



Community and Place Delivery
Christine Traill – Strategic Director

Our Ref: 5/2025/0331
Your Ref: S62A/2025/0087
E-mail: planning@stalbens.gov.uk
Date: 25/04/2025

The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

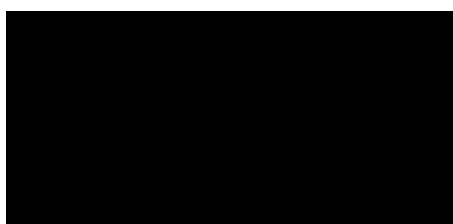
F/O the case officer

Re: S62A/2025/0087: Land between 84-108 Ragged Hall Lane, Chiswell Green, St Albans, Hertfordshire

I write to you on behalf of St Albans City and District Council as the Local Planning Authority regarding the Section 62A Application for land between 84-108 Ragged Hall Lane, Chiswell Green, St Albans, Hertfordshire.

Noting the above, I attach the Local Planning Authority's comments. Some draft conditions have been included at the end of the consultation response should you look to approve the application.

Yours faithfully,



Christine Traill
Strategic Director
Community and Place Delivery

St Albans City and District Council – S62A comments

Site / Surroundings: The application site forms the open land between No. 84 and 108 Ragged Hall Lane. There is a Public Right of Way to the East of the site. The area is defined by single and two storey detached dwellings. The site is located within the Watling Chase Community Forest and the Metropolitan Green Belt.

Proposal: Section 62a designation - planning application (all matters reserved other than access) for 7 serviced plots for self-build and custom housebuilding

Relevant Plan History:

5/2024/0144 - Outline planning application (all matters reserved other than access) for 7 serviced plots for self-build and custom housebuilding – appeal against non determination dismissed- Appeal Decision ref APP/B1930/W/23/3320280.

The Council considered that if it were to have made a decision it would have been a refusal on the following grounds:

The site is located within the Metropolitan Green Belt. The proposed development would be inappropriate development in the Metropolitan Green Belt as defined in national planning policy, and is therefore harmful by definition. It would also adversely impact on the openness and character of this part of the Metropolitan Green Belt. No very special circumstances exist that would clearly outweigh the significant harm identified. The proposed development would conflict with the purposes of including land within the Green belt and would be contrary to Policy S1 (Location of Development) of the St Stephens Neighbourhood Plan, Policy 1 (Metropolitan Green Belt) and 143a (Watling Chase Community Forest) of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2023.

The Inspector concluded that the proposal constitutes inappropriate development in the Green Belt, that it would have significant impacts on its openness. Therefore, the application of policies in the Framework which protect Green Belts provide a clear reason for dismissing the appeal. Consequently, the proposal does not benefit from a presumption in favour of sustainable development.

5/2022/1517 - Construction of seven detached dwellings with new access, boundary treatments and associated works refused on the following grounds:

The site is located within the Metropolitan Green Belt. The proposed development would be inappropriate development in the Metropolitan Green Belt as defined in national planning policy, and is therefore harmful by definition. It would also adversely impact on the openness and character of this part of the Metropolitan Green Belt. No very special circumstances exist that would clearly outweigh the significant harm

identified. The proposed development would conflict with the purposes of including land within the Green Belt and would be contrary to Policy 1 (Metropolitan Green Belt) and 143a (Watling Chase Community Forest) of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2021.

Appeal dismissed with the Inspector noting that the appeal site provides a visual break and appears as open countryside and the site is not therefore part of the village; seven dwellings would have a significant impact on openness and this is afforded substantial weight. Moderate weight is attached to the provision of 7 houses but that this does not outweigh the harm identified consequently, no very special circumstances are identified to justify permission. The Inspector noted the recent Bullens Green appeal but stated it was not comparable to this site due to size.

5/2011/1685 - Erection of five detached dwellings with associated landscaping and parking (Refused 25/10/2011) for the following reasons:

1. The site is within the Metropolitan Green Belt in the St Albans District Local Plan Review 1994 wherein permission will only be given for erection of new buildings or the use of existing buildings or land for agricultural, other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. The proposed development is an inappropriate use within the Green Belt which is unacceptable in terms of the provisions of PPG 2 (Green Belt) and Policies 1 (Metropolitan Green Belt) & 2 (Settlement Strategy) of the St. Albans District Local Plan Review 1994. The proposed development cannot be justified in terms of the purposes specified and no exceptional circumstances are apparent in this case.

2. The site is located within land designated as part of the Watling Chase Community Forest, which requires development to be consistent with Green Belt policies and welcomes schemes which contribute towards landscape improvement and provide increased opportunities for nature conservation, leisure and recreation. The proposed redevelopment of the site for housing would be therefore be contrary to the policy 143a (Watling Chase Community Forest) of the St Albans District Local Plan Review 1994.

3. The proposed buildings, by reason of their size and prominent position, would be detrimental to the openness, character and visual amenity of the Metropolitan Green Belt landscape. The proposal would therefore be contrary to Policy 1 (Metropolitan Green Belt) of the St Albans District Local Plan Review 1994.

4. The vehicle to vehicle and pedestrian visibility splays associated with this site have not been demonstrated on the submitted drawings. This would lead to drivers leaving the site coming into conflict with all users of the highway along Ragged Hall Lane which would be prejudicial to general provisions of highway safety and not in accordance with the minimum sightline provision contained within Manual for Streets. The proposal is therefore contrary to Policy 34 of the St. Albans and district Local Plan Review 1994.

5. Insufficient information has been provided on level differences between the site and the adjoining highway for the Highway Authority to fully assess the proposed site accesses. The proposal is therefore contrary to Policy 34 of the St. Albans and district Local Plan Review 1994.

PLANNING POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

The development plan is the St Albans District Local Plan Review 1994.

The National Planning Policy Framework (NPPF) is also a material consideration.

Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Paragraphs 231 and 232 of the NPPF reads as follows:

The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.

However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The degree of consistency of the Local Plan policies with the framework will be referenced within the discussion section of the report where relevant.

The Local Plan was submitted, on 29th November 2024, to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Ministry of Housing, Communities and Local Government. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The Local Plan generally has limited weight in decision making at this time. The emerging policies have been considered but have limited weight in relation to the assessment of this application.

National Planning Policy Framework 2024

Section 12	Achieving well-designed places
Section 13	Green Belt Land

St Stephens Parish Council Neighbourhood Plan

S1 Location of Development

St. Albans District Local Plan Review 1994:

Policy 1	Metropolitan Green Belt
Policy 2	Settlement Strategy
Policy 34	Highways Considerations in Development Control
Policy 39	Parking Standards, General Requirements
Policy 40	Residential Development Parking Standards
Policy 69	General Design and Layout
Policy 70	Design and Layout of New Housing
Policy 74	Landscaping and Tree Preservation
Policy 106	Nature Conservation

Supplementary planning Guidance/Documents

Revised Parking Policies and Standards 2002

Design Advice Leaflet No.1 – Design and Layout of New Housing

REPRESENTATIONS

A site notice was displayed on 1.4.25

The following addresses were notified: CLASH 43 Harpenden Road, St Albans Footpath Society, 1 Appspound, 26a Devonshire Court, 28 Hawkins House Valley Road, Amber Cottage 63 Ragged Hall Lane, Orchard Cottage Ragged Hall Lane, Old Cuckmans Ragged Hall Lane, Westfields Farm Ragged Hall Lane, Wimbushes Ragged Hall Lane, 1, 19, 23 26, 34, 43, Cuckmans Drive, 1, 5, 22, 28a Farringdon

Close, 1, 2, 3, 4, Hawthorn Way, 10, 15 Carisbrooke Road, 10, 15, 4, Driftwood Ave, 10 Havercroft Close, 10 Woodlea, 48, 78, 104, 118, 132 137, 144, 155, 158, 182, 189, 201, 278, 294, 304, 515, Watford Road, 4, 6, 11, 15, 16, 20, 32,33,34, 46, 50, 54, 61, 62, 65, 68, 74, 76, 78, 80, 82, 84, 110, 108 Ragged Hall lane, 11, 17, 24, 65 Chiswell Green Lane, 11 Corder Close, 5, 11, 17, 25, 26, 28, 32, 44, 52, Forge End, 113, 174 Park Street Lane, 114 Brewhouse Hill, 9, 12, 15, 21, Cherry Hill, 4, 12 Corby Close, 12 Gilders, 12 Rowlatt Drive, 9, 14, 20, 23, 25, 27, 31, 37 Hammers Gate, 8, 14 Hollybush Ave, 9, 14 Old Orchard, 146 Green Lane, 19 Brampton Road, 1b The Rise, 2 New House Park, 8, 21 Midway, 23 the Croft, 23 Netherway, 28 Davys Close, 6, 28 Watling Street, 31, 46 Tippendell Lane, 32 South Close, 33 Meautys, 6, 34, 35, 45 Stanley Ave, 37, 43, 44, 52,53, 54, 56, 60 Long Fallow, 39 Westfields, 49 Antoine Gate, 5 Penamn Close, 5 Tyburn Glen, 6, 77 Stanley Ave, 67 Napsbury Lane, 7 Beaumont Ave, 9 Willow Way, Little Daneswick Noke Lane.

