



Appeal Decision

Site visit made on 9 April 2025

by **K Savage BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 JUNE 2025

Appeal Ref: APP/B1930/W/24/3356565

Land To Rear Of 33 And 35 Station Road, Smallford AL4 0HB

- 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 B Lambert against the decision of St Albans City Council.
 - The application reference is 5/23/1837.
 - The development proposed is outline application for up to 5 dwellings (all matters reserved except access).
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Decision

1. The appeal is allowed and outline planning permission is granted for up to 5 dwellings (all matters reserved except access), at Land To Rear Of 33 And 35 Station Road, Smallford AL4 0HB, in accordance with the terms of the application, Ref 5/23/1837, subject to the conditions in the attached schedule.

Preliminary Matter

2. The application was made in outline with all matters reserved except access. I have duly considered the appeal on that basis, treating the details shown on the plans as indicative unless relating specifically to the matter of access.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to relevant development plan policies, the provisions of the National Planning Policy Framework (the Framework) and the effect on the openness of the Green Belt;
 - The effect on highway safety;
 - If the proposal would be inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether Inappropriate Development in the Green Belt

4. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless certain exceptions apply. The exception argued to be relevant in this case is (e) 'limited infilling in villages.' Policy 1 of the St Albans District Local Plan Review 1994 (the LPR) is cited by the Council on its decision notice, but this

makes no reference to limited infilling in villages, so is not consistent with current Green Belt policy as set out in the Framework. Therefore, it attracts limited weight.

5. There is no definition of 'village' in the Framework, but the Council accepts that Smallford is a village and that the exception at Paragraph 154(e) could potentially apply. Therefore, the question to be determined is whether the proposal amounts to 'limited infilling.' The Framework does not define 'limited infilling' and there is no other definition set out in the evidence before me. However, a straightforward interpretation of the term 'infilling' would indicate that the development would occupy a gap between two buildings or developments within a built-up frontage.
6. The appeal site is located to the rear of primarily single depth, linear development on Station Road, accessed via a driveway between Nos 33 and 35. At my visit the main part of the site comprised a roughly rectangular plot of land with the remains of former lightweight structures that has been used for the dumping of soil, rubble and other construction waste, and has become heavily overgrown.
7. Viewed on plan, the site is located behind the development on Station Road, not between it. Neighbouring properties have substantial depth of gardens, which extend alongside the appeal site on either side. However, at this depth, many gardens are heavily vegetated with an almost wooded appearance, in contrast to the more open lawns and recreational character of the garden areas nearer the dwellings. To the rear of the site and other properties along the street is a substantial agricultural field forming a contiguous part of the open countryside.
8. The appellant refers to backland development to the north of the site at 23 Station Road and 610 Hatfield Road. However, 23 Station Road comprises a single dwelling and two outbuildings located towards the front of a substantial site spanning behind eight of the frontage properties. There is no built development on this land at an equivalent depth to that proposed on the appeal site, as the vast majority of the site to the rear of the dwelling is an undeveloped, grass paddock with a scattering of trees to the centre and dense boundary vegetation to all sides. The dwelling beyond at 610 Hatfield Road is bounded by development on all four sides, forming part of a more clustered layout at the junction of the two roads. This is not equivalent in nature to the surroundings of the appeal site.
9. On the other side is 39 Station Road. The rear part of the site contains a number of ancillary outbuildings, some of lightweight construction, set amid dense vegetation. However, these appear to be isolated examples of ancillary development and neither the plans before me nor my observations on site indicate any substantive built form to several of the dwellings beyond No 39 to the south/south-east.
10. The appellant refers to the land to either side as 'residential curtilage.' However, whether or not it is used as residential garden, the land is not substantially developed on both sides of the site. Rather each side retains overwhelmingly natural characteristics – grassland and woodland - that distinguish the rearmost parts of each site from the observable residential character to the front parts.
11. I have been referred to other planning permissions further along the street, to the rear of Nos 55-59 and Nos 77-79, but these are some distance beyond the site and they do not represent a contiguous pattern of backland development. Moreover, whilst I note both were determined to amount to limited infilling, they appear to have different site circumstances, including the presence of dwellings to

the side and rear, that distinguish them from the proposal before me. Another scheme referred to at the Queen Elizabeth the Queen Mother Centre also differs in having demonstrable development to two sides.

