of housing and other forms of development and the availability of land suitable for accommodating it. The Site's relationship to Croxley Green it provides a logical and suitable location to meet future development needs in the area. Representing a well located, unconstrained land opportunity on the edge of Croxley Green.
- NPPF paragraph 135 sets out the considerations towards the design of new development. The Proposal will include multi-functional green space to contribute to the quality and long-term character of the area. The supporting DAS assesses local character areas.
- NPPF paragraph 139 sets out that development not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. Through the supporting DAS, the Proposal has been considered and is designed to take account of the Development Plan design policies, including the Sarratt Neighbourhood Plan Design Code.

Planning Benefits

- 6.33 The weight attributed to the benefits of the Appeal Proposal is a matter of planning judgement, informed by the evidence now before the Inquiry. At the time the Appellant's Statement of Case was prepared, the assessment of benefits was necessarily based on the information available at that stage and was expressed at a relatively high level.
- 6.34 Since then, the evidence base has been further developed through the preparation of specialist Proofs of Evidence, refinement of the Section 106 obligations, further engagement with the Council, and the identification of matters which are now agreed or remain in dispute. In that context, the weight I attribute to certain benefits has been reviewed and, where appropriate, refined.
- 6.35 Where the weighting now differs from that identified in the Statement of Case (i.e., provision of housing, affordable housing, retail spend and increased revenues), this does not reflect a change to the nature or extent of the Proposal, nor the introduction of new benefits. Rather, it reflects the final planning judgement, having regard to the fuller evidence now available on the scale, need for, deliverability and securing of those benefits.

(i) A Social Role

Delivering Much Needed Housing

- 6.36 As I have set out, we remain in the midst of a national housing crisis. One which is being fuelled by spiralling unaffordability, and an inability to deliver the homes we need. Whilst recognised by previous Governments, the incumbent Labour Government have made plainly clear that there needs to be a step-change in delivery and have committed to delivering 1.5m homes in the next five years. Whilst we await an updated planning framework (now expected September 2026), the Ministerial Intervention Letter [CD7.3] stands as a material consideration, outlining the Government's intentions for change, and a sea change in housing delivery.

- 6.37 The only sizeable housing allocation planned for Croxley Green in the adopted Site Allocations LDD is H10, Killingdown Farm, Croxley Green, which was identified for 140-180 dwellings. The adopted Site Allocations LDD also included a small number of more limited urban allocations in Croxley Green, namely H9 (33 Baldwins Lane), H11 (50-52 New Road), H12 (Former Yorke Road School), and H13 (Croxcley Station Car Park and Timber Yard), which together had an indicative capacity of only 50 dwellings. Those sites were not capable of meeting any meaningful part of Croxley Green's longer-term housing needs. H10 (Killingdown Farm) has since been granted permission for 160 dwellings and, as recorded in the 2023/24 AMR, construction had started and the development was partly completed as at 31 March 2024.
- 6.38 The Council is proposing two further principal housing allocations in Croxley Green as part of the emerging Local Plan, namely CFS20, Land at Croxley Station, Watford Road, for 163 dwellings, and CFS61, Cinnamond House, Cassiobridge, for 133 dwellings. Those sites have a combined indicative capacity of 296 dwellings. It should also be recognised that the Croxley Station site partly reflects the existing H13 allocation, and therefore should not be treated as an entirely new source of supply. Beyond these sites, the emerging Local Plan identifies only minor urban capacity opportunities in Croxley Green. There are therefore no further planned strategic opportunities for growth in Croxley Green. This reinforces the point that, if Croxley Green is to continue contributing to housing delivery in accordance with its role as a Key Centre, reliance on sustainable sites beyond the existing settlement extent will be necessary.
- 6.39 The Council cannot demonstrate a five-year supply, and Mr Pycroft's evidence explains why this is unlikely to be remedied in the short term. The emerging plan will not deliver an immediate solution and, even if progressed, would not meet full need.
- 6.40 The tilted balance, engaged by Paragraph 11(d), is intended to be a policy mechanism to provide a remedy and I see that the appeal proposals can make an important contribution to diminishing the Council's shortfall in housing need. To this, I ascribe **very substantial positive weight** in the planning balance.

Need for Affordable Housing

- 6.41 The evidence of my colleague James Stacey **[CD8.14]** outlines that Three Rivers continues to be an unaffordable location to live in the South East and Hertfordshire, and the Council has failed to keep up with expectations of affordable housing delivery.
- 6.42 Mr Stacey's evidence demonstrates that affordable housing delivery in Three Rivers has persistently fallen short by any relevant measure, including the requirements of Core Strategy Policy CP4, the 2008 SHMA and the 2024 LHNA. He identifies net delivery of only 35 affordable homes per annum since 2001/02, a shortfall of 3,724 affordable dwellings against the 2008 SHMA and a further shortfall of 1,942 affordable dwellings against the 2024 LHNA, with no affordable housing completions in Chorleywood North & Sarratt Ward between 2001/02 and 2023/24.

- 6.43 Amongst other core indicators, Mr Stacey also recognises that Three Rivers exhibits higher levels of unaffordability than observed at a regional or national level. Further, he notes that since 2006, median house prices in Croxley Green have risen at much greater rates than at a District level.
- 6.44 He presents a number of compelling indicators which demonstrate that affordable housing in Three Rivers remains a very important material consideration as part of the determination of this scheme.
- 6.45 The Appellant proposes a Golden Rules-compliant scheme of up to 300 affordable dwellings, equal to 50% of the scheme. I agree with Mr Stacey that the affordable housing benefit should attract **very substantial positive weight**.

Need for custom and self-build housing

- 6.46 The I have also taken account of the evidence of Mr Andy Moger **[CD8.13]** in respect of self-build and custom housebuilding. Mr Moger explains that the appeal proposal would provide 12 serviced plots for self-build and custom housebuilding, secured through the Section 106 obligation by reference to the statutory definition in the Self-build and Custom Housebuilding Act 2015, as amended. He identifies a total of 74 Part 1 register entries across Base Periods 1 to 8, and concludes that, on the Appellant's case, there remains a cumulative shortfall of 46 plots across those base periods. The appeal proposal would therefore address approximately 26% of that identified cumulative shortfall.
- 6.47 Mr Moger also explains that the Council has no adopted policy for the provision of self-build and custom housebuilding in the Core Strategy, Development Management Policies LDD, Site Allocations LDD or Croxley Green Neighbourhood Plan. Although the emerging Local Plan proposes a requirement for 2% of dwellings on larger sites to be provided as self-build or custom-build plots, that plan remains at an early and uncertain stage and would not provide an immediate remedy to the identified shortfall.
- 6.48 I agree with Mr Moger's conclusion that the provision of 12 serviced self-build and custom housebuilding plots should attract substantial positive weight in the planning balance. I do not treat that benefit as attracting very substantial weight in isolation. Rather, it forms an important and additional part of the overall housing package, alongside market housing and affordable housing delivery. It would diversify housing choice, respond to a specific statutory housing need, and assist in addressing a form of demand which has not been adequately met through the Development Plan.
- 6.49 The position agreed between parties is that custom/self-build is an agreed positive contribution, **CD8.1**, paragraphs 7.18, indents 3 and 21. I consider that this should carry **substantial positive weight**.

Supported living for vulnerable young adults

- 6.50 The proposal includes a five-bedroom property for children's social care and supported living within Use Class C3(b), providing specialist residential accommodation for vulnerable children in a domestic setting with on-site carer accommodation.
- 6.51 The provision is also not speculative. It responds to a specific request from Hertfordshire County Council, which has welcomed and supported the inclusion of a children's home on the site. The County Council has also identified the need for further engagement on the detailed location, design, operation

and transfer arrangements for the home. The benefit would therefore be directly related to an identified public authority requirement and capable of being secured through the planning obligation.

- 6.52 For these reasons, I consider that the provision of the children's home is a discrete and important public benefit. It would meet an identified specialist social care need, would be supported by the relevant public authority, would be capable of being secured and delivered through the planning obligation, and would be located within a sustainable and comprehensively planned new neighbourhood. I therefore afford this benefit **significant positive weight** in the planning balance. Both parties agree on the significant positive weight to be attributed to this benefit in the SoCG, **CD8.1**, paragraphs 7.18 and 7.19.

A new 1FE primary school with expansion land for 2FE

- 6.53 Mr Kingham's evidence explains that the proposal would generate a material number of primary-aged children, that nearby schools are constrained, and that Croxley Green Primary Planning Area capacity is forecast to tighten as the development would begin to be occupied.
- 6.54 The County Council's position is important. Hertfordshire County Council has not objected to the provision of the school; rather, it has sought provision for a new 1FE primary school, with land to allow future expansion to 2FE. The County Council's rationale is not limited to a snapshot assessment of current capacity. It is also based on the strategic role of the school in delivering a self-sufficient community, reducing reliance on car-based school trips, and ensuring that the development is supported by infrastructure that is proportionate to its scale and effects.
- 6.55 Recent appeal decisions assist in calibrating the level of weight to be afforded to this benefit. At Land South of Longfield Avenue, Fareham⁷, the Secretary of State accepted a proportionate approach to primary education provision. In that case, the obligations included land and funding for a 1FE primary school, with provision for additional land and/or further contribution should additional need arise. The Secretary of State treated the land and contribution for the primary school as part of the physical and community infrastructure benefits of the scheme and concluded that the benefits of the proposal, taken collectively, carried substantial weight. That decision supports the proposition that on-site school provision, particularly where it is linked to a clear delivery mechanism and future expansion flexibility, is capable of attracting significant positive weight.
- 6.56 For these reasons, I afford the provision of the 1FE primary school with safeguarded expansion land to 2FE **significant positive weight** in the planning balance.