The site notice and notification letter direct representation to The Planning Inspectorate. The Local Authority received the following comments:

- This development is suitable for Swift bricks to be integrated into the walls of the new buildings
- The ecology report is vague about enhancements for nesting birds, indicating that bird boxes could be installed on new buildings;
- This land is a buffer of green space between St Albans and Chiswell Green. The infrastructure cannot cope with the existing housing and traffic.

Officer Comment: The matters above are discussed within the below consultation response.

Town/Parish Council: St Stephens Parish Council were consulted by SADC 31/03/25. Object strongly to inappropriate development in the green belt with no very special circumstances demonstrated.

Consultations:

Thames Water:

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167, 168 & 169 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

[REDACTED]

[REDACTED]

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

[REDACTED]

[REDACTED]

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

WATER COMMENTS:

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

PRoW Officer:

FP10 St Michael Rural is within the application site along the eastern boundary.

Whilst this path has no recorded width in the Definitive Statement of Public Rights of Way in Hertfordshire the Countryside & Rights of Way Service of the County Council would assert the common law presumption that the width extends between the existing fence line as currently set out on site by the landowner.

Further to my colleagues comments on landscape character (attached below) I would seek that the path is reconstructed in accordance with the attached Non-Motorised Routes design guide using a granular surface material with a grassy margin.

If the proposal is allowed I would also ask that the path is retained open and unobstructed during the construction phase.

The retention of Public Right of Way (St Michael Rural 010) within the development is supported in principle. However there is concern for the potentially poor character and amenity of this route which appears as a typical highways pavement. It is advised that the opportunity for a segregated or more distinct green corridor should be explored, to include pedestrian priority crossing of any highways.

Crime Prevention Officer:

If this application is to go forward, I would ask that a copy of the police preferred minimum security standard that is 'Secured by Design' is included as a guide to help prospective builders/owners construct the self build homes in a way that will allow them to be as crime free as is possible. This scheme is an academically proven way to allow relevant and cost efficient details to be incorporated into the building with the sole purpose of making it safe to live in. It does in no way restrict the choice of products or materials and is not a barrier to expressive building designs. The 'Design Guide' is free to download from the SBD website along with other excellent advice on the matter. (See [REDACTED]).

Land Contamination:

I have inspected historic OS maps for the area in question and there does not appear to have been any previous history of use apart from agriculture. However I consider that a minimum of a desktop study for contamination should be carried out and submitted.

Any recommendations in the report should be followed.

SADC Waste:

The development will be on a road to which we already provide a collection service. I cannot see any bin collection areas so i assume the intention is for our vehicles to drive onto the site. If this is the case, the drive must have sufficient foundations to support the collection vehicles (26000kg+). The surface should not be gravel or block paving.

Affinity Water – no comments received.

HCC Ecology – no comments received.

HCC Highways – no comments received.

LLFA – no comments received.

SADC Parking – no comments received.

SADC Environmental Compliance – no comments received.

Archaeology – no objections subject to conditions.

DISCUSSION

Main Issues:

The main considerations, in relation to the determination of this application are the principle of development, impact on greenbelt, character and appearance, impact on the amenities of future occupiers, and impact on the amenities of neighbouring residents, the impact on trees and landscaping, the impact of the proposal on surrounding highways and parking standards, and Biodiversity net gain.

Principle

Policy 1 of the Local Plan explains that except in very special circumstances, planning permission will not be given for development in the Green Belt other than the exceptions listed within the Policy. However, as these exceptions are not as comprehensive as those set out within the NPPF, greater weight is afforded to the NPPF accordingly. Similarly, Policy S1 of the St Stephen Parish Neighbourhood Plan does not refer to Grey Belt, and as such greater weight can be afforded to the NPPF on this basis.

The site is in the Metropolitan Green Belt where local and national policy only allows for certain forms of development, unless there are very special circumstances. Paragraph 153 of the NPPF states:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

The site is situated within the Metropolitan Green Belt, where local and national policy only allows for certain forms of development, unless there are very special circumstances.

