

Appeal Decision

Site visit made on 22 November 2017

by Rory MacLeod BA MRTPI

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

Decision date: 26 January 2018

Appeal Ref: APP/P1940/W/17/3181287

Land at Fir Trees, Dawes Lane, Sarratt, Rickmansworth, WD3 6BG

- 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 Whiteacre Ltd against the decision of Three Rivers District Council.
 - The application Ref 17/0653/OUT, dated 29 March 2017, was refused by notice dated 23 June 2017.
 - The development proposed is the erection of 8 affordable dwellings and associated access and layout (appearance, landscaping and scale reserved).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have adopted the Council's description of the development that includes the associated access as this more accurately covers the scope of the proposal.
3. The application is for outline planning permission with access to and layout of the site to be determined at this stage. The appearance and scale of the development and landscaping of the site are reserved for future consideration. Drawings showing indicative views of the layout and appearance of the site were submitted with the application and I have had regard to these in determining this appeal.

Main Issues

4. The main issues are
 - (a) whether the proposal would constitute inappropriate development in the Green Belt,
 - (b) the effect of the proposal on the openness of the Green Belt, and
 - (c) 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

5. The appeal relates to a rectangular parcel of land within the curtilage of a property known as Fir Trees. The frontage part of the site has a lawful use for stationing caravans whereas the appeal site to the rear comprises open grassland with trees protected by a Tree Preservation Order to three boundaries. There are open fields to the south-east and substantial gardens to dwellings fronting Dawes Lane to the south-west. To the north-east are two storey flats fronting Downer Drive; vehicular access to the appeal site would be gained by provision of a road through a parking area between these flats involving the removal of one protected ash tree on the site boundary. The site and surrounding area is within the Green Belt.
6. Paragraph 89 of the National Planning Policy Framework (the Framework) states that "*a local authority should regard the construction of new buildings as inappropriate in Green Belt*". However it cites exceptions to this including, "*limited infilling in villages*", and "*limited affordable housing for local community needs under policies set out in the Local Plan*".
7. Sarratt is recognised as a village within the settlement hierarchy used in the Council's planning policies. The appeal site is located west of the centre of the settlement towards its periphery. The terms "*limited*" and "*infilling*" are not defined in the Framework, but in my opinion, the proposal would not amount to "*limited infilling in villages*". Whilst there is a line of buildings on the site's north-eastern boundary, the other boundaries are largely open. The proposal would not be just filling gaps between existing buildings. Moreover, at 0.52 hectare, the site is not small and the proposal for 8 houses is arguably not small-scale or limited in nature.
8. The second part of the exception bullet point to paragraph 89 of the Framework falls to be considered as the proposal is for affordable housing. The appellant has produced evidence to support the need for building affordable housing in Sarratt and asserts that the proposal could be conditioned for local community need. However, the exception point requires the need and provision to be identified in the Local Plan.
9. Policies CP2 and PSP4 of the Three Rivers District Council Core Strategy (2011) (CS) relate to the provision of affordable housing in general and specifically to the villages of Sarratt and Bedmond. The policies and the Affordable Housing Supplementary Planning Document (2011) (SPD) require affordable housing to be small-scale and provided on the basis of allocation and release of sites using a Rural Exception Site Policy approach. This is to accommodate households which contain current residents or have an existing family or employment connection in perpetuity. These sites are to be identified through a subsequent Site Allocations document. The appeal site has not been designated as a Rural Exception Site. The proposal would not therefore amount to "*limited affordable housing for local community needs under policies set out in the Local Plan*".
10. The proposal as such constitutes inappropriate development. Paragraph 88 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*".

Openness

11. The application form describes the use of the site as a “paddock”. The site is currently devoid of buildings. Whilst the appeal application is in outline form and the scale of the buildings has not been specified, the provision of 8 houses would result in a substantial built form that would have an impact on the openness of this part of the Green Belt. The present tree screening around the site would dissipate that impact to some degree and could be supplemented by landscaped measures at the detailed planning stage. Notwithstanding this, there would be a significant loss of openness and this would be harmful to the Green Belt.