New medical centre for NHS health and social care services

- 6.57 The proposal includes provision within the local centre for NHS health and social care services within Use Class E(e). I afford this benefit **significant positive weight**.
- 6.58 The need for improved primary healthcare infrastructure in Croxley Green is clearly evidenced. Hertfordshire and West Essex Integrated Care Board has confirmed that the proposed development would generate approximately 1,440 new patients. The ICB has also identified that existing primary care

⁷ APP/A1720/W/24/3347627

provision serving the area is constrained and that the closest relevant practices, including New Road Surgery and its branch at Baldwins Lane, operate from converted residential premises which do not meet the needs of modern general practice or NHS building guidance.

- 6.59 The proposed medical centre would allow for the co-location of New Road Surgery, Baldwins Lane Surgery and the Sarratt branch surgery within a new, purpose-built facility. That is a material distinction from a conventional healthcare contribution. The proposal would help to deliver improvements in the quality, functionality and resilience of local healthcare provision. It would provide the opportunity for modern consulting, treatment and ancillary space, and for a broader and more integrated model of care, including primary, community and associated NHS services.
- 6.60 The ICB supports the principle of a new medical centre on the Site, subject to the approval of the necessary full business case through its own governance processes. The Appellants have agreed to build the shell of the medical facility, with the fit-out to be funded through a combination of a developer contribution and CIL. In addition, financial contributions are proposed towards community healthcare and mental healthcare. This demonstrates that the benefit is not speculative. There is a clear identified need, support in principle from the relevant health commissioner, and a mechanism by which the facility and related healthcare contributions can be secured through the planning obligation.
- 6.61 Recent appeal decisions assist in calibrating the appropriate level of weight. In the appeal decision at Land south of Shenley Road, Radlett⁸, the Inspector considered a proposal that included a new medical centre. The Inspector accepted that the delivery of a new healthcare facility was an important benefit and that it was both mitigation for the needs of the development and a wider benefit. However, the Inspector afforded only moderate weight to that benefit.
- 6.62 The reasons for that conclusion are important. In Radlett, the proposed facility was not in the centre of the settlement; the Inspector was not satisfied that alternative central sites could be ruled out; there was uncertainty as to how the fit-out of the shell and core medical facility would be funded; and the drafting of the obligation left some uncertainty as to the long-term public benefit. The Radlett decision therefore does not establish that medical centre provision should only ever receive moderate weight. Rather, it demonstrates that the weight depends on the certainty, quality, location, funding and public accessibility of the proposed healthcare provision.
- 6.63 The present appeal is materially stronger. The ICB has identified a clear and current need to address primary healthcare provision in Croxley Green. The existing surgeries are constrained and are not suitable for modern general practice. The appeal scheme provides the opportunity to co-locate existing branch surgeries within a purpose-built facility. The medical centre would sit within the proposed local centre and would therefore be well related to the new and existing community. The Appellants have agreed to provide the shell of the facility and to make a substantial financial contribution towards fit-out, alongside the use of CIL. Additional contributions towards community and mental healthcare are also proposed.

⁸ APP/N1920/W/23/3320599

- 6.64 The Radlett decision is therefore helpful in two ways. First, it confirms that the provision of a new medical centre is a genuine public benefit capable of attracting positive weight in the planning balance. Secondly, it identifies the factors that limited the weight in that case. Those limiting factors are either absent or materially reduced here. In those circumstances, the Appellants consider that significant positive weight is the appropriate and justified level of weight to attach to the proposed provision for NHS health and social care services.
- 6.65 For these reasons, the provision of the medical centre should be afforded **significant positive weight** in the planning balance.

Provision of a local centre

- 6.66 The proposal includes a mixed-use local centre comprising retail and cafe provision, a community building, public realm, parking and health/social care provision. I afford the local centre **significant positive weight**.
- 6.67 I recognise that the Council's officers attributed moderate weight to the local centre. However, in my view, significant weight is justified for the Appellants because the local centre performs several overlapping planning functions. It meets local day-to-day needs; provides community infrastructure; supports social integration; assists with sustainable travel objectives; contributes to the creation of a genuine mixed-use neighbourhood; and serves the wider Croxley Green community as well as the new development.
- 6.68 The appeal decision at Horsham Golf Club⁹ assists in calibrating the appropriate level of weight. In that case, the Inspector gave moderate weight to the delivery of commercial floorspace and employment within a new local centre. The decision is helpful because it confirms that local centre provision is a genuine positive planning benefit and that the presence of day-to-day facilities within walking distance is relevant to the assessment of sustainable travel.
- 6.69 However, for the Proposals this is materially stronger than the local centre benefit considered at Horsham. The local centre here is not limited to commercial floorspace and employment. It includes a community building, flexible community uses, public realm, day-to-day retail and cafe provision, and it is integrated with the proposed health and social care provision. It is also specifically intended to serve both the proposed development and the existing community of Croxley Green. Those features justify a higher level of weight than would be appropriate for a more limited commercial local centre.
- 6.70 For these reasons, the provision of the local centre should be afforded **significant positive weight** in the planning balance. It would provide tangible social, economic and sustainability benefits, and it would be central to the successful creation of a well-served, walkable and integrated new neighbourhood.

⁹ APP/Z3825/W/24/3355546

Provision of Sports Facilities and Play Spaces

- 6.71 The proposal includes informal sport, recreation and play provision, including children's play spaces, multifunctional open space and a trim trail/NewGen Active Track within the Country Park. I afford this benefit **moderate positive weight**.
- 6.72 The provision is important because access to high quality open space, play space and opportunities for physical activity is central to the creation of healthy and sustainable communities. The proposal would provide residents and existing residents in the local catchment with convenient opportunities for informal exercise, play and recreation within the site, rather than requiring all such activity to take place off-site. This is a material social and health benefit.
- 6.73 The Appellants have also undertaken a detailed sports and recreation assessment. That evidence identifies that formal sports demand arising from the development is best addressed through a combination of off-site contributions and on-site informal active recreation, rather than through the provision of formal sports pitches within the site. The evidence explains that formal on-site pitch provision was investigated but was not appropriate given engineering, landscape, access and design constraints. The trim trail and play spaces therefore form part of a balanced and deliverable recreation strategy for the appeal scheme.
- 6.74 Recent appeal decisions assist in calibrating the appropriate level of weight. In the Horsham Golf Club appeal¹⁰, the Inspector gave moderate weight to a package of publicly accessible open space including natural and semi-natural greenspace, allotments and play areas. That provides a useful benchmark for the present appeal. The appeal scheme here similarly provides publicly accessible recreation and play infrastructure as part of a comprehensively planned development.
- 6.75 For these reasons, I consider that the proposed trim trail, play spaces and associated informal sport and recreation provision should be afforded **moderate positive weight** in the planning balance. They would provide real and tangible health, social and recreational benefits, would support the creation of an active and inclusive neighbourhood, and would be accessible to the wider community as well as future residents of the appeal scheme.

Compliance with the Golden Rules

- 6.76 For the reasons set out elsewhere in my evidence, I consider that the Proposals complies with the requirements of the Golden Rules. Compliance with the Golden Rules is not neutral in the planning balance. Paragraph 158 of the NPPF expressly states that development which complies with the Golden Rules should be given **significant positive weight** in favour of the grant of permission. That is a clear national policy instruction. It is not discretionary wording and it is not confined only to the assessment of whether development is inappropriate in the Green Belt.
- 6.77 The individual components of the scheme, such as affordable housing, school provision, healthcare provision, public open space and other infrastructure, are capable of attracting weight in their own right

¹⁰ APP/N0410/W/24/3347882

according to their scale, need, certainty and public benefit. Golden Rules compliance is a different matter. It reflects the fact that the proposal, taken as a whole, satisfies the Government's prescribed public-interest test for major housing development on Green Belt land.

- 6.78 This approach is consistent with recent appeal decisions. In the Broad Lane, Holtspur redetermination¹¹, the Inspector expressly gave substantial weight to the provision of housing, including affordable and self-build homes, and then separately gave significant weight to the development's compliance with the Golden Rules. The Inspector's use of the words "in addition" is important. It shows that Golden Rules compliance was treated as a distinct matter in favour of the grant of permission, not as impermissible double counting.
- 6.79 The Beeches Park decision¹² takes the same approach. In that case, the Inspector separately weighed the individual benefits of the proposal, including housing, affordable housing, later living accommodation, open space, biodiversity net gain, economic benefits, mobility hub and community centre. The Inspector then also identified compliance with the Golden Rules as attracting significant weight in favour of permission. That decision demonstrates that it is legitimate to weigh both the individual benefits and the scheme's overall compliance with the Golden Rules.
- 6.80 I also note the emerging direction of national policy. The draft NPPF published for consultation in December 2025 proposes that compliance with the Golden Rules should attract substantial weight. I recognise that this is not yet published policy. However, it reinforces the direction of travel in national policy and confirms the importance Government places on ensuring that major housing development in the Green Belt delivers tangible public benefits.

