
Appeal Decision

Site visit made on 6 April 2022

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 May 2022

Appeal Ref: APP/B1930/D/21/3283508

4 Strawberry Crescent, London Colney AL2 1US

- 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 Chris Stone against the decision of St Albans City & District Council.
 - The application Ref 5/21/0312, dated 28 January 2021, was refused by notice dated 01 July 2021.
 - The development proposed is a rear outbuilding (retrospective).
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I was able to view the outbuilding at the time of my site visit. I have therefore dealt with the appeal on a retrospective basis.

Main Issues

3. The main issues are:
 - whether the appeal development is inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt;
 - if the appeal development 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 it.

Reasons

Whether Inappropriate Development

4. The Framework, at Paragraph 149, states that the construction of new buildings should be regarded as inappropriate in the Green Belt except in a limited number of clearly defined circumstances. One exception to inappropriate development is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building (paragraph 149c).

5. Policy 1 of the City and District of St Albans District Local Plan Review (1994) (LP) relates to development within the 'Metropolitan Green Belt'. LP Policy 13 relates to 'Extensions or Replacement Dwellings' in the Green Belt. Whilst these policies were adopted significantly prior to the Framework, their intentions are broadly consistent with the Framework insofar as this appeal is concerned. Whilst these policies do not refer to the development of outbuildings within the curtilage of a dwelling, the Council's Residential Extensions and Replacement Dwellings in the Green Belt Supplementary Planning Guidance (2004) (SPG) does address that matter. The SPG states that garages and outbuildings within 5 m of the original dwelling and over 10 m³ in volume will be classed as an extension.
6. There is no dispute between the main parties that the outbuilding is further than 5 m from the rear elevation of the original dwelling. I note that the appellant considers the 5 m distance given within the SPG as arbitrary, however, I must interpret relevant guidance as it is plainly read.
7. As such, the outbuilding is not classed as an extension by the SPG and it, therefore, represents inappropriate development in the Green Belt. The Framework states that such development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Green Belt - Openness

8. Paragraph 137 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt.
9. The construction of a building where there was not previously a building necessarily reduces the openness of the Green Belt. The outbuilding is visible in public views from the surrounding public open space. Whilst I note additional landscaping could limit public views of the outbuilding, the garden is less open than it would be without the outbuilding, and the development therefore causes harm to the openness of the Green Belt. As a result, both in spatial and visual terms, the openness of the Green Belt has been reduced contrary to paragraph 137 of the Framework.

Other Considerations

10. The appellant advises that the outbuilding is used as a home office, and I acknowledge that the COVID-19 pandemic will have resulted in an unexpected need for such spaces. The Framework requires planning policies to allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances. As such, moderate weight is given in favour of the development given its role in supporting flexible working practices.
11. I note that permitted development rights relating to the construction of outbuildings on the appeal site were removed by a condition attached to the original permission for the wider residential development. As such, there is no potential 'fall-back' position of a similar outbuilding. Furthermore, there is no substantive evidence before me to indicate that the aforementioned condition is no longer necessary or relevant to planning.
12. Whilst the Council is concerned that the repetition of the appeal development would result in cumulative harm to the openness of the Green Belt, each

development needs to be predominantly considered on its individual merits and circumstances against the relevant policies and taking account of other material considerations. I have, therefore, decided this appeal on its own merits.

Green Belt Balance

13. Whilst a finding that a development is inappropriate in the Green Belt does not automatically lead to a total prohibition, Framework paragraph 148 states that substantial weight should be given to the harm to the Green Belt and 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 development, is clearly outweighed by other considerations.
14. I have found harm to the Green Belt by way of inappropriateness and because of a reduction to its openness. These matters attract substantial weight against the development. Having considered all matters in support of the development, they collectively would not clearly outweigh the identified harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The development therefore conflicts with Policies 1 and 13 of the LP, the SPG and the Framework. Taken together, these policies, amongst other things, seek to protect the essential characteristics of the Green Belt.

Conclusion

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that appeals be determined in accordance with the provisions of the development plan unless material considerations (including the Framework) indicate otherwise. The development conflicts with the development plan, when read as a whole, and there are no other considerations, including the Framework, that outweigh the identified conflict.
16. As such, for the reasons given above, the appeal is dismissed.

S D Castle

INSPECTOR