



Appeal Decision

Site visit made on 5 September 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2023

Appeal Ref: APP/B1930/W/23/3320280

**Land between 84 & 108 Ragged Hall Lane, Chiswell Green, St Albans
AL2 3LD**

- 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 Martin Holderness against the decision of St Albans City Council.
 - The application Ref 5/22/1517, dated 10 June 2022, was refused by notice dated 27 January 2023.
 - The development proposed is erection of seven family detached houses and associated matters.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to 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, and;
 - 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

Whether inappropriate development

3. Paragraph 149 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling in villages.
4. The aims of Policy 1 of the St Albans District Plan City and District of St Albans District Local Plan Review Adopted 30 November 1994 (LP) are broadly consistent with the aims of Green Belt policies within the Framework. I agree with the findings of the Inspector in the appeal decision¹ referred by the appellant in that it does not specifically identify the exceptions listed in the Framework and as such is only afforded limited weight.

¹ APP/B1930/W/22/3300239

5. Policy 2 of the LP outlines the settlement strategy of the area and identified Chiswell Green as a large village outside of the defined Green Belt. However, it is common ground between the parties that the appeal site is outside of the defined settlement boundary of Chiswell Green. This may not be determinative as to whether the site is within the village or not, but the aims of Policy 2 would not be applicable to the proposal.
6. Policy 143a of the LP supports the establishment of Watling Chase Community Forest and generally requires proposals in this area to be consistent with other policies in the LP with policy 1 being referred to specifically.
7. The Framework does not define what constitutes a village or limited infilling. However, case law² has established that this is a matter of planning judgement and I have approached the appeal with this in mind.
8. The appeal site is an open parcel of land located adjacent to Ragged Hall Lane. I saw at my visit two, distinctly different patterns of development. On the one side of the appeal site, to the east, the lane is lined with houses on both sides up until the appeal site. The pattern of development is tight knit with house being of similar size, style and are stood close to each other.
9. On the other side of the appeal site, to the west, there is a much looser grain of development. These houses are generally sporadic and located within large, well-established plots, set back from the road and screened by dense vegetation which forms a defined boundary. The large, sporadically housing generally continues as you move further along Ragged Hall Lane.
10. Taking account of the two distinctly different patterns of development, the appeal site acts as a visual break. For these reasons, while the distance from the appeal site to other houses is short, these houses are not only outside of the defined settlement boundary but have the appearance of forming part of the open countryside. The houses along Ragged Hall Lane, to the east, are more closely linked to the village due to their pattern and while I acknowledge that the proposed dwellings would be of a similar appearance and pattern, this does not overcome the visual break the site provides and the open countryside appearance.
11. Therefore, I do not consider the proposal to be within the village. Accordingly, the proposal would comprise inappropriate development in the Green Belt. As far as relevant, the proposal would be contrary to policies 1 and 143a of the LP. It would also not meet any of the exemptions set out in paragraph 149 of the Framework.

Openness

12. Paragraph 137 of the Framework sets out that the fundamental aim of Green Belt policy, which is to prevent urban sprawl by keeping land permanently open. The construction of dwellings on land where there is currently no development would inevitably lead to a loss of openness.
13. I note that the appellant considers the impact on openness to be minimal. However, I do not share this view. The provision of seven dwellings along with the associated hard landscaping and boundary treatments would have a significant effect on openness. Paragraph 148 of the Framework is clear when

² Julian Wood v SoS and Gravesham Borough Council [2015]

considering any planning application, the decision-maker needs to ensure that substantial weight is given to any harm to the Green Belt.

14. Consequently, the development would lead a significant loss of Green Belt openness which attracts substantial weight against the proposal.