12. Overall, I find that the proposed dwellings would be located in an area which lies physically beyond the established linear building line on Station Road that is absent an established pattern of built development to either side. Consequently, the proposal would not amount to infill development, but would physically extend development rearward. For these reasons, I conclude that the proposal would not amount to limited infilling in a village and would not accord with exception (e) of Paragraph 154.
13. Separately, the Framework has introduced the concept of 'grey belt' land. This is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) of the Green Belt set out in Paragraph 143. These are (a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns merging into one another; and (d) to preserve the setting and special character of historic towns.
14. The Planning Practice Guidance (PPG) makes clear that, with respect to purpose (a), villages should not be considered large built-up areas. The Council accepts Smallford is a village and my observations on the ground do not suggest otherwise. Therefore, the site does not contribute strongly to this purpose.
15. The PPG similarly clarifies that purpose (b) relates to the merging of towns, not villages, but I have had regard to the evidence so far as it relates to the site's role in preventing the merging of St Albans and Hatfield, which Smallford lies between. The Council has referred to its most recent Green Belt Review (GBR) in 2023¹ in assessing the site's contribution to the purposes of the Green Belt. The site is located within sub-area SA-85, which the GBR found performs moderately against purpose (b). The Council accepts that the development would partially infill the gap between Smallford and Hatfield to the east, with the effect considered limited. From my own observations, the rear boundary hedge physically contains the site and separates it from the wider open countryside forming the gap to Hatfield. As such, whilst development on the site would take the built form closer to Hatfield, it would not extend obtrusively into the open land that forms the visible gap between the settlements and which contributes most significantly to this Green Belt purpose. Thus, I find that the site does not contribute strongly to purpose (b).
16. The Council does not argue that the site contributes to purpose (d) and I have no evidence to suggest otherwise. Drawing these considerations together, I find that the site does not contribute significantly to any of the relevant purposes of the Green Belt, nor does the evidence suggest that application of any of the policies in Footnote 7 of the Framework indicates a strong reason for refusing development. The site can therefore be considered as grey belt.
17. Paragraph 155 sets out that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where:
 - 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

¹ Arup Stage 2 Green Belt Review Annex Report 2023

development proposed; and (c) the development would be in a sustainable location, with particular reference to Paragraphs 110 and 115 of the Framework.

18. As set out above, the contribution of the site to purposes (a), (b) and (d) is limited. With respect to purpose (c), the Council accepts that the encroachment of the development into the countryside would cause limited harm. Per my reasoning above with respect to purpose (b), the proposal would be contained by the established, linear hedgerow that separates all of Station Road from the wider countryside. The site has also been altered over time and does not represent unblemished, open land. As such, I find that the impact on this Green Belt purpose would be limited.
19. The Council does not have any significant urban sites allocated for regenerative development that should take priority over the appeal site. No harm would therefore arise in respect of purpose (e).
20. Taking these considerations together, I find that development of the appeal site would not fundamentally undermine the purposes of the Green Belt, in particular when having regard to the location and scale of the site relative to the remaining Green Belt area of the plan. The proposal would therefore accord with criterion (a) of Paragraph 155.
21. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites, with supply stated to be just 1.7 years from the base date of 1 April 2023. This represents a fundamental need for housing in the area which is not being met by other development, and which the proposal would help address. Criterion (b) is therefore met.
22. The final criterion cites Paragraphs 110 and 115 of the Framework, which refer to focusing development on areas which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It is recognised that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Proposals should also prioritise sustainable transport modes and provide safe access for all users.
23. The appellant's transport assessment identifies a small number of facilities within walking distance of the site, including a small convenience store within a petrol station, a pub, a nursery, a farm store/café and vet surgery. This is a limited selection, but it nonetheless would provide residents with some facilities that they could reach on foot. There are also bus services within walking distance on Hatfield Road serving St Albans, Watford, Hemel Hempstead, Borehamwood, Hatfield and Welwyn Garden City that provide a good level of service for a village of Smallford's size.
24. The appellant also refers to the proposed allocation of the horticultural business immediately opposite the site for an estimated 436 dwellings in the Council's emerging plan as evidence of Smallford's suitability as a location for housing. However, I have no detail as to the progress of the emerging plan and whether this allocation will be confirmed. Elsewhere, the appellant points to other applications in Smallford, including at 55-59 Station Road, where the Council did not raise any concern over the sustainability of the location. This site is slightly further from the listed facilities.

