



Appeal Decision

Site visit made on 28 January 2025

by **A Wright BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th February 2025

Appeal Ref: APP/B1930/W/24/3349580

162 Radlett Road, Colney Street, St Albans AL2 2EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission in principle.
 - The appeal is made by Mr J Carter against the decision of St Albans City Council.
 - The application Ref is 5/23/1905.
 - The development proposed is described as 'erection of 4x5bed detached dwelling houses'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address of the appeal site given on the planning application form is '162 Radlett Road, London AL2 2EL'. The appeal form cites the address as '162 Radlett Road, Colney Street, St Albans AL2 2EL' which I have used in the banner above as this is a more accurate description of the address.
3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle; and the second (technical details consent) stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
4. The submitted plans include a layout, typical floor plans and access arrangements. The scope of considerations for permission in principle is limited to location, land use and the amount of development permitted¹. I have determined the appeal accordingly and have only had regard to the plans in as much as they show the location of the site and its proposed residential use for four dwellings.
5. The National Planning Policy Framework (the Framework) was revised, and the 2023 Housing Delivery Test (HDT) results were published in December 2024. As these could affect the issues and matters in this case, the Council and the appellant were invited to make further comments. My decision reflects the latest versions of these documents, and the responses received on them.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Main Issue

6. The main issue in this appeal is whether the site is suitable for residential development, with regard to its location, the proposed land use and the amount of development, having particular regard to:
- whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt; 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 proposal.

Reasons

Whether the proposal would be inappropriate development

7. The appeal site lies within the Green Belt identified under saved Policy 1 of the St Albans District Local Plan Review 1994 (LPR). This states that, except for development in Green Belt settlements or in very special circumstances, permission will not be given for development for purposes other than those listed in the policy. The site is not within an identified Green Belt settlement. The list of developments allowed under Policy 1 predate those in the Framework.
8. In addition, Policy S1 of the St Stephen Parish Neighbourhood Plan 2022 (NP) only supports residential development in the Green Belt where it either meets the exceptions to inappropriate development set out in the Framework or demonstrates very special circumstances.
9. Paragraphs 154 and 155 of the Framework list the types of development that are not inappropriate in the Green Belt, subject to certain conditions. These include limited infilling in villages (paragraph 154(e)), and the limited infilling or the redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt (paragraph 154(g)). They also include the development of homes utilising grey belt land where it would meet several criteria (paragraph 155).
10. The Framework does not include definitions of “limited infilling” or “village”. The appeal site comprises a large garden area enclosed by roadside planting, between an existing detached house and a recent development of nine dwellings. There is a dog training enterprise beyond a hedge to the west and a large industrial estate behind landscaping on the opposite side of the road. A wide bridge separates these properties from the close-knit residential development within the Green Belt settlement of Radlett Road Frogmore on the other side of the M25 motorway. A 40mph speed limit operates along this part of the road, with the Colney Street and Frogmore settlement signs located beside the site on opposite sides of the road. These characteristics are such that the site does not appear as part of a village on the ground. Therefore, the proposal would not be limited infilling in a village and would not comply with the exception in paragraph 154(e) of the Framework.
11. The definition of previously developed land in the Framework refers to land which is occupied by a permanent structure, including the curtilage of the developed land. It excludes land in built-up areas such as residential gardens. The Council implies that the site could comprise previously developed land. The impact of the

proposed development on the openness of the Green Belt and thus whether it meets the exception in paragraph 154(g) is considered below.

12. There is no dispute that the site meets the definition of grey belt outlined in the Framework. However, the parties disagree on whether the development would be in a sustainable location, as set out in paragraph 155(c) of the Framework.
13. The Framework requires development proposals to identify and pursue opportunities to promote walking, cycling and public transport use, whilst recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. It seeks to ensure that developments prioritise sustainable transport modes taking account of the type of development and its location.
14. The nearest key services, such as schools, medical centres and shops are at least 1 mile away, with most being in excess of this distance. The site is near bus stops, from where there is one bus an hour to Borehamwood, Hatfield and St Albans, and the closest railway station is around a 25-minute walk away. There is no dedicated cycle infrastructure in the vicinity of the site. Although the speed limit reduces from 40mph to 30mph to the north of the site, Radlett Road is a principal main distributor road, a busy route where there have been some reportable accidents in the vicinity.
15. Walking, cycling and use of buses would be an option for some trips by some people, but the busy nature of the route, the frequency of buses and the distance to services would limit their attractiveness. As such, I consider that future occupiers of the proposed dwellings would be likely to be reliant on private vehicles to access services and the development would not be in a sustainable location. Consequently, the proposal would not fall within the exception in paragraph 155 of the Framework.

Effect of the proposal on openness

16. As set out in the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is the counterpart of urban sprawl and often connotes the absence of development. It is an open textured term and can have both spatial and visual dimensions.
17. The site lies adjacent to Radlett Road, located between the host dwelling and a large associated outbuilding. It comprises part of the garden area, with well-established landscaping along the roadside and rear boundaries and beyond the ancillary building to the south. As the site is currently predominantly grassed and undeveloped, the introduction of four permanent dwellings would result in a significant loss of spatial openness.
18. The arrangement, size and design of the proposed dwellings would ultimately be a matter for the technical details consent stage. Nevertheless, although there are boundary trees and hedges, new dwellings would be visible from the road through gaps in the vegetation, particularly in autumn and winter months when many trees are not in leaf. There would also be views of the scheme from any proposed new access onto Radlett Road.
19. The effect on openness is not only related to the size of the proposal but also its purpose and the intensity of its use. The introduction of four dwellings on the site

would result in the creation of more gardens and increased domestic paraphernalia. Further, the proposal would result in additional access and hardstandings being formed and used for the manoeuvring, turning and parking of vehicles associated with four dwellings. Such features and activities would also unacceptably affect spatial and visual openness.

20. There are references to recently approved housing developments nearby at 202 Radlett Road and Winslow House². These were assessed as falling within the exception of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
21. In contrast, the proposal would cause substantial harm to the openness of the Green Belt and would not fall within the exception in paragraph 154(g) of the Framework.

Other considerations

Contribution to housing land supply

22. The Framework seeks to boost the housing supply and highlights the important contribution small and medium sized sites can make. The Council accepts that it has an under-supply of housing and the Authority's Monitoring Report 2023 indicates that the Council has a 1.9 year supply against the required five years.
23. The proposed development would make a modest contribution of four dwellings to the supply of housing. Four dwellings would make some difference to addressing the shortfall and therefore I attribute modest weight to this benefit.

Contribution to self-build housing supply

24. The appellant indicates that the scheme could provide self or custom build homes. However, there is no reference to self-build homes on the application form nor any proposed mechanism to secure this type of housing. Therefore, I accord this matter only limited weight.

Economic benefits

25. There would be some economic benefits during the construction phase and once occupied when future residents would use local businesses. However, given the relatively small scale of the proposal, these benefits would be limited.

Character and built development

26. The appellant submits that surrounding built development and the location of the site close to established residential and commercial properties are factors which should weigh in its favour. However, the proposed scheme would not fall within any types of development that are not inappropriate in the Green Belt. As such, I give only limited weight to the proximity of the site to other built development.

Other Matters

27. Other matters such as design, layout, impacts on trees and ecology, parking and highways are not for consideration as part of an application for permission in principle.

² Planning application refs: 5/2022/2094 and 5/2020/1667

Whether there would be Very Special Circumstances

28. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There would also be adverse impacts on its openness. Substantial weight should be given to the harm caused to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
29. I give modest weight to the provision of four additional dwellings and limited weight to the potential for self or custom build homes, economic benefits and proximity to other built development. However, the other considerations would not clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. Consequently, the very special circumstances necessary to justify the proposed development do not exist. As such, it would be contrary to saved Policy 1 of the LPR, Policy S1 of the NP and the Framework.

Planning Balance and Conclusion

30. Paragraph 11(d) of the Framework is engaged as the Council is currently unable to demonstrate a five-year housing land supply. In such circumstances, this states that development should be approved unless the application of policies in the Framework that protect areas of particular importance provides a strong reason for refusing the development. In this appeal, the application of the Framework's Green Belt policies provides a strong reason to refuse the development. The proposal would also conflict with saved Policy 1 of the LPR and Policy S1 of the NP.
31. Consequently, the proposal conflicts with the development plan and the material considerations, including the Framework and the very special circumstances test therein, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

A Wright

INSPECTOR