



Appeal Decision

Site visit made on 3 November 2025

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th November 2025

Appeal Ref: APP/Y1945/W/24/3353317

301 Hempstead Road, Watford WD17 3NL

- 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 Mr Kasser Abas against the decision of Watford Borough Council.
 - The application Ref is 24/00495/FUL.
 - The development proposed is demolition of the existing detached house and erection of a pair of 4-bedroom semi-detached houses.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Subsequent to the Council issuing its decision, the revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Both parties have had an opportunity to comment on the revised Framework.

Main Issues

3. The main issues in the appeal are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (the Framework), including the effect of the proposal on the openness of the Green Belt;
 - whether the proposal would provide acceptable living conditions for future residents with specific regard to internal floorspace;
 - whether the proposal would provide an acceptable level of parking having regard to promoting the use of sustainable transport modes;
 - whether the proposed development would make adequate provision for biodiversity net gain; and,
 - if the development is inappropriate, 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 the proposal.

Reasons

Whether inappropriate development

4. The appeal site is in the Metropolitan Green Belt. Paragraph 153 of the Framework identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. Policy SS1.1 of the Watford Local Plan 2021-2038 (LP), amongst other matters, confirms that inappropriate development, in the Metropolitan Green Belt will not be approved except in very special circumstances, as defined in national planning policy.
6. Paragraph 154 of the Framework, however, does outline several exceptions to this. Paragraph 154 g) outlines that the partial or complete redevelopment of previously developed land (PDL) would not be inappropriate development in the Green Belt, provided that it would not cause substantial harm to the openness of the Green Belt.
7. There is no dispute between the parties that the appeal site meets the definition of PDL. Based on the existing use of the land and the site characteristics, I have no reason to disagree. It therefore falls to consider whether the development would cause substantial harm to the openness of the Green Belt.
8. The Framework states 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. Planning Practice Guidance (PPG) provides advice on the factors that can be taken into account when considering the potential impact of development on the openness of the Green Belt, with openness being capable of having both spatial and visual aspects.
9. The appeal site comprises a detached two-storey dwelling with a detached garage at the front of the property, along with hardstanding. To the south are two semi-detached properties which share an access off Hempstead Road with the appeal property. The appeal site is set back and down from Hempstead Road. Mature trees and vegetation are located along the boundaries which assist in filtering views into the site, even when not in leaf. Adjacent to the northern boundary of the appeal site is a public footpath providing access to the nearby River Gade.
10. Given the relatively contained nature of the site and the presence of the existing property, the appeal site's existing contribution to the openness of the Green Belt is not strong.
11. The existing dwelling and garage would be demolished. The proposed replacement building would have a larger footprint and volume than the existing property, with a greater depth and width. In this regard, there would be some loss of Green Belt openness, both spatially and visually. However, the proposal would maintain a similar ridge height to the existing dwelling and would be set no further forward than the neighbouring properties, with the existing gap between them being largely maintained. The increased size of the property would be most apparent from the public footpath, given that the flank elevation would be sited closer to it than the existing dwelling. However, given the presence of the existing

dwelling, existing vegetation and tall boundary treatment, any sense of Green Belt openness towards the site from the footpath is already limited.

12. Taking the above factors together, the proposal would result in some harm to the spatial and visual openness of this part of the Green Belt. However, considering the context of the appeal site and the amount and type of development proposed, any adverse effects on openness would be limited and localised. Accordingly, whilst I find there would be some limited harm, both spatially and visually, to the openness of the Green Belt, that harm would not be substantial when assessed against the existing situation. As such, the development falls within exception 154 g) of the Framework and would not constitute inappropriate development in the Green Belt. It therefore accords with Policy SS1.1 of the LP and paragraph 154 of the Framework. As I have found the proposal would not be inappropriate development there is no need for me to consider if any very special circumstances exist.
13. The Council have also assessed the proposal against exception d) of paragraph 154 of the Framework. This states the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces would not be inappropriate development. However, as I found that the proposal would accord with exception g) and would not be inappropriate development, it is not necessary for me to consider this matter further.