Other considerations

15. There is no dispute between parties that the Council is unable to demonstrate a five-year supply of deliverable housing sites (5YHLS). The evidence before me, within the Council's Monitoring Report³ indicates that the Council is only able to demonstrate a 2-year supply. The submitted evidence also demonstrates that in terms of overall housing delivery, the Council have delivered 69% of its required housing over the past three years.
16. Consequently, paragraph 11 d) of the Framework may be engaged. However, paragraph 11 d) i) states that there are circumstances where the application of policies in the Framework to protect areas or assets of particular importance provides a clear reason for refusing the proposal. Footnote 7 of paragraph 11 d) i. confirms that land designated as Green Belt is one of the areas/assets of particular importance. As such, a proposal that does not accord with Green Belt policies in the Framework provides a clear reason for refusal.
17. There are other considerations that would weigh in favour of the proposal including boosting the supply of new housing in a sustainable area, potentially releasing smaller housing as families could upsize to the proposed, larger housing. The proposal could also encourage more young people to live in the area. I also note the appellant's intention to provide landscape and ecological enhancements. In combination, these considerations attract moderate weight in the proposal's favour.
18. I also acknowledge the benefit of small and medium sized windfall development sites and the support that paragraph 69 of the Framework provides. The proposal could also have economic benefits through construction and future occupiers spending power in the locality which is supported through paragraph 81 of the Framework.
19. The appellant has referred to several planning applications in order to support the proposal. While I do not have the full details of each case before me, in respect of 108 Ragged Hall Lane, while it borders the site, this relates to a replacement dwelling whereby a fallback position was considered to be a material consideration. No such fallback has been advanced in the appeal in front of me.
20. In regard to Land South of Chiswell Green Lane and St Stephens Green Farm, these developments are of a considerably larger scale than the proposal and are therefore not directly comparable. Furthermore, I note that both applications were refused by the Council and are subject to pending appeals⁴.
21. Land to the Rear of Burston Garden Centre is also of a larger scale than the proposal and also relates to a community retirement village which differs from

³ St Albans City and District Authority's Monitoring Report 2022 (1 April 2021 to 31 March 2022)

Monitoring the 'saved' policies in the City and District of St Albans District Local Plan Review 1994 (Adopted 30 November 1994) (Base Date 31/03/2022)

⁴ APP/B1930/W/22/3313110 and APP/B1930/W/22/3312277

the proposal before me. I note the subsequent appeal⁵ whereby the inspector considered that the very special circumstances existed to justify the proposal. However, due to the overall scale of the development and differences in benefits I do not find it comparable to the proposal in front of me.

22. I note that the appeal site was previously put forward and assessed by the Council for potential development. I understand that at various stages of this assessment the Council considered the site to have potential for development and further consideration. However, the latest green belt review⁶, while a larger parcel of land is included, identified that the site makes an important contribution to the wider green belt and is therefore not recommend for future consideration. I therefore give this matter limited weight.
23. I acknowledge that a significant percentage of land within the Council's district amounts is designated as green belt. I also note the findings of the St Albans City & District Housing and Economic Land Availability Assessment 2021 in that it will not be possible to accommodate the entirety of local housing need on previously developed sites within existing built-up areas. However, these findings do not justify allowing the harm I have identified to the green belt.
24. The Council have also considered that the proposal would not harm the character and appearance of the area, would not result in harm to the amenity of future and existing occupiers and is acceptable in relation to highway matters, flood risk, drainage, heritage and archaeology for which I have no reason to conclude against. However, these are neutral matters.

Green belt balance and conclusion

25. I have concluded that the proposal constitutes inappropriate development in the Green Belt, that it would have significant impacts on its openness. Therefore, the application of policies in the Framework which protect Green Belts provide a clear reason for dismissing the appeal. Consequently, the proposal does not benefit from a presumption in favour of sustainable development.
26. However, I attach moderate weight to the provision of 7 dwellings. The other considerations that weigh in favour of the proposal only carry moderate weight when considered as a whole. In this case therefore, all these positive aspects when considered together do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify granting planning permission for development in the Green Belt do not exist.
27. In conclusion, the proposal conflicts with Policies 1 and 143a of the LP and national policy set out in the Framework which seeks to protect the Green Belt. There are no other considerations that outweigh that conflict and for this reason the appeal is dismissed.

D Wilson

INSPECTOR

⁵ APP/B1930/W/21/3279463

⁶ Appendix 1 of the appellants rebuttal of the Council's statement of case and third-party representations