



Appeal Decision

Site visit made on 25 September 2025

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd October 2025

Appeal Ref: APP/B1930/W/25/3367990

Land to Rear 28 to 34 North Cottages, Napsbury, Hertfordshire AL2 1AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Montway Limited against the decision of St Albans City Council.
 - The application Ref is 5/25/0281.
 - The development proposed is described as 'Development of four bungalows with associated parking and landscaping, following the demolition of the existing building'.
-

Decision

1. The appeal is allowed, and permission in principle is granted for residential development comprising a maximum of four bungalows with associated parking and landscaping following the demolition of the existing building at Land to Rear 28 to 34 North Cottages, Napsbury, St Albans, Hertfordshire AL2 1AW, in accordance with the terms of the application, Ref: 5/25/0281.

Preliminary Matters

2. The proposal is for Permission in Principle (PiP), which is the first part of a two-stage process. An application for PiP establishes whether a proposal is suitable in principle as part of a high-level assessment. As such, the drawings currently before me are indicative. If PiP is approved, then an application for Technical Details Consent (TDC) must be granted before planning permission is conferred. There is no presumption that TDC will be granted following a successful application for PiP. The scope of what can be considered in an application for PiP is limited to the location, land use and amount of development. The submissions before me confirm the maximum amount of development would be four bungalows. No minimum has been provided. I have determined the appeal on this basis. It is also worth noting that conditions cannot be imposed on a PiP and when granted by application, the default duration of that permission is 3 years.

Main Issues

3. The main issues in this appeal are whether, when considering the location, land use and amount of development proposed:
 - The appeal scheme would be inappropriate development in the Green Belt;
 - Future occupants of the appeal scheme would have adequate accessibility to services and facilities; and
 - The appeal scheme would conserve the special historic interest and significance of Napsbury Park, a Grade II listed Registered Park and Garden.

Reasons

Whether the proposal would be inappropriate development

4. Policy 1 of the Local Plan¹ (LP) lists the types of development that are exceptionally not inappropriate in the Green Belt. However, this list is inconsistent with the National Planning Policy Framework (the 'Framework') in both scope and terminology. As such, Policy 1 is out of date and therefore I have reverted to the Framework, as a material consideration, to guide my assessment of whether the proposal would be inappropriate development in the Green Belt.
5. Paragraph 154(g) of the Framework sets out an exception to the general principle that development in the Green Belt is inappropriate. The exception being limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt.
6. The Framework defines PDL as land which has been lawfully developed and is, or was, occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land. PDL also includes fixed surface infrastructure such as large areas of hardstanding.
7. The appeal site encompasses a broadly triangular parcel of land with housing development on two sides and a rail line marking the other. The access drive and much of the site is laid with hard standing. There are brambles and weeds growing out and over the hardstanding, which is a regeneration of early site clearance. However, the hard standing, which covers a large area, is sufficiently evident for the site not to have blended back into the landscape. Moreover, there is a small tin shed located centrally. This appears to be the remnants of a cluster of buildings that were once present, as demonstrated on a historic map from 1994. There is nothing of substance before me to demonstrate that these buildings were unlawful, although I understand a subsequent commercial use of the site was and this included the laying of some hardcore. Nevertheless, some of the land in question is, or was, lawfully developed by permanent structures and/or fixed surface infrastructure. I am therefore satisfied the appeal site includes PDL. This finding is consistent with a previous Inspector².
8. The indicative plans detail four semi-detached bungalows set behind and to the side of newly landscaped areas. The amount of developed land, including the houses, parking areas, turning heads and gardens, would be broadly equivalent to the amount of PDL that already exists within the appeal site. As a result, the appeal scheme would be the partial or complete redevelopment of PDL.
9. The Planning Practice Guide explains that an assessment of openness can have both spatial and visual aspects. The disposition and arrangement of development can also be relevant in gauging the effect on openness as can the duration of the development, its remediability and the degree of activity.
10. The provision of four modest semi-detached bungalows would erode the spatial openness of the Green Belt because the volume of development on site would increase. There would also be greater activity due to permanent occupation of the homes and the comings and goings of residents and visitors. However, this effect

