



Appeal Decision

Site visit made on 10 March 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th April 2020

Appeal Ref: APP/B1930/W/19/3243980

Land between 17 and 18 Gustard Wood, Wheathampstead, AL4 8RP

- 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 Ms Wingrove against the decision of St Albans City & District Council.
 - The application Ref 5/19/1579, dated 19 June 2019, was refused by notice dated 14 August 2019.
 - The development proposed is the construction of a 3-bedroom dwelling (C3) with off-road car parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Within the evidence before me reference has been made to the Council's emerging Local Plan. However, as I am unaware of the extent and content of unresolved objections to the plan, I can only afford its policies limited weight in my decision. Therefore, I have relied primarily upon the policies within the St Albans District Local Plan 1994 and the National Planning Policy Framework (the Framework) in coming to my decision.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, with particular reference to whether it would constitute limited infilling in villages;
 - the effect of the proposal on the openness of the Green Belt; and
 - 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

Inappropriate development

4. The appeal site is an area of vacant land, located between 17 and 18 Gustard Wood. The site was formerly part of the residential garden of 18 Gustard Wood

and is enclosed by tall hedges and trees. The site is accessed via Gustard Wood which is a private road, and overlooks the Mid-Herts Golf course. The area is characterised by low-density development, which is dispersed along the lane, with the absence of built development on its eastern side.

5. The site forms part of an undeveloped gap which separates 17 and 18 Gustard Wood. The large garden of 18 Gustard Wood contributes to the spaciousness of the undeveloped gap. This gap has a substantial frontage, depth and area and beyond the site there is no further development to the front or rear.
6. No 17 forms the end of a group of buildings running south and No 18 is separated from a shorter terrace of housing running north. The presence of the undeveloped gap prevents these two groups of building forming a continuous row. This results in a character where those two houses form the end of two distinct and discrete groups of broadly linear development with the spacious undeveloped gap between them.
7. St Albans District Local Plan 1994 Policy 1 restricts development within the Green Belt, except in limited circumstances which does not include the erection of new dwellings. However, the policy predates the Framework and therefore I have given the policy limited weight as a result of its more limited list of exceptions, such that it has not altered my overall decision.
8. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 145 and 146. One of the exceptions cited is limited infilling in villages.
9. The characteristics of the area which would receive development are a material factor in considering whether the proposal would constitute such limited infilling. I consider that the development would not have to occupy the entire space between the buildings to constitute infilling, neither is the consideration related to the quantity of development proposed. I have taken account of the pattern and form of development which exists within the locality in coming to a judgement as to whether the development would be limited infilling.
10. I understand from the evidence that the size of the dwelling has been reduced from that which was considered within the previous appeal, APP/B1930/W/16/3153718. However, the proposal before me would still result in a reduction in the size of the gap which currently exists between 17 and 18 Gustard Wood, the size of the plot has not been reduced and whilst the dwelling would be positioned to the left hand side of the plot and set back from the frontage, there would be associated development (access and parking area) and domestic paraphernalia which would reduce the extent of the gap considerably.
11. The combination of the extent of the gap between the existing buildings, the scale of the development and the wider built context of the site all lead me to conclude that the development would not constitute the limited infilling in villages which the Framework considers to be not inappropriate development.

12. I have been provided with another appeal decision in Church Lawton which the appellant considers provides support for their application, however the characteristics of each site are different and the circumstances that applied to other cases may not be directly comparable to the appeal proposal.
13. Reference has been made to the Council's emerging policy L5, however as I have already set out this policy can only be given limited weight. Therefore, whilst this policy may set out the scale of sites which may be appropriate for infilling, given the weight that can be attributed to this policy it does not lead me to alter my conclusions on this main issue.
14. I've not been provided with any information to suggest that the proposed development would not be inappropriate development for any reason other than under para 145(e). On that basis and for the reasons outlined above, it would be inappropriate development in the terms of the Framework which by definition is harmful to the Green Belt and should not be approved except in very special circumstances. Para 144 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt.

The effect of the proposal on the openness of the Green Belt

15. Paragraph 133 of the Framework states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. In the case before me the built form would increase significantly as a result of the introduction of a detached dwelling with associated access and parking areas and therefore in spatial terms would have a small yet harmful impact upon the openness of the Green Belt.
16. Openness also has a visual aspect as well as a spatial one. I note that the appeal site sits back from the road and is located within a row of residential dwellings. However, having regard to the spacing provided by the garden of No 18 and the position of the proposed dwelling which is at odds with the general pattern of development, the proposal would not be seen within the context of these existing neighbouring dwellings. It follows that the proposed dwelling would also be visually intrusive.

Other considerations and whether very special circumstances exist

17. The Council cannot currently demonstrate a 5-year housing land supply and the proposed development would offer the benefit of delivering an additional home and other benefits such as the contribution that its construction would make to the local economy. However, any such benefits would be modest given the scale of the development. Given the national importance given to protecting the Green Belt relative to the modest benefits that would accrue from the appeal development all of the considerations that might be said to weigh in favour of the proposal do not clearly outweigh the identified harm to the Green Belt alone or in combination with the other identified harm so as to amount to the very special circumstances necessary to justify the development. Consequently, the tilted balance that would otherwise apply is disengaged in this case.

Other Matters

18. As part of my assessment of the appeal development, in order to discharge my statutory responsibilities, I have also made an assessment of the proposals'

effect on the significance of both the Gustard Wood Conservation Area (CA) and the setting of No 17 as a Grade II Listed Building (LB). I have found that there would be no harm to the setting of the LB but that there would be less than substantial harm to the significance of the CA. However, as these matters do not form part of the Council's reasons for refusal and do not alter my overall decision, I have not found it necessary to pursue them any further in order to make my decision.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

G. Pannell

INSPECTOR