



Appeal Decision

Site visit made on 8 August 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th December 2023

Appeal Ref: APP/B1930/W/23/3318082

Former Waterdell Nurseries, Chequers Lane, Watford, Herts WD25 0GR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mrs Frances Mason against the decision of St Albans City Council.
 - The application Ref 5/22/0589, dated 4 February 2022, was refused by notice dated 18 October 2022.
 - The development proposed is described as “erection of 09 affordable dwellings”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second stage (‘technical details consent’) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted.
4. In their submission the Council have removed their reasons for refusal relating to biodiversity, parking and living conditions as these do not relate to the first stage of permission in principle. I have determined the appeal accordingly.

Main Issue

5. The main issue is whether the site is suitable for residential development in terms of location, land use and amount of development having particular regard to:
 - Whether the proposal is inappropriate development within the Green Belt;
 - The impact on the openness of the Green Belt;
 - Whether the appeal site would provide a suitable location for housing having regard to the accessibility of existing services and facilities; and

- Would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

6. The National Planning Policy Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further identifies certain other forms of development that are also not inappropriate provided they preserve the openness and do not conflict with the purposes of including land within it.
7. Paragraph 149 states that the construction of new buildings as inappropriate subject to a list of exceptions. One such exception is limited affordable housing for local community needs under policies set out in the development plan (including for rural exception site). Rural exception sites are defined in the Framework as small sites used for affordable housing in perpetuity where sites would not normally be used for housing. A further exception is the infilling or the partial or complete redevelopment of previously developed land.
8. Policy 8 of the City of St Albans Local Plan (1994) (LP) relates to affordable housing in the green belt. This states that permission will be granted subject to the following criterion: i) evidence of a demonstrable need, ii) secure arrangements to secure provision, iii) distance to settlements and in locations dominated by built form, iv) not normally exceed 0.4 hectares, v) character and appearance and compliance with settlement strategy.
9. The appellant has made reference to the St Stephen's Neighbourhood Plan which details a local housing need for 1, 2 and 3 bedroom dwellings as starter homes, affordable to local workers and older residents. This has not been disputed by the Council. The proposed development would provide 9 affordable dwellings to meet a demonstrated need in the area. A S106 Agreement has been submitted with the appeal that would secure the affordable dwellings and provides a trigger for the scale and tenure to be dealt with a Technical Details Consent. I therefore consider that criterion i) and ii) have been complied with.
10. The proposal would be on a site measuring less than 0.4 hectares and is located in close proximity to the settlements of Watford and How Wood. As such, it would comply with criterion iv) and vi).
11. With regards to criterion iii) and v) the appeal site is an area of land that had previously been used as a nursery. Despite the land having a previous use, during my site visit I noted that it was largely devoid of built structures, apart from some dilapidated storage containers and small shed like structures. The appellants submission details that the area of land had historically been used as a nursery, but this use appears to have ceased some time ago. As such, it has the character and appearance of an overgrown field.
12. Despite its location close to settlements, when entering Chequers Lane from the A405 the character of the area becomes much more rural. The road is narrow with no pavements and lined by mature trees and hedgerows. Dwellings and other built form are sporadic and set behind the mature

landscaping and many are set well back from the road. This gives the area a rural appearance more akin to open countryside than an area dominated by built form. As such the proposal would not comply with criterion iii) of the policy.

13. The proposed development would introduce nine dwellings and associated development. The construction of a cluster of dwellings would appear at odds with the surrounding dispersed rural character of the area. Along with the other domestic paraphernalia that would be likely to appear, the proposed development would significantly change the appearance of the site, having a suburbanising effect upon it. The proposal would therefore appear as an incongruous addition to the area, adversely affecting the rural character and appearance of the site and its surroundings. As such, the proposal would not comply with criterion v) of the policy.
14. As the proposal fails to comply with the rural exceptions policy for affordable housing in a Green Belt it would not accord with Paragraph 149 (f).
15. Paragraph 149 (g) relates to the limited infilling or the partial or complete redevelopment of previously developed land. The definition of previously developed land within the Framework excludes land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
16. As observed during my site visit, most of the structures identified by the appellant in their submission have been removed and those that remain are dilapidated, having been taken over by landscaping and have blended into the landscape with the mature trees and hedgerows. Other structures, such as storage containers are not permanent structures. As such the proposal would not accord with Paragraph 149 (g).
17. The development does not constitute limited affordable housing for local community needs under policies set out in the development plan and is not previously developed land. Therefore, the development does not fall within the exception to inappropriate development at paragraph 149(f) or (g) of the Framework. No other exceptions are relied upon by the appellant. The proposal thus constitutes inappropriate development in the Green Belt.