¹ City and District of St Albans District Local Plan Review 1994 Saved and Deleted Policies Version July 2020

² In decision APP/B1930/W/23/3322279

would occur within the context of North Cottages, which is a discernible cluster of houses. The development would also be contained by the rail line and would therefore amount to a form of infilling. The amount of development proposed would allow for generous levels of planting, which would soften the site and afford a verdant appearance. There would only be limited views of the development due to the location of the site to the rear of existing buildings and the separation provided by existing gardens, fencing, hedges and trees.

11. Consequently, the proposal would only have a limited impact on the openness of the Green Belt. In arriving at this view, I have carefully considered the findings of the previous Inspector. They confirmed that a scheme for nine houses on the appeal site would have had a significant impact on the openness of the Green Belt. It stands to reason that four semi-detached bungalows with space around them for generous levels of landscaping would have a notably reduced impact.
12. In conclusion, when considering the location, amount and land use of the appeal scheme, it would amount to the partial or complete re development of redundant PDL which would not cause substantial harm to the openness of the Green Belt. It follows that the proposal is not inappropriate development in the Green Belt. Thus, considering the effect on the purposes of the Green Belt would be unnecessary.

The adequacy of access to services and facilities

13. To sustainably direct development in accordance with a settlement hierarchy, Policies 2 and 4 of the LP direct development towards towns and villages. As a material consideration, Policies 1 and 5 of the Hertfordshire Local Transport Plan (LTP) outline a movement hierarchy that seeks to reduce the need to travel and promote sustainable transport modes.
14. The National Design Guide defines 'walkable' as a distance of 800m (10 minutes). This is realistic when considering return trips, inclement weather or if children are involved. The appeal site is just over a mile's walk from London Colney High Street and the nearest primary school. It is a similar distance to the scattering of other services nearby, including a community and health centre in Caledon Road. The distances walked would exceed 800m by some way. This would suppress the desirability of walking regularly and likely result in frequent car use.
15. Thus, the location of the development would hamper the ability of future occupants to benefit from the health and resilience afforded by active travel. Indeed, walking is at the top of the movement hierarchy in Paragraph 117a) of the Framework. Presumably because it allows for free, independent travel. The location of the proposal would also hamper the transition to a low carbon future. Future residents could use ultra-low and zero emission vehicles, but that may not be universal for many years. Moreover, this mode of transport would not facilitate the health benefits from regular active travel.
16. That said, pedestrians may walk further if they intend to stay at the destination for a while and thus break up the return journey. The distance someone is likely to walk would also be affected by the attractiveness and convenience of the route. In this respect, the walking route would be through the very attractive and seemingly safe Napsbury Park. As a result, it is possible that walking trips would occur despite the distance. I am also mindful that the appeal site is around 900m from the bus stop in Goldring Way. The Park itself is less than 800m away from the appeal site and provides recreational opportunities. Cycling would also be a convenient option for

those which are able to use this mode of transport. This is because again much of the route to London Colney would be through Napsbury Park, which benefits from low levels of traffic and off-road cycle paths. The site is also a short drive from St Albans rail station, where longer journeys by sustainable transport can be joined.

17. The above locational factors temper the extent of harm that would otherwise be caused by the limited availability of services and facilities within a 10-minute walk of the site. I am also mindful that the scheme is only for a maximum of four bungalows. Overall, there would be some modest harm in this instance on account of the accessibility of services and facilities. This would be at odds with Policies 2 and 4 of the LP as supported by Policies 1 and 5 of the LTP.