(ii) An Environmental Role

Locational sustainability – growth at a key centre

- 6.81 The Site is located adjacent to the existing settlement extent of Croxley Green. Croxley Green is identified in the adopted Core Strategy as a Key Centre. That is a material consideration in assessing the locational sustainability of the Proposal.
- 6.82 The scheme would provide new pedestrian and cycle connections, including links into the existing urban area. It would include a dedicated bus service connecting the Site with wider destinations, including Watford, Rickmansworth, Croxley Station and Watford Junction. It would also provide Beryl Bike infrastructure, travel plan measures, travel vouchers, a car-share scheme, and contributions towards active travel and local traffic-calming measures. TfL has also requested a contribution towards step-free access at Croxley Underground Station, although the Appellant is seeking further clarification on the basis and justification for that request. Together, the agreed transport measures would provide future residents with a genuine choice of travel modes and would also provide wider benefits to the existing community.

¹¹ APP/N0410/W/24/3347882

¹² APP/N0410/W/25/3374132

- 6.83 I have also had regard, as local context only, to the planning proof for the Land East of Oxhey Lane, Carpenders Park call-in in Three Rivers District. That proof approaches edge-of-settlement accessibility as an in-the-round judgement rather than a mechanistic application of walk-distance thresholds. The same approach is appropriate here, although my conclusion turns on this Site's own relationship with Croxley Green, the proposed on-site facilities and the secured sustainable travel package **[CD8.6]**.
- 6.84 I do not treat locational sustainability as significant or substantial because it is partly policy compliance and overlaps with transport and infrastructure benefits. It is nevertheless a clear moderate benefit in a District with a severe housing shortfall.
- 6.85 For these reasons, I afford the locational sustainability of the appeal scheme **moderate positive weight** in the planning balance.

Low carbon development

- 6.86 The proposal would deliver energy efficiency and low carbon measures, including a fabric-first approach, all-electric strategy, air source heat pumps and photovoltaic panels.
- 6.87 The Council's Committee Report also recognised "Low Carbon Development" as a planning benefit and afforded it moderate weight in the planning balance. That is an important material consideration.
- 6.88 I have also had regard to recent appeal decisions. In the Knoll Side Farm appeal¹³, the Inspector afforded only limited weight to the incorporation of PV panels and an air source heat pump, noting that these were proven renewable energy techniques. That decision demonstrates that the mere inclusion of standard renewable technology will not necessarily attract more than limited weight. However, that case concerned a single dwelling and did not involve a comprehensive, site-wide low carbon strategy for a large new community.
- 6.89 For those reasons, I afford the energy efficiency and low carbon measures **moderate positive weight**. I do not elevate the benefit to significant positive weight because it is partly policy compliance and the detailed design will follow at reserved matters stage.

Electric vehicle charging

- 6.90 The proposal includes EV charging infrastructure as part of the wider sustainability and transport package. I afford this limited positive weight.
- 6.91 The Laurel Park, Broxbourne appeal decision¹⁴ is a useful comparator. In that case, EV charging points were recognised as part of a wider package of measures supporting sustainable transport choices. The Inspector referred to EV charging alongside highway works, travel plans, sustainable transport vouchers, bus service improvements and pedestrian access. EV charging was also secured by condition and treated as necessary to comply with local policy and encourage sustainable transport options. However, the Inspector did not identify EV charging as a freestanding benefit attracting substantial,

¹³ APP/N1025/W/24/3341705

¹⁴ 6003023

significant or moderate weight in the planning balance. The principal benefits in that case were instead the delivery of housing, affordable housing, the SEND school and wider socio-economic benefits.

- 6.92 That approach is consistent with this appeal. EV charging is beneficial but not sufficiently unusual, additional or transformative to justify more than **limited positive weight**.

New Country Park

- 6.93 The proposal would deliver a substantial new Country Park and publicly accessible green infrastructure. I afford this **substantial positive weight**.
- 6.94 The scale of the provision is important. Approximately 60% of the site would be set aside as open space and green infrastructure. That significantly exceeds the Council's policy requirement for open space provision. The Country Park would therefore not merely meet the day-to-day needs of future residents. It would provide a major new recreational and landscape resource for the wider Croxley Green community.
- 6.95 I recognise that some parts of the open space package are considered separately in the planning balance, including biodiversity net gain, sports and play provision, and compliance with the Golden Rules. I have therefore been careful not to double count those matters. The substantial weight I attach here is directed specifically to the creation of the Country Park and the transformation of private land with very limited public access into a major publicly accessible green infrastructure asset.
- 6.96 The level of weight is also informed by recent appeal decision-making. In the Fareham decision, the Secretary of State treated open space including a country park, bird reserve and play areas as part of a package of benefits which collectively carried substantial weight. The decision is useful because it shows that large-scale, high-quality green infrastructure can attract very considerable positive weight, particularly where it exceeds normal expectations, provides recreational capacity, and assists in mitigating pressure on sensitive habitats.
- 6.97 For these reasons, I afford the proposed Country Park and associated publicly accessible green infrastructure **substantial positive weight**.

