

Land East of Oxhey Lane, Carpenders Park, Hertfordshire

PINS Reference: APP/P1940/V/26/3378268

LPA Reference: 25/1020/OUT

COMMENTS OF THE RULE 6 PARTY ON THE NATIONAL PLANNING POLICY FRAMEWORK (AUGUST 2026)

Introduction

1. These comments are submitted by Residents Protecting Oxhey Lane Fields, the Rule 6 Party, in response to the Inspector's invitation to comment on the National Planning Policy Framework published on 17 August 2026 ("the 2026 Framework"), and within the deadline of close on Friday 28 August 2026.
2. Following clarification sought by the Rule 6 Party, it is understood that the Inspector is concerned with the implications of the 2026 Framework for this called-in application and for the matters in issue at the Inquiry, and not with wider observations on the new Framework. These comments are confined accordingly. Policy references are to the 2026 Framework unless otherwise stated.
3. The 2026 Framework was published after the Inquiry closed and before the Inspector's report. No party has had the opportunity to address it in evidence or in cross examination. Nothing which follows seeks to reopen any matter of fact or to introduce new evidence. The Rule 6 Party's case is as it was put in evidence and in closing on 17 July 2026, and these comments identify where that case now sits and, more to the point, where the change of policy makes a practical difference.
4. The Rule 6 Party's case is, and remains, that the Site makes a strong contribution to purpose (a) of the Green Belt, that it is Green Belt and not grey belt, and that the development is therefore inappropriate development falling to be determined under policy GB6. Nothing in the 2026 Framework alters that case. The criteria on which it turns have if anything been strengthened, having moved out of guidance and into the Framework itself. Separately, the requirement that development be in a sustainable location is now tied to a policy which requires the Connectivity Tool to be used, on which the transport witnesses reached a common position during the Inquiry.

Application of the 2026 Framework to this decision

5. The Rule 6 Party proceeds on the basis that the 2026 Framework governs this decision. Annex A makes no transitional provision for applications, appeals or called-in cases which remain undetermined.
6. One structural point is worth drawing out because it bears on weight. Paragraph 9 provides that the annexes are themselves national planning policy. The criteria for assessing a site's contribution to the Green Belt purposes, which the parties argued at the Inquiry by reference to paragraph 005 of the Planning Practice Guidance [CD3.1], now sit at Annex E of the Framework itself.
7. Annex A(2) also affects the weight to be given to development plan policies which are materially inconsistent with the national decision-making policies. The Rule 6 Party is not aware of any policy relied upon at the Inquiry which is so affected, though the main parties are better placed to address that.

Concordance

8. The table below is included only so that the Rule 6 Party's case, as put in evidence and in closing, can be read across into the new numbering. It is confined to the policies in issue in this case.

Matter in issue	December 2024 Framework	August 2026 Framework
Presumption in favour of sustainable development	Paragraph 11, including the tilted balance at 11(d)(ii)	Policies S3, S4 and S5

Matter in issue	December 2024 Framework	August 2026 Framework
Locating development in sustainable locations	Paragraphs 109, 110 and 111	Policy TR1 (plan-making) and policy TR3 (decision-making)
Priority to sustainable modes; safe and suitable access	Paragraphs 115 and 117	Policies TR3(1) and TR4(1)
Highways refusal test	Paragraph 116	Policy TR6(4)
Green Belt purposes	Paragraph 143	Policy GB2(1)
Inappropriate development, very special circumstances, substantial weight	Paragraph 153	Policy GB6
Categories of development which are not inappropriate	Paragraph 154	Policy GB7(1)(a) to (f)
Grey belt, including the sustainable location requirement	Paragraph 155, and 155(c) in particular	Policy GB7(1)(g), and GB7(1)(g)(iii) in particular
Development near well-connected stations	No equivalent	Policies GB7(1)(h) and S5(1)(h)
The Golden Rules	Paragraph 155(d) and following	Policy GB8
Criteria for contribution to Green Belt purposes (a), (b) and (d)	Planning Practice Guidance, Green Belt, paragraph 005 [CD3.1]	Annex E, which is national planning policy
Design	Achieving well-designed places	Policy DP3, including the refusal test at DP3(3)
Landscape character and the natural environment	Conserving and enhancing the natural environment	Policy N2
Density and efficient use of land	Making effective use of land	Policies L1 to L3, including the refusal test at L3(4)

Green Belt: the substance is unchanged, but the grey belt criteria are now policy

9. Policy GB6 carries forward paragraph 153 [CD3.2]. Inappropriate development remains by definition harmful to the Green Belt, is not to be approved except in very special circumstances, and substantial weight must still be given to Green Belt harm including harm to openness. Policy GB7(1)(g) carries forward paragraph 155, including the requirements that the land be grey belt, that its development would not fundamentally undermine the purposes of the remaining Green Belt taken together, that there be an evidenced unmet need, that the location be sustainable, and that major housing development comply with the Golden Rules. Policy GB8 restates the Golden Rules and provides at GB8(2) that substantial weight is to be given to the importance of complying with them.
10. The change of consequence is elsewhere. The criteria for assessing the contribution an area makes to Green Belt purposes (a), (b) and (d), which were the subject of extended argument at the Inquiry, now appear at Annex E. The wording carries over from paragraph 005 of the Green Belt Planning Practice Guidance [CD3.1], including the column heading “Illustrative features” and the repeated use of “likely”. Two things follow.
11. First, those criteria are now policy rather than guidance, a distinction the Framework itself draws at paragraph 14. The submissions made by the Rule 6 Party in closing at paragraphs 14 to 20, on how the table is properly to be read, therefore now go to the construction of policy.

12. Second, and consistently with those submissions, Annex E gives no support to the approach advanced by the Applicant, which was that the presence of any physical feature capable of restricting or containing development necessarily reduces the contribution to moderate. The features are described as illustrative; each entry is qualified by “likely”; and the features which may weaken a contribution are introduced by the words “such as (but not limited to)”. The exercise is one of overall judgement on the particular facts, which is the approach the Rule 6 Party has advanced throughout.
13. Annex E also retains the statement that villages are not to be treated as large built-up areas, and retains, for a strong contribution to purpose (a), both the requirement that the area be adjacent or near to a large built-up area and the requirement that development would result in an incongruous pattern of development. The Rule 6 Party’s case on the permeability of the northern boundary, on the prospect of further development within parcel SO3 once Oxhey Lane is breached, and on the incongruity of taking housing at Carpenders Park east of the A4008, is unaffected.
14. The Rule 6 Party’s case under this heading is therefore unchanged and is shortly stated. The Site is free of existing development, is adjacent to a large built-up area, and would if developed produce an incongruous pattern of development. Such physical features as exist are not sufficient to restrain further sprawl once the boundary formed by the A4008 is breached. The Site makes a strong contribution to purpose (a). It is not grey belt within the meaning of the glossary at Annex B, and policy GB7(1)(g) is not engaged. The development is inappropriate development in the Green Belt and falls to be determined under policy GB6.

