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## Appeal Decision

Hearing held on 11 February 2014

Site visit made on 11 February 2014

**by Alan M Wood MSc FRICS**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 4 March 2014**

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**Appeal Ref: APP/B1930/A/13/2209594**

**Land off Cherry Hill, Chiswell Green, St Albans**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Barratt Homes (North London) against the decision of St Albans City & District Council.
  - The application Ref 5/13/2188, dated 12 August 2013, was refused by notice dated 15 November 2013.
  - The development proposed is the redevelopment of the site to provide 14 residential dwellings along with associated parking and amenity space.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The appeal site is located in open countryside within the Metropolitan Green Belt as indicated on the Proposals Map in The City and District of St Albans Local Plan Review (1994) [LP]. Paragraph 87 of the National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 of the Framework asserts that the construction of new buildings in the Green Belt should be regarded as inappropriate unless falling within one of the exceptions set out in the paragraph. It is common ground that the proposed development does not fall within any of those exceptions and, in the context of the Framework, does constitute inappropriate development. Paragraph 88 of the Framework requires substantial weight to be given to any harm to the Green Belt.

### Main Issues

3. (a) The effect of the proposed development on the openness of the Green Belt;  
(b) The effect of the proposed development on the character and appearance of the surrounding area; and  
(c) Whether the harm by reason of the inappropriate development in the Green Belt, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

## **Reasons**

### Openness

4. Paragraph 79 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. In this case the proposal would result in encroachment into the countryside and one of the five purposes of the Green Belt is to safeguard against such an occurrence. At the hearing the appellant acknowledged that the proposed development would result in loss of openness to the Green Belt and I agree with that view. The proposal would therefore conflict with the Framework in this regard. This harm to the openness of the Green Belt would also attract substantial weight.

### Character and Appearance

5. The appeal site has been used for agricultural purposes in the past but is currently fallow. There is a sheep pasture to the south-west of the site and a playground/recreation area to the north-east. Both Cherry Hill and The Croft have a line of detached dwellings which face towards the appeal site. The proposed development would introduce a line of seven dwellings along the Cherry Hill/The Croft frontage facing towards the existing dwellings with a second line of seven dwellings to the rear of the site. The latter would be adjacent to the wider area of Green Belt land to the west. The proposed dwellings would be 2.5 storeys in height with accommodation at ground, first and second floor levels. All of the dwellings would be served by detached coach houses providing garage accommodation. The coach houses associated with Plots 1, 3, 4, 6, 7, 8, 11, 12 and 14 would also have living space incorporated within their roof structures.
6. The line of the frontage dwellings would be closer to the highway than the existing dwellings and the height and width of the proposed dwellings would generally be in excess of those facing the appeal site. There would be significant gaps between the proposed dwellings and an area of frontage open space immediately opposite the junction of The Croft and Cherry Hill. In this regard, the appellant has demonstrated that the proposed layout would provide a measure of permeability through the site when viewed from the street scene. The openings in most cases would however be punctuated to some degree by the boundary treatments to the dwellings. A number of the dwellings to the rear of the site would also be in view from the street scene as would some of the coach houses.
7. In light of the scale and massing of the proposed frontage dwellings and their proximity to the highway, these buildings would appear very prominent in the street scene and, in my judgement, would be over dominant in their relationship to the existing dwellings. The openings between the dwellings would be a mitigating factor but would not overcome this adverse effect. The appellant has contended that the proposal would ameliorate the existing "hard ragged edge" between the existing built form and the Green Belt in this location. In my judgement however, the introduction of dwellings of greater scale in tandem rows, notwithstanding the proposed landscaping, would not lessen the visual impact in terms of the transition between the residential development on the western fringe of Chiswell Green and the Green Belt.

8. The proposed rear line of dwellings would be clearly visible above the existing hedge, because of their height and scale, when viewed from a range of vantage points on the public rights of way in the Green Belt to the west of the site. The proposal would also be in view from a number of locations along Chiswell Green Lane some distance to the south. The views of the proposed dwellings from all of the above vantage points would be more pronounced during the winter months. The line of existing dwellings along Cherry Hill and The Croft is currently visible to some degree from these vistas but they do not appear collectively as a visually discordant feature which the proposed development would successfully ameliorate.
9. The Council has raised concerns in relation to the design of certain house types. The house type in respect of Plots 1, 3, 6, 7, 11 and 14 have a design which incorporates a partial cat slide roof arrangement to its rear elevation. The resulting effect is a predominant area of roofscape to that elevation. The rear elevations of Plots 3 and 11 would face directly towards the Green Belt. Paragraph 60 of the Framework requires that decision makers should not seek to impose architectural styles and should not stifle innovation, originality or initiative. However, the paragraph goes on to state that it is proper to seek to promote or reinforce local distinctiveness. The proposed design does not appear to have any parallels in the immediate locality and it is unclear therefore how this house type in particular would promote or reinforce local distinctiveness or have due regard for the setting and the character of its surroundings.
10. The proposal would also provide gated access to the nine driveways into the site. This arrangement would also contrast with the existing development in Cherry Hill and The Croft rather than complement it.
11. Taking account of all of the above considerations, I find that the proposed development would result in unacceptable harm to the character and appearance of the surrounding area. The proposal would therefore be contrary to both the Framework which seeks to ensure that development responds to local character and reflects the identity of local surroundings, and Policies 2, 5, 69 and 70 of the LP. These policies aim to protect and enhance the essential character of existing settlements, promote a high standard of design and ensure that new housing development has regard to its setting and the character of its surroundings. It would also be contrary to the Council's Design Advice Leaflet No 1: *Design and Layout of New Housing* which is supplementary to Policy 70.
12. I attach significant weight to this consideration.

#### Other Considerations

13. The appellant has set out a number of considerations in support of the proposed development:

#### *Purposes of the Green Belt*

14. It is contended that the proposal would meet four of the five purposes of the Green Belt. In terms of checking the unrestricted sprawl of built-up areas reference has been made to the existing hedge along the western boundary and it is contended that, supplemented by new planting, this would become a much more defensible boundary which would better protect against urban

sprawl. I was informed at the hearing however that the hedge is outside of the appeal site and is not within the control of the appellant.

15. In respect of preventing the merger of neighbouring towns, I agree that this proposal would not of itself result in any such eventuality. With regard to preserving the setting and special character of historic towns, I have found above that the proposed development would not preserve the setting or character of this part of Chiswell Green. The village is not historic in this context although St Albans situated to the east of the village does fall into that category. With regard to assisting urban regeneration by encouraging the recycling of derelict and urban land, the appeal site does not constitute previously developed land or urban land, nor is it derelict. It is an open Greenfield site which could be brought back into use for agricultural activities. In light the above, I attach limited weight to this consideration.

#### *Sustainable Location*

16. The Council did not contest this issue. There are bus services available and local shops in the village however these positive factors alone do not automatically mean that it is the most suitable site having regard to the effect of the proposal on the openness of the Greenbelt. I therefore attach limited weight to this consideration.

#### *Ecology*

17. The appellant has stated that the appeal site has little ecological value. It is contended that the scheme would provide domestic gardens, hedgerow planting, new tree planting and wild flower meadow planting which would encourage wildlife onto the site. I attach only moderate weight to this consideration as the reinstatement of the agricultural use would be appropriate in this setting.

#### *Landscape*

18. The appellant has indicated that the landscaping associated with the proposal would replace the "hard ragged edge" with a good quality landscaped development. I have however considered these matters above and, although the proposed landscaping would have some beneficial effect, overall I have concluded that the proposed development would not bring forward the spatial and visual advantages outlined by the appellant. Therefore I attach little weight to this consideration.

#### *Sustainable Construction*

19. The proposed dwellings would be constructed in accordance with Level 3 of the Code for Sustainable Homes and would meet the Barratt Homes "Fabric First" code. The appellant has stated that this approach would achieve up to 25% reduction in carbon emissions over and above the current Building Regulation standards. Supporting the transition to a low carbon future in a changing climate is one of the core planning principles of the Framework. I therefore accord this consideration some weight.

#### *Social and Community Provision*

20. The appellant has produced a planning obligation which sets out the levels of contribution that would be made in respect of a range of existing services and

infrastructure. The planning obligation would however simply mitigate the impact of the proposed development in this regard and would therefore have a neutral effect. The appellant also referred to the contribution to the local economy of the future occupiers but this would difficult to quantify. I therefore accord this consideration limited weight.

### *Housing Mix*

21. All of the proposed dwellings would have five bedrooms. The appellant has provided evidence from the Office of National Statistics (ONS) to show that the number of young adults living with their parents is over 3.3 million. This represents a 26% increase since 1996. ONS figures also indicate a 28% increase in 'other households', i.e. people not living in a one family household, between 2001 and 2011. Additionally, there has been an increase of three generational households from 303,000 in 2002 to 420,000 in 2012.
22. The appellant has contended that the provision of five bedroom dwellings on the appeal site would respond to this demographic change by enabling multi-generational families to share the same residential accommodation. The Council has indicated however that its Strategic Housing Assessment has indicated only a 7% demand for this size of dwelling and the proposal before me would make no provision for alternative housing needs in this location. On balance therefore I attribute moderate weight to this consideration.

### *Housing Land Supply*

23. Paragraph 47 of the Framework states that in order to significantly boost the supply of housing, local planning authorities should use their evidence base to ensure that the LP meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the LP policies, including identifying key sites which are critical to the delivery of the housing strategy over the plan period. In addition, Council's should identify and update annually a supply of specific deliverable sites sufficient to provide a five year housing supply with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.
24. The appellant has produced an analysis of housing land supply within the City and District of St Albans. The analysis indicates a supply of 3.27 years for 2013 to 2018, and 2.72 years for 2014 to 2019. The Council is updating its 5 year housing land supply schedule and, at a baseline date of September 2013, it has identified a 3.8 years supply. At the hearing the Council acknowledged that there is a significant shortfall in housing land supply. Whichever figures are used, I agree with that view.
25. Paragraph 49 of the Framework stipulates that housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Council cannot demonstrate a five year supply of deliverable housing sites. Paragraph 14 of the Framework stipulates that decision makers should grant permission where relevant policies are out of date unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this case however the specific policies relating to the Green Belt indicate that development should be restricted so Paragraph 14 would not be engaged in any event.

26. Policy 1 of the LP indicates that the whole of the St Albans District lies within the Green Belt with the exception St Albans and Harpenden, the larger village settlements set out in Policy 2 of the LP and three other areas of land described in Policy 1. The District is therefore constrained by the Green Belt. Consequently the level of housing supply required on an annual basis is likely to be met by Greenfield or Green Belt Land.
27. In this regard, the Council has commissioned an Independent Review of Green Belt Boundaries and a Green Belt study. The most up to date version of *The Green Belt Review Sites & Boundaries Study (2013)* identifies eight strategic sites within the Green Belt which have been brought forward for consideration for future housing development. One of those sites (S8) relates to a large parcel of land a short distance from the appeal site on the south side of Chiswell Green Lane. Whilst the study provides a clear indication of the possible release of land for housing, the document has not yet been formally adopted and I attribute it limited weight to it.
28. The Council also drew my attention to a recent appeal decision<sup>1</sup> in the District which also related to proposed housing development in the Green Belt. In that case the Inspector commented that the lack of an up-to-date LP combined with the potential for the release of Greenfield sites were material considerations which attracted some weight and I agree. However he further commented that the local planning process is the best place for discussion in respect of the potential allocations of sites in the Green Belt for housing and I also concur with that view.
29. Nevertheless, I attach significant weight to the shortfall in the five year housing supply provision.

#### Balancing Exercise

30. In my judgement, the weight I have accorded to the other considerations in favour of the proposal would not individually, or when taken together, be sufficient to clearly outweigh the substantial harm to the Green Belt in respect of inappropriate development and loss of openness and the significant weight accorded to the other harm relating to character and appearance. Therefore the very special circumstances necessary to justify the proposed development do not exist in this particular case.

#### Other Matters

31. The Community Infrastructure Levy Regulations state that regulation 122, which sets out the three tests of a planning obligation, will only apply where a relevant determination is made which results in planning permission being granted for the development. Given my conclusion below, there is therefore no necessity for me to consider the submitted unilateral obligation in this case.

#### **Conclusion**

32. For the reasons given above, the appeal does not succeed.

*Alan M Wood* Inspector

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<sup>1</sup> APP/B1930/A/13/2192408

## **APPEARANCES**

### FOR THE APPELLANT:

Mark Lowe QC of Cornerstone Barristers      Instructed by John Brindley, Planning Director of CMYK (Planning and Design) Ltd

John Brindley

Nicholas Cutler      Design Director, CYMK (Planning & Design) Ltd

Stephen Dale      ACD Landscape Architects

Michael George      Barratt Homes

### FOR THE LOCAL PLANNING AUTHORITY:

Paul Keen MA      Planning Officer, St Albans City and District Council

Liz Johnson BA MALD CMLI      Landscape Architect, St Albans City and District Council

Chris Briggs BA(Hons) MCD MRTPI      Spatial Planning Manager, St Albans City and District Council

### INTERESTED PERSONS:

Councillor Mick Freeman      St Stephen Parish Council

Councillor Brian Gibbard      St Stephen's Ward, St Albans City and District Council

John Bell      The Chiswell Green Residents Association

Andrew Bowes      Local Resident

John Moss      Local Resident

## **DOCUMENTS**

### *Submitted by the Council:*

- 1) Notification Letters

### *Submitted by the Appellant:*

- 2) Copy of Suggested Revised Conditions

### *Submitted by Interested Parties:*

- 3) Copies of photographs of views of the appeal site from various locations
- 4) Copy of a letter by G Shoad dated 5 February 2014