
Appeal Decision

Site visit made on 14 November 2017

by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCMI MRTPI

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

Decision date: 04 January 2018

Appeal Ref: APP/B1930/W/17/3180305

Land adjacent to 4 South Farm Cottages, Shenley Lane, London Colney, AL2 1AD

- 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 Peter House against the decision of St Albans City & District Council.
 - The application Ref 5/17/1070, dated 11 April 2017, was refused by notice dated 30 June 2017.
 - The development proposed is 2 no three bedroom dwellings with new vehicular accesses and car parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site lies within the Metropolitan Green Belt. Accordingly the main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (the Framework);
 - The effect on the openness of the Green Belt; and
 - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

3. The appeal site is an open and undeveloped parcel of land containing scrub vegetation and a few self-seeded trees. The site is bounded to the west by No 4 South Farm Cottages, to the north the single track private farm lane which serves South Farm Cottages and the farms beyond. To the south is an open field and to the east lies the highway of Shenley Lane which forms the natural and visual boundary to the settlement of London Colney. It is proposed to erect a semi-detached pair of 3-bedroomed dwellings which would align approximately with the general building line established by Nos 4 and 5. Each dwelling would have 2 car parking spaces immediately in front of the dwelling and accessed from the private farm lane.

Whether inappropriate development in the Green Belt

4. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are openness and permanence.
5. Paragraph 89 of the Framework states that the construction of new buildings within the Green Belt is inappropriate, unless it falls within various specific exceptions.
6. National policy is to be read together with the development plan policies including Policy 1 of the City and District of St Albans District Local Plan Review 1994 (LPR). Policy 1 of the LPR states that permission will not be given for development for purposes other than those which it lists unless very special circumstances exist. It does not refer specifically to any form of residential development within the Green Belt.
7. Policy 2 of the LPR sets out the settlement strategy defining London Colney as a large village which is excluded from the Green Belt. This policy does not set out any criteria for addressing development proposals within the Green Belt, except within the smaller villages that have been designated as Green Belt settlements where the Green Belt washes over them. Within the settlement of London Colney, Policy 2 only supports development including infill housing which is consistent with the maintenance of the Green Belt boundary. Consequently, as the appeal site lies outside of the defined settlement boundary of London Colney and wholly within the Green Belt, Policy 1 is the primary relevant policy in the LPR.
8. Paragraph 215 of the Framework advises that that due weight should be given to relevant policies in existing development plans according to their degree of consistency with the Framework. The closer the policies are to those of the Framework, the greater the weight that may be given to them. Policy 1 of the LPR is not entirely consistent with the Framework in that it does not address the 6th exception set out within Paragraph 89 of the Framework relating to the partial or complete redevelopment of previously developed sites. However, this is not a consideration relevant to this appeal. Consequently, for the purposes of this appeal, I do not find that Policy 1 of the LPR is out of date and therefore I attach significant weight to Policy 1 of the LPR.
9. It is no part of the appellant's case that the proposal would meet any of the exceptions set out in Paragraph 89 of the Framework. This is confirmed in paragraph 4.2 of the appellant's grounds of appeal. As such the proposal does not meet any of the exceptions set out in Policy 1 of the LPR or any of the exceptions set out in Paragraph 89 of the Framework.
10. Accordingly, I find that the proposal would constitute inappropriate development in the Green Belt that is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. It conflicts with the Framework and Policy 1 of the LPR.

Openness

11. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 79 of the Framework advises that

openness and permanence are essential characteristics of Green Belts. Openness can be epitomised as freedom from buildings.

12. As the proposal would represent a new additional building, in the form of a pair of semi-detached dwellings, it would increase the built form of development in the Green Belt.
13. Although the site is partially screened from Shenley Lane, the sloping topography of the area allows for views across the appeal site. The appeal site forms part of the countryside and the proposal would introduce a substantial new building, which would lead to a significant loss of openness. I find that the development would result in harm to the openness of the Green Belt and as such would conflict with the aims of the Framework which seeks to preserve the openness of the Green Belt. I give substantial weight to that harm.

Other matters and the Green Belt balance

14. The development constitutes inappropriate development in the Green Belt. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
15. The appellant seeks to argue that 4 factors contribute to the identification of very special circumstances: the lack of a 5 year housing supply; the proposal is an infill site; it would not affect the openness of the Green Belt and it would not result in significant harm to the fundamental aim of Green Belt policy.
16. Whilst I note the Council is unable to demonstrate a 5 year supply of housing land, paragraph 34 of the Planning Practice Guidance indicates that, in Green Belts, unmet housing need is unlikely to outweigh the harm and constitute very special circumstances justifying development. As the proposal is in conflict with Green Belt policies in the development plan and the Framework in relation to protection of the Green Belt, the presumption in favour of sustainable development in Framework paragraph 14 does not apply.
17. The appellant describes the appeal site as a potential infill site which is landlocked by urban development. Shenley Lane forms the visual and defined boundary to the settlement of London Colney. Although South Farm Cottages form a small group of dwellings, they are physically, functionally and visually separated from the main settlement by Shenley Lane.
18. The appeal site has built development to the west in the form of the pair of semi-detached dwellings and to the east is the road. Consequently, with built development on only one side it cannot be considered to be filling in a gap in an otherwise built up frontage. The private farm lane separates the appeal site from the dwellings to the north and Shenley Lane separates the appeal site from the main part of London Colney. As such I do not agree that the appeal proposal would constitute infill development or that the site is landlocked.
19. Reference has been made to an appeal decision in 2009¹, however I have not been provided with any details regarding the background to this decision. In any event it pre-dates the Framework and is in a different Council area with a

¹ APP/B1605/A/08/2092058, decision dated 3 March 2009.

different set of development plan policies. Accordingly, I attach limited weight to this decision within my determination of this appeal.

20. I have already concluded that the appeal proposal would result in harm to the openness of the Green Belt.
21. The appellant considers that the proposal would not undermine or conflict with the purposes of Green Belt policy. As I have found that the proposal is inappropriate development in the Green Belt, it follows that the proposal does undermine and conflict with the purposes of Green Belt policy.
22. I have had regard to the appellant's assessment of the contribution that the appeal site makes to the Green Belt and their contention that it could be excluded from the Green Belt designation. However, Green Belt boundaries are a strategic matter and can only be reviewed as part of the development plan process. It is not appropriate for an appeal on an individual planning application to consider such matters.
23. There is nothing to clearly outweigh the substantial harm that would arise as a result of the development. The very special circumstances necessary to justify the proposal do not therefore exist.

Conclusion

24. I conclude the proposal would be inappropriate development in the Green Belt and the very special circumstances necessary to justify the proposal do not exist. Consequently, it would be contrary to the Framework and Policies 1 and 2 of the LPR which seek to protect the Green Belt from inappropriate development.
25. For the reasons set out above, having regard to all matters raised, the proposal is unacceptable and the appeal is dismissed.

Rachael A Bust

INSPECTOR