



Appeal Decision

Site visit made on 4 August 2015

by Michael Boniface MSc MRTPI

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

Decision date: 11 August 2015

Appeal Ref: APP/B1930/W/15/3009684

Land adjacent to 55 Bucknalls Drive, Bricket Wood, St. Albans, AL2 3XJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Peter Rice Developments Ltd and Raymond Rice Developments Ltd against the decision of St Albans City & District Council.
 - The application Ref 5/14/1694, dated 12 June 2014, was refused by notice dated 25 September 2014.
 - The development proposed is described as "alterations and extension to existing access road, proposed development of twelve detached houses with garaging and parking and proposed open space".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is submitted in outline form with access and layout to be considered. Matters of appearance, landscaping and scale are reserved for subsequent consideration. I have considered the appeal on this basis.
3. The appellant's Grounds of Appeal include a revised layout plan (BD/15/L20) which replaces the proposed layout plan originally submitted (BD/14/L01C) and seeks to address the Council's concerns regarding proximity of the proposed houses to the surrounding trees on the site boundaries. Although the Council has not commented on the revised drawing, it confirmed that it had seen the drawing during the site visit. Therefore, I am satisfied that the Council and other interested parties have had an opportunity to consider the revised proposal and have taken the drawing into account in reaching my decision.
4. The third reason for refusal contained in the Council's decision relates to the absence of any Planning Obligations to mitigate pressure on local infrastructure. However, a completed legal agreement has since been submitted and the Council has subsequently withdrawn this reason for refusal.

Main Issues

5. Paragraph 79 of the Framework makes it clear that the Government attaches great importance to the Green Belt and the protection of its essential characteristics, those being openness and permanence. Paragraph 87 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

6. The parties are in agreement that the development would be inappropriate development in the Green Belt for the purposes of Policy 1 of the St. Albans District Local Plan Review (LPR) (1994) and the National Planning Policy Framework (the Framework). I have no reason to disagree but attach greater weight to the Framework, as more recently published national policy, notwithstanding that Policy 1 remains broadly consistent in its approach. In accordance with paragraph 88 of the Framework, I attach substantial weight to the harm arising by virtue of inappropriateness.
7. In light of the above, the main issues in this appeal are:
 - (a) The effect on the openness of the Green Belt;
 - (b) The effect on the landscape character of the area; and
 - (c) 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 development.

Reasons

Openness

8. The site comprises an area of land beyond the built up area of the settlement defined by the existing houses and behind the built residential frontage along Bucknalls Drive. The site is currently laid to grass with woodland surrounding the south and east boundaries and a strong line of hedgerow and tree planting separating residential gardens to the west. Residential properties stand to the north.
9. The site is well contained by virtue of its location to the rear of residential development and the tree planting surrounding but it nevertheless presents an open character. The openness of the Green Belt is epitomised by the absence of buildings and this is the case on the appeal site. The development would involve 12 dwellings, introducing significant built form. In my view, there is no doubt that the development would harm the openness of the site and the Green Belt.
10. Whilst the site makes only a limited contribution to the openness of the wider Green Belt when viewed in its entirety, the proposed development would nevertheless represent encroachment, irreversibly harming the open nature of the site, part of the Green Belt. As such, its essential characteristics of openness and permanence would be compromised. I attach significant weight to the harm arising to openness.

Landscape character

11. The development would largely occupy the open grass area of the site and the revised layout plan proposes a larger separation from the west and south boundaries so as to minimise impacts on the surrounding trees and avoid pressure for works from future occupants of the development. Therefore, there would be limited impacts on existing landscape features.
12. I note that the woodland to the south is protected by a Tree Preservation Order and the Council would retain a good level of control over works to these trees. In respect of the trees and hedgerows to the west, the Council notes their moderate value but suggests that they provide a useful screen. The appellant now seeks to remove some of these trees, which are not protected. I see no

reason why an appropriate landscaping scheme at the reserved matters stage could not secure appropriate replacement screening on this boundary. I am satisfied that suitable living conditions would be achieved for future occupants' and that whilst pressure might be exerted in the future for works to the larger trees nearby, this is unlikely to be such as to significantly harm landscape character.

13. Whilst this is so, the development will have an impact on the currently undeveloped landscape which will be visible from surrounding properties and in glimpsing views from a footpath within the woodland to the east. The application is accompanied by a Landscape and Visual Assessment which notes the urban fringe location of the development, the presence of a large commercial site beyond the woodland to the south and the contained nature of the site. It concludes that the impact of the development would be of minor significance and highly localised. The Council suggests that the impacts would be somewhat worse, particularly in respect of the sensitive receptors surrounding the site, primarily residential occupiers and people using the adjacent footpath.
14. I have no doubt that the development would adversely impact on the views of such receptors but private views are not protected by the planning system and the impacts would be limited to the surrounding properties. Users of the footpath would become aware of development close to the woodland boundary but this would be seen in the context of other residential development and only glimpsing views between the trees are available, limiting visual impact. Given the site context, I am inclined to agree with the appellant's assessment that visual impacts would be minor. I find no material conflict with Policies 70 and 74 of the LPR which seek good design and layout which are appropriate to context and the protection of important landscape features. However, the visual impacts arising from residential development on currently undeveloped land are nevertheless negative and must be weighed in the overall balance.

Other considerations

15. The fundamental aim of the Green Belt, as set out in paragraph 79 of the Framework, is to prevent urban sprawl. I note the appellant's view that the development would not involve urban sprawl but the Framework makes it clear that urban sprawl is to be prevented by keeping land permanently open. I have already established that the development would not achieve this requirement and would conflict with the essential characteristics of Green Belts. The Green Belt is a defined area and development which encroaches into it is a form of urban sprawl which the Framework seeks to restrict in its identified purposes. Whilst the development may not be in conflict with all five of the Green Belt purposes defined in paragraph 80, it would be a form of urban sprawl and an encroachment into the countryside. There is clear conflict with the fundamental aim and essential characteristics.
16. It was submitted that the Council's 2009 Strategic Housing Land Availability Assessment (SHLAA) identifies that the appeal site should be given further consideration in regards to residential development. However, I was not provided with a copy of this document or sufficient information to allow me to draw any support in regards to the current appeal proposal. The SHLAA is a broad brush process for identifying potential development sites and does not necessarily indicate that development will be acceptable when detailed site

assessment is carried out through a planning application. I attach very limited weight to this matter.

17. Significant amounts of evidence were submitted by both parties with respect to the Council's housing land supply position but it is agreed between the parties that the Council cannot currently demonstrate a deliverable five year supply of housing sites. It appears that there is currently a significant shortfall in supply and in this context the appellant considers the Council's housing policies to be out of date with reference to paragraph 49 of the Framework. I agree that this is the case, but the policies relied upon in this case are not relevant policies for the supply of housing and this does not alter the status of the Green Belt, nor the policies of the Framework in this regard.
18. Paragraph 14 of the Framework advocates a presumption in favour of sustainable development. However, development should not be approved where specific policies in the Framework indicate development should be restricted. Footnote 9 confirms that Green Belt restrictions are an example of such a policy and the decision taking criteria of paragraph 14 are not engaged.
19. Paragraph 85 of the Framework suggests that, when defining Green Belt boundaries, local planning authorities should not include land which it is unnecessary to keep permanently open. Whilst I note the appellant's submissions regarding the contribution of the site to the purposes and essential characteristics of the Green Belt, I have reached a different conclusion on these matters. Consequently, I do not agree that it is no longer necessary to keep the site permanently open. In any case, paragraph 83 confirms that Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan and a S78 appeal cannot effectively consider the merits of the Green Belt designation.
20. The appellant suggests that the Draft Strategic Local Plan recognises the need to utilise Green Belt land in order to meet housing needs, but again, this document was not submitted. In any case, this is normally a matter for the plan making process as set out above. Insufficient information is provided for me to draw any useful conclusions with regard to this matter and I therefore attach it very limited weight.
21. A number of benefits arising from the development have been identified by the appellant. These include the contribution of 12 houses to the Council's housing land supply. In the context of a significant shortfall and the Framework's objective to boost significantly the supply of housing, this is a matter that attracts significant weight in favour of the development.
22. A range of economic, social and environmental benefits are also identified including the delivery of housing land that would improve choice and competition, support for local services, jobs created in construction, social cohesion given the link to the existing settlement, and the accessible location of the site close to a village centre and public transport. These benefits are noted and I attach moderate weight to them given their contribution towards some of the objectives of the Framework.

Conclusion

23. The proposal would be inappropriate development in the Green Belt, as defined by the Framework, which would by definition be harmful to the Green Belt. In

addition, the construction of 12 dwellings would harm the openness of the Green Belt and the landscape character of the area. The harm identified to the Green Belt attracts substantial weight. I have considered the grounds presented in support of the development but together they do not outweigh the harm the scheme would cause. Consequently, the very special circumstances necessary to justify the development have not been demonstrated.

24. In light of the above, and having considered all other matters, the appeal is dismissed.

Michael Boniface

INSPECTOR

Richborough Estates