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## Appeal Decision

Site visit made on 10 March 2025

by **J Pearce MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26<sup>th</sup> March 2025

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**Appeal Ref: APP/B1930/W/24/3348564**

**Land Adjacent The Cats Whiskers, 1 Oaklands Lane, Smallford, St Albans, Hertfordshire AL4 0HR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Mr J Cousins of YYJS Limited against the decision of St Albans City Council.
  - The application Ref is 5/23/2139.
  - The development proposed is the erection of one detached Self-Build/ Custom-Build bungalow following the demolition of all existing structures and hardstanding (all matters reserved except access, layout and scale).
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### Decision

1. The appeal is allowed and outline planning permission is granted for the erection of one detached Self-Build/ Custom-Build bungalow following the demolition of all existing structures and hardstanding (all matters reserved except access, layout and scale) at Land Adjacent The Cats Whiskers, St Albans, AL4 0HR in accordance with the terms of the application, Ref 5/23/2139, subject to the conditions in the attached Schedule.

### Preliminary Matters

2. The proposal is for outline planning permission, and the application form makes clear that approval is also sought at this stage for access, layout and scale but not for its appearance and landscaping. Drawings have been submitted showing the proposed elevations and landscaping. I have treated the elevations and landscaping drawings as illustrative.
3. The revised National Planning Policy Framework (the Framework) was published in December 2024. The revised Framework is a material consideration which should be taken into account from the day of publication. Having considered the revisions and in light of the principles of natural justice, the parties have been provided with an opportunity to comment on the revised Framework.
4. A Unilateral Undertaking (UU) dated 28 October 2024 has been submitted to secure the development as self-build/custom housebuilding. The Council has had the opportunity to comment on this additional information. As such, I am satisfied that the evidence does not alter the proposed development to an extent that anyone involved in the appeal would be prejudiced or impacted should I accept the UU. I shall return to the legal agreement later in my decision.

## Main Issues

5. The main issues are:
- whether the proposal would be inappropriate development in the Green Belt for the purposes of development plan policy and the Framework;
  - the effect of the proposal on the openness of the Green Belt; and
  - if it is inappropriate, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

## Reasons

### *Whether the proposal would be inappropriate development*

6. The Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
7. The appeal site is accessed from Oaklands Lane to the rear of buildings fronting Hatfield Lane. The site is enclosed by mature trees and hedges and includes a partially constructed brick building to the rear boundary and a small garage building. An access track leads through the site to the rear of the neighbouring properties with a gravel parking area to one side. The proposal is for a detached dwelling.
8. Paragraph 155 of the Framework states that the development of homes in the Green Belt should not be regarded as inappropriate where all the following apply: a. the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; b. there is a demonstrable unmet need for the type of development proposed; c. the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and d. where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.
9. The Council states that the site comprises land that does not strongly contribute to any of purposes (a), (b) or (d) in paragraph 143 of the Framework. From the evidence presented and my observations on site, the land does not strongly contribute to any of the purposes of checking the unrestricted sprawl of large built-up areas, of preventing neighbouring towns merging into one another, or of preserving the setting and special character of historic towns. As such, I agree with both parties, and consider the land to be grey belt.
10. In addition, the Council acknowledges that it is unable to demonstrate a five year supply of housing land and that the proposal does not comprise major development. Consequently, the proposal would meet points a. and b. of Paragraph 155. The Council also state that the site is in an area with bus services and a number of amenities and would meet the requirement of point b. of Paragraph 155. Given the scale of the proposal, point d. of Paragraph 155 would not be applicable.

11. The City and District of St Albans District Local Plan Review 1994 (LP) significantly predates the Framework and due weight should be given to its policies according to their degree of consistency with the Framework. 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. Given that the proposal meets the criteria set out in Paragraph 155 of the Framework. Therefore, the scheme would not be inappropriate development.
12. Where a proposal is not inappropriate development in the Green Belt, as per Paragraph 155 of the Framework, an assessment on the effect of the proposals on the openness of the Green Belt is not required. Likewise, very special circumstances do not need to be demonstrated in order for the proposals to be considered acceptable in Green Belt terms. Consequently, while the proposal conflicts with Policy 1 of the LP, the scheme accords with the Framework, which seeks to protect the Green Belt from harm.

### **Planning Obligation**

13. The proposal is for a detached Self-Build/Custom-Build bungalow. A UU has been submitted under Section 106 of the Town and Country Planning Act 1990 that requires the development to be undertaken in a manner that accords with the legal definition of self-build and custom housebuilding as defined in the Self-Build and Custom Housebuilding Act 2015 (as amended). I am satisfied that the signed UU meets the three tests set out in Paragraph 57 of the Framework for planning obligations. As a result, I have taken the completed Unilateral Undertaking into account.

### **Conditions**

14. Suggested planning conditions have been provided by the Council. I have considered the conditions having regard to the Framework and advice contained in the Planning Practice Guidance. I have adjusted the wording of some conditions to improve precision.
15. Given the outline nature of the application, conditions are necessary relating to commencement and the submission of the reserved matters. This is to comply with the requirements of planning legislation. In the interests of certainty, I have added a condition requiring that the development is carried out in accordance with the approved plans.
16. The quality of the environment would be protected by conditions in respect of hard and soft landscaping works. A condition requiring connection to Hatfield Road is included, in order to provide a suitable pedestrian link that would help to minimise conflict between vehicles and pedestrians.
17. A condition restricting permitted development rights for the approved dwellinghouse 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. In addition, development under Class D can only have a minimal impact on the profile and appearance of a dwellinghouse and this is also omitted.

18. In accordance with Section 114 of the Levelling-up and Regeneration Act 2023, a condition is included requiring the submission of a development progress report.
19. It is not necessary to require details of external facing materials, existing and proposed ground and slab levels, as these are matters that would be dealt with under the reserved matters.

### **Conclusion**

20. 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 of the LP. However, the Framework is a material consideration which in this instance indicates that a decision should be made other than in accordance with the development plan. For the reasons set out above, the appeal is allowed.

*J Pearce*

INSPECTOR

## Schedule of Conditions

- 1) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun either before the expiration of two years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 2) Details of the appearance and landscaping (“the reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: TM-2023-000, TM-2023-002, TM-2023-003, TM-2023-004.
- 4) The reserved matters application(s) pursuant to condition 1 above shall include details of both soft and hard landscape works. The landscaping details to be submitted shall include:
  - a) proposed finished levels and contours;
  - b) means of enclosure;
  - c) car parking layouts;
  - d) other vehicles and pedestrian access and circulation areas;
  - e) hard surfacing materials;
  - f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc);
  - g) existing trees to be retained; and
  - h) existing hedgerows to be retained.
- 5) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development.
- 6) Any trees removed, dying, being seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species.
- 7) The reserved matters application(s) pursuant to condition 1 above shall include proposals to provide a suitable pedestrian link from the development hereby permitted to Hatfield Road.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 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.

- 9) A development progress report shall be provided to the local planning authority 12 months following the approval of the reserved matters. Such a report shall be provided annually until the development is completed.

**End of Schedule**