
Appeal Decision

Site visit made on 27 September 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 1st November 2016

Appeal Ref: APP/B1930/W/16/3152521

Former Baptist Chapel and land adj. Hopkins Crescent, St Albans Road, Sandridge, Hertfordshire AL4 9LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Brian Parker of MRP Planning against the decision of St Albans City & District Council.
 - The application Ref 5/16/0950, dated 24 March 2016, was refused by notice dated 8 June 2016.
 - The development proposed is erection of 5 no. 4-bedroom houses with new access from High Street and erection of 1 no. 4-bedroom bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is made in outline with all matters reserved except for access and layout, which is shown on the Proposed Block Layout drawing SAN2/PBL/1 Revision B. I have had regard to all the plans submitted with the appeal, although have treated the drawings showing house elevations as indicative only.
3. The address used on the application form only refers to the former Baptist Chapel, which is just a small part of the overall appeal site. For clarity, the address above also refers to land adjacent to Hopkins Crescent, which is mentioned in the decision notice and appeal form.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the proposal would be inappropriate development, whether the harm by reason of its inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.
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Reasons

Whether the proposal is inappropriate development within the Green Belt

5. Sandridge is defined by Policy 2 of the St Albans District Local Plan Review 1994 ('the Local Plan') as a settlement located within the Green Belt. Policies 1 and 2 of the Local Plan seek to restrict development in such settlements to a number of specific purposes, none of which refer to limited infilling in villages. This is not consistent with paragraph 89 of the National Planning Policy Framework (NPPF). Thus, in line with paragraph 215 of the NPPF, I can afford Policies 1 and 2 limited weight insofar as they deal with exceptions to inappropriate development in the Green Belt.
6. There is continuous suburban development on the south-eastern side of the main road between the village and St Albans (High Street / St Albans Road) in marked contrast to the north-western side of the road which includes the appeal site. This side of the road has largely retained an open and rural character between the urban edge of St Albans and Hopkins Crescent. Built development is more intermittent and consists largely of agricultural buildings set back from the road.
7. The appeal site incorporates a gap in built development between Hopkins Crescent and The Willows, a house isolated from other dwellings. The site to the south-west of The Willows known as The Stables contains buildings that are very secluded from the main road and not part of any development frontage. Although planning permission has been granted to replace two of the existing agricultural buildings at The Stables with two residential properties, from the evidence before me the new buildings would occupy similar footprints and remain distant from the road.
8. The appellant and the Council dispute whether the proposal represents limited infilling in a village, which would not be inappropriate development. Reference is made by both main parties to various appeal decisions on other sites locally and nationally which address this issue, where a range of approaches have been taken with regards to the size and nature of infill development. It is evident that each decision was based on site specific circumstances and thus no single approach can be applied.
9. Of particular relevance to this appeal is a previous appeal decision¹ on part of the appeal site, which both main parties refer to. In this decision, the Inspector found that because the development would have only occupied part of the gap between The Willows and Hopkins Crescent it did not qualify as infilling and was thus inappropriate development. The Inspector considered that to be infill development "a proposal would generally need to be located in a gap between buildings or an otherwise developed frontage and should substantially fill or close the gap".
10. The main parties interpret this appeal decision differently. The appellant contends that they have now responded to the previous Inspector's concerns by submitting a proposal that fills the gap. The Council contends that the Inspector gave no indication that such a proposal would represent limited infilling and they highlight the extensive length of the site.

¹ APP/B1930/W/15/3019436

11. The appeal site measures approximately 115 metres in length along the main road frontage. In the context of a small village like Sandridge, it is a large area of land. The previous Inspector described the gap as 'substantial' and I agree with the Council that she did not indicate that filling the gap would represent limited infilling. The proposed development would only consist of six dwellings, but based on the above observations, the length of the site goes beyond what could be reasonably described as limited in this location. While there is continuous suburban development on the opposite side of the road, this does not alter the size of the gap that the appeal site provides.
12. The appellant has drawn my attention to a draft policy in the Council's emerging Detailed Local Plan (Policy DLP1) which seeks to clarify that limited infilling in villages means small scale development consisting of a maximum of 10 dwellings. The draft policy also requires the land to be previously developed or part of a previously developed curtilage area which does not appear to apply to this proposal. In any case, this policy and the Detailed Local Plan remain at a very early stage of preparation and so can be afforded very little weight in my decision.
13. Based on the site specific circumstances, the proposed development does not constitute limited infilling in a village and therefore represents inappropriate development in the Green Belt in conflict with paragraph 89 of the NPPF.

