

Appeal Decision

Site visit made on 11 October 2016

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 03 November 2016

Appeal Ref: APP/B1930/W/16/3153718

Land between 17 and 18 Gustard Wood, Wheathampstead AL4 8RP

- 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 Ms Victoria Wingrove against the decision of St Albans City & District Council.
 - The application Ref 5/16/1329, dated 28 April 2014, was refused by notice dated 27 June 2016.
 - The development proposed is a four-bedroom detached house and detached garage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised by this appeal are:
 - i) whether the proposal constitutes inappropriate development within the Green Belt, with particular reference to whether it would constitute limited infilling within villages;
 - ii) if it is inappropriate development, its effect on the openness of the Green Belt, and;
 - iv) if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

3. The appeal site is an undeveloped area of grassland largely enclosed by tall hedges and trees, except where the gate leads from the lane and along that part of the boundary adjoining the gable and front garden of 17 Gustard Wood. It adjoins fields which form part of a wider agricultural landscape to the west and, on the other side of the lane, the landscaped Mid-Herts Golf Club course to the east.
 4. Along with the absence of buildings on the east side of Gustard Wood lane the linear built form of the surrounding area has a low density and dispersed character which is distinct from the more consolidated character of the settlement on the other side of an intersecting road, The Slype, to the north.
-

5. The site forms part of an extensive, undeveloped gap which separates the two houses at 17 and 18 Gustard Wood which also includes part of the spacious gardens of No 18. This gap has a substantial frontage, depth and area and no further development to the front or rear. No 17 forms the end of a row of buildings running south and No 18 is itself separated from a shorter terrace of houses running north which are situated closer to the lane than the southern group of buildings. Nos 17 and 18 and their neighbours do not appear as a continuous row of buildings interrupted by a limited or modest space. The resulting character and appearance is one where those two houses form the end of two distinct and discrete groups of linear development with a sizeable undeveloped gap between them.
6. The effect of the appeal proposal would be to insert a large house and a sizeable detached garage, along with the associated driveway, path and parking area, into part that large gap.
7. St Albans District Local Plan Review, 2004 (Local Plan), saved Policy 1 restricts development in the Metropolitan Green Belt except in limited defined circumstances which do not include the erection of new dwellings. The National Planning Policy Framework (the Framework), at paragraph 89, states that the construction of new buildings should be regarded as inappropriate in Green Belt with the exception of a number of specific development types and circumstances which include limited infilling in villages. The Framework does not define 'limited infilling' nor does saved Local Plan Policy 1, the latter not fully according with the Framework as a result of its more limited list of exceptions.
8. The characteristics of the area which would receive development are a material factor in considering whether the proposal would constitute such limited infilling. Whilst development would not have to occupy the entire space between buildings to constitute infilling in principle, neither could development be considered limited infilling purely as a result of it only resulting in a single dwelling. The wider context of the development form and pattern of adjoining development has informed my assessment of whether development would be limited infilling along with the space within which the development would take place.
9. In this case the development would have the effect of partially filling a large gap with a substantial development. The development itself would be large and not necessarily limited in size, scale or the size of the plot it would occupy. The gap is similarly not of a dimension either overall or in its frontage along the lane that could be considered limited. The spaciousness of the gap between existing buildings when considered in the context of its surroundings and adjoining built development is such that development within the gap could not reasonably be considered as being limited.
10. The combination of the extent of the gap between existing buildings, the scale of the development and the wider built context of the site all lead me to conclude that the appeal proposal would not constitute the limited infilling in villages which the Framework considers to be not inappropriate development. The proposal would therefore be inappropriate development in the Green Belt.
11. As such, notwithstanding its limited range of exceptions, the proposal would be contrary to saved Local Plan Policy 1 and the Framework, a material consideration which carries considerable weight.

12. In making my assessment I have taken the approach confirmed by the Court of Appeal judgement¹ in the Lee Valley Regional Park Authority case, including not evaluating any effect the development might have on the openness of the Green Belt in advance of establishing whether or not the development would be inappropriate. I have taken the two previous appeals² in 2014 and 2015 for similar developments on the site into consideration in reaching my conclusion. Whilst I agree with both of those decisions, they were made before the aforementioned Court of Appeal judgement and it is not entirely clear that such an approach was taken in how those Inspectors reached their conclusions.
13. In support of her appeal the appellant has referred to an appeal decision in Surrey³. However the development in that case was in a different district, considered under a different development plan and it is clear that the Inspector in that case reached his decision as a result of particular site specific circumstances and matters. I can therefore only give this limited weight and it has not led me to the conclusion that a detached dwelling within a large space would necessarily constitute limited infilling irrespective of a site's particular physical context.

Effect on openness

14. The appeal site is undeveloped and has a high degree of openness which is one of the essential characteristics of Green Belts identified by the Framework. The effect of introducing a substantial detached house and garages with associated access and parking areas would significantly and harmfully reduce the openness of the site and of the Green Belt.

Other considerations - designated heritage assets

15. The site is located within the Gustard Wood Conservation Area and is close to a listed building. Although the proposal's effect on these heritage assets is not a matter of dispute between the main parties I am required to address these matters. The Conservation Area covers an extensive area including the woods and open spaces of Gustardwood Common and the groups of buildings and farms around it. It derives much of its character and hence significance from this attractive interplay of historic natural and built landscapes.
16. Having paid special attention to the desirability of preserving or enhancing this character and appearance, and notwithstanding the Green Belt harm identified above, the introduction of a dwelling and outbuilding with broadly traditional design and appearance set back from Gustard Wood lane would have a neutral and therefore preserving effect on the Conservation Area's significance.
17. The proposed development would affect the setting of 17 Gustard Wood (listed as Wheathampstead Gustardwood Common (west side), No 17). This is an attractive and historic grade II listed house with C17 or earlier origins and C18 alterations which contribute to its significance. The proposed development would introduce a substantial building within a currently undeveloped part of its setting with little existing screening between the two. However, the appeal site makes a relatively limited contribution to the listed building's significance in itself and the situation, height, scale and design of the proposed house would

¹ Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404.

² 2014 Ref: APP/B1930/A/13/2204924 and 2015 Ref: APP/B1930/W/15/3027401

³ APP/M3645/A/12/2174861

be such that it would not have a harmful effect on its setting, provided that detailed aspects of the design such as materials and fenestration could be controlled.

18. Therefore, in having had special regard to the desirability of preserving the building's setting I consider that the proposal would preserve the setting of 17 Gustard Wood. In reaching this conclusion I note that this accords with those made by the Inspector in the 2015 decision and the Council in these respects.

Conclusion

19. The appellant accepts that if I were to conclude that the proposal is inappropriate development that there would be no very special circumstances necessary to justify the development. As there are no other considerations which would outweigh the harm to the Green Belt as a result of inappropriateness and harm to openness and the substantial weight such harm carries, I agree that the very special circumstances necessary to justify the development do not exist.
20. For the reasons set out above, and having had regard to all other matters raised, the proposal would result in inappropriate and harmful development in the Green Belt, contrary to the development plan and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR