



Appeal Decision

Site visit made on 19 May 2026

by **M Madge Dip TP MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08th July 2026

Appeal Ref: APP/B1930/C/25/3374921

39 The Broadway, Gustard Wood, Wheathampstead, Hertfordshire AL4 9LW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr and Mrs C Pattison against an enforcement notice issued by St Albans City Council.
- The notice was issued on 24 September 2025.
- The breach of planning control as alleged in the notice is "Without planning permission, the erection of a two storey side, partial two storey rear, loft conversion and single storey rear extension."
- The requirements of the notice are:
 - i. Demolish the unauthorised extensions and alterations and return the dwelling to as shown in the existing plan and elevations shown as planning number MMCHP/TB/SHE 1 (appendix 3).
 - ii. Remove from the land all building material and debris resulting from the removal of the extensions and make good the dwelling.
- The period for compliance with the requirements is nine (9) months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. It is directed that the enforcement notice is corrected by:
 - *the deletion of the words ", loft conversion" in section 3.*

Subject to the correction, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the erection of a two storey side, partial two storey rear and single storey rear extension at 39 The Broadway, Gustard Wood, Wheathampstead, Hertfordshire AL4 9LW as shown on the plan attached to the notice.

Preliminary Matters

2. The appeal property is the subject of two enforcement notices; the one the subject of this appeal (this notice) and one relating to the change of use of land and erection of an outbuilding and boundary wall.
3. While amenity land may have been incorporated into the garden serving the appeal property, that land is excluded from the land edged red on the plan attached to this notice (the enforcement plan). This notice only relates to operational development carried out to the dwelling on the land edged red on the enforcement plan. I shall proceed on that basis.

Appeal on Ground (b)

4. An appeal on this ground is that the matters alleged have not occurred. It is for the appellants to show that, on the balance of probabilities, that the operational development identified in this notice has not occurred as a matter of fact.
5. The appellants' evidence shows that the roof light on the front roof slope serves a first floor hallway as opposed to a loft conversion as alleged. The Council accepts the appellants' evidence and concedes the alleged loft conversion has not occurred.
6. The appeal on ground (b) succeeds to this limited extent and I shall correct the notice accordingly.

Appeal on Ground (c)

7. An appeal on this ground is that the matters alleged, if they have occurred, do not constitute a breach of planning control. It is for the appellant to show, on the balance of probabilities, that the operational development undertaken does not constitute a breach of planning control.
8. It is the appellants' contention that the roof light in the front roof slope complies with Class C, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The Council agrees with the appellants contention that the roof light is permitted development.
9. There is no evidence before me to show that the installation of the roof light on the front roof slope occurred as a separate building operation to the erection of the two storey side extension, partial two storey rear and single storey rear extension. That single building operation in its totality required the benefit of planning permission, which it did not have. The building is therefore unlawful in planning terms. In accordance with Article 3(5) of the GPDO, permitted development rights set out in Schedule 2 do not apply when the relevant building is unlawful. The roof light in the front roof slope does not therefore have the benefit of deemed planning permission granted by Class C, Part 1 of Schedule 2 of the GPDO.
10. For this reason, the appeal on ground (c) fails.

Appeal on Ground (a)

11. An appeal on this ground is that planning permission should be granted for the corrected matter alleged; the erection of a two storey side extension, partial two storey rear and single storey rear extension. The **main issues** are:
 - Whether the development would be inappropriate in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies;
 - The effect of the development on the openness and purposes of the Green Belt;
 - The effect of the proposal on the character and appearance of the locality; and

- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.
12. Policy W1 of the Wheathampstead Neighbourhood Plan (2022) (the NP) confirms new development will not be supported outside settlement boundaries unless it preserves or enhances the character or appearance of the area and is in accordance with the St Albans District Local Plan Review (1994) (the LP) and the National Planning Policy Framework (the Framework) in respect of appropriate uses in the Green Belt.
 13. The appeal site lies within the built confines of Gustard Wood, a settlement 'washed over' by the Metropolitan Green Belt designation. Saved Policies 1 and 2 of the LP do not provide for the extension of buildings within the Green Belt, which is at odds with the Framework. The development represents an extension of an existing dwelling, which in principle, is a form of Green Belt development supported by the Framework.
 14. Policies 13 and 72 of the LP have been brought to my attention. I find policy 13 to be most relevant as it addresses residential extensions in the Green Belt, advising they may be permitted provided their scale and visual impact would not result in a significantly larger building of a different character. This again does not strictly align with the Framework, which offers support to extensions that are not disproportionate to the original building.
 15. Given the disparities set out above, I find the LP policies to be out of date and will give greater weight to the Framework.
 16. In respect of residential extensions in the Green Belt, the Supplementary Planning Guidance Residential Extensions and Replacement Dwellings in the Green Belt (May 2004) (SPG) confirms that size figures set out are only guidelines and not rigid limits. Furthermore, it refers to figures being inclusive of "*any permitted development rights that a dwelling may benefit from*" and goes on to quote volume figures for such permitted development. The SPG identifies superseded permitted development rights, which in my judgement, reduces the weight that can be attributed to it.
 17. The SPG however also sets out various criteria and guidance on overall size, which will be used to assess the acceptability of residential extensions. The development has resulted in extensions to the side and rear of the original dwelling. While the two storey side extension has reduced the gap between the host dwelling and its neighbour, given the suburban location, I do not find this to have any significant detrimental effect on Green Belt openness.
 18. The appeal site is visually dominant in public views due to its corner plot location and being in a slightly elevated position. The two storey elements of the extensions are however located furthest from prominent viewpoints. The architectural detailing and materials conform to local characteristics. Furthermore, I see no reason to disagree with the Council's findings that the limited depth of the front projection of the side extension has no significant visual impact on the street scene or that the development performs well against all the SPG and policy criteria.

19. The SPG promotes extension size ranges from 90 cubic metres up to 180 cubic metres and between a 20% to 40% increase in floor space, although it also provides for a maximum increase in cubic content of 300 cubic metres¹. Stating whichever is the greater of the two ranges will be regarded as the top of the range. By the Council's calculations the original dwelling's floor area has been extended by approximately 63.54% and its volume has been increased by 288.17 cubic metres. The volume increase therefore represents the greater of the two ranges, and the development to which the notice relates falls within the maximum increase specified in the SPG.
20. The Council concludes the volume increase in its totality to be unacceptable as the 180 cubic metres is exceeded. However, I find the extensions to be proportionate additions due to their distribution across the side and rear of the original dwelling and their subordinate roofscape.
21. Taking the above factors together, I find the development is not inappropriate development in the Green Belt as it falls within the exception set out in paragraph 154(c) of the Framework. Development that is not inappropriate in Green Belt does not affect openness and does not conflict with Green Belt purposes. Furthermore, the development has no significant adverse effect on the character or visual amenity of the Green Belt or its immediate surroundings. In these circumstances, there is no need for very special circumstances to be demonstrated.
22. For these reasons, the development accords with policy 69 of the St Albans District Local Plan Review (1994) (LP) and policies W1, W8 and W9 of the Wheathampstead Neighbourhood Plan (October 2022) (NP), which seek to deliver high quality design that respects local character.

Other Considerations

23. While my attention has been drawn to several planning permissions in the wider area, there is no need for me to consider them in detail given my findings on the acceptability of the development. As I have found the development to be policy compliant, it would not set a dangerous precedent for disproportionate development in the Metropolitan Green Belt.
24. Interested parties refer to the removal of an Oak tree. The appeal site is not within a Conservation Area, therefore unless the tree was the subject of a preservation order, its removal would not have required consent. Furthermore, it has not been suggested by the Council that there is any necessity to secure replacement tree planting or other landscaping provision should I be minded to allow the appeal. Given the nature of the development, the extension of a family home, landscaping should be a matter for the occupier.
25. A written ministerial statement (WMS), dated August 2015, establishes that intentional unauthorised development (IUD) is a consideration to be weighed in the determination of planning applications and appeals. The WMS relates to all forms of development and places particular emphasis on IUD in the Green Belt. Part of the underlying reason for seeking to deter IUD is to avoid prejudicing the opportunity to mitigate the impact of development by using planning conditions.

¹ SPG Table 2 and Footnote **

26. The submission of the ground (a) appeal has provided an opportunity to mitigate any adverse impacts of the development. However, I have found there to be no adverse impacts arising from the development. The taking of enforcement action is regulatory, not punitive.

Conclusion on Ground (a)

27. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice as corrected. The enforcement notice will be corrected and quashed.
28. In these circumstances the appeals on grounds (f) and (g) do not fall to be considered.

M Madge

INSPECTOR