
Appeal Decision

Site visit made on 15 January 2025

by **M Chalk BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 February 2025

Appeal Ref: APP/B1930/W/24/3349774

Land between Bluebell Grange and Harkaway, Annables Lane, Kinsbourne Green, Harpenden, Hertfordshire, AL5 3PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Laxton Properties against the decision of St Albans City Council.
 - The application Ref is 5/24/0565.
 - The development proposed is a single infill residential house with all ancillary works.
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Decision

1. The appeal is allowed and planning permission is granted for development of a single infill residential house with all ancillary works at land between Bluebell Grange and Harkaway, Kinsbourne Green, Harpenden, AL5 3PR in accordance with the terms of the application, Ref 5/24/0565, subject to the conditions in the attached schedule.

Preliminary Matters

2. The National Planning Policy Framework was updated in December 2024. Of particular relevance to this appeal it introduced the concept of grey belt land. The main parties were consulted on this update.

Main Issues

3. The site is in the Green Belt, and the main issues are therefore:
 - Whether the development proposed would constitute inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies
 - The effect on the Chilterns Beechwoods Special Area of Conservation

Reasons

Whether inappropriate development

4. The National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt. The Framework further states that development in the Green Belt is inappropriate save for certain exceptions.
5. One of these exceptions is where development would utilise grey belt land and would not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan, where there is a demonstrable need for the type of

development proposed, and where the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework.

6. The St Albans Local Plan was adopted in 1994 and significantly predates the Framework. Due weight should be given to its policies according to their degree of consistency with the Framework. Its Policy 1 identifies development which can be considered acceptable in the Green Belt. The list of exceptions does not include development on grey belt land. Accordingly, I have given significantly greater weight to the Framework in determining whether the appeal proposal is inappropriate development.
7. The main parties agree that the appeal proposal would utilise grey belt land and would not fundamentally undermine the purposes of the remaining Green Belt. They also agree that there is a demonstrable unmet need for housing in the district. They disagree on whether the development would be in a sustainable location.
8. The appeal site is in a rural location and is not within a recognised settlement. However, paragraphs 110 and 115 of the Framework state amongst other considerations that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that it should be ensured sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location.
9. The appeal proposal is for 1 house, on a plot between 2 existing houses. Several other houses are visible on Annables Lane from the site. While my site visit only represents a snapshot in time, I saw a steady flow of vehicles along the road during that time. While the proposal is for a large house and would add to the volume of private vehicles using the road, the increase from a single dwelling would be limited in proportion to the existing traffic on the road. In addition, the site is about 4 kilometres from Harpenden railway station, a distance in line with the average cycle journey recorded in the National Travel Survey. The site is also about 1 kilometre from the nearest bus stop, around the average walking distance recorded in that Survey.
10. I am mindful that there are no paved footpaths or street lighting along this part of Annables Lane, which is likely to discourage walking. However, the appeal site lies within a loose group of existing houses and is not in any less of a sustainable location than them. On balance, therefore, the appeal site is a sustainable location for the erection of 1 dwellinghouse.
11. The appeal proposal would conflict with Policy 1 of the St Albans Local Plan. However, the appeal proposal would accord with the approach to development in the Green Belt in the Framework, so would not be inappropriate development in the Green Belt.

Chilterns Beechwoods Special Area of Conservation

12. The appeal site lies within the zone of influence for the Chilterns Beechwoods Special Area of Conservation (the SAC), wherein 75% of people will travel to use the SAC for recreational purposes. The SAC is an internationally recognised habitat with protected features in its beech forests, semi-natural dry grasslands and scrub on chalk, and its population of stag beetles. As the competent authority

it is necessary for me to conduct an appropriate assessment in relation to the effect of the proposed development on its integrity.

13. New residential development within the zone of influence is likely, either alone or in combination, to adversely affect the integrity of the SAC. The council has an adopted mitigation strategy that seeks contributions towards strategic access management, monitoring and the provision of suitable alternative natural green space. This strategy is supported by Natural England.
14. A signed unilateral undertaking dated 7 August 2024 has been submitted with the appeal committing the appellants to make the contributions required in the strategy. Natural England have confirmed that where appropriate contributions are secured the development will not affect the integrity of the SAC.
15. The undertaking includes a £1,000 payment towards the council's general legal costs. While this does not identify the specific purposes to which the contribution would be put, it exceeds the total requested by the council. I am satisfied that this sum can be allocated by the council as appropriate.
16. I am therefore satisfied that the contributions secured by the undertaking would ensure that the development would not adversely affect the integrity of the SAC. It would therefore accord with the aims of the Framework, which include conserving and enhancing the natural environment.

