



Appeal Decision

Site visit made on 29 November 2022

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2023.

Appeal Ref: APP/C1950/W/22/3300873

Land At Great North Road, Stanborough, Welwyn Garden City AL8 7TQ

- 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 Edit Residential Limited against the decision of Welwyn Hatfield Council.
 - The application Ref 6/2021/2881/FULL, dated 7 October 2021, was refused by notice dated 8 April 2022.
 - The development is proposed residential development of 9 dwellings including demolition of existing buildings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellant has provided amended plans clarifying the proposed use of some of the rooms and the size of beds within them. Given the small nature of the changes, I do not consider that the interests of any party would be prejudiced if I take these amended plans into account. I shall therefore determine the appeal based on the amended plans.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including the effect of the proposal on the openness of the Green Belt,
 - the effect of the proposal on the character and appearance of the area, and
 - if the proposal is inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development

4. The site lies within the Metropolitan Green Belt. Paragraph 149 of the Framework makes clear that the construction of new buildings is inappropriate

in the Green Belt. Various elements of the proposal may fall within the exceptions of Framework Paragraph 150, but as a whole the proposal consists of new market dwellings in the Green Belt which do not meet any of the exceptions in Framework paragraphs 149 or 150. I therefore conclude that the proposal would amount to inappropriate development, as defined by the Framework.

Openness and purposes

5. Framework paragraph 137 states that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Planning Practice Guidance (PPG) advises¹ that openness can have both spatial and visual aspects. Visually, the site consists of grassland used as a paddock. There are large trees and hedgerows both within and outside of the site.
6. The proposed buildings and associated works would be permanent features, and some elements of it would be visible from Great North Road when viewed from the access to the site. Whilst obtainable views from here would be reduced by existing and proposed trees, the scheme would nevertheless still be visible, especially in winter when foliage may be reduced. The additional activity from people and vehicles would also be visually apparent from Great North Road.
7. Spatially, the site itself is currently open and, despite the presence of a small stable building, is essentially absent of development. The proposal would introduce buildings to the site in the form of nine dwellings. These 2.5 storey dwellings would have a large volume, mass and bulk giving it an urbanised appearance compared with the current undeveloped character of the site.
8. The associated access road, residential gardens, driveways and noise barriers would add to the urbanising effect of the proposal, whilst the proposed landscaping itself would also reduce the site's openness. The proposal would therefore cause a permanent reduction in the openness of the site. For these reasons, I conclude that it would result in modest harm to the openness of the Green Belt.
9. In respect of Green Belt purposes, I have little substantive evidence to suggest that the proposal would disincentivise the regeneration of urban sites elsewhere. However, although isolated from the wider countryside by the Great North Road and the A1(M), the proposal would nevertheless result in built form intruding into the pocket of countryside formed by the site. It would therefore result in moderate encroachment into the Green Belt. As such, it would conflict with one of the purposes of the Green Belt at Framework paragraph 138(c).
10. Policy H2 of the Welwyn Hatfield District Plan (WHDP) adopted 2005 requires (amongst other things) that the suitability of windfall proposals is assessed against physical and environmental constraints. To my mind, these include the Green Belt and its openness. Therefore, considering my findings on this issue, the proposal would conflict with this policy. However, the aim of the policy is to ensure no significant oversupply of housing land. This is not consistent with the Framework, including its objective of significantly boosting the supply of homes. Therefore, having regard to Framework Paragraph 219, I give only limited weight to the conflict with WHDP Policy H2.

