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# Appeal Decision

Site visit made on 15 June 2017

**by John Morrison BA (Hons) MSc MRTPI**

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

**Decision date: 4<sup>th</sup> July 2017**

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**Appeal Ref: APP/B1930/W/17/3170600**

**Fairfolds, Woodcock Hill, Sandridge AL4 9FG**

- 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 Mr Nigel Hawes against the decision of St Albans City & District Council.
  - The application Ref 5/16/1934, dated 16 June 2016, was refused by notice dated 12 September 2016.
  - The development proposed is the demolition of existing buildings and erection of 1 No, 2 storey, 7 bedroom detached dwelling.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. There are four main issues. These are:
  - Whether the proposed development would be inappropriate development in the Green Belt;
  - The effect of the proposed development on the openness of the Green Belt;
  - If the proposed development would be 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 proposed development; and
  - Whether or not the proposed development would represent the unjustified loss of a residential unit.

## Reasons

### *Inappropriate Development*

3. The Framework<sup>1</sup> states that a local planning authority should regard the erection of new buildings as inappropriate in the Green Belt<sup>2</sup>. There are exceptions to this set out further by paragraph 89. One of which is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The Framework does not define what is meant by materially larger and is thus a matter for judgement in each

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<sup>1</sup> The National Planning Policy Framework 2012

<sup>2</sup> Paragraph 89 of the Framework

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case. Saved Policy 13 of the Local Plan<sup>3</sup> sets out that any replacement dwelling should be similar in character and size to the existing. Further guidance on floor space and volumetric increases is provided courtesy of the Council's Green Belt SPG<sup>4</sup>.

4. Whilst the matter of the single replacement dwelling is clear, the description of development indicates that 'buildings' will be demolished. There is no mention in the appellant's evidence as to whether this includes what is described on the plans as an outhouse. The Council's submission offers no further assistance in this matter. The volume and floor space figures are shown for both the 'existing farmhouse' and the outhouse and on the plan showing the proposed replacement overlay<sup>5</sup>, both are shown dotted. I have taken this to mean that the outhouse would be one of the buildings that would be demolished as part of the proposed development. With this in mind, the buildings proposed to be demolished comprise two, two storey blocks, linked by abutting single storey garage and storage buildings and a detached outbuilding to the front.
5. Quantitatively, I agree with the Council that the proposed dwelling would represent an increase of built form on the site which would be far from marginal. This would still be so if the outhouse was taken into account. Further, and in the qualitative sense, the 'existing farmhouse' is simple and unassuming in its design and detailing with fully hipped roofs and a perceptible feeling of spaciousness given the abutting single storey structures. The replacement would be a single dwelling of an elongated and continuous two storey range with a central section and projecting parapet roofed wings at either end. By virtue of these factors it would have a more imposing appearance than the existing buildings, emphasised as it would be by the more grand approach to the external detailing. These changes would concentrate the built form on the site, reduce the spaciousness and noticeably increase its bulk and mass despite its less sprawling land take.
6. Taking all of these factors into account, the proposed development would represent a replacement building materially larger than the existing and as such, notwithstanding it would be in the same use, it would fall to be considered as inappropriate development in the Green Belt. By definition, this would be harmful<sup>6</sup>. It would therefore be contrary to section 9 of the Framework, saved Policy 13 of the Local Plan and the guidance of the Council's Green Belt SPG which all seek, amongst other things, to protect the Green Belt from harm through inappropriate development.

#### *The Openness of the Green Belt and Other Considerations*

7. Openness is an essential characteristic of the Green Belt. Not solely limited to visual matters, it also has a spatial aspect which can be taken to mean the absence of built form.
8. As part of my assessment above in determining whether or not the proposed replacement dwelling would be inappropriate development in the Green Belt, I have identified both spatial and visual factors that would, when taken together or independently, result in a net reduction in openness. There would be some

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<sup>3</sup> St Albans Local Plan Review 1994

<sup>4</sup> St Albans City and District Supplementary Planning Guidance: Residential Extensions and Replacement Dwellings in the Green Belt 2004

<sup>5</sup> Existing/Proposed Site Plans

<sup>6</sup> Paragraph 87 of the Framework

harm from this loss, harm to which I afford substantial weight<sup>7</sup>. Further, this adds to the harm that would be caused by the inappropriateness of the proposed development and there have been no other considerations advanced to place against it in the balance. In this respect, the proposed development would also fail to accord with section 9 of the Framework, saved Policy 13 of the Local Plan and the guidance of the Council's Green Belt SPG. Amongst other things, the aims of these policies and guidance seek to protect the Green Belt from harm through ensuring it remains permanently open.

### *The Loss of a Residential Unit*

9. There is some ambiguity in the scheme before me as to whether the proposed development would constitute the demolition of two dwellings and the erection of one. Thus, in net terms, the loss of one. The description of development is not conclusive in this matter either and the appellant's evidence does not elaborate. I make this point in respect of the Council's saved Policy 10 of the Local Plan which sets out, amongst other things, a principle resistance to the loss of dwellings.
10. There is some discussion that the appellant initially approached the Council with a scheme for two replacement dwellings that evolved into a planning application for one but again this is not clear. The Council state that their tax records indicate two separate charges for residences on the site. As part of my site visit I noticed separate entrance buttons for what appeared to be two different addresses at the main gate, a wall separating the access driveway and part of a dividing boundary to the rear garden spaces.
11. Whilst the evidence before would lead me towards there being two dwellings on the site this appeal is not in respect of an application for a Lawful Development Certificate. Similarly, without one, I cannot state with certainty that there are one or two dwellings at the appeal site in the lawful sense. Whilst I take on board the Council's comments with regard their under supply of housing sites when assessed against the requirements of the Framework and how the loss of a dwelling would affect it, I am unable to form a conclusive view on this main issue based on the evidence before me.

### **Other Matters**

12. The appellant has brought my attention to a planning permission for the conversion of two cottages into one in 2010. The Council's reference number and address of the scheme has been given but no further details. The appellant does however suggest that the proposal was supported by a heritage statement that confirmed the building was originally one dwelling. My lack of a finding on the fourth main issue in this appeal aside, it would appear that this piece of evidence is one of the matters that draws a clear distinction between this example and the scheme before me. In any event, each development proposal is considered on its own merits and as such I do not find that the example lends any further justification for the granting of a planning permission in this case.

### **Conclusion**

13. Notwithstanding my lack of a finding on the fourth main issue, it remains that the proposed development would be inappropriate development in the Green

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<sup>7</sup> Paragraph 88 of the Framework

Belt. This would be harmful by definition. Further harm to the Green Belt would be caused by the net loss of openness as I have described it. As per the Framework, I ascribe this harm substantial weight. Considering this in the context of my findings on other considerations above, very special circumstances have not been demonstrated that would justify the proposed development in light of the harm. It is for these reasons that the appeal fails.

*John Morrison*

INSPECTOR