



Appeal Decision

Site visit made on 21 November 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2022

Appeal Ref: APP/B1930/W/22/3300062

Clarence House, West Common, Harpenden AL5 2AR

- 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 and Mrs O'Sullivan against the decision of St Albans City Council.
 - The application Ref 5/22/0555, dated 3 March 2022, was refused by notice dated 27 April 2022.
 - The development proposed is the erection of a new four-bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. As the appeal site is in the Green Belt the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to relevant development plan policy and the National Planning Policy Framework; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

3. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate development in the Green Belt, subject to the exceptions set out in Framework paragraph 149.
4. Saved Policy 1 of the St Albans District Local Plan Review 1994 (LP) predates publication of the Framework. It seeks to maintain the extent of the Green Belt and except for certain types of development, or in very special circumstances, restricts development in the Green Belt. In these regards, it is consistent with the aims of Green Belt policy in the Framework. It is common ground that the proposal would not be a type of development supported by LP Policy 1 or the equivalent Framework exceptions. However, this policy does not recognise the

full extent of exceptions to inappropriate development in the Green Belt set out in the Framework. The exception in paragraph 149 e) for limited infilling in villages is therefore relevant in this case. The Framework does not define 'limited infilling in villages' so this must be assessed in each case.

5. The site comprises approximately half of the rear garden of a two-storey detached dwelling known as Clarence House. It forms a corner plot at the ends of two rows of houses set at right angles to each other. Only Clarence House has a direct means of access onto the main A1081 St Albans Road and it would also be used to serve the proposed house. These other houses are sited along and accessed from streets typical in layout of a built-up frontage and are within the defined settlement boundary of Harpenden. Apart from another house to the northwest there are no buildings in any other direction around the site.
6. Consequently, the site does not form a gap or a break in the continuity of a built-up frontage. Nor would it be within either of these rows of houses and therefore not between and bordered both sides by buildings. The site does not have to be fully surrounded by buildings for development on it to amount to infilling but in this case, it would not be sufficiently enclosed. Moreover, while developing the site in the manner intended might be 'rounding off' this would not be a pattern of development in the Green Belt recognised by LP Policy 1 or the Framework. Accordingly, notwithstanding that a single house would be a small-scale, limited development; the proposal would not be infilling.
7. Although adjacent to it on two sides, the site lies outside the settlement boundary of Harpenden. Furthermore, Harpenden is a town, not a village. Whilst the site has been incorporated into the rear garden of Clarence House it is still distinctly part of a strip of undeveloped land in the Green Belt that contains trees and broadens out to the north. It is, therefore, plainly next to the present extent of the developed built-up area of Harpenden and this nub of land is on an outside edge of this town. It has more affinity with the land in the Green Belt to the north as well as the extensive swathe of land in the Green Belt to the east and south, than with the urban area of Harpenden. As such the proposal would undermine the integrity of this part and edge of the Green Belt.
8. The site-specific circumstances of the proposal before me are therefore not directly comparable with those in other appeal decisions to which I have been referred¹.
9. I find that the proposal does not qualify as an exception set out in Framework paragraph 149 e) and also conflicts with LP Policy 1. It would therefore fail to preserve openness and be at odds with the aim of the Green Belt to keep land permanently open. It would also conflict with Framework paragraph 138 purposes a) and c) of including land within the Green Belt; namely to check the unrestricted sprawl of large built-up areas and safeguard the countryside from encroachment. Consequently, it would be inappropriate development in the Green Belt.

Other Matters

10. The site is in the Harpenden Conservation Area (CA) and Clarence House is a locally listed building. The significance of this part of the CA includes large, detached inter-war suburban houses in spacious, landscaped plots behind the

¹ APP/P0240/W/18/3196341, APP/T2350/W/16/3164118, APP/B1930/W/21/3275907 and APP/B1930/W/20/3249093

trees on the west side of St Albans Road. The significance of Clarence House includes its siting and historic origins as an early 20th century house. It makes a positive contribution to the character and appearance of the CA. The house would incorporate important design features of Clarence House. Two smaller plots by sub-dividing the garden would be comparable in size with some others nearby. Some trees on the site would be lost but important trees in public views would be retained. Consequently, the proposal would preserve the character and appearance of this part of the CA, so the CA overall, and not adversely affect the significance of Clarence House.

Other Considerations

11. The proposal would make efficient use of a small windfall site for a 4-bedroom house. This would be aligned with objectives of the Framework to significantly boost the supply of homes and meet the needs of families with children. The social and economic benefits of building and occupying one house would be small so these factors in support of the appeal carry limited weight.

Green Belt Balance

12. I have found that the proposal would be inappropriate development contrary to local and national policy to protect the Green Belt. This is a matter which the Framework requires me to give substantial weight. The limited benefits from a single dwelling do not amount to considerations that clearly outweigh the harm to the Green Belt due to inappropriateness. Consequently, very special circumstances to justify the proposal do not exist.

Planning Balance and Conclusion

13. The Council accepts that it cannot demonstrate a 5-year supply of deliverable housing sites; it may be as low as 2.2 years. Paragraph 11 d) of the Framework is therefore engaged. However, in this appeal the application of policies in the Framework that protect areas of particular importance (the Green Belt) provide clear reasons for refusing the development. Accordingly, by virtue of Framework paragraph 11 d) i) the presumption in favour of sustainable development does not apply in this case.
14. The proposed development would not accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding.
15. For the reasons given above the appeal does not succeed.

Robin Buchanan

INSPECTOR