Biodiversity net gain

- 6.98 The proposal would deliver substantial Biodiversity Net Gain. I afford this **significant positive weight**.
- 6.99 The supporting Ecological Impact Assessment and Biodiversity Impact Assessment identify that the site is approximately 40 hectares in size and is predominantly in agricultural use, dominated by cropland. The proposed development would transform much of that baseline into a materially more diverse habitat pattern, including areas of neutral grassland, SuDS features, native tree and scrub planting, new hedgerows, allotments, vegetated gardens and associated green infrastructure.
- 6.100 The BNG calculations show that the scheme would deliver a 34.41% increase in habitat units and a 42.54% increase in hedgerow units. That is substantially above the statutory minimum 10% requirement. The relevant trading rules are met, and the long-term delivery and management of the gains would be

secured through the statutory biodiversity gain condition, the Biodiversity Gain Plan, the Habitat Management and Monitoring Plan, and the planning obligation where necessary.

- 6.101 Recent appeal decisions assist in calibrating the appropriate level of weight. In the Bordon Hill, Stratford-upon-Avon decision ¹⁵, the Inspector gave significant weight to BNG comprising around a 45% increase in habitat units and 10% in hedgerow units. That decision is helpful because it confirms that BNG materially above the expected baseline can attract significant weight as a freestanding benefit in the planning balance. It also achieves a very substantial hedgerow gain and would create a more diverse habitat structure than the existing arable baseline. While the habitat gain is lower than the 45% figure in the Bordon Hill decision, the hedgerow gain is significantly higher, and the Council's own Committee Report describes the BNG as significant because of the creation of medium-distinctiveness habitats.
- 6.102 For those reasons, I afford the Biodiversity Net Gain **significant positive weight**. I do not elevate it to substantial weight because BNG is now statutory and detailed delivery will be secured through subsequent condition and management mechanisms.

(iii) A Economic Role

Delivery of sustainable and active travel options and a new bus service

- 6.103 The proposal would deliver sustainable and active travel measures, including pedestrian and cycle improvements, wayfinding, Beryl Bikes, a dedicated bus service to Rickmansworth, Watford Station, Croxley Station and Watford Junction, and initial bus-pass support.
- 6.104 However, in my judgement this benefit should attract limited positive weight, rather than moderate or significant weight. That is because a substantial part of the package is required to make the development acceptable in transport terms. The measures respond to the travel demand generated by the development, assist in mitigating its effects on the local highway and transport network, and form part of the basis upon which the proposal demonstrates compliance with national policy expectations to prioritise sustainable transport modes, provide safe and suitable access for all users, and ensure that residual cumulative transport impacts are not severe. I acknowledge that the measures would also deliver wider benefits, including improved active travel connections, traffic-calming, Beryl Bike provision and a new bus service available to the wider community. Nevertheless, because these measures are substantially mitigation-led and necessary to support the acceptability of the development, I afford them limited positive weight.
- 6.105 The Broughton decision¹⁶ is helpful. There, the Inspector considered measures including upgraded bus stops, a shared footway/cycleway, traffic calming and a contribution towards improvements to an existing cycle route. The Inspector gave limited weight to those measures because they would predominantly mitigate the site's own impacts, notwithstanding that they would also benefit existing residents. That approach is directly relevant here.

¹⁵ APP/J3720/W/25/3358848

¹⁶ 6002018

6.106 Applying those principles here, the appeal scheme's sustainable and active travel package should weigh positively in the balance. It would improve modal choice, support healthier and lower-carbon travel patterns, and provide some benefits to the wider community. However, because the package is principally directed to serving and mitigating the development itself, and because some of the same considerations are already relevant to the assessment of locational sustainability and infrastructure provision, I give the delivery of sustainable and active travel options and a new bus service **limited positive weight**.

Job creation

6.107 The construction phase would generate substantial employment. The Appellants' SoC [CD8.3] identifies that the construction phase would directly create around 930 full-time equivalent jobs over the build-out period, calculated by reference to the anticipated construction cost of the 600 homes, the proportion of that cost attributable to labour, and average construction-sector earnings. I rely on the overall FTE figure as a quantified indication of the scale of the construction employment benefit; the annualised figure can be clarified separately if required.