Sustainable location and the Connectivity Tool

15. This is where the 2026 Framework most clearly assists the Rule 6 Party.
16. Policy GB7(1)(g)(iii) requires that the development “would be in a sustainable location, with particular reference to policy TR3 of this Framework”. Its predecessor, paragraph 155(c), directed the decision-maker to paragraphs 110 and 115. The grey belt gateway is now anchored to a single decision-making policy.
17. Policy TR3(1)(a) requires development capable of generating a significant amount of movement to be in a location which is sustainable, or which can be made so, meaning a location which limits the need to travel, particularly by private car, and offers a genuine choice of transport modes. Policy TR3(2) then provides that the Connectivity Tool should be used, alongside other relevant quantitative or qualitative evidence, in assessing the connectivity of particular locations proposed for development.
18. When the evidence was prepared the Connectivity Tool appeared only in the consultation draft of December 2025, and Mr Walpole attached limited weight to those draft policies accordingly [CD6.16, paragraph 3.11]. The Tool is now written into adopted national policy, and into the very policy to which the grey belt gateway directs the decision-maker.
19. The connectivity of this site is not in dispute. Following the updated guidance issued during the Inquiry, both transport witnesses produced notes [ID.10 and ID.11] and reached a common position, Mr Hamshaw confirming that there was nothing between the parties on the Connectivity Tool, that the site falls within the bottom 10 per cent of sites nationally, and accepting in cross examination that this is a poorly connected site. Under the 2026 Framework that agreed position bears on a requirement of the grey belt route itself, and not only on the width of the planning balance.
20. The Rule 6 Party’s case is therefore as put in closing at paragraphs 29 to 49, now expressed as a conflict with policies TR3(1)(a) and GB7(1)(g)(iii). An hourly bus service funded for five years, footway resurfacing with tactile paving, and a contribution of £20,000 towards cycle hire provision do not produce a location which limits the need to travel or which offers a genuine choice of transport modes. The Three Rivers Access to Services Study [CD4.62] identifies 400 metres as the maximum distance to facilities people can usually be expected to walk to; the Applicant’s own distances, once corrected, exceed 1,000 metres, over the gradients described above.

Policy GB7(1)(h): a new provision which does not arise on the Rule 6 Party's case

21. For completeness, and without prejudice to the primary case set out above, the Rule 6 Party notes that policy GB7(1)(h) has no counterpart in the December 2024 Framework. It treats residential development as not inappropriate, independently of any question of grey belt, where the site is within reasonable walking distance of a well-connected station, is physically well-related to the station or to the settlement in which it sits, is of a scale which can be accommodated given the availability of infrastructure, does not prejudice long-term comprehensive development and, being major development, complies with policy GB8. No party has addressed it, since it postdates the Inquiry.
22. On the evidence which was tested at the Inquiry, the provision does not avail the Applicant. Reasonable walking distance is defined in the glossary at Annex B as around 800 metres, or around 10 minutes' walk time where topography, route availability and quality or physical barriers would prevent or discourage walking from up to 800 metres away. Mr Walpole's evidence [CD6.16, paragraph 8.14] is that the nearest railway station is among the destinations too far away for walking to be a realistic travel choice, and the Applicant accepted in rebuttal [CD6.23, paragraph 2.2.8] that a further 250 to 300 metres must be added to any distance measured from the site access. The second limb of the definition is engaged by the gradients addressed above. Nor is the Site physically well-related to the station or to the settlement: it lies on the eastern side of the A4008, which forms the settlement boundary, and on rising ground above it, the station being on the far side of Carpenders Park.
23. Any reliance on the provision would also engage policy L3(2)(c), which requires a minimum of 35 dwellings per hectare within the net developable area of a site within reasonable walking distance of a well-connected station, and policy L3(4), which requires refusal where a proposal does not make efficient use of land.
24. If the Inspector considers that policy GB7(1)(h), or any other policy of the 2026 Framework not canvassed at the Inquiry, may bear on his recommendation, the Rule 6 Party asks to be given the opportunity to address it before the report is finalised.

Other decision-making policies engaged

25. Policy TR4(1)(a) requires priority to be given first to walking, wheeling and cycle movements, and second to facilitating easy access to high quality public transport. Policy TR4(1)(c) requires measures which minimise the scope for conflict between pedestrians, cyclists and vehicles, and which meet the needs of disabled people, older people and children in relation to all modes of transport. The conflicts identified by Mr Walpole under paragraphs 115 and 117 now arise under TR4. Given that part of the proposal is housing with care, and given the evidence of Ryan White as to the practical difficulty of using the existing pedestrian environment on Oxhey Lane, the express reference in TR4(1)(c)(ii) to the needs of disabled and older people is of particular relevance to the absence of any cycle or pedestrian provision along the A4008 corridor.
26. Policy TR6(4) carries forward paragraph 116, requiring refusal where there would be a severe adverse impact on the transport network or an unacceptable impact on highway safety. Mr Walpole's evidence on that threshold was measured and the Rule 6 Party does not put its case higher than he did. His conclusion [CD6.16, paragraph 8.30], that paragraph 116 sets a very high bar while the matters he identified remain capable of attracting adverse weight, reads across to TR6(4) without alteration. Those matters were the delay and disruption arising from a new four arm signalised junction on the Primary Route Network, forward visibility of 48 and 52.3 metres against the highway authority's own requirement of 120 metres, and the discouragement of vulnerable road users from using Oxhey Lane.
27. On design, policy DP3(1) requires proposals to respond to their context, being the history, character and features of the site and its setting, so that they integrate with and enhance their surroundings. Policy DP3(3) requires refusal where, without clear justification, a proposal conflicts with DP3(1) or with

