



Appeal Decision

Site visit made on 6 December 2022

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2023

Appeal Ref: APP/B1930/W/22/3303684

Land adjacent Stanbridge, Kinsbourne Green Lane, Harpenden AL5 3PH

- 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 Marchon against the decision of St Albans City Council.
 - The application Ref 5/2021/3201, dated 14 November 2021, was refused by notice dated 24 January 2022.
 - The development proposed is a detached 2 storey dwelling with rooms in the roof, with linked garage and gym room. New crossover.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are i) whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and ii) the effect of the proposed development on highway safety.

Reasons

Whether or not the development would be inappropriate

3. The Government attaches great importance to Green Belts. 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. Paragraph 149 of the National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt should be regarded as inappropriate subject to specified exceptions. One such exception is 'limited infilling in villages'.
4. Policy 1 of the St Albans District Local Plan Review 1994 (the LP) sets out the extent of the Metropolitan Green Belt in the district and the exceptions where specific development will be granted planning permission in the Green Belt. The appeal proposal does not fall within the exceptions listed and would therefore constitute inappropriate development when assessed against Policy 1. However, Policy 1 is inconsistent with the Framework in that it does not include the full breadth of the exceptions listed in paragraph 149 in relation to the construction of new buildings.
5. I note the Council's assertion that the village of Annables is defined by tight-knit development on smaller plots with few breaks within residential curtilages. The higher density development differs from the residential properties beyond,

to the south and south-east of the village, which are set in larger plots and comprise a looser, less uniform urban form. However, the residential development which extends from the tightly clustered area of the village along Kinsbourne Green Lane and The Common, including the appeal site, represents a clear continuous form of built development which is contiguous with the existing buildings. As such, while the appeal site abuts common land to the one side, I find that the extent of the village is not confined to the tighter knit development and the appeal site would fall within the village.

6. While the village of Annables may not have been expanded since settlement boundaries were drawn in the 1980s, the Council does not dispute that those boundaries need not be determinative in deciding whether the site is within a village. The appeal site forms part of the garden of Stanbridge, a detached dwelling set in a generous plot. The land is enclosed by mature hedges and is free from built development. Whilst there is open countryside beyond the side boundary, the appeal site immediately abuts residential development to the front, rear and other side boundaries. It would therefore appear to be infill between those dwellings.
7. In light of the above considerations, I conclude that the proposal for a single dwelling, which would occupy the space between existing built development, would represent limited infilling within a village. Whilst the proposal would conflict with Policy 1 of the LP, I attribute limited weight to this conflict given its inconsistency with the Framework. Moreover, the proposal would accord with advice in the Framework, to which I attach greater weight. Accordingly, it would not constitute inappropriate development within the Green Belt and any consequential effects on openness are deemed to be acceptable.

Highway safety

8. The appeal proposal would be served by a new access from Kinsbourne Green Lane. A speed survey carried out by the appellant indicates the 85th percentile speed for vehicles southbound was 29.0 mph and for northbound 29.2 mph. The appellant's Sightline Assessment: Technical Note indicates that visibility splays of 41m are required at the site access, based upon measured traffic speeds. Whilst this distance can be achieved to the left when exiting the appeal site, the visibility splay to the right of the access in part would pass over common land. The required visibility splay cannot therefore be achieved entirely over land owned by the appellant or within the control of the highway authority.
9. The proportion of the visibility splay that falls outside of the appellant's control currently forms a section of the verge that is maintained as part of the neighbouring common land. As it stands, it would therefore provide the required visibility for vehicles egressing the appeal site. However, this arrangement cannot be guaranteed in perpetuity, and I have no particular details of any maintenance regime, now or in the future. Any obstruction to the visibility splay on land that is beyond the control of the applicant would be likely to significantly impede visibility to the right.
10. Whilst it is anticipated that the level of traffic to be generated by the development itself would be modest, without any substantive evidence that traffic flows on the road are similarly infrequent, it has not been demonstrated that the likelihood of harmful conflict between vehicles would be low, in the event that the required visibility cannot be met. Therefore, without the

provision of the visibility splay, which is not a certainty, cannot conclude that the proposal would not give rise to harm to highway safety.

11. Furthermore, there is no compelling case that the provision of a mirror on the opposite side of the carriageway is either achievable in practical terms or that it would be an appropriate solution.
12. In light of the above considerations, I conclude that the access to serve the proposed development cannot be provided in accordance with the required visibility standards and consequently the proposal would cause significant harm to highway safety. In that regard, it would fail to accord with the highway safety aims of Policy 34 of the LP, which requires development which involves the creation of a new access to provide adequate visibility.

Planning Balance

13. The Council indicates that it is not able to demonstrate a 5 year supply of deliverable housing sites. In this scenario, paragraph 11 of the Framework indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where there are specific policies in the Framework which indicate that development should be restricted, including policies relating to the Green Belt.
14. I have found that the proposal would not conflict with the aims of the Framework insofar as it would not constitute inappropriate development in the Green Belt. Future occupiers of the proposed dwelling, on the site, which is previously developed, would benefit from a degree of accessibility to services and public transport. The proposal would also generate economic benefits during the construction phase. These are all factors in the schemes favour. In terms of housing supply, however, the benefits derived from a single dwelling would be limited.
15. The fact that the Council has not raised an objection to the proposal with regards to the effect of the development on the character and appearance of the area or the living conditions of the neighbouring properties are neutral factors.
16. On the other hand, I have found that the proposal would give rise to significant harm to highway safety. The adverse impact of granting permission in this instance would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposal does not benefit from the presumption in favour of sustainable development outlined at paragraph 11 of the Framework.

Conclusion

17. The proposal would conflict with the development plan, when read as a whole. Material considerations have not been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

Emma Worley

INSPECTOR