Other Matters

17. Interested parties raised further concerns in relation to the scale and appearance of the dwelling, highway safety concerns and the loss of wildlife habitat.
18. The council raised no objection to the design of the proposed house. It has been designed to sit comfortably within the neighbouring houses to either side without appearing out of place in the street scene. Given the variety of character and appearance of houses in the vicinity, I see no reason to disagree with the council on this point.
19. The site is on a relatively straight stretch of road with clear visibility splays in both directions. I note local concerns regarding accidents on this stretch of road. However, no substantive evidence has been provided to show that there is a particular risk in this location, nor that the proposal would result in an unacceptable impact on highway safety. Construction traffic associated with the development would be a temporary issue, and the site is large enough to accommodate construction vehicle parking.
20. There is no detailed evidence of this site, in itself, being of particular ecological interest. The council have recommended conditions requiring landscaping and ecological measures to enhance biodiversity at the site.
21. Reference was also made to a restrictive covenant on the site. However, even if there is a covenant in place this is a private legal matter and would not be affected by a grant of planning permission.

Conditions

22. The council have recommended 8 conditions, which I have considered in accordance with national guidance.

23. I have imposed conditions relating to the commencement of development (1) and specifying the approved plans (2) for the sake of certainty. I have omitted plans which are not to scale and documents which are not plans from the wording of condition 2. I have also omitted references to the received dates of the plans, as these are not shown on the plans submitted with the appeal.
24. Given the importance of ensuring that the finished building sits comfortably within the street scene conditions requiring details of external materials (3) and ground and floor levels (4) are reasonable and necessary. It is necessary for condition 4 to be pre-commencement as the agreed levels will inform the finished height of the building relative to its neighbours, and to ensure that it will sit comfortably in the street scene.
25. A condition restricting permitted development rights for the approved dwellinghouse (5) is reasonable in this instance to limit the impact on the Green Belt. As development under Class AA is not permitted for houses built after 28 October 2018 this has been omitted from the recommended condition. As development under Classes C and D can only have a minimal impact on the profile and appearance of a dwellinghouse, these are likewise omitted.
26. Conditions 6 and 7 would secure landscaping and biodiversity enhancements for the site alongside the approved development. Condition 8 would ensure that the trees to be retained are protected during construction. It is necessary for these to be pre-commencement conditions as they involve works which will need to be carried out on the site before any development begins.

Conclusion

27. The appeal proposal would conflict with the development plan as it would not accord with the list of development deemed to be acceptable in the Green Belt in Policy 1. However, the updated Framework is a material consideration which in this instance indicates that a decision should be made other than in accordance with the development plan. Therefore, for the reasons set out above, the appeal is allowed.

M Chalk

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 2320/P/L01 Site location plan
 - 2320/P/L02 Block Plan
 - 2320/P/050 Proposed site plan
 - 2320/P/101 Proposed Ground Floor Plan
 - 2320/P/102 Proposed First Floor Plan
 - 2320/P/103 Proposed Basement Floor Plan
 - 2320/P/104 Proposed Roof Plan
 - 2320/P/201 Proposed SE Elevation Plan
 - 2320/P/202 Proposed NW Elevation Plan
 - 2320/P/203 Proposed NE Elevation Plan
 - 2320/P/204 Proposed SW Elevation Plan
 - 2320/P/205 Proposed Street Elevation Plan
 - PR124489-01 Tree Survey Plan
 - RGL-23-3962-01 Site Survey Sheet 1
 - RGL-23-3962-01 Site Survey Sheet 2
3. Prior to works above ground commencing in respect of the construction of the dwelling hereby permitted, a materials specification detailing the type, colour and manufacturers details to be used in the construction of the external surfaces of the dwelling shall be submitted to and approved in writing by the local planning authority. Development thereafter shall be carried out in accordance with the approved details.
4. No development shall take place until details of existing ground levels and proposed finished floor levels have been submitted to and approved in writing by the local planning authority. Development thereafter shall be carried out in accordance with the approved details.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken.
6. Prior to the commencement of development and any landscaping works, a Landscape and Ecological Management Plan should be submitted for approval to the local planning authority. This should show the details of new planting that is designed to improve the site's biodiversity, showing their number, type or species as appropriate, and location and management prescriptions to maintain their biodiversity value. The plan shall be implemented in accordance with the approved details and the measures shall be maintained and retained thereafter.
7. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) including

a section for ecology has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

- A review of any ecological impacts and should be informed by the submitted ecological report (Ecological Impact Assessment by ACD Environmental Ltd. 27.03.2024).
- Risk assessment of potentially damaging construction activities.
- Identification of 'biodiversity protection zones'
- A set of method statements outlining practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- The location and timings of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works or similarly competent person.

Development shall proceed in accordance with the approved CEMP.

8. Tree protection measures shall be installed prior to the commencement of any development and thereafter retained in accordance with British Standard 5837:2012: Trees in relation to design, demolition and construction – Recommendations.

End of schedule