



Appeal Decision

Site visit made on 26 November 2024

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2025

Appeal Ref: APP/B1930/W/24/3345004

Land between 84-108 Ragged Hall Lane, Chiswell Green, St Albans, Hertfordshire AL2 3NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Martin Holderness against St Albans City & District Council.
 - The application Ref is 5/2024/0144.
 - The development proposed is an outline planning application (all matters reserved other than access) for 7 serviced plots for self-build and custom housebuilding.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Mr Martin Holderness against St Albans City & District Council. This is the subject of a separate decision.

Preliminary Matters

3. The application was submitted in outline, except for access. Appearance, layout, scale and landscaping are reserved for subsequent approval. I have dealt with the appeal on that basis and treated the site layout plan as illustrative excepting insofar as it is relevant to access.
4. The appellant highlighted in final comments that the appeal site sits on the north side of Ragged Hall Lane and therefore is within the Parish of St Michael and not the Parish of St Stephen. The relevant mapping in the St Stephen Neighbourhood Plan (SSNP) indicating the extent of the Parish is drawn at a scale that does not allow for an easy determination as to the precise position of this boundary. However, it would be logical that Ragged Hall Lane would be the boundary between the two parishes. Reviewing the boundary line its entirety, it does appear to follow Ragged Hall Lane in this locale. On this basis, I have therefore considered the appeal site as falling within the Parish of St Michael which does not have a Neighbourhood Plan and have not applied the provisions of the SSNP in relation to this appeal.
5. The revised National Planning Policy Framework (the Framework) and the 2023 Housing Delivery test results were published on 12 December 2024. The parties were invited to comment on the revisions to the Framework and I have considered these responses insofar as they relate to revisions to the

Framework only. References to paragraph numbers of the Framework are those from the most recent version.

6. In reaching my conclusions here, I have had regard to the signed and completed Unilateral Undertaking that could secure the development as Self-Build and Custom Housebuilding (SBCH).

Background Main Issues

7. The appeal is made against the failure of St Albans City & District Council to give notice of its decision within the prescribed period. However, the Council have indicated that were it to have determined the application, the application would have been refused. The Council indicates its reason for refusal would, in summary, have been due to the development amounting to inappropriate development in the Green Belt and there being no very special circumstances that would clearly outweigh that harm.
8. This appeal is brought subsequent to the recent dismissal of a broadly similar scheme on the same site¹ (the 2023 appeal) albeit that the previous proposal was an application for full planning permission. An important distinction between these two schemes is that this proposal is for SBCH as opposed to open market dwellings as was previously proposed.
9. Therefore, I consider the main issues to be:
 - 1) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including effects on openness, and
 - 2) 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 inappropriate development and effect on openness

10. The site is located at the edge of Chiswell Green, itself an adjunct of the large built-up area of St Albans. The site itself comprises a relatively open parcel of land. It is adjoined by a ribbon of houses on the edge of Chiswell Green and a pair of detached homes to the opposing side. The site frontage is completely open whilst the rear boundary has a modest line of screening in the form of hedgerow and a smattering of trees. It is otherwise largely open to the countryside beyond. On the opposing side of the road are a few detached houses in landscaped grounds. The site presents as a rural field outside the village.
11. The appeal site lies within the Metropolitan Green Belt. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

¹ APP/B1930/W/23/3320280

12. Policy 1 of the St Albans City and District Plan 1994 (StADP), despite its age, is not inconsistent with the Framework insofar as it sets out that, except in very special circumstances, development outside defined settlements and for certain purposes will not be permitted.
13. Policy 2 of the StADP sets out the settlement strategy with Chiswell Green being identified as a large village outside of the defined Green Belt. It is not in dispute between the parties that the site is not within the limits of this village but I recognise that the eastern boundary of the appeal site is adjacent to the built-up area. It has not been suggested that the proposal amounts to limited infilling in villages under paragraph 154(e) of the Framework. In any case the Inspector for the 2023 appeal has already expressed that the site is not within the village of Chiswell Green such that the exception under this paragraph would not apply.
14. Policy 143A of the StADP relates to the Watling Chase Community Forest and sets out that proposals for landscape conservation will be welcomed in addition to being consistent with Green Belt policy.
15. No exceptions to the general presumption against development in the Green Belt under paragraph 154 have been put to me. I have considered arguments that the development is not inappropriate under paragraph 155. However, the land cannot fall within the definition of Grey Belt as it is not previously developed and the development of it would not check the unrestricted sprawl of a large built-up area, to which its openness makes a strong contribution, having regard to the definition given at Annex 2 of the Framework. The form of development proposed also does not fall within one of the limited exceptions given at policy 1 of the StADP. Accordingly, I conclude that the development is inappropriate development in the Green Belt and would be harmful to its openness both spatially and visually by introducing built form and removing views into the countryside at this sensitive edge-of-village location. In spatial terms, the development would comprise seven new dwellings. The proposal therefore conflicts with policies 1 and 143A of the StADP and provisions of the Framework.
16. There would be significant harm to the openness of the Green Belt as the scheme would result in an elongation of the village that would not check the unrestricted sprawl of large built-up areas or safeguard the countryside from encroachment. The development would be prominent and visible from Ragged Hall Lane and from footpaths that run to the rear of the site. It would undermine the positive contribution this site makes to the open nature of this part of the Green Belt and would therefore conflict with policy 1 of the StADP and provisions of the Framework. Were I in a position to apply the provisions of the SSNP, it would not affect my overall conclusions here.

Other considerations

17. It is not in dispute between the parties that the Council cannot presently demonstrate a supply of five years housing land. The Council, in its evidence, accepts that there is only a housing land supply of 1.7 years as of April 2023 and the Housing Delivery Test results indicate a presumption in favour of sustainable development. Nevertheless, the site is located within the Green Belt and therefore the provisions of paragraph 11(d)(i) are engaged. As the proposal does not accord with the Green Belt policies in the Framework, this

provides a clear reason for refusal. Again, however, the parties are not in dispute on this matter.

18. The proposal has been put forward as SBCH. Paragraph 70 b) of the Framework supports small sites to come forward for SBCH. The Self-Build and Custom Housebuilding Act 2015 requires local planning authorities to establish and publicise a register of those who are seeking to acquire serviced plots of land in the authority's area for their own self-build and custom housebuilding. The Housing and Planning Act 2016 added to the above Act a duty to grant planning permission subject to exemptions at S2A. This provides that authorities must give development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period.
19. The StADP contains no provisions for SBCH whilst the emerging St Albans Plan includes draft policy HOU5 which does refer to this form of development. I recognise the appellant's arguments that the current wording of this emerging policy may not yield sufficient SBCH plots to service demand. However, I do have to consider that these arguments are speculative and based on projections of future demand, even if these trends could continue. In any case, this policy is still in draft version and subject to review through the Local Plan process. There is no guarantee this policy will be adopted as read and I can therefore afford it limited weight. Nevertheless, it does indicate the council is looking to address its shortfall.
20. Whilst the parties have provided slightly varying figures for the number of individuals/organisations on the register, the parties are not in dispute insofar as the demand for SBCH plots is significantly outstripping the supply. Recent trends in the demand for SBCH locally suggest that this situation is unlikely to improve. The current housing land supply position will not assist in this and that the high proportion of land within the Council's area being Green Belt represents a further constraint. I must, therefore, attribute substantial weight to these matters.
21. I have considered the other appeals put forward by the appellant in support of the proposal. The appeals at land north and south of Chiswell Green² are of note in highlighting the lack of a recent development plan for St Albans, the extent of the Green Belt and housing need in the area and the same applies to the appeals at Colney Heath³. Nevertheless, I must be equally mindful that these schemes were much larger scale, multi-faceted proposals with many matters being weighed in the overall balance. Therefore, whilst there are important parallels including those points I have noted, it does not follow that the two proposals bear direct comparison. The cumulation of other considerations amounted to very special circumstances in those cases.
22. The Holyport decisions⁴ have similarities in terms of the shortfall of SBCH and the significant proportion of Green Belt in the Royal Borough of Windsor and Maidenhead. However, I find that scheme differs as it was smaller, contained and surrounded on three sides by existing development and abutted by the road to the fourth. In this case, the site is larger, notably open to the countryside beyond and not readily enclosed on all sides. Its impact on the

² APP/B1930/W/22/3313110 & APP/B1930/W/22/3312277

³ APP/B1930/W/20/3265925 & APP/C1950/W/20/3265926

⁴ APP/T0355/W/22/3309281 & APP/T0355/W/23/3314990

visual openness of the area would be stark and effectively closes of any views from Ragged Hall Lane to the fields beyond and to the north. Its effect would be to extend the limits of Chiswell Green and would undermine the purposes of including land within the Green Belt.

23. The support for SBCH was clear in the Malmesbury appeal⁵. However, whilst acknowledging the weight given to SBCH, as this site is not in the Green Belt, the differences are such that there is no meaningful comparison.
24. The appellant has highlighted various other social, economic and environmental benefits arising from SBCH including the occupants' satisfaction, above average contribution to the local economy during construction and below average energy consumption and CO² emissions. I am mindful that paragraph 73 of the Framework does state that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. I have taken these arguments on board and weighed them into my balance as per below.

Other Matters

25. I have noted the objection from the Highway Authority, and I must be mindful of this consideration as access is not a matter reserved for subsequent approval. However, both parties are satisfied that the Highway Authority concerns may be dealt with by way of condition were the appeal to be allowed. Based on the evidence before me I am satisfied that the objection could be overcome by a suitably worded condition should I be minded to allow the appeal. Furthermore, the parties also agree with this approach.

Planning Balance Conclusion

26. Paragraphs 152 and 153 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
27. I have found the arguments in favour of this development to be engaging. Specifically, the persistent shortage of housing land in the area, the lack of SBCH plots, the Council's failure to produce a current development plan and the significant amount of Green Belt land in the District. The evidence suggests that substantial weight should be given to these matters both individually and cumulatively for this location. Further, there would be social, economic and environmental benefits arising from the proposal and I attach weight to these. I am also mindful that whilst this scheme is of a relatively modest scale, that even a small contribution would assist in rectifying the overall housing shortfall, including SBCH. This does, however, remain a small contribution in this context.
28. The site is not located within an area at risk of flooding, is accessible by public transport, could be built without harm to neighbours living conditions and

⁵ APP/Y3940/W/23/3317252

would have an acceptable impact on local biodiversity and the character and appearance of the area. These, and other neutral factors, weigh neither for nor against the proposal.

29. However, I have concluded that the proposal constitutes inappropriate development in the Green Belt and that it would have significant impacts on its openness. I find that the other considerations, both individually and cumulatively, do not clearly outweigh the harm to the Green Belt that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
30. The proposed development would conflict with the development plan taken as a whole and the Framework and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

N Bowden

INSPECTOR