The effect on the Grade II listed Napsbury Park Registered Park and Garden

18. The appeal site is located towards the northern extent of the Registered Park and Garden (the 'Gardens'). The Gardens were laid out by a notable landscape designer at the beginning of the 20th Century. They were designed to complement Napsbury Asylum by enhancing the therapeutic benefit of a pleasant and tranquil rural environment. This was part of the medical philosophy of the time. As such, the grounds of asylums were often heavily planted with specimen trees, included parkland and accommodated sports facilities. It was typical for the grounds to link with productive gardens and farmland where some of the male patients might work. Napsbury Hospital is a good example of this as it was designed around attractive parkland and space for formal recreation, such as a cricket ground. Allotments, orchards and fields were also provided.
19. The Gardens and the immediate setting of Napsbury Hospital have changed considerably over the last century. London Colney has developed, Napsbury Farm demolished, road infrastructure constructed, the rail sidings removed, and a large housing estate built over much of the land. Nevertheless, the original design ethos can still be appreciated and experienced and the unique layout discerned. Accordingly, The Gardens still have historic value as an example of healthcare practices and philosophies from the turn of the last century. The Gardens are also attractive and have planned aesthetic value.
20. Historic mapping from 1924 appears to show the Gardens almost in their original state. This includes a tree lined avenue that passed Napsbury Farm and led to the hospital. The northern part of the avenue is flanked by a row of semi-detached houses called North Cottages erected to accommodate hospital staff. These houses are still present and form part of the Registered Park and Garden, as does the appeal site located behind them. The 1924 map shows the appeal site as part of a larger peripheral field to the north of a tree belt, which may have been orchards. The fields surrounding the hospital were part of the rural setting of the complex. They also had a functional link as somewhere for patients to work and grow food as part of their therapeutic treatment.
21. At some point between 1924 and 1937, additional houses were built to the south of North Cottages. This included a cul-de-sac built at a right angle to the avenue. The cul-de-sac physically split the appeal site off from the rest of the Gardens creating a triangular parcel of land flanked on all sides by housing and rail infrastructure. Some parties have suggested that the site was allotments, but unlike other parcels of land to the rear of North Cottages, the appeal site is not annotated on the 1937 map as being allotments and nor is it shown as an orchard.

22. Accordingly, from the evidence before me I share the view of the appellant that by 1937 the appeal site did not reflect the original layout of the Gardens and was detached from the parkland, fields and orchards. It may have been used as allotments at some point but by 1994, the appeal site contained several garages and hard standing. As a result, from as early as 1937 it is possible the appeal site made no meaningful contribution to the function or aesthetics of the Gardens. That is more probably the case since at least 1994. Indeed, the Council did not include the appeal site within the Napsbury Park Conservation Area despite it being part of the Registered Park and Garden.
23. The proposed homes would be constructed within the area covered by the listing, but they would occupy a small peripheral part that was physically split from the remainder of the Gardens sometime before 1937. The houses would not be visible from the remainder of the Gardens and would not erode any historic functional link. Instead, the amount of development proposed would leave space for verdancy in the form of community orchards. This would echo the original design philosophy of the Gardens as a space for communal outdoor recreation. The bungalows could also be constructed to reflect an early 20th Century aesthetic. These are matters that can be further considered at the TDC stage.
24. The appeal scheme therefore has the potential to complement some of the original design aims of the Gardens if implemented in line with the indicative drawings. As a result, the location, land use and amount of development proposed would not have an adverse impact on the historic and aesthetic value of the Registered Park and Garden. The proposal would conserve the significance of the Gardens.
25. In coming to this view, I have carefully considered the representations made by The Gardens Trust. This expert view concluded that there would be some less than substantial harm to the Gardens. Concerns were raised that the proposal would not preserve the setting of historic orchards or reflect a previous use of the appeal site as allotments. However, the appeal site has not been used as allotments for many decades. Moreover, it does not contribute to the setting of the orchards on account of the intervening housing built in the 1930s. The modest amount of development proposed, leaving space for orchards and landscaping, would ensure an adequate balance between built form and greenery, which is an important part of the Gardens character. Accordingly, I do not share the view of the Trust.
26. The previous Inspector found less than substantial harm to the Gardens, but the scheme before her was for nine houses. This would have been a cramped configuration which would not have respected the character of the Gardens. The scheme before me is much reduced in the amount of development proposed. This change has led me to a different result. There is no inconsistency between my finding and the previous Inspector's.
27. In conclusion, the appeal scheme would preserve the significance, value and special interest of the Grade II Registered Park and Garden. It follows that a conflict with the Framework, which gives great weight to the conservation of designated heritage assets, would not occur.

Other Matters

28. Interested parties have raised concerns about the scheme's effect on highway safety, and whether emergency vehicles could access the site, on account of the narrow access. The previous Inspector seemed to have some concerns in respect

of the latter point. Reservations have also been expressed about the effect on drainage and biodiversity and conditions recommended in relation to some matters, such as land contamination. Nevertheless, I share the view of the Council that these are matters to be considered at the TDC stage. I also share the view of the Council that the emerging Local Plan is a matter of only limited weight due to its stage of preparation. As such, its draft policies do not alter my findings.

29. Being a modest scheme of bungalows tucked out of sight, the appeal scheme need not harm the character and appearance of the area. Due to intervening development, the appeal scheme would preserve the setting of the Napsbury Park Conservation Area. Given the distance between the appeal site and adjoining houses, the amount of development proposed can be accommodated without inherently harming living conditions when considering privacy, outlook and light. Noise and disturbance, especially during construction, would be a matter for TDC.

Other Conservations

30. For the reasons set out above, the appeal scheme would be at odds with Policies 2 and 4 of the LP and thus the development plan taken as a whole. An appeal should be determined in accordance with the development plan unless material considerations indicate otherwise. The benefits of the scheme and the provisions of the Framework are important considerations in this instance.
31. The Council are currently unable to demonstrate a five-year housing land supply. In such circumstances Paragraph 11 of the Framework³ states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework taken as a whole. In doing so, the Framework states that particular regard is given to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.
32. The appeal scheme would deliver 4 homes at a point in time when I understand the housing land supply is only around 1.9 years. This is a serious and significant shortfall at odds with the Framework's aim of significantly boosting the supply of housing. A new local plan aimed at remedying this situation is on the horizon, but the delivery of homes is still a benefit, especially as in this instance they could be constructed quickly by a small to medium sized developer. The delivery of a small number of homes in this instance carries moderate weight in favour of the scheme. There would also be modest benefits to the local economy through construction and the spend of future occupants. The appellant has listed other potential benefits, including the delivery of two affordable homes and building two of the properties to the Lifetime Homes standards. However, these matters cannot be secured at this PiP stage and therefore I afford them no weight.
33. Weighed against the benefits of the scheme, the proposal would not be a 'walkable' distance of services and facilities and therefore it would not prioritise sustainable transport, as Paragraph 115 of the Framework seeks to ensure. However, opportunities to maximise sustainable transport will vary from urban to rural areas. In this context, the ability to comfortably and safely walk further to some facilities, cycle and use public transport means the harm arising from the site's location relative to services and facilities would not be of a high order. When giving this

³ The policies in the Framework that protect areas of assets of particular importance do not provide a strong reason for refusal

matter particular regard, as required to by Paragraph 11 of the Framework, it is a point of middling weight against the appeal scheme. The proposal would not adhere to the settlement hierarchy in Policies 2 and 4 of the LP, however inflexible adherence to this would frustrate attempts to remedy the housing shortfall. Indeed, the houses would not be isolated, and the future residents could contribute to the rural community of North Cottages and Napsbury Park. In this respect, the proposal performs adequately against the rural housing policies in the Framework. The conflict with Policies 2 and 4 of the LP carries limited weight.

34. Overall, the adverse impacts of the proposal, when judged at this PiP stage, would not significantly and demonstrably outweigh the benefits. This is a material consideration that indicates the proposal should be determined otherwise than in accordance with the development plan.

Conclusion

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

Graham Chamberlain
INSPECTOR