25. Having regard to this evidence, I am satisfied that the proposed development would form a contiguous part of an established village with some useful services, and good public transport options that would help to reduce reliance on the private car. Therefore, the proposal would accord with criterion (c).
26. In conclusion, I find that the proposal satisfies the relevant criteria of Paragraph 155 and so should not be regarded as inappropriate development in the Green Belt. No conflict therefore arises with Policy 1 of the LPR.
27. Given this finding, the proposal would, by definition, not have an adverse impact on the openness of the Green Belt. Moreover, as the proposal does not amount to inappropriate development in the Green Belt, there is no requirement to assess if there are other considerations that amount to very special circumstances needed to justify the development.

Highway Safety

28. The matter of access falls to be considered. The development would be accessed via a lane running between Nos 33 and 35. Station Road is a C-class road with a 40mph speed limit. A footpath and deep grass verge exist between the highway and the front boundary walls of the dwellings on this side of the road.
29. In terms of visibility, the appellant has confirmed that required visibility splays of 2.4m x 120m can be provided in both directions. I saw no evidence of roadside parking being a regular occurrence on the road, and the roadside verge is laid to grass with no other vegetation. There is therefore an open vista to either side and I saw no other significant impediments that would prevent suitable visibility being achieved.
30. Road safety analysis shows three incidents within 250m of the site, but two of these appear to have occurred at road junctions and one by the entrance to the public house, which is a busy access point onto a main road. No incidents have been recorded in the immediate vicinity of the proposed access. In addition, the proposed five dwellings are forecast to generate a maximum of three two-way vehicle trips in both the AM and PM peaks. This is a very modest increase in traffic that would not have a harmful impact in and of itself on the operation of the highway network, nor does the evidence before me indicate that it would contribute to a harmful cumulative impact overall.
31. The other concern raised by the Council and interested parties is the width of the access road into the site, both for residents and service vehicles. The appellant's initial transport assessment indicated that the access was 3.5m wide at its narrowest for a 35.8m section closest to the highway between the existing dwellings, widening to between 4.8m and 5.1m beyond this. Vehicle dimensions listed by the local highway authority in its comments indicate two-way traffic would not be possible. The appellant has subsequently provided updated dimensions showing the front section at 4.2m wide and the rear section at 5.1m wide, achieved by amending the position of fencing to the side of No 35. Also provided is a tracking diagram showing two cars passing within the narrower section. The appellant has also clarified that refuse collection would take place on Station Road, with residents bringing their bins to the roadside. It is also submitted that the 4.2m width would be sufficient for a fire engine to access the site, with turning space available within.

32. I have had regard to the Council's comments in respect of these revisions to the appellant's case, but I regard them as minor in nature, involving only modest adjustments to the width of the access road, with no change in its length or route, nor any change to the position of the access point. These changes are also made in order to respond directly to the reason for refusal, and the Council and interested parties have been afforded the opportunity to comment through the appeal process. As such, I do not consider there would be prejudice in my considering these plans.
33. Although showing potential two-way movement, in practice the access would mainly operate as a single lane, as the volume of traffic would be low and so would the risk of two cars meeting along the lane. Even if they did, there is clear visibility along the length of the lane, and the rear half, at more than 4.8m wide, is sufficient for a vehicle leaving the site to pull in and wait for an oncoming vehicle to pass. Moreover, the plans show a bellmouth arrangement at the junction with Station Road. This splayed layout, coupled with the depth of the verge between the highway edge and the start of the access lane itself, would provide sufficient space for a vehicle to leave the highway and wait in the bellmouth for an exiting vehicle to pass. Such scenarios would be rare, and on the basis of my observations on site, would not pose a serious risk to highway safety should they occur. The appellant's suggestion of signage indicating priority access to those entering from Station Road would provide clarity for drivers and further reduce risk of conflict.
34. I also note in evidence that the proposed use of brick pavers as opposed to asphalt is shown to lower vehicular speeds. The surfacing would also denote a shared surface for pedestrians and vehicles. This and the width of the route would help mitigate the speed of traffic along the lane. Coupled with the low volume of traffic, there would be a low risk of conflict between pedestrians and vehicles, notwithstanding that a separate footway would not be provided.
35. Elsewhere, provided the access road is widened to more than 3.7m for its length as indicated to be possible, it would be sufficient to accommodate access by a fire engine. This could be secured by planning condition.
36. Consultee comments on waste collection are that the access road would be too narrow for access by a refuse vehicle, and that a bin collection area should be provided no more than 10m from the highway. The appellant in response states that residents will take their bins to the kerbside on collection days, in the same manner as other properties along Station Road. Whilst the distance involved may be longer than standard, it would be an occasional occurrence and one which homeowners would be aware of before moving in. There appears to be sufficient space to the front of the site for bins to be temporarily stored. It would also be open to the appellant to incorporate a bin storage area when detailing the site layout at reserved matters stage. Overall, I am satisfied that waste collection could be adequately dealt with without adverse effect on highway safety or neighbours' living conditions.
37. Drawing these matters together, I am satisfied that the proposal would provide safe access and egress from the site for occupants and emergency vehicles, that the risk of conflict between vehicles at the site entrance and along access road would be low. The modest scale of the development would also have limited impact on traffic volume in the area and the operation of the wider highway network would not be adversely affected.