Openness

18. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. It can be considered to be the absence of buildings and development. The appeal site is currently devoid of any buildings or structures apart from some dilapidated shed and storage containers. As such, the introduction of nine dwellings, and all that it would entail, would unavoidably reduce the openness of the Green Belt in both spatial and visual terms.
19. In addition to the introduction of the dwellings and all its associated structures into what is currently visually an area of open land, the proposal would represent encroachment of development into the countryside. This would be contrary to one of the purposes of including land within the Green Belt, as set out in paragraph 138 of the Framework.
20. Therefore, in addition to the harm arising from the fact that the development would be inappropriate, there is a degree of harm arising from the loss of

openness and from being contrary to one of the purposes of including land within the Green Belt.

Location

21. The appeal site lies to the north of Watford and to the west of How Wood/Bricket Wood. These settlements accommodate a range of services, including schools, employment opportunities, food shops, public houses and GP surgeries. These are largely located in the core of the settlements. However, due to the location of the appeal site, dwellings would be physically separated from the settlements, and its services, by intervening land.
22. During my site visit I noted that, whilst a pavement connects the main road of the A405 with Chequers Lane, this stops approximately 16 metres from the appeal site. The road here is narrower and the lack of pavement would mean that pedestrians would have to share the carriageway with vehicles. To link up to the A405 pedestrians would also have to travel under two unlit motorway bridges. These factors, together with the absence of lighting, would be likely to deter occupants from using sustainable travel options to obtain the services in the village via this route.
23. The unsuitability of this route for sustainable access to services means that occupants would be likely to resort to private vehicles to make the journey into Watford and How Wood/Bricket Wood. No public transport services the appeal site and future occupants would need to travel under the motorway bridges and along/cross the A405 dual carriageway to access a bus. This would be undesirable, particularly in inclement weather and darkness. Occupants of the proposed dwellings would therefore be largely dependent on private transport to access services and facilities.
24. The proposal would therefore not provide a suitable location for housing having regard to accessibility to services and facilities. Therefore, it would not accord with LP Policy 2, nor would it meet the aims of paragraphs 8 and 130 of the Framework in terms of ensuring accessible services and facilities.

Other Considerations

25. The parties agree that the Council is not currently able to demonstrate a five-year supply of housing land. The proposal would make a contribution towards increasing the supply of dwellings, widening the choice of homes and reducing the shortfall. The applicant's intention is for the dwellings to be provided as affordable housing. The general principle of the provision of nine affordable dwellings would weigh considerably in favour of the proposals.
26. The construction of the development would result in moderate economic benefits including for local people and businesses, local spending from future occupants and additional revenues for local services from Council taxes. Located close to local services in the village the houses would also have benefits for the vitality and viability of the village and facilities within it.

Planning Balance and Conclusion

27. Given the lack of a five-year supply of housing land, in accordance with paragraph 11 of the Framework the relevant policies for the supply of housing are deemed to be out of date. I have found that the proposal development is

not in accordance with LP policies 2 and 8 or the Green Belt aims of the Framework.

28. I have found the proposal to represent inappropriate development which would have an adverse impact on the openness of the Green Belt. In accordance with the Framework, I have given this harm substantial weight. I have also found that moderate harm would arise in terms of the impact upon the character and appearance of the area and in relation to access to serviced and facilities. The Framework makes clear that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
29. I have given the provision of new affordable housing considerable weight, taking account of what I recognise from the evidence to be the substantial overall need for housing, including affordable housing, within the Council area. However, the benefits of the proposal would not clearly outweigh the harm resulting to the Green Belt and the other harms I have identified, which I afford substantial weight.
30. In circumstances where relevant policies are out-of-date, the Framework indicates that permission should be granted, unless there are specific policies in the Framework (such as land designated as Green Belt) which indicate that development should be restricted. Given that very special circumstances do not exist, Green Belt policy indicates that development should be restricted in this case. This is not therefore a case where the tilted balance in paragraph 11 of the Framework is applicable. Overall, therefore, the proposal does not represent sustainable development. It is contrary to the LP and material considerations do not indicate that the proposal should be determined other than in accordance with the development plan.
31. Therefore, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tamsin Law

INSPECTOR