Other Considerations

12. The appellant has submitted evidence to support consideration of the appeal site as an exception site in the Green Belt and firstly points to the overall need for additional affordable housing throughout Three Rivers District. This is reflected in the Council’s planning policies but these policies require a more targeted approach to affordable housing provision within villages in the Green Belt. There is a reasonable assumption that the majority of this need can be provided in less sensitive sites in more urban locations. As such, the general need for more affordable housing carries only limited weight in favour of the proposal.
13. Evidence has been referred to in relation to affordable housing need at Sarratt. The Sarratt Village Plan showed that 69% of respondents supported the need for affordable housing. This was based on the Parish Council’s household survey in 2011 in which 380 responses were received from 790 households. This is a significant return, but the data does not expand on the tenures requested. There is not a demonstration of the direct need for the affordable housing proposed as part of the appeal.
14. A Housing Needs Assessment (HNA) has been provided as part of the appeal in response to the refusal reason and draws on a variety of sources relating to Sarratt and its surroundings. Policy PSP4 of the CS anticipates that the settlements of Sarratt and Bedmont would provide approximately 1% of the District’s housing requirement over the plan period but the HNA points out that this has not yet occurred. However the data in relation to the particular needs of residents in Sarratt does not equate well with the nature of the affordable housing to be provided at the appeal site. The report points to a need for one and two bedroom properties and also some anecdotal evidence of a need for 3 bedroom accommodation. This does not demonstrate a need for the three bedroom properties proposed.
15. The grounds of appeal make reference to the fact that a site within Sarratt which is allocated as a Rural Exception Site within the Site Allocations document (the Royal British Legion site) has not come forward, indicating an unmet need for affordable housing in Sarratt. The Council refer to the submission of an application for affordable housing at the site in late 2017. The appellant has questioned the congruency of the proposal for that site in relation to the affordable housing tenures proposed and planning policy requirements. There also remains uncertainty on when this site may be developed, but the submission of the application indicates interest in the site for the allocated purpose. The development of this identified Rural Exception Site for affordable housing remains a plan priority.

16. The appeal submissions do not indicate how the proposal would meet the particular need arising from the circumstances at Sarratt and collectively only attract moderate weight. The local plan provisions aim to accommodate households which contain current residents or have an existing family or employment connection in perpetuity. A planning condition has been offered to help tie provision to local needs. However, even if I were to allow the appeal, there are doubts that the affordable housing could be secured as intended through the condition suggested by the parties; Planning Practice Guidance indicates that a planning obligation is necessary to secure the delivery of affordable housing.
17. There have been several representations from local residents on the proposal at application and appeal stages. Whilst there is some support for the development, the majority of respondents have raised objections, mainly on the matters covered in this decision. I have had regard to all matters raised.

Conclusion

18. The proposal amounts to inappropriate development and the Framework indicates that this is by definition harmful to the Green Belt and should not be approved except in very special circumstances. There would also be a significant impact on openness arising from the provision of buildings on a largely undeveloped site. Substantial weight should be given to the harm to the Green Belt.
19. On the other hand, there is a need for affordable housing in the District as a whole and within Sarratt itself. This is informed by the evidence base for the Council's planning policies and more particularly by the Sarratt Village Plan and Housing Needs Assessment and to a limited extent by the non-development to date of the allocated site. However, the various matters raised by the appellant in support of affordable housing at the appeal site, even if taken together would not outweigh the harm arising to the Green Belt from the inappropriate development and therefore do not amount to very special circumstances.
20. The proposal would thereby be contrary to policy CP11 of the Core Strategy and with Policy DM2 of the Development Management Policies Local Development Document (2013) which are compatible with the Framework and only support the provision of new buildings in the Green Belt in accordance with national planning policy.
21. For the reasons given the appeal is dismissed.

Rory MacLeod

INSPECTOR