38. Therefore, I conclude that the proposal would be acceptable in terms of highway safety, and no conflict would arise with Policy 34 of the DLPR, which requires development to be acceptable in terms of various highway considerations, including road safety and environmental impacts of traffic. The Council has also cited conflict with various policies of the Hertfordshire Local Transport Plan 2018, but so far as I am aware, this is not an adopted part of the development plan. Nonetheless, given my findings, I find no conflict with Policies 1, 5, 6, 7 or 8 which collectively promote a sustainable transport user hierarchy; suitable access for all; appropriate parking provision; increased accessibility; walking and cycling.

Other Matters

39. The application does not propose a formal layout for the development nor designs of the dwellings, which fall to be considered at reserved matters stage. So far as the principle of the proposal is concerned, the indicative plans show sufficient space for five dwellings along with gardens, parking spaces and turning areas. A number of backland developments have been permitted along Station Road, with other properties having various outbuildings and other structures to the rear. Development would also be contained from the wider open countryside beyond to the east. In this context, the proposed dwellings would not, in principle, undermine the prevailing character and appearance of the area.
40. I am also satisfied that there would be sufficient separation from existing dwellings on Station Road and the dwellings could be designed so as to minimise the potential for overlooking, shadowing and sense of enclosure, such that neighbours' living conditions would not be harmed.
41. The appellant's ecology statement sets out that no protected species have been recorded on site, and the site provided negligible potential as a habitat due to its condition and lack of connectivity to more suitable habitats. No further surveys are recommended and I have no substantive evidence to contradict these findings.
42. Some concern is raised regarding loss of trees. The appellant's arboricultural report identifies a number of trees to be removed irrespective of the development, due to their poor condition, and 7 trees to be removed to facilitate the development, all category C trees noted as part of wider masses of vegetation along the site boundaries. None of the trees are subject to statutory protection. The detail of trees to be removed and retained, and proposed new planting to replace those trees lost, would be addressed in detail through the reserved matters of layout and landscaping. I am satisfied at this stage that there would be scope within the site for new landscaping to be provided.
43. I note a request from the local highway authority for financial contributions towards transport improvement projects in the area as identified in the South Central Hertfordshire Growth and Travel Plan. However, the Council has not pursued this contribution, citing a lack of a mechanism for doing so. I have no detailed evidence of a project which would be funded by any contribution, nor crucially that the proposal would actually have a direct impact on existing infrastructure that would justify the contribution. As such, I am not satisfied that the requested contribution meets the relevant tests of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and Paragraph 58 of the Framework, and its absence does not therefore weigh against the proposal.

44. Reference is made in representations to the proposal being contrary to the Council's emerging local plan. However, the Council accepts that its plan is at a stage where it attracts very limited weight in decision making, and it has not sought to rely on any emerging policies in refusing permission for the proposal. The Council's decision, and my own, have therefore been based on the development plan still in force, alongside other material considerations, notably the Framework.
45. I have had regard to other matters raised, including land contamination and the presence of asbestos. Such matters can be addressed either through planning conditions or other legislation as appropriate. Concerns over property values are not a factor in my decision, which is based on the planning merits of the scheme.