6.108 Recent appeal decisions assist in calibrating the appropriate level of weight. In the Yeovil appeal¹⁷, the Inspector gave significant weight to the economic benefits of a 252-dwelling scheme, including construction employment and increased local spending.

6.109 For these reasons, I afford job creation and wider construction-related economic benefits **significant positive weight**.

Increased Expenditure

6.110 The proposal would generate a substantial recurring increase in household expenditure after occupation. This is distinct from construction employment and would provide longer-term support to the local economy.

6.111 The benefits would continue after occupation. New residents would support the vitality and viability of shops, services and facilities in Croxley Green and the surrounding area. The Appellants' SoC [CD8.3] identifies an estimated resident spending power of approximately £17.7 million per annum. That expenditure would help support existing local services and businesses, as well as the new local centre proposed as part of the appeal scheme.

6.112 The Pickering appeal decision¹⁸ is also relevant. There, the Inspector gave moderate weight to social and economic benefits including local spending and construction employment for a 140-dwelling scheme.

6.113 For these reasons, I afford increased local spending and retail expenditure **moderate positive weight**.

¹⁷ APP/E3335/W/23/3328322

¹⁸ APP/U2750/W/25/3360685

Increased Council Tax revenues

- 6.114 The proposal would also generate recurring Council Tax revenue. This is a positive fiscal effect, but because it is an ordinary consequence of residential development and is not ring-fenced, I afford it **moderate positive weight** as a standalone benefit.

7.0 Summary and Conclusion

The Proposal

- 7.1 The Proposal involves an outline application for up to 600 residential dwellings (Use Class C3(a)) and a 5-bedroom property for children's social care and supported living (Use Class C3(b)). The scheme provides for 50% affordable housing (up to 300 units), Golden Rules compliant and responsive to the District's acute housing need.
- 7.2 The Proposal is a landscape-led extension that also includes a comprehensive package of on-site infrastructure including a one-form entry primary school (with expansion land for a two-form entry school), a medical centre for NHS services, a community building, and a mixed-use local centre providing retail and café facilities.
- 7.3 The Site comprises 40.7 hectares of greenfield land located to the north of Little Green Lane, adjacent to the northern boundary of the Key Centre of Croxley Green. Primary vehicular access is to be taken from two points off Little Green Lane, supplemented by further pedestrian and cycleway accesses to ensure the site is highly permeable and integrated with the existing settlement
- 7.4 The Site is predominantly used as agricultural cropland. The Site's boundaries are defined by Ancient Woodland (including Green Lane Wood), Little Green Lane, and Rousebarn Lane, which serve as permanent physical boundaries and provide a degree of landscape containment. The Site is currently clear of existing built form, and the masterplan intends to retain approximately 60% of the site (24 hectares) as a publicly accessible Country Park.

The Appellant's Position

- 7.5 My evidence and that of my colleagues has demonstrated there are no valid reasons why planning permission should be refused. Whilst the appeal proposal extends built-up development beyond the settlement edge of Croxley Green. That in itself is not a bar to development in a situation where the Local Plan policies relating to the supply of housing are more than five years old and clearly out of date. This is a plan which is failing to deliver; the Council admits it cannot demonstrate a five-year housing land supply (currently 0.59 years) and has failed to plan positively for the District's acute housing needs.
- 7.6 This appeal site is located on the edge of Croxley Green, which is designated by the Council as a Key Centre and one of the most sustainable settlements within the authority area.
- 7.7 My case is supported by four key points, which I address in my evidence as summarised below:
- 7.8 Firstly, I contend that the appeal proposals are consistent with the majority of policies in the Development Plan, save for a technical breach of policies governing growth beyond settlement boundaries in the Core Strategy. Given the 0.59-year housing land supply, policies like CP11 - which are premised on an out-of-date housing requirement - should be afforded less weight. I contend that the proposals are in conformity with the plan when read as a whole.

- 7.9 Secondly, whilst I note that there is a level of harm arising from the scheme, including localised landscape and "less than substantial" heritage harm, this is not unique to this proposal and should be expected as part of the development of any greenfield agricultural site. The Landscape evidence of Silke Gruner will demonstrate that any landscape harms will diminish over time to acceptable levels, particularly as the country park and strategic landscape planting matures.
- 7.10 Thirdly, the Council's persistent failure to meet housing delivery targets and its severe land supply shortfall mean that the 'tilted planning balance' is engaged. As part of my evidence, I present a number of material benefits, including the delivery of 300 affordable homes (50%), a new primary school, and a medical centre and no adverse impacts that would significantly and demonstrably outweigh these benefits.
- 7.11 Fourthly, I contend the site represents "Grey Belt" land and is fully compliant with the "Golden Rules" for Green Belt release, providing the necessary social and environmental infrastructure that national policy now explicitly directs should be given significant weight. As such, I say this appeal should proceed.

