

Appeal Decision

Site visit made on 29 September 2016

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 October 2016

Appeal Ref: APP/B1930/D/16/3154260

Impala Lodge, The Slype, Weathampstead, St Albans, AL4 8SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Jokisch against the decision of St Albans City Council.
 - The application Ref 5/16/0596, dated 24 February 2016, was refused by notice dated 19 April 2016.
 - The development proposed is the erection of 2m high close timber board fencing with gates to remain in place for a period of 24 months.
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Decision

1. I dismiss the appeal.

Procedural Matter

2. The development has been completed; this does not alter my approach to determining the merits of the proposal.

Main issues

3. I consider the main issues are:-
 - Whether the proposal constitutes an inappropriate form of development within the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy.
 - The effect of the development on the openness of the Green Belt.
 - The effect of the development on the character and appearance of the locality.
 - If the development is inappropriate to the Green Belt for the purposes of the Framework and development plan policy, whether the harm by reason of that inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to exist to justify the development.

Reasons

4. The appeal property is a detached former agricultural building now in residential use and positioned to the rear of a large curtilage. It lies within a countryside Green Belt area on a narrow lane with this and vegetation providing a strong rural feel. Sporadic dwellings are found along parts of the lane. The fencing in situ is as described above, set on concrete posts, and forms a large set of visibility splays and vehicular gateway set in from a
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substantial hedge-line running along the highway. Although full details are not available it is clear from the application and appeal papers that the Appellant would wish to have the structure in place for some 24 months whilst a repositioned access is sought and/or vegetation is able to grow.

Whether the proposal is inappropriate development

5. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework sets out specific new buildings which would not be inappropriate in the Green Belt. It also specifically lists other forms of development which would fall into the same category provided they preserve openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. The development in hand is not listed at either point and would not fit within the Framework's view of a not inappropriate scheme.
6. The national policy advice has to be read together with the relevant development plan policy which in this case includes Local Plan (LP) Saved Policy 1 and its Green Belt references. However this policy is not helpful to the Appellant on the question of inappropriate development and brings no greater flexibility than the Framework.
7. On the first issue, I therefore conclude that this proposal would represent inappropriate development for the purposes of the Framework and would conflict with LP Saved Policy 1. I attach substantial weight to the harm caused by this scheme representing inappropriate development.

Effect on Openness

8. The Framework makes it clear that an essential characteristic of Green Belts is their openness. In this case the proposal involves a considerable length and height of hard solid structure and to my mind has a marked impact upon openness. I conclude that the development would represent conflict with a key objective of the Framework and I attach substantial weight to this impact upon openness of the Green Belt.

Effect on character and appearance of the locality

9. Soft landscape is the predominant factor in the local scene and this very sizeable stretch of fencing with significant height is quite alien to that. The scheme with its inherent solidity is jarring on the eye. This harsh edifice is visually inappropriate for the area and markedly out of character with its surrounds.
10. On this basis I conclude that there would be conflict with LP Saved Policies 1 and 69 which, taken together and amongst other matters, seek to ensure that development represents good quality design, would integrate with existing landscape and would protect the aesthetics of an area. I attach substantial weight to this issue.

Other considerations

11. The Appellant underlines that the scheme would be a temporary measure. However I have no approved details before me as to what would take its place and in any event two years is a relatively long time frame. It is clear that the residence is unusual in that it has no private rear garden but there could be other ways of introducing privacy rather than in this form at the roadside.

The case is put that security and child safety benefit from the scheme and this is self-evident in terms of the existing layout of the extensive front garden. The wood has weathered from its original condition and is now less garish than when newly erected. I noted that there are other gates and enclosures to nearby properties and I do not know the circumstances to all of those. However, I did not see any directly comparable in scale and form and in any event I do have to determine this appeal on its merits.

12. I would give each of the considerations put forward by the Appellant limited weight.

Balance and conclusions

13. In accordance with the terms of local planning policy and the Framework, the proposed development would represent an inappropriate form of development in the Green Belt. The Framework requires that substantial weight must be attributed to harm by way of inappropriateness to the Green Belt. Additionally, I have found above that the proposal would be unacceptably harmful to the openness of the Green Belt and this also carries substantial weight.
14. Whilst I have afforded weight in the planning balance to the other considerations raised in support of the development these, either individually or taken together, do not clearly outweigh the harm to the Green Belt and its openness which I have identified. Therefore, very special circumstances do not exist and permission should not be granted as the proposal is contrary to guidance in the Framework.
15. The fact that the development would have adverse impact upon the character and appearance of the locality is a matter that adds to my concerns over the proposal. However, whatever my conclusions on this non-Green Belt harm it would not have made any difference to my findings on the question of very special circumstances.

Overall conclusion

16. My overall conclusion is that the proposal would not accord with the pertinent policy elements of the Framework and the development plan. The appeal should therefore fail.

D Cramond
INSPECTOR