Para 154 NPPF goes on to state the following:

Development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*

The proposed residential development would not fall within any of the exceptions to inappropriate development set-out in Paragraph 154 of the NPPF.

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.

The introduction of 7 permanent dwellings would result in a substantial loss of spatial openness. The Inspector previously found: *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 Local Plan and provisions of the Framework. And concluded 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 St Albans Local Plan and provisions of the Framework.*

Paragraph 155 of the NPPF introduces an additional classification of development in the Green Belt which is not considered inappropriate development. Paragraph 155 of the NPPF states:

“The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.*

NB The Council have not assessed this criterion d) given the size of the proposal.

The definition of ‘grey belt land’ is set out in the Glossary of the NPPF 2024 and is defined as:

“Grey belt: For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.”

Therefore, in order to consider whether the application site is classified as ‘grey belt’, it is first necessary to assess the various Green Belt purposes and the contribution that the site makes to each of these. The five Green Belt Purposes as set out in Paragraph 143 of the NPPF are as follows:

- “a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*

Development is not inappropriate under paragraph 155 if:

- a. the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*

For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143.

Given its location, the application site does not a) check the unrestricted sprawl of large built-up areas; b) prevent neighbouring towns merging into one another; or d) preserve the setting and special character of historic towns as outlined in para.143. The Council acknowledge that the Inspector previously considered the land as Green Belt and not Grey Belt but since this ruling further guidance has been published with the updated NPPG which is a material consideration and should be given weight in decision making.

The land is considered to be grey belt as it is currently described in the NPPF 2024 and against the NPPG. It would not fundamentally undermine the purposes (taken together) of the remaining green belt across the area of the plan, due to its limited scale.

b. There is a demonstrable unmet need for the type of development proposed;

St Albans District Council cannot demonstrate a 5 year housing land supply and the development would contribute to an unmet need in this case in compliance with 155 b).

c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework;

The County Council, as Highway Authority, do not consider that the site is in a sustainable location and would not meet the provision of paragraph 155 c). "The site is in a generally unsustainable area and does not have footways fronting the site" and that "Accordingly, the location of the proposed development would fail to meet the objectives of Policies 1 and 5 of the Hertfordshire Local Transport Plan (LTP4) in respect of encouraging movement by sustainable transport modes and reducing travel demand."

It is also noted that the previous appeal Inspector considered the site to be in a sustainable location. While the Highway Authority refer to the absence of a footway to the front of the site, it is noted that an established footway starts adjacent to the site along Ragged Hall Lane towards Watford Road. It is noted that under the context of paras 110 and 115 of the NPPF that the site could be considered as a sustainable location given the particular circumstances in this case, including the provision of a footpath along Ragged Hall Lane and its link to Watford Road that could provide a reasonable route to public transport links. Given this and that previously a refusal was not made against sustainable transport despite the comments above from the local Highway Authority and the Inspector ruled that the site was sufficiently served by public transport the proposal is considered to comply with paragraph 115 c)

d. Where applicable the development proposed meets the 'Golden Rules' requirements.

These are set out in paragraph 156. As the site is not a major development paragraph 156 does not apply.

In view of the above, the proposal is considered to accord with Paragraph 155 of the NPPF and is therefore appropriate development in the Green Belt. There is therefore no requirement to consider harm to the green belt including impact on openness, and no requirement to consider whether very special circumstances exist.

This report now focuses on the other considerations which must be taken into account.

Provision of Housing

It is acknowledged that the Council does not have a 5 year housing land supply and that the proposal of 7 self-build units would make some difference to addressing the Districts housing shortfall.

Character and Appearance

The National Planning Policy Framework (NPPF) advises that planning should ensure development is 'visually attractive as a result of good architecture, layout and appropriate and effective landscaping and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users' (Paragraph 135), that 'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities' (Paragraph 131) and advising that 'development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents such as design guides and codes' (Paragraph 139).

Local Plan policy is set out in Policies 69 (General Design and Layout) and Policy 70 (Design and Layout of New Housing), which requires proposals to be compatible with the original building and to relate to the domestic scale, character and appearance of the street and to safeguard the amenities of neighbouring residential properties.

The application is made in outline only and so design and appearance would be a reserved matter. The site lies outside of any conservation area. It is noted that the area is a mix of bungalows, semi-detached and detached houses with the boundary of development effectively stopping at Hawthorne Way.

Whilst impact on visual amenity would be assessed at a reserved matters stage the illustrative master plan appears to demonstrate that satisfactory design with no significant detrimental to the character and appearance of the wider area could be achieved on this site. The proposal therefore complies with Policies 69 and 70 of the Local Plan and the NPPF 2024.

Landscaping and Trees

The appeal site is not within the conservation area nor are there protected trees within the site. It had been cleared at the time of ecology survey (dated May 2022). The removal of any remaining trees would not therefore require prior consent by the Local Authority. The appeal is in outline only and any details on proposed soft landscaping could be secured through condition in the event of planning permission being granted to ensure the development would result in an acceptable visual impact. There are no objections to the proposal in this respect.

Residential Amenity

Layout, which is the principle driver of impacts on amenity for existing and new residents, is a reserved matter. The illustrative masterplan is for information only and would not carry any weight in the event permission was granted. It shows the scope for built development parallel to Ragged Hall Lane between nos. 84 and 108.

Whilst impact on amenity would be assessed at reserved matters stage, the illustrative master plan appears to demonstrate sufficient space within the site to allow for suitable amenity for future occupants and no significant detrimental amenity for existing residents.

Impact on Highways Safety and Parking Provision

It is noted that the 2022 Appeal (see history 5/2022/1517) was not refused due to highways safety impacts. Under that application two accesses were proposed to serve the proposed seven dwellings. Highways have reviewed the submitted information and have raised no objections to the development in terms of highways or pedestrian safety. Noting the proposed development shows 21 spaces, this is considered acceptable against local and national policy in this respect.

The proposal would appear to comply with Policy 34 (Highways Consideration in Development Control) of the St Albans District Local Plan 1994 and National Planning Policy Framework 2024.

Ecology

The ecology report submitted is dated May 2022 and refers to a previously refused scheme albeit still for 7 houses. Ecology were consulted but no comments have been forthcoming. It is likely that with conditions development could be acceptable.

Biodiversity Net Gain

In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Under the statutory framework for biodiversity net gain, which came into effect on 12th February

2024, every grant of planning permission, subject to some exceptions, is expected to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. This is on the basis of the development being for development that falls under the definition of self-build/custom build housing and that the development can be secured to comply with this. It is noted that the applicant has submitted a Unilateral Undertaking that aims to secure the development within the definition of self-build/custom build housing.

No metric has been submitted and the exemption for self-build claimed. The Council have no reason to challenge this and any grant of development could be restricted to ensure self-build/custom housing accordingly.

Flood Risk

Para 175 of the NPPF states;

‘The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).’

A flood risk assessment has been submitted with the proposal. The site is within Flood Zone 1 where there is a less than 1 in 1000 annual probability of river or sea flooding but housing would be a more vulnerable type of development. The report finds that there is a very low risk to fluvial flooding and surface water flooding and low to medium risk of groundwater flooding. At this stage the Council have no evidence to the contrary that the development would cause flooding that would warrant or substantiate a refusal on.

Whilst the Environment Agency were consulted no comments have been forthcoming.

It is noted that on the application site previously the Lead Local Flood Authority raised no objections stating that “there is not obvious potential for the proposed development on the site to reduce existing flood risk in the surrounding area. These proposals would not increase the flood risk on site or off site, provided national and local SuDS/surface water drainage requirements are considered in the site design”.

Planning Balance

An assessment of the planning balance, in the context of paragraphs 11 and 148 of the NPPF is not a mathematical exercise. Rather, it is a series of planning judgments based on the merits or otherwise of each individual case. As set out in the ‘Principle’ section above, paragraph 153 provides the fundamental policy test within which this application falls to be assessed; as follows:

“153. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.

The proposal is considered to accord with the updated NPPF and is not inappropriate development. No assessment is required as to harm or VSC in this instance.

The site is within the Metropolitan Green Belt and the proposed development represents appropriate development within the Green Belt, as set out in the National Planning Policy Framework 2024 as set out in paragraph 155. Car parking, appearance, residential amenity and landscaping are reserved for consideration at Reserved Matters Stage. The proposal therefore complies with Policy S1 (Location of Development) of the St Stephens Neighbourhood Plan, Policy 1 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2024.

Recommended Conditions should the inspector wish to grant permission

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called, the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Matters not particularised in the application are reserved for subsequent approval by the local planning authority.

To comply with Section 92(1) of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun either before the expiration of two years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

To ensure that the development is carried out in accordance with the approved plans and details.