The Development Plan

- 7.12 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions are made in line with the Development Plan unless material considerations indicate otherwise. The adopted Three Rivers Core Strategy (2011), Development Management Policies LDD (2013), and Site Allocations LDD (2014) provide the current framework for growth. I am aware that the Local Plan is now over 13 years old and significantly pre-dates the latest national planning framework. When framed against the provisions of the NPPF, paragraph 33 requires that reviews of plans be completed "no later than five years from the date of adoption". I note the Council's adopted housing requirement of 180 dwellings per year is now acutely out of date compared to the local housing need of 832 dwellings per annum.
- 7.13 Whilst I have identified a partial inconsistency with Policies CP2 and PSP2, as I address within my evidence, these policies are out of date due to their direct relationship with the failing housing supply strategy in Policy CP2 and should be given limited weight in the planning balance.
- 7.14 Nevertheless, I note that the scheme has demonstrated through its "landscape-led" design - incorporating a 24ha Country Park (60% of the site) - that in time the impacts would soften and the development would integrate successfully into the local area.
- 7.15 I have also identified heritage harm, however, the level of harm to the significance of the Grade II listed Durrants House and the Grade II Registered Cassiobury Park will be towards the lower end of the less than substantial harm scale, attaching only limited adverse weight. I consider that this harm is clearly outweighed by the substantial benefits of the proposal, including the delivery of 300 market dwellings, 300 affordable homes and critical social infrastructure.
- 7.16 Whilst I identify these harms, I do not see them as insurmountable or as a barrier to development, particularly in the context of the District's acute 0.59-year housing land supply shortfall and other material considerations.

The Planning Balance

- 7.17 As I have set out in my evidence, there exist significant material considerations in the form of public benefits that the development will provide. I have set out a number of specific, quantified benefits associated with the scheme.
- 7.18 There are clear locational benefits associated with the scheme, being a logical and sustainable extension to Croxley Green, which the Council acknowledges as a Key Centre and one of the District's most sustainable settlements. Importantly, the proposals will deliver up to 600 houses, which will assist in delivering housing to respond directly to the Council's chronic housing shortfall (currently 0.59 years) and assist in contributing toward the 3,800-dwelling deficit in the five-year housing land supply. Aligned with this, the provision of 50% or 300 affordable dwellings is a very substantial benefit of the scheme, responding to the acute waiting list and high levels of unaffordability within Three Rivers more locally.
- 7.19 I have set out economic benefits associated with the scheme, including the creation of 930 FTE jobs during construction and an estimated £17.7 million in annual resident spending power. These are particularly important in the context of the Government's central economic strategy to address the housing crisis to drive growth. In respect of social considerations, the proposals will deliver a new primary school, a medical centre, and 24ha of enhanced public open space. I also consider that there are significant environmental benefits, including a 34.41% net gain in biodiversity.
- 7.20 Setting these benefits against harms, I observe that the appeal scheme will result in the loss of an undeveloped parcel of agricultural land, to which I ascribe only limited weight to this harm. I have also identified that the proposals would conflict with policies relating to governing settlement boundaries, and those relating to heritage and landscape harms. On this, I do not accept that this development will give rise to significant harms to the local landscape or character, as the "landscape-led" design and existing containment provide significant mitigation. I do not find these harms to be significant; they range from limited (landscape) to limited adverse weight (heritage), as the harm to the setting of Durrants House and Cassiobury Park is "less than substantial" and at the lower end of the spectrum. Under the tilted balance, these harms are significantly and demonstrably outweighed by the scheme's benefits.

Conclusion

- 7.21 Whilst it is acknowledged the proposals will result in some harm through the loss of greenfield farmland outside the existing settlement envelope, as addressed in the landscape evidence of Silke Gruner, the visual and landscape impact of the proposed development will be limited and localised. In addition, the level of harm to the significance of the Grade II listed Durrants House and the Grade II Registered Cassiobury Park will be 'less than substantial' and this limited adverse weight is clearly outweighed by the substantial public benefits of the proposal.
- 7.22 When the significance of the material considerations and the comprehensive package of public benefits are considered together - particularly the delivery of market and much-needed affordable units in a district with a chronic 0.59-year housing land supply - these benefits far outweigh such harm. Overall, and in relation to the Main Issues, it remains my position that the site is a highly suitable and sustainable location for the proposed residential development and the appeal should be allowed.