Living conditions

14. The proposed dwellings are both three-storey, four-bedroom properties. Although the plans do not depict the bedspaces, using the Nationally Described Technical Space Standards (NDSS), the size of the bedrooms indicates that each property would have three double bedrooms and one single bedroom, suggesting an occupancy of up to seven people.
15. The indicative Gross Internal Area (GIA) is stated on the plans to be 103.4 square metres (sqm). However, it appears that this figure includes parts of the loft space with a height of under 1.5 metres. The NDSS states that any area with a headroom of under 1.5 metres should not be counted within the GIA. The Council suggests that approximately 6 sqm of loft space has been included in the calculations. The appellant has not refuted this calculation. Therefore, in the absence of any evidence to the contrary, the GIA of each property would be below 100 sq. metres.
16. The NDSS states that for a three-storey, four-bedroom, seven-person property, the GIA should be a minimum of 121 sqm. The proposal therefore fails to meet these minimum standards indicating that the proposal would make for cramped conditions. Furthermore, even if I were to consider that the property was for 5 occupants, the minimum floor space required within the NDSS is 103 sqm, therefore it would fail to also meet these minimum GIA requirements.
17. For the reasons above, the proposal would not provide acceptable living conditions by reason of failing to meet the minimum space requirements as set out in the NDSS. It would therefore conflict with Policies HO3.10 and QD6.4 of the LP both of which require compliance with the NDSS.

Parking

18. Policy ST11.5 of the LP seeks to encourage travel by sustainable modes and avoid pressure on the local highway network by requiring all new development proposals to comply with the car parking standards in Appendix E attached to the policy, which permits a maximum of 1 car park space per dwelling. The submitted plans indicate that three parking spaces are proposed in total for the two dwellings. This would exceed the maximum car parking provision allowed.
19. Limited justification has been put forward to justify an increase in the maximum provision. The appellant in their statement of case refers to Policy T6 of the London Plan which permits 1.5 spaces per dwelling. However, the London Plan is not applicable in the Borough, as such Policy T6 is not determinative.
20. On this issue, I conclude that the proposed development, by reason of excess parking provision, would not sufficiently promote the use of sustainable transport modes, in conflict with Policy ST11.5 of the LP. It would also conflict with the aims of Paragraph 115 of the Framework insofar as it requires sustainable transport modes to be prioritised.

Biodiversity Net Gain

21. The application post-dates the introduction of Biodiversity Net Gain (BNG) therefore, it is subject to the mandatory requirement of Schedule 7A of the Town and Country Planning Act 1990 (TCPA) to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat for at least 30 years.
22. The Planning Practice Guidance (PPG) indicates it would generally be inappropriate to refuse an application on grounds the biodiversity gain objective will not be met, but indicates decision makers may need to consider more broadly whether the biodiversity gain condition is capable of being successfully discharged.
23. The appellant has submitted a BNG report which indicates a BNG uplift of 30% would be achieved by replacing artificial grass with a vegetated lawn and enhancements to existing trees. However, these are all contained within the private garden. DEFRA guidance¹ indicates that as a private garden has no public access, biodiversity net gains cannot be legally secured. This is due to difficulties of managing and monitoring any biodiversity net gains within a private garden.
24. However, even if I were to consider that a legal agreement could secure the BNG gains, I do not have one before me. As the TCPA's biodiversity net gain condition requires the post-development biodiversity value of the site be maintained for at least 30 years after the development is complete, in the absence of any mechanism to ensure habitat enhancement would be maintained over the longer term, I cannot be satisfied that the BNG condition is capable of being successfully discharged and that the proposal makes adequate provision for biodiversity net gain.
25. Accordingly, the proposal would therefore fail to satisfy the requirements of Schedule 7 of the TCPA and would conflict with Policy NE9.8 (Biodiversity) of the

¹ The Statutory Biodiversity Metric User Guide

LP, which seeks to ensure proposals achieve long-term net gain for a minimum of 30 years.

Other Matter

26. In support of the appeal, the appellant has drawn my attention to two nearby planning applications approved by the Council at Grove Wharf and Rose Farm. However, very limited detail has been provided, and therefore I cannot be certain of the specific circumstances which led to their approval. In any case, I have determined the appeal on its own merits, based on the evidence before me.

Planning Balance and Conclusion

27. The proposal would increase the Borough's housing supply by one additional dwelling, making efficient use of the land. The dwellings would be energy efficient, built to high sustainability standards and would reflect the design of nearby properties. However, these factors, both individually and collectively, do not outweigh the conflicts I have identified with the development plan, to which I afford significant weight.
28. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, I conclude that the appeal is dismissed.

T Bennett

INSPECTOR