



Appeal Decision

Site visit made on 18 July 2019

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 09 September 2019

Appeal Ref: APP/B1930/W/19/3227264

Land adjacent to 167 Colney Heath Lane, St. Albans AL4 0TN

- 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 Mr Oliver Choppin against the decision of St Albans City and District Council.
 - The application Ref 5/18/2382, dated 14 August 2018, was refused by notice dated 16 January 2019.
The development proposed is described as erection of 1no detached dwelling with associated parking and turning area.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was revised in February 2019. I have therefore referred to this in the determination of this appeal.

Main Issue

3. The appeal site is located within the Green Belt. The main issues are therefore:
 - (a) Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies;
 - (b) The effect on the openness of the Green Belt;
 - (c) The effect of the proposal on the character and appearance of the area, and
 - (d) Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

4. The appeal site forms part of an open agricultural field, laid to grass. The wider land parcel also contains an equestrian arena and is bordered by a mix of hedgerow and post and rail fencing. Beyond this is a farmstead with farm buildings bordering the site.

5. The site is situated at the end of a row of small collection of houses which take a linear form along Colney Heath Lane. The appeal site is situated to the south of the City of St Albans and is some distance from its settlement boundary.
6. The proposal is for a self-build dwelling to be constructed on the appeal site, where the appellants argue that the proposal would constitute 'infill' development.
 - (a) *Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies*
7. The appeal proposals are, by definition, inappropriate development in the green belt as they do not fall into the closed list of exceptions set out in paragraph 145 of the Framework, nor that of saved policy 1 (Metropolitan Green Belt) of the St Albans Local Plan (1994). As such, the proposal by way of its inappropriateness is harmful to the Green Belt.
 - (b) *The effect of the proposal upon the openness of the Green Belt*
8. There is no definition of openness in the Framework but, in the Green Belt context, it is generally meant as the absence of, or freedom from development. The appeal proposal would be harmful to the Green Belt, because it would, quite evidently, result in a loss of the openness of the site through the development of a substantial new dwelling.
 - (c) *The effect on the character and appearance of the area*
9. The appeal site sits within an area that has a strongly rural and open character. I consider that much of the site is screened by hedgerow, however, it would be possible to see the proposed new dwelling from the public domain as the access would be proposed from Colney Heath Lane, which would require some of the hedgerow to be cleared. I consider that this character would be significantly harmed by the development of a new dwelling in this location.
 - (d) *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*
10. The development would provide a new dwelling, with attendant economic benefits associated with the construction process and future occupation. This carries weight in favour of the proposal, albeit limited, given the scale of the proposal.
11. The appellant states that given the emerging development plan, the Council will have to release Green Belt for new development in order to meet growth requirements. Whilst this may be the case, the Council's development plan review has yet to be adopted and I must determine this appeal based on the adopted development plan, together with the relevant parts of the Framework and any other material considerations.
12. At paragraph 144 of the Framework, it is states that decision-takers should '*ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations*'.

13. The appellants claim that as the Council has not reviewed the Local Plan since 1994, the 'basic principle of intrusion' into the Green Belt should not be solely a reason for refusal in this case. However, Green Belt is clearly designated to endure beyond the plan period (as per paragraph 136 of the Framework).
14. The appellant cites two appeal decisions¹, which were allowed on the basis that the contribution of housing in an area of scarce supply outweighed the harm. The Council state that in both cases, these sites do not fall within the Green Belt and I have therefore determined this appeal on its own merits.
15. The appellant considers that the appeal proposals constitute infill development and argues that the Council agrees with this assertion in the officer's report. I do not agree the site constitutes infill because it falls within a much larger agricultural field and not 'within a village' nor on a previously developed site, as per paragraph 145 of the Framework.
16. Finally, it is briefly mentioned in the appellant statement that they require this self-build dwelling in this location in order to provide assistance to disabled family members who already live at the farm. I am without enough detail on this matter, explaining why the appellants have a functional need to live near to the farm and how this functional need would therefore contribute to a set of very special circumstances. I am therefore unable to give this any meaningful weight.
17. Overall, I have found harm through the inappropriateness of the development in Green Belt and through the loss of openness, as well as harm to the character and appearance of the area. I give substantial weight to this harm. The other benefits I have discussed do not clearly outweigh this.

Conclusions

18. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Consequently, I conclude that the appeal should be dismissed.

Sian Griffiths

INSPECTOR

¹ APP/B1930/W/17/3172522 and APP/B1930/W/17/3174364