



Appeal Decision

Site visit made on 10 March 2020

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2020.

Appeal Ref: APP/B1930/W/19/3242204

Land at Fairshot Court, Woodcock Hill, Sandridge AL4 9ED

- 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 Richard Swaine of Belgrave Land (Northern No 2) Limited against the decision of St Albans City & District Council.
 - The application Ref 5/19/0981, dated 2 April 2019, was refused by notice dated 22 August 2019.
 - The development proposed is for the development of 4 No houses, associated car parking, landscaping and engineering works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant's submission includes a 'statement of common ground' (SOCG) which has not been signed by the Council. The Council also confirm that it does not agree with much of its content. Notwithstanding this, it contains several statements of fact to which I have regarded as material to my assessment.
3. A signed and dated unilateral undertaking (UU) was submitted by the appellant following the submission of the appeal and relates to the planting of orchard trees to offset those previously lost. The Council has been given the opportunity to comment on the UU.

Main Issues

4. The main issues of the appeal are;
 - Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - The effect on the character and appearance of the area;
 - If the development is inappropriate, 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 site is situated in the Green Belt. The Framework outlines that the construction of new buildings, other than in connection with a number of exceptions, should be regarded as inappropriate in the Green Belt. Inappropriate development according to the Framework is harmful to the Green Belt and should not be approved except in very special circumstances. One of the exceptions is limited infilling in villages.
6. Sandridge is defined by Policy 2 of the St Albans District Local Plan Review 1994 (the Local Plan) as a settlement located within the Green Belt. Policies 1 and 2 of the Local Plan seek to restrict development in such settlements to a number of specific purposes, none of which refer to limited infilling in villages. This is not consistent with paragraph 145 of the more recent Framework. Thus, I can afford Policies 1 and 2 limited weight insofar as they deal with exceptions to inappropriate development in the Green Belt. Equally, I have adopted the same position in terms of attributable weight to the policies in the emerging St Albans City and District Local Plan 2020-2036 (Publication Draft 2018), given its current status.
7. There is dispute between the two main parties in their interpretation of the site's location and whether it is within the village of Sandridge. The Framework does not assist in this regard as there is no definition of a 'village'. Therefore, considering the wording of the Framework, it is important to consider the extent of the village and whether the site is within the village when viewed on the ground.
8. The appeal site comprises a large lawned area in front of Fairshot Court, a sizeable property of traditional appearance containing several residences, accessed by a long driveway and set back from Woodcock Hill. Trees and boundary hedges surround the site and Fairshot Court's expansive grounds. On the opposite side of the road to the appeal site is an orchard, while farmland is located beyond the site to the south, east and north east. Development in these areas, is generally isolated and dispersed, with the main features being agricultural fields interspersed by blocks of woodland.
9. Although the village school is located a short distance to the west of the site, and along with Fairshot Court, is visible from within it, the predominant character of the appeal site and the immediate area is distinctly pastoral and largely made up of tall trees and open, undeveloped areas of land that appear disconnected from the more nucleated arrangement of dwellings and built development further to the west and south west of the school and facing Langley Grove and Woodcock Hill respectively. Furthermore, the road passing the appeal site's frontage has a rural quality, with tall boundary trees shrouding it either side. This contrasts to the built-up parts of the village where dwellings are visible, closely arranged and separated from the roads by largely manicured boundary hedges. Consequently, the appeal site's more divorced physical location amongst largely pastoral and undeveloped land conveys the impression that it is outside of the envelope of a village, albeit in close proximity.
10. As a consequence of my assessment, whether or not the site could be said to be 'limited infilling' is not a determinative factor, as even if this was the case,

this would not address the conflict with the exception in relation to the site not being located in a 'village'.

11. The appellant considers there to be locational similarities between the appeal site and the village school. From my inspection of the site I observed that the school occupies a peripheral position in the village, albeit closer to the more concentrated built frontages to its west. In contrast, the appeal site, in my view has a more obvious and closer visible connection to the pastoral and verdant surroundings to the south and east.
12. I note that there are traffic signs and an electricity sub-station located close to the appeal site's access, in addition to a brick wall either side of the site entrance. However, these are seen against the backdrop of the tall trees that line this part of Woodcock Hill, and the collective scale of this physical infrastructure alone, does not justify the site's inclusion within a village given the wider rural character I have referred to.
13. Within the more central parts of the village, there are pockets of green space, but these differ to the appeal site in that they are surrounded and in close proximity to housing development. This containment of green space by built development has a distinctly different character to the appeal site and I do not consider that comparisons can be drawn. Nevertheless, the development of those spaces relates to a hypothetical scenario that is not before me.
14. The appellant has provided an analysis of the appeal site's location in relation to Sandridge, having regard to an aerial photo of the village and surrounding land. However, my assessment differs in that I have assessed the site in the context of circumstances as they exist on the ground. Nevertheless, in my view the aerial photo shows the site surrounded largely by open and undeveloped spaces which have a rural character that contribute to it appearing separate from the village envelope.
15. I am drawn to the Council's approval of a new extension at the village school, however, I have not been presented with the full details of this proposal. Moreover, this would relate to a different Green Belt exception within the Framework, therefore it would be difficult to draw similarities between that development and the appeal proposal. Similarly, the appeal decisions I have been referred to are not accompanied by full case details and nevertheless relate to sites some distance from Sandridge.
16. Therefore, when judged against the wording of national policy the proposal would be inappropriate development in the Green Belt which, according to the Framework is harmful by definition.
17. In concluding on this main issue, I have not referred to the Green Belt policies in the Local Plan as these are not consistent with the Framework.

Effect on Openness

18. The Framework indicates that openness is an essential characteristic of the Green Belt. The Supreme Court has recently held that a consideration of openness in any given case is a matter for the decision maker and may or may not include a consideration of the visual aspect of openness. For the purposes of this appeal, I have considered both the visual and spatial aspects of openness.

19. The Proposed Site Plan shows the four detached dwellings set back from the road frontage and evenly spread across the land currently maintained as lawn. Each dwelling would have two parking spaces while Plots 1,2 and 3 would be served by a new gravel drive off the existing driveway. Although not indicated it is likely that private gardens for each dwelling would be screened by boundary treatment and contain domestic paraphernalia such as outdoor seating. These aspects of the proposal would inevitably combine to impact on the openness of the Green Belt in spatial terms.
20. There are mature trees and hedges along much of the site boundaries and it is indicated that these would be retained and reinforced, limiting views of the site to the immediate surrounding area. Nevertheless, the proposed dwellings would be visible to some degree from the vehicle access point, the existing driveway and from some of the residences at Fairshot Court. Moreover, there would be glimpsed views of the dwellings from Woodcock Hill and the school access road through and above the boundary vegetation. I also consider that any domestic curtilage would have a visual impact on the Green Belt when compared to the existing circumstances.
21. In both spatial and visual terms the proposal would have a greater impact on the openness of the Green Belt than the existing situation. While the harm would be moderate, this would be contrary to the Framework where it states an essential characteristic of Green Belts is their openness. Moreover, the development would not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open.
22. Even if I was to consider the site to be previously developed land, as the appellant suggests, my conclusions on the effect of the development on the openness and purposes of the Green Belt conclude that there would be harm and consequently it would not be considered as not inappropriate development in the Framework's terms . Furthermore, there is no detailed information before me to suggest the dwellings contribute to meeting an identified affordable housing need within the area.

Character and Appearance

23. Although located close to, Fairshot Court and the village school, the appeal site is adjacent to more natural and undeveloped surroundings characterised by trees and agricultural land. This relationship is apparent from within and outside of the site. The appeal site itself is a large open area mostly covered by lawn and bounded predominately by trees that are consistent with surrounding features. This contrasts with the more planned and built-up development in the village. I therefore consider that the appeal site's spacious and verdant setting contribute positively to its character.
24. Although the proposed dwellings would be designed sympathetically, they would significantly develop the lawn area in front of Fairshot Court and in doing so urbanise the soft, undeveloped space. This would have a negative impact on the site's positive attributes that contribute to the area's character. Other domestic paraphernalia such as the vehicle hardstanding and the engineered driveway would also appear discordant and combined with the proposed dwellings would have an incongruous appearance upon the verdant surroundings. This impact would be most conspicuous from the driveway and residences within Fairshot Court. While the mass and height of the dwellings

would be visible from Woodcock Hill and the school access and seen through gaps in vegetation and rising above boundary hedgerow.

25. I acknowledge that when viewed from distance the proposed dwellings would be screened by the boundary vegetation, as visualised by the images in the appellant's Landscape and Visual Assessment. However, in my view, there is a more perceptible appreciation for the grain and pattern of land closer to the appeal site and from these areas the proposal would appear more discordant with its surroundings.
26. In concluding on this matter, the proposed development would be harmful to the character and appearance of the area. Therefore, it would fail to comply with Policy 69 of the Local Plan, where it requires new development to take into account the scale and character of its surroundings. It would also conflict with the Framework where it seeks to ensure development is sympathetic to local character.
27. I have not referred to Local Plan Policy 74 which relates to the retention of existing landscaping and the provision of new, in concluding on this main issue, given that there is no evidence from the plans before me of any tree loss, while compensatory planting is proposed.

Other Considerations

28. The Council does not have an up-to-date 5 year Housing Land Supply. Notwithstanding this, the Framework indicates that the presumption in favour of sustainable development does not apply where the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. The Green Belt is an example of such areas/assets and the proposal is contrary to the relevant policies of the Framework in regard to these.
29. The Council has not objected to the principle of tree planting contained within the appellant's signed and dated UU, however, they have questioned the level of detail and wording contained in the obligation. In response to this, the appellant has indicated a willingness to amend the UU to address the Council's comments. Notwithstanding this, even if I were to agree that the appellant make the necessary changes and that the UU was acceptable and compliant with Paragraph 56 of the Framework, the measures put forward would not overcome the loss of openness to this part of the Green Belt and the harm that would be incurred upon the character and appearance of the site and surrounding area. I therefore give this little weight.
30. During my site visit I noted that the appeal site is located a reasonable distance from village services and transport connections, while a footway close to the site frontage would encourage future occupiers to walk to access these. However, these locational benefits do not diminish the harm that would arise from the proposal.
31. The provision of 4 dwellings would contribute to the supply and mix of housing in the area and the general thrust of national policy seeks to boost housing provision. However, the contribution of 4 dwellings to the mix and supply of housing in the area would be modest, as would the economic benefit associated with the construction process and future spending of occupiers in the area.

32. There are no refusal reasons relating to matters such as the size of the proposed accommodation or outdoor space, living conditions of existing and future occupiers, highway safety or parking. Nevertheless, the absence of other harm is a neutral factor and does not weigh in favour of the proposal.

Conclusion

33. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. Moreover, it would lead to a moderate loss of openness to the Green Belt. I have also found that the proposed development would harm the character and appearance of the area.
34. 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. The proposal would be contrary to Policy 69 of the Local Plan, and the provisions of the Framework.
35. Therefore, for the reasons given I conclude that the appeal is dismissed.

RE Jones

INSPECTOR