Effect on the openness of the Green Belt

14. Paragraph 79 of the NPPF states that openness is an essential characteristic of the Green Belt. Paragraph 86 states that if it is necessary to prevent development within a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included within the Green Belt.
15. While large parts of Sandridge are suburban in character, the settlement is clearly distinguishable as a small village surrounded on most sides by open countryside, including a lack of built development on the north-west side of the main road to St Albans. Apart from a small electricity substation and the concrete footings of a long demolished Baptist Chapel, the appeal site is free from built development and largely consists of overgrown and abandoned allotments. As such, the site forms an important gap in built development and contributes to the open and rural character and setting of Sandridge.
16. While the site is not visible from the main road or the field to the north-west due to dense boundary planting, this does not detract from its important spatial quality as a large and undeveloped area of land. Moreover, the site is visible from higher ground at the top of Highfield Road to the south-east, with open countryside behind the site reinforcing its important visual and spatial qualities.
17. While matters relating to appearance, scale and landscaping are reserved matters, it is clear from the layout of development on plan SAN2/PBL/1 Revision B that residential development would occupy the full extent of this land and the gap between The Willows and Hopkins Crescent. As a consequence, there would be considerable harm to the openness of the Green Belt through the loss of an important undeveloped site and the erosion of the open and rural character of Sandridge.

Other Considerations

18. The proposed development would provide a boost to local housing supply in a district where the Council accepts that it cannot demonstrate a five year housing land supply. I also note some local support for the provision of housing on this site. I therefore afford the benefit of housing delivery significant weight.
19. The proposal would provide some economic benefits in terms of the construction of the dwellings and subsequent investment by new residents into the local economy. This benefit is lessened by the relatively small number of new houses and thus I can only afford it moderate weight.
20. The appellant notes that the proposal would provide an opportunity to enhance the site with good quality design and biodiversity improvements. Local support for the scheme highlights the unkempt nature of the site which makes it unsafe to walk past, particularly after dark. While I agree that the site lacks proper maintenance, the proposed development does not necessarily offer the only solution to its enhancement. Furthermore, as an outline application with some matters reserved, final details relating to appearance and landscaping have yet to be finalised. I therefore afford the benefits relating to site enhancement limited weight.
21. Local support for the scheme refers to the opportunity to improve highway safety along this stretch of St Albans Road / High Street, particularly at the junction with Highfield Road. At my site visit, the main road was busy with traffic notwithstanding the 30mph speed limit. The Highfield Road junction is tight and rises up steeply from the main road. The Council has not identified any highway safety improvements that the proposed development should deliver and there is no guarantee that the development would lead to traffic calming measures and junction improvements. Furthermore, I see no reason why such measures and improvements could not occur without the proposed development if a separate case were to be made on the grounds of highway safety. Therefore, I afford the benefit that the development would deliver to highway safety limited weight.
22. The appellant argues that because the Council cannot demonstrate a five year housing land supply, relevant policies for the supply of housing should not be considered up to date in line with paragraph 49 of the NPPF and that the presumption in favour of sustainable development set out in paragraph 14 applies. I have already found that Policies 1 and 2 of the Local Plan are out of date based on their lack of consistency with the NPPF. However, while these policies are out of date, paragraph 14 states that 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; or specific policies in the NPPF, including policies relating to Green Belt, indicate the development should be restricted. As I have already found that the NPPF policies relating to Green Belt indicate that development should be restricted, the presumption in favour of sustainable development does not apply to this appeal.

If the proposal would be inappropriate development, whether the harm by reason of its inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal

23. Paragraph 87 of the NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, the proposed development would result in considerable harm to the openness of the Green Belt. Paragraph 88 of the NPPF makes clear that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
24. Moderate weight can be attached to the economic benefits of the proposal along with limited weight to the enhancement of the site and highway safety. Significant weight can be attached to the delivery of housing in a location where housing land supply is lacking. However, the Planning Practice Guide confirms that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the very special circumstances necessary to justify inappropriate development on a site within the Green Belt.
25. Cumulatively, the other considerations put forward in favour of the proposed development have significant weight. However, they do not clearly outweigh the harm to the Green Belt that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, while limited weight can be afforded to Policies 1 and 2 of the Local Plan, it is still evident that the development would not accord with either policy which seek to restrict development in the Green Belt. The proposal would also not comply with the policies of the NPPF, specifically Section 9 on protecting Green Belt land.

Conclusion

26. For the reasons given above, and having regards to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR