

The applicant refers to three factors as showing “very special circumstances”:

1. Housing need. However, this ignores the case of Calverton Parish Council v Nottingham City Council and others (case reference [2015] EWHC 1078 Admin). The Judge stated (in paragraph 50 of his judgment) that “it would be illogical, and circular, to conclude that the existence of an objectively assessed [housing] need could, without more, be sufficient to amount to “exceptional circumstances” within the meaning of paragraph 83 of the NPPF”. In effect he is saying that if this approach were adopted then “exceptional circumstances” will always be found where housing need just exists in general terms, which negates the protection given to Green Belt land in paragraph 14 of the NPPF. Whilst the judge was considering the issue of “exceptional circumstances” to release Green Belt land within a local plan, there is no reason why a different approach should apply in considering “very special circumstances”. In a written statement on 1 July 2013, Local Government Minister Brandon Lewis stated “The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the “very special circumstances” justifying inappropriate development in the Green Belt.
2. Allocation of the site within the draft Local Plan. Some of the land within the red line on the location plan is not within the draft Local Plan allocation (ie the rectangular area opposite Wells Farm and a strip of land protruding south westwards from the main site). Furthermore, the housing allocations proposed for Cuffley in the draft Local Plan are certain to attract a large number of objections, which will need to be considered at an Examination in Public.
3. Economic and community benefits. Virtually any major housing development will bring economic and community benefits. If these are accepted as “very special circumstances” then it would weaken Green Belt policy significantly.

Accordingly, this application should be refused and whether this site is allocated for housing should be considered within the Local Plan process which is far advanced.