relevant aspects of the principles at DP3(2). The matters identified by Ms Fisher [CD6.15] engage DP3(1) directly: the absence of any assessment of effects on the character of Carpenders Park, which the Applicant's witness accepted during the round table session would be affected; the position of housing on the skyline; and two-storey housing at 9 metres against a prevailing height of 5 to 8 metres.

28. Policy N2(1)(a) requires the environmental qualities of the land, including landscape character and the natural beauty of the countryside, to be considered and opportunities for their conservation or enhancement identified. Policy N2(1)(d) requires existing natural features of visual value, such as established trees and hedgerows, to be conserved and enhanced where possible. The landscape case, and the case on the uncertainty of the mitigation relied upon in the Landscape and Visual Impact Assessment, is unaffected by the change of numbering.

The planning balance

29. The structure of the balance has changed, and the Rule 6 Party's closing submissions at paragraphs 61 to 65 should be read in that light. Paragraph 11, including the tilted balance at 11(d)(ii), has no direct equivalent. Policy S3 now applies the presumption through policy S4 within settlements and policy S5 outside them. Policy S5(5) disapplies S5 for proposals in the Green Belt, which fall to be determined under policies GB6, GB7 and GB8, but provides that where development would not be inappropriate through the application of GB7 it should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects assessed against the national decision-making policies.
30. Two routes therefore arise, and the Rule 6 Party's case is the same on either.
- a. If the site is not grey belt, or if any element of GB7(1)(g) is not met, the development is inappropriate development in the Green Belt and policy GB6(2) applies. It should not be approved except in very special circumstances, which will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, substantial weight being given to Green Belt harm including harm to openness. That is the Rule 6 Party's primary case and it is unchanged.
 - b. If the Inspector concludes otherwise, the balance falls to be struck under S5(5). Policy S5(2) confirms that the circumstances in which benefits are likely to be substantially outweighed by adverse effects include, but are not restricted to, a failure to comply with a national decision-making policy which requires refusal in specified circumstances. Policies DP3(3), TR6(4) and L3(4) are each such policies.
31. The Rule 6 Party also draws the Inspector's attention to policy HO7, which provides that substantial weight is to be given to the benefits of providing homes which contribute towards meeting the evidenced accommodation needs of the community, including the needs of the groups identified at HO1(2), among them older people requiring housing with care. There was no express weighting in those terms in the December 2024 Framework. The Rule 6 Party has never disputed that weight attaches to the delivery of housing, including affordable housing and housing with care. Its case remains that put in closing at paragraph 62: those are generic benefits, capable of delivery by any suitably sized housing site, and they say nothing about why this site, carrying the harms identified, should be the place to deliver them.

Conclusion

32. The 2026 Framework does not alter the Rule 6 Party's case. The Site makes a strong contribution to purpose (a); it is Green Belt and not grey belt; and the criteria on which that conclusion rests have been carried into the Framework itself in terms which support the reading the Rule 6 Party has advanced throughout. If, contrary to that case, the grey belt route is reached, the requirement that

development be in a sustainable location is now anchored to a policy which requires the Connectivity Tool to be used, in circumstances where it is common ground that this site falls within the bottom 10 per cent of sites nationally for connectivity.

33. The Inspector is invited to recommend that the application be refused, for the reasons set out in the Rule 6 Party's closing submissions of 17 July 2026, read with the concordance and the observations above.

Rue Grewal

For and on behalf of Residents Protecting Oxhey Lane Fields (Rule 6 Party)

28 August 2026