4. The reserved matters submitted pursuant to conditions 1 and 2 shall be carried out in accordance with the following plans:

For the avoidance of doubt and in the interests of proper planning

5. Full details of both soft and hard landscape works should be submitted as part of application(s) for reserved matters approval as

required by Condition 1. The landscaping details to be submitted shall include:

- a) existing and proposed finished levels and contours
- b) trees and hedgerow to be retained;
- c) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing;
- d) hard surfacing;
- e) means of enclosure and boundary treatments; and
- f) Structures (such as furniture, play equipment, refuse or other storage units, signs, lighting).

To ensure satisfactory landscape treatment of the site in the interests of visual amenity in accordance with Policies 70 and 74 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework.

6. A landscape and ecological management plan (LEMP) should be submitted as part of application(s) for reserved matters approval as required by Condition 1 and include:

- a) A description of the objectives;
- b) Habitat/feature creation measures proposed, including a methodology translocation of habitats, such as the existing topsoil, grassland and timeframes for completion
- c) Maintenance of habitat/feature creation measures in the long term and those responsible for delivery;
- d) Lighting strategy (aim to ensure that illumination of the existing hedgerows does not exceed 0.5 lux); and
- e) A monitoring programme and the measures required to adapt the LEMP should objectives fail to be met.

The LEMP should cover all landscape areas within the site, other than small privately owned domestic gardens.

To maximise the onsite mitigation for biodiversity impact, in line with the requirements of the National Planning Policy Framework.

7. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. This shall be to the satisfaction of the Local Planning Authority in accordance with relevant British Standards BS 5837 (2005). Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Authority.

To ensure the continuity of amenity afforded by existing hedges or hedgerows. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

8. Prior to commencement of the any development (including vegetation clearance, demolition and ground works), a Landscape and Ecological Management Plan (LEMP) shall be prepared. The plan shall detail the establishment and long-term management of retained and newly created habitats to maximise benefits for wildlife as well as provision of other ecological features, such as bird and bat boxes, and hedgehog holes. The plan shall be submitted to the Local Planning Authority for written approval and the development shall be carried out in accordance with the approved plan unless otherwise agreed in writing with the Local Planning Authority.

To ensure the identified protected species potential has been adequately considered. To comply with Policy 106 of the St Albans Local Plan Review 1994 and the aims of the National Planning Policy Framework 2024.

9. Prior to commencement of development a reptile survey shall be carried out by a competent person and any necessary recommendations undertaken and submitted to the satisfaction of the Local Planning Authority.

To ensure the identified protected species potential has been adequately considered. To comply with Policy 106 of the St Albans Local Plan Review 1994 and the aims of the National Planning Policy Framework 2024.

10. No development-related works shall take place within the site until a written scheme of archaeological work (WSI) has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a programme of archaeological evaluation and open area excavation followed by off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local

Planning Authority and Historic England. This must be carried out by a professional archaeological organisation in accordance with the agreed written scheme of investigation.

To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with Policy 111 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework paragraph 211. To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

11. Following the completion of the fieldwork and the post-excavation assessment in Condition 10, appropriate resources will be agreed with the Local Planning Authority for the post-excavation project generated by the archaeological WSI in Condition 1. This will include all necessary works up to and including an appropriate publication and archiving and will include an agreed timetable and location for that publication.

To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with Policy 111 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework paragraph 211. To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

12. A desk study shall be carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. This desk study shall comply with BS10175:2011 + A2: 2017 - Investigation of Potentially Contaminated Sites:Code of Practice. Copies of the desk study report shall be submitted to the LPA without delay on completion.

To ensure that adequate protection of human health is maintained and the quality of the groundwater is protected. To comply with Policy 84 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.

13. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and provide for a detailed assessment of the risk to all receptors that may be affected. The site investigation shall comply with BS10175:2011 + A2:2017 Investigation of Potentially Contaminated Sites a Code of Practice. Copies of the interpretive report shall be submitted to the LPA without delay on completion.

The site investigation shall not be commenced until:

- i) a desk study has been completed satisfying the requirement of the condition above
- ii) the requirements of the LPA for site investigation have been fully established, and
- iii) the extent and methodology have been agreed in writing with the LPA.

Copies of the interpretative report on the completed site investigation shall be submitted to the LPA without delay on completion.

To ensure that adequate protection of human health is maintained and the quality of the groundwater is protected. To comply with Policy 84 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.