Planning Balance

46. On the main issues, I have found that the proposal would not amount to inappropriate development in the Green Belt, and would not cause demonstrable harm to highway safety.
47. I have found that the other material considerations in this case do not raise adverse impacts but conversely there would be significant benefits in terms of housing delivery at a time when the Council accepts it cannot demonstrate a sufficient supply of deliverable housing sites. In the context of paragraph 11, therefore, there are no adverse impacts associated with granting planning permission which would significantly and demonstrably outweigh the benefits. Overall, therefore, the proposal accords with both the development plan for the area and the Framework.

Conditions

48. I have had regard to the list of suggested conditions provided by the Council. Where necessary, I have amended their wording to ensure they meet the relevant test for conditions set out in the Framework.
49. Conditions relating to the submission and timing of reserved matters applications [1, 2], implementation of the development [3] and the relevant approved plans [4] are all necessary to provide certainty.
50. It is necessary to specify the details required under the reserved matter of landscaping, in the interest of visual amenity [5]. For the same reason, a condition is also required to ensure any retained trees planted are protected, or replaced if necessary within the first five years following occupation of the site [6].
51. In light of the site's condition, it is necessary to require investigation into potential contamination on site, and remediation and verification where found to be necessary [7]. A further condition is required to address any unexpected contamination found during the course of works [8]. Both are necessary to protect human health and the environment.
52. A construction method statement is required to ensure the working practices on site are controlled to avoid causing undue harm to neighbours' living conditions [9]. Finally, it is necessary to require the access route to be laid out prior to occupation and to be maintained at a sufficient width to allow access by emergency vehicles, in the interest of highway safety [10].

53. The Council has sought a condition removing permitted development (PD) rights for various extensions. The Planning Practice Guidance sets out that the use of such conditions may not pass the test of reasonableness or necessity. The proposal contains no detailed plans for the dwellings themselves. As such, it is not possible to determine at this outline stage whether a restriction on PD rights is necessary. Such matters can be considered by the local planning authority at reserved matters stage. I shall not impose the condition, therefore.
54. The Council has also sought a condition requiring a 'development progress report,' a procedure introduced under the Levelling Up and Regeneration Act 2023. However, regulations to enact the provisions of the relevant section of the act, Section 114, have not yet been made. Therefore, it is not required that such a condition is imposed. No other justification has been advanced, and given it is a small scale and likely single phase development, I am not persuaded that it is one which would practically require a development progress report in any event.

Conclusion

55. For the reasons set out, I conclude that the appeal should be allowed.

K Savage

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of appearance, layout, landscaping and scale (hereinafter called "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.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with drawing numbers: CDM/2304/01A; DWG/4216/004 Rev A; DWG/4216/005.
- 5) Full details of both soft and hard landscape works shall be submitted as part of application(s) for reserved matters approval as required by Condition 1. 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;
 - h) existing hedgerows to be retained.
- 6) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within five years from the date of the first occupation of the development, other than in accordance with the plans and other details approved under Condition 1. If any retained tree is cut down, uprooted or destroyed or dies within this time another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted, in accordance with Condition 1, at such time as may be specified in writing by the local planning authority. In this condition, "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 7) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
 - i) i. a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby

- permitted has been submitted to and approved in writing by the local planning authority;
- ii) ii. the site has been remediated in accordance with the approved measures and timescale; and
 - iii) iii. a verification report has been submitted to and approved in writing by the local planning authority.
- 8) If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:
- i) i. additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
 - ii) ii. a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.
- 9) Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the local planning authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:
- Hours of working during the site clearance, demolition, and construction phases of development - to be agreed, in writing, by the local planning authority;
 - Means of access for construction traffic;
 - Haul routes for construction traffic on the highway network and monitoring and review mechanisms;
 - Provision of boundary hoarding and lighting;
 - Details of proposed means of dust suppression;
 - Details of measures to prevent mud from vehicles leaving the site during construction;
 - Details of deliveries times to the site during construction phase;
 - Details of provision to ensure pedestrian and cycle safety;
 - Programme of works (including measures for traffic management);
 - Parking and turning for vehicles of site personnel, operatives and visitors;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials;
 - Maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.
- 10) Notwithstanding the requirements of Condition 4, the development hereby permitted shall not be occupied until the means of access for until the access route from Station Road to the dwellings has been laid out in accordance with the dimensions set out in drawing DWG/4216/004 Rev A. The access route shall be retained thereafter for the life of the development and at all times shall retain an unobstructed width of at least 3.7 metres along its entire length to provide suitable access for emergency vehicles.
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