



Appeal Decision

Site visit made on 30 August 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 11 September 2017

Appeal Ref: APP/B1930/W/17/3175206

Former Nurses' Quarters, Shenley Lane, Napsbury

- 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 Crest Nicholson Chiltern against the decision of St Albans City & District Council.
 - The application Ref 5/16/3200, dated 18 October 2016, was refused by notice dated 16 December 2016.
 - The development proposed is the erection of car port over car parking spaces associated with the Napsbury Nurses' Quarters residential development.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are four main issues. These are:
 - Whether or not the proposed development would be inappropriate development in the Green Belt;
 - The effect of the proposed development on the openness of the Green Belt;
 - Whether the proposed development would preserve or enhance the character or appearance of the Napsbury Park Conservation Area (NPCA); and
 - 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 it.

Reasons

Inappropriate Development in the Green Belt

3. The Framework¹ states that the construction of new buildings in the Green Belt should be regarded as inappropriate development². There is a list of exceptions to this set out by paragraphs 89 and 90. As the erection of ancillary residential buildings the proposed development would not fall into any of the stated exceptions. I can only conclude therefore that the proposed

¹ The National Planning Policy Framework 2012

² Paragraph 89 of the Framework

development would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt³.

The Openness of the Green Belt

4. Openness is one of the key characteristics of the Green Belt. It has both a visual and spatial aspect. The latter can be taken to mean the absence of built form.
5. The proposed car ports would be permanent structures, whilst open sided and to some degree permeable, they would involve a substantial land take when added together as well as mass through their combined height and width. The degree of wider visual cover that would be afforded to them through both the existing building and mature trees that adorn the boundaries means that their effect on the visual aspect of the Green Belt's openness would be limited.
6. However, their presence would result in an unavoidable reduction in the spatial aspect of the openness of the Green Belt. Some harm would result from this loss of openness, harm that would be in addition to that which would be caused by its inappropriateness.

The Napsbury Park Conservation Area

7. I have a limited amount of information before me as to what elements contribute to the significance of the NPCA but the former Nurses Quarters building appears to be one of a number of large detached structures that have been converted to housing which together form the various elements of Napsbury Park. It is somewhat detached from the main group but this does not downplay the positive influence the design, quality and scale of the building has, along with the mature planting and open parkland surroundings, on the character and appearance of the NPCA and its status as a Historic Park.
8. The existing single storey detached structures that form bin and cycle storage that are situated in the car park to the front of the quarters reflect the quality in design and materials of the main building. They use hipped smooth slate roofs with ridge capping, painted timber panels and posts and appropriately matched brickwork.
9. The proposed car ports would occupy further space and land take which would have a reducing effect on the open parkland setting of the buildings. The fact that this area is hard surfaced car parking would not lessen the harm that such an effect would create in my view. In addition, the use of a flat roof design and polycarbonate roof forms would garner a low quality and incomplete appearance which would jar visually with the much higher quality surroundings. The proposed development would therefore be harmful to the character and appearance of the NPCA. This harm would be less than substantial and as such, with regard to paragraph 134 of the Framework, it should be balanced against the public benefits of the proposed development.
10. The car ports would provide additional cover for private vehicles and reduce to some extent them being affected by falling debris courtesy of both the local bird population and the mature trees that form the appeal site's boundaries. This has the potential to be beneficial for the living conditions of residents and visitors.

³ Paragraph 87 of the Framework

11. This benefit is limited in its overall scope and thus weak when weighed against the scale and nature of the harm that I have found, particularly in light of the assertions of the Framework to take account of the desirability of sustaining and enhancing the significance of heritage assets. I am of the view therefore that the public benefits would not be sufficient to outweigh the harm I have found. Consequently, the proposed development would fail to either preserve or enhance the character or appearance of the NPCA, contrary to both section 12 of the Framework and saved Policy 85 of the Local Plan⁴. These policy approaches seek to ensure, amongst other things, that the historic built environment is protected from harm.

Other Considerations

12. As I have alluded to above, the appellant has advanced that the provision of the car ports would be significantly beneficial for residents and visitors. This is supported by representations from a number of third parties who express concern about the mess and potential damage falling debris from bird life and the adjacent trees has caused to vehicles. Some of which are of high value. Whilst I acknowledge this is an unfortunate and inconvenient set of circumstances, the parking situation is something that residents would have been aware of prior to them either determining to purchase or rent one of the dwellings contained in the wider development. I am not persuaded therefore that this benefit to residents would be sufficiently strong enough to justify the car ports given the nature and extent of the harms that they would cause.
13. The appeal site is currently developed and to some extent one could legitimately argue that the appeal scheme would represent the development of previously developed land. This proposed development would not however be the re use of previously used or developed land in the spirit of what the Framework promotes as one of its core principles. In essence, there is a distinction to my mind between development on land that is currently used for something else (an extension or new building/use related to an existing use) and the re use/redevelopment of land that was previously used or developed for something else. Or indeed something very similar. The appeal scheme falls into the former category.
14. The Local Plan is of some considerable age albeit the policies relevant to the scheme before me do align with the broad principles of the Framework. They would not therefore be considered out of date for this purpose or that of the proposed development. Weight to be attributed to policies is a matter for the decision maker in each case and there is nothing compelling before me that would lead me to give reduced weight to the development plan. Even if I were to take the lead from the Framework, I would still find conflict in any event as I have set out above.
15. The appellant suggests that the proposed development would represent limited infilling in a village, with reference to one of the exceptions set out by the Framework. I accept there is no definition of what constitutes a village in the Framework. Whilst the Napsbury Park development as a whole is, for some of its parts, built up, the surroundings of the appeal site are significantly less so. In addition, the appeal site is located some distance from any designated or named village or settlement as its own entity. It is, in essence, part of a collection of buildings in an otherwise open parkland area, which is distinctly

⁴ City and District of St Albans District Local Plan Review 1994

different from what may logically, and in planning terms, be defined as a village. Furthermore, I am not persuaded that the proposed development would constitute infill. A term which conveys to me that there should be some form of vacant gap or space, the development of which would not be harmful to the character or appearance of its locality. In my view, the appeal scheme would not constitute this. The appeal site is an open area used as a car park, providing a function to the wider area, the development of which would cause harm as I have identified it above.

Conclusions

16. The proposed development would represent inappropriate development in the Green Belt. This would be harmful by definition. Further harm to the Green Belt would arise from a net reduction in openness as I have described it. The proposed development would also fail to either preserve or enhance the character or appearance of the NPCA.
17. The harms that would be caused to the Green Belt would result in conflict with saved Policy 1 of the Local Plan which seeks, along with section 9 of the Framework, to protect the designated Green Belt from inappropriate and harmful development in the interests of retaining its essential characteristics.
18. I have placed these harms against the other considerations that have been advanced, which have some limited benefit, but they are not sufficient to clearly outweigh them for the reasons I have set out. A case for very special circumstances on their light has not therefore been made.
19. The appeal therefore, whilst having regard to all other matters raised, does not succeed.

John Morrison

INSPECTOR