¹ Paragraph: 001 Reference ID: 64-001-20190722

11. The Welwyn Hatfield Local Plan (eLP) is currently emerging. Its Policy SADM1 states that permission for residential development on unallocated sites will be granted provided that, amongst other things, the site is previously developed, or is a small infill site. I have no evidence to suggest that these criteria would be met and so it would conflict with eLP SADM1. Policy SADM34 of the eLP is also relevant and requires any proposal to preserve the openness of the Green Belt. This would not be the case and so the proposal would also conflict with eLP Policy SADM34. However, the eLP examination is ongoing, and so I can give the conflict with these policies only limited weight.
12. The Council's first reason for refusal also refers to the Council's Supplementary Design Guidance, adopted 2005 (SDG). However, this relates primarily to design and so I find no conflict with the SDG in Green Belt terms. Nevertheless, the proposal would be inappropriate development in the Green Belt having regard to the Framework. I attach substantial weight to the harm that this would cause by definition, in accordance with Framework paragraph 147. I have also found that the proposal would have a harmful effect on the openness of the Green Belt and moderate harm to one of its purposes, to which I also attach substantial weight.

Character and Appearance

13. The site lies within the Middle Lea Valley West Landscape Character Area (LCA) of the South Hertfordshire Landscape Character Assessment. Key features of the LCA include its pastoral landscape. The appellants have provided a Landscape and Visual Appraisal (LVA). This finds that the site is visually contained, and that the landscape character is semi-urban, influenced by surrounding roads and buildings.
14. The busy, noisy A1(M) motorway runs close to the rear of the site, but vegetation beside it forms something of a green backdrop. As such, although it has a medium susceptibility to change and is not particularly sensitive, the site has a rural feel, and so it makes a limited but positive contribution to the LCA.
15. The existence of some urban development only makes it more important to carefully control new development, to maintain the features identified by the LCA. Even when weighed against the relatively large scale of the LCA, and bearing in mind the proposed landscaping, the creation of large additional built form on the site would result in a permanent loss of its soft, pastoral character and so would have a small but negative effect on the LCA.
16. Views of the site are mainly limited to residential and commercial receptors along Great North Road. Some dwellings (receptor A in the LVA) however are close to the site, being directly opposite. There is existing vegetation, and this together with proposed landscaping would help it integrate it from this receptor.
17. However, the proposal would be permanent and visible to occupiers of these dwellings, as well as to pedestrian users of Great North Road (receptor D) both during construction and subsequently, through both the site access and existing and proposed trees. As such, I consider that receptors A and D would have a medium degree of sensitivity to change, and that the proposal would have a moderate adverse effect on these receptors.

18. I agree with the LVA that the proposal would have a low adverse effect on occupiers of the nearby commercial properties, and those in vehicles travelling on roads (receptors B, C and E). Nevertheless, for the reasons given above, taking into account the overall impact, I conclude that the proposal would have negative landscape and visual effects of moderate significance.
19. The car showrooms adjacent to the site form large blocks of commercial built form. The dwellings opposite the appeal site are within lengthy plots. They are typically semi-detached or detached properties in a linear, ribbon pattern. My attention has been drawn to recently built residential units at Leaside Close. However, most if not all of the dwellings locally, whether of suburban traditional design or dwellings with a more modern appearance, have their principal frontages facing onto a road, as do the commercial uses.
20. The proposed dwellings would be perpendicular or parallel to Great North Road. The proposed layout has been designed partly to overcome noise constraints from the A1(M) and to provide acceptable levels of noise within the gardens of the proposal. As such, whilst dual-fronted Unit 1 would have an active frontage facing Great North Road, units 5 to 9 would have their rear elevations and gardens facing this road. Unit 1 would also have its rear garden adjoining the highway verge.
21. There is some variation in design locally. Even so, the rear-facing orientation of much of the proposal would give it a private, inactive appearance rather than the positive frontage of publicly facing elevations and gardens. Furthermore, the layout would conflict with its surroundings by being in a non-linear pattern and in plots much narrower than dwellings nearby. Whilst the proposed landscaping would help to mitigate these effects, for the reasons given, it would not prevent this harm, particularly in winter months.
22. I therefore conclude that the design and layout of the proposal would appear contrived and out of place with the predominant character of dwellings locally. Together with its landscape and visual effects, it would have a harmful effect on the character and appearance of the area. As such, it would conflict with WHDP Policies D1 and D2. These require development to be of a high quality and to respect, maintain and relate to the character and context of the area. It would also conflict with WHDP Policy RA10 which requires the conservation and enhancement of local landscape character.
23. These WHDP policies are consistent with the Framework, that development should recognise the intrinsic character and beauty of the countryside and if not well designed should be refused. For the reasons I give above, the proposal therefore conflicts with the Framework. It would also conflict with the SDG, which requires proposals to take the existing layouts of buildings, streets and spaces into account.
24. Policies SP9 and SADM16 of the eLP also require that development relates well to its surroundings, distinctiveness and context; and conserves and enhances the landscape. As such, the proposal would conflict with these policies too, although given their status, I attach little weight to this conflict. However, I find no conflict with WHDP Policy D8 which requires that landscaping is an integral part of overall design, or eLP SADM11 which relates to amenity.

Other Considerations

25. Framework paragraph 147 is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There is no dispute that the Council cannot currently demonstrate a five-year housing land supply. My attention has been drawn to an appeal decision partially within the same Borough, at Bullens Green Lane². In that case the Council's claimed supply was only 2.58 years.
26. Given the considerable and significant shortfall in supply, the Inspector attached very substantial weight to the provision of market housing in Welwyn Hatfield. A similar finding was made by an Inspector for an appeal at Codicote, North Hertfordshire³. I do not have all the details of these cases before me. Nor do I have specific housing land supply evidence, but I have no reason to believe that housing supply in Welwyn Hatfield has improved, and it may well have worsened.
27. It is not disputed that the Council has a low measurement against the Housing Delivery Test. The number of dwellings involved in Bullens Green Lane, and therefore the benefits to housing supply arising from it, were substantially greater than those which would flow from this proposal. Nevertheless, in light of the weak housing land supply position, I also give very substantial weight to the benefit of the proposal to housing land supply.
28. At Bullens Green Lane, the Inspector found no significant encroachment into the countryside and only limited harm to the character and appearance of the area. However, these issues are very much dependant on the specific circumstances of the site, thus limiting the extent of useful comparison.
29. The other considerations at Bullens Green Lane were found to clearly outweigh the harm to the Green Belt. However, the Inspector's conclusions related to a range of factors including the need, across both Welwyn Hatfield and St Albans Council areas, for market, self-build and affordable housing, to address an acute need. The proposal here does not include all these elements, and so the circumstances are not directly comparable, such that the Inspector's findings on other considerations carry only limited weight in my decision.
30. Similarly, at Codicote, the benefits of affordable housing and school expansion formed part of the Inspector's overall conclusions. The proposal here includes neither of these features. In any case, it relates to another District with policies and specific considerations that differ. As such I can give this decision only limited weight.
31. The proposal is for three-bed housing, for which a need has been identified in the Borough in the unchallenged context of poor and worsening affordability. Furthermore, construction of the proposal and its future occupants would make a positive social and economic contribution to the area. However, such benefits would be limited because of the relatively small size of the proposal. These benefits therefore attract moderate weight.
32. There is no dispute between the main parties that the site is reasonably well located for services and facilities. The site is proposed for allocation in the eLP, as site StL15. However, I have already found that limited weight can be given

² APP/B1930/W/20/3265925

³ APP/X1925/W/21/3273701

to the eLP, and similarly I give only limited weight to proposed allocation StL15.

Planning Balance and Conclusion

33. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise.
34. The proposal would cause harm to the Green Belt by reason of inappropriateness and a reduction in its openness. These both separately attract substantial negative weight. I have also attached significant negative weight to the harm to the character and appearance of the area. Against that, I have given very substantial positive weight to the benefit of the proposal to housing land supply and moderate positive weight to the provision of three-bed housing and to the social and economic contribution of the proposal. I have given only limited weight to the possible allocation of the site in the eLP.
35. In weighing up the harms with the benefits, I find that 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. In applying paragraph 11(d) of the Framework, policies in the Framework that protect areas or assets of particular importance (i.e. the Green Belt) therefore provide a clear reason for refusing the proposal. As such, the presumption in favour of sustainable development does not apply.
36. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR