



Appeal Decision

Site visit made on 2 July 2019

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday, 11 July 2019

Appeal Ref: APP/B1930/W/19/3228212

Ard Maca, Sleapshyde, Smallford, St Albans AL4 0SE

- 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 Pro-Con Developments (2017) Ltd against the decision of St Albans City & District Council.
 - The application Ref 5/18/3052, dated 16 November 2018, was refused by notice dated 12 March 2019.
 - The development proposed is erection of two, three-bedroom semi-detached dwellings following demolition of existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - (ii) The effect of the proposal on the openness of the Green Belt; and
 - (iii) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

3. The appeal site comprises a detached single storey dwelling with an attached single garage to the side and single storey flat roofed extension at the rear. It forms part of a linear pattern of residential properties running along the south-eastern side of the Sleapshyde Lane within the village of Sleapshyde. The proposal is to replace the existing property with two semi-detached dwellings.

Whether inappropriate development in the Green Belt

4. The appeal site is within the Green Belt and the National Planning Policy Framework February 2019 (the Framework) states at paragraph 143 that inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances.

5. Paragraph 145 of the Framework establishes that, within Green Belts, the construction of new buildings is inappropriate, subject to a number of exceptions. These exceptions include the replacement of a building provided that the new building is in the same use and not materially larger than the one it replaces, the provision of limited infilling in villages and the partial or complete redevelopment of previously developed land, whether redundant or in continuing use.
6. Saved Policy 1 of the City and District of St Albans Local Plan Review (adopted November 1994) (LP) sets out the Green Belt Policy for the plan area. Whilst the aim of LP Saved Policy 1 to control development in the Green Belt remains consistent with the aims of the Framework, the policy is not as extensive in its coverage of the various types of development permitted as exceptions in such locations. For this reason, LP Saved Policy 1 does not reflect the positive approach in the Framework and would not be fully consistent with it.
7. The existing single storey dwelling has a footprint of 115sqm and has a pitched roof with an overall ridge height of 4.45m. The Council outline that the proposed replacement two storey dwellings would have a footprint of 117sqm and a pitched roof with an overall ridge height of 6.23m. The proposed dwellings would set back broadly in line with the existing dwelling and would have a two storey extension with dormers to the rear.
8. Whilst, the Council and the appellant agree that the footprint of the existing and the replacement dwellings would be similar and the new dwellings would be in the same use, the main parties disagree on whether the new dwellings would be materially larger than the existing dwelling.
9. However, fundamentally these complications and the dispute between the parties are not crucial to my determination of the appeal. Taking the appellant's best case scenario, the proposed dwellings would be about 2m higher than the existing single storey dwelling. Although the building would be set back and reduced in width, I take the view that such an increase in the size, in combination with the overall increase in the scale and form of the two storey proposal, cannot reasonably be considered to be anything other than materially larger than the one it replaces and would not meet this exception.
10. I am not persuaded that the proposal would meet any of the other exceptions for development within the Green Belt as set out in the Framework. In particular, the proposal would not meet with paragraph 145(e) as it clearly involves the replacement of an existing dwelling rather than infilling of a vacant site within the built up frontage along Sleafshyde Lane. In terms of paragraph 145(g) even if the site was judged to fall within the definition of Previously Developed Land as defined in Annex 2 of the Framework, I consider the construction of two semi-detached dwellings as proposed on the site would have a greater impact on the openness of the Green Belt than the existing development on the site.
11. Consequently, 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 aims of the Framework and LP Saved Policy 1 but for the reasons indicated above, the weight to be attached to the policy conflict with Policy 1 should be reduced. In accordance with the Framework, I attach substantial weight to the harm arising due to the inappropriate nature of the development in this location.

Openness of the Green Belt

12. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. The Framework advises at Paragraph 133 that openness and their permanence are essential characteristics of Green Belts. Openness is generally defined by an absence of built form and not necessarily to visibility.
13. The proposed dwellings, by virtue of scale, form and siting, would not amount to a subservient form of development on the appeal site. The proposal would result in an increase in the built form in the area which would compromise the sense of openness and would fail to keep the land permanently open.
14. Consequently, I conclude 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 seek to preserve the openness of the Green Belt. I give substantial weight to that harm.

Other Considerations

15. I note the appellant's statement on the fallback position on the appeal site and the appellant's preference to build the replacement dwellings rather than demolish the existing dwelling to create a vacant infill site. Be that as it may, given the site's location within the Sleaford Conservation Area (CA), in accordance with the provisions of LP Policy 85(ii)(c), planning permission for a redevelopment proposal would be required and the detailed plans agreed before permission would be granted for the demolition of the existing property. I therefore accord this matter limited weight in making this decision.
16. Given the location of the appeal site within the CA and adjacent to the Grade II listed buildings at Rose Cottage and Little Rose Cottage immediately to the north-east of the site, special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area and the setting of the listed buildings. I consider that the appeal scheme, by virtue of its scale, siting and design, would have a neutral material impact and would preserve the character and appearance of the CA and the setting of the listed buildings. The setting is therefore preserved.
17. I have considered the appellant's comments that the size and massing of the replacement dwellings have been reduced and the new dwellings redesigned since the previous planning refusal on the site¹, in order to be more in keeping with the adjacent properties and the area. Whilst these features, together with the landscaping, would assist in integrating the proposal with the CA and the adjacent listed buildings, these aspects do not overcome the adverse effects outlined above and are matters to which I attach only moderate weight.
18. I have noted the other development in the area drawn to my attention by the appellant. However, the development for 8 dwellings at Felbridge² has different development and locational characteristics to the appeal scheme and was allowed on appeal in a different policy context. In any event, each proposal falls to be assessed primarily on its own merits and I am unaware of the full circumstances associated with this development. I therefore accord this limited weight as a precedent in this case.

¹ 5/2017/2392

² APP/M3645/W/16/3141780

19. The appellant considers that the proposal would provide social and economic benefits through contributing to the supply of housing in the area and supporting the local services and facilities. In environmental terms, the appellant states that the scheme's design, effective use of the Previously Developed land, improvements to the appearance of the site in the CA and the setting of the adjacent listed buildings and the accessibility to services by alternative modes of transport would amount to environmental benefits. Overall, these are benefits that would result in moderate weight in favour of the appeal scheme.
20. The Council confirm that it cannot demonstrate a five year supply of deliverable housing sites. Consequently, the appellant argues that the proposal would provide much needed housing and the presumption in favour of sustainable development at paragraph 11 of the Framework should be engaged. This would be in accordance with footnote 7 of the Framework which would render the policies within the Local Plan that are the most important for determining the appeal to be out-of-date. Given the severe shortfall in housing provision in the area, the additional housing makes a positive, albeit modest contribution to the supply of housing in the area.
21. However, footnote 6 of the Framework specifically states that land designated as Green Belt is one of those areas that is to be protected and in accordance with paragraph 11 (d), I have found that the policies in the Framework provide a clear reason for dismissing the development proposed. As such the presumption in favour of sustainable development in paragraph 11 of the Framework does not apply.

Very Special Circumstances

22. I have concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have concluded that the proposal would harm the openness of the Green Belt. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt.
23. Having considered all of the matters raised in support of the development, I conclude that, collectively, they do not outweigh the totality of the harm I have identified in relation to the Green Belt. I am not satisfied that any material considerations have been put forward of sufficient weight to outweigh the very strong public interest in protecting the Green Belt from inappropriate development. Accordingly, very special circumstances do not exist and the principle of the development would be contrary to LP Saved Policy 1 and the Framework.

Conclusion

24. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR