



COLNEY HEATH PARISH COUNCIL

Highfield Park Office
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**Response from Colney Heath Parish Council
Land r/o East Lodge, Oaklands Lane, Smallford, St Albans,
Hertfordshire**

Appeal Reference APP/B1930/W/20/3261865
Planning Application Reference 5/2020/1262

Appeal against Refusal of Planning Permission Land rear of East Lodge extract

Appeal Proposal: Outline Application with all matters reserved for the construction of a new detached dwelling and detached garage with new access. LPA Ref: 5/2020/1262

The Proposal

5. The proposal is to build a detached house and detached garage on part of an existing residential plot which contains a detached house and garage. A new access would be created onto East Drive, an unadopted drive which links houses to the west of the Site to the public highway in the form of Oaklands Lane.

The site is well outside of the Smallford community envelope, both physically and visually

The application does not demonstrate very special circumstances

The houses west of the site in East Drive were built when Oaklands was an Agricultural College and special rules that apply to agricultural workers houses should be taken in to account.

The application seeks to start ribbon development along the St Albans side of Oaklands Lane. Please see the Parish Council comments on application near the Village Vets (rear of the Cats Whiskers)

If granted it will start to change the character of the village along the St Albans side of Oaklands Lane which gives the impression of a village country lane

6. As the Site is in the Green Belt, new development would be inappropriate unless it complied with one of the exceptions set out in paragraphs 145 or 146 of the NPPF. As set out in Section 5 of the Planning Statement, in my view, as the proposal is limited in scale and quantum, infills an existing residential plot and is within the village of Smallford, it can be seen to be a reasonable example of "limited infilling in villages" (NPPF, paragraph 145e).

The houses west of the site in East Drive are not part of Smallford Village.

They do not infill they expand the village on the west side of Oaklands Lane

were built when Oaklands was an Agricultural College and special rules that apply to agricultural workers houses should be taken in to account.



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The Reason for Refusal

7. The Decision Notice (Appendix 1) gives a single reason for refusal:

The application site is located within the metropolitan green belt wherein there is strict control over new development. The proposed development would represent an inappropriate form of development in the Metropolitan Green Belt, harming the openness of the Green Belt. In the absence of any very special circumstances, it is contrary to the aims of the National Planning Policy Framework 2019 and Policy 1 of the St Albans District Local Plan Review 1994.

8. Thus, the Council did not agree that the scheme was “limited infilling in villages”. The Officer Report (Appendix 2) sets out why at paragraphs 8.3.2-8.3.4 which I consider in detail below.

Relevant Planning Policy

9. The relevant national and local policies are set out in Section 4 of the Planning Statement.

The Council’s case for concluding the scheme is not “limited infilling in villages”

10. As above, the Council explained why it believed the scheme did not qualify as “limited infilling in villages” in three paragraphs of the Officer Report (Appendix 2). Below, I consider the flaws in the Council’s approach paragraph by paragraph:

Paragraph 8.3.2

11. “With regards to the first point, planning permission has been granted under ref. 5/2015/3508 for the demolition and replacement of the existing fire damaged detached two storey building East Lodge with one detached dwelling. The proposal is for an additional dwelling to be constructed adjacent to the approved dwelling. The proposed dwelling would be of a similar scale and design to the approved and would include a detached garage. It was noted under ref. 5/2018/1813 that the site is not considered to be an infill plot.”

12. With respect, nothing in this paragraph explains in any way whatsoever why the Appeal proposal does not qualify as “limited infilling”. The final sentence refers to an unsubstantiated assertion made by the Council in the Officer Report to application 5/2018/1813 (at paragraph 8.2.4). That wholly separate and very different application was to demolish existing buildings and redevelop the same volume as two semi-detached homes. It was explicitly submitted and considered as the redevelopment of a previously developed site that would not have a greater impact on openness, i.e., paragraph 145g. Notwithstanding the fact that not a single submission was made to suggest that that scheme represented infilling, no explanation was provided by the Council as to why the site couldn’t accommodate a reasonable form of infilling.

13. My explanation for why the scheme can be considered “limited” and “infilling” and “limited infilling” is set out in paragraphs 5.6 – 5.14 of the Planning Statement.



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Paragraph 8.3.3

14. *“Smallford is a small green belt settlement situated outside of St Albans. Figure 4 of the St Albans Local Plan Review indicates the settlement strategy and the locations of the Green Belt Villages, including Smallford. This is diagrammatic but shows Smallford as one distinct cluster of houses in a ribbon development along Oaklands Lane. The application site would fall outside of this area. On this basis it is not assessed to be located within a village.”*

15. With respect, the Council has failed to engage with the key and obvious planning issues.

16. First, Figure 4 of the Local Plan is an unscaled map which, as the Council acknowledges, is merely illustrative. I have reproduced Figure 4 below to demonstrate just how inappropriate it is for the purposes of decision-taking.

17. Secondly, the Council has simply ignored my evidence that its own Policies Map (scale 1:10,000), applies no formal boundaries to its Green Belt Settlements (Planning Statement, paragraph 5.16).

18. Thirdly, whilst the green shape representing Smallford on Fig 4 is indeed linear, the village, even in 1994, comprised far more than just “ribbon development”. Today, of course, the Council is fully aware that over 30 homes have subsequently been built at Pasture View and Jove Gardens behind some of that “ribbon development”, and another 20+ are soon to be built to the rear of 54-64 Oaklands Lane.

19. In other words, the village is clearly growing and changing character which, I submit, is entirely proper. That’s because ribbon development is generally considered to be dated, wasteful and unattractive. The Government sought to prohibit it over 80 years ago via “The Restriction of Ribbon Development Act, 1935”. Subsequently, many planning authorities have considered the infilling of gaps in existing ribbon development to be welcome as it makes a wasteful form of development less so by delivering more dwellings without encroaching onto additional land. Thus, in a Green Belt village where the NPPF says “infilling” is appropriate, it may be particularly appropriate where ribbon development exists.

20. Finally, on this issue, it is long-established case law¹ that whether or not a site is in a village isn’t determined by a formal boundary on a Policies Map (and certainly not by a vague, amorphous shape on an unscaled diagrammatic map) but, instead, by how the site is experienced on the ground. Whilst the Planning Statement (see paragraph 5.20 and subsequent map), sought to demonstrate “*the actual village envelope as experienced on the ground*” by specific reference to development and facilities on both sides of Oaklands Lane, the Council made no attempt to justify the Site’s exclusion from the village, save for its unworthy reliance on Figure 4.



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21. Respectfully, I ask the Inspector to agree with me that, on the ground, the village begins immediately to the north of the Site (where the road sign announces one's arrival into Smallford – see the photo below) and that lawful and substantial development exists on both sides of Oaklands Lane to Hatfield Road and beyond, including, on the western side: the existing house on East Lodge; the houses on East Drive, the football pitches; the rugby club and pitches; the veterinary centre and cattery; and the nursery school. In my view, if the Council wished to promote a western boundary to the village in its next Draft Plan then between East Drive and Hatfield Road, the dry river bed of Butterwick Brook is an obvious candidate in accordance with Paragraph 139f of the NPPF which requires plans to “*define boundaries clearly, using physical features that are readily recognisable and likely to be permanent*”.

*Aerial view looking south. The dotted white line **is a potential boundary** for the northern half of the village as it is experienced on the ground today.*

The applicant is seeking to expand the village. There is due process to follow as part of the Local Plan process. It is a POTENTIAL boundary in the applicant's view only

If the Council sought to apply a formal boundary in its next Draft Plan, it would be reasonable for it to envelop all of the existing development and, perhaps, a little more besides to allow for planned expansion.

Not the view of the residents of Smallford.

It would be unreasonable as the area north of Hatfield Road and west of Oaklands Lane will remain as Green Belt and should not be determined as planned expansion outside of the Local Plan process

Paragraph 8.3.4

22. “Moreover, the existing property benefits from a large plot at the corner of East Drive and Oaklands Lane. Whilst it is noted that there is surrounding development, the property at East Lodge is separated from these neighbouring dwellings by a significant distance. East Drive has approx. 10 dwellings along the Northern side of the road, however, these are semi-detached and located within close proximity of one another. The existing and proposed dwelling at East Lodge would be separated from these dwellings and those along Oaklands Lane.”

23. First, it is noted that the Council confirms that “*there is surrounding development*” but bemoans the size of the gap between the existing house and the next house along East Drive. My case is that nothing, in any national or local policy definition, states that infill must fill up the whole, or even most, of a gap between development (indeed, some might argue that “limited infilling” suggests that the partial rather than the total infilling of a gap is preferred). The proposal is a reasonable example of infilling even if it's not the template the Council might seek to adopt in its next Draft Plan. The inappropriate rejection of reasonable examples of infilling is covered at paragraphs 5.4 and 5.5 of the Planning Statement.



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24. Secondly, the fact that the houses on East Drive are semi-detached is wholly irrelevant.

25. Thirdly, it's correct to say that when built "*the existing and proposed dwelling*" would be "*separated from ... those along Oaklands Lane*", because they'd be separated by Oaklands Lane! The implication that being on the opposite side of a road in some way detaches the Site from the village, [**Village is east of Oaklands Lane only**] most of which was built after the Application Site was first occupied, is considered unreasonable. Is the Three Horseshoes, the village pub, to be excluded from the village because it's on the other side of Hatfield Road?

26. Finally, noting that the Council, with my tacit blessing, changed the site description from "Land at East Lodge" to "Land rear of East Lodge", it is long-established that "backland development"² can deliver reasonable examples of "infilling". This is clear, for instance, from the Appeal Decision in April 2013 by Inspector Warder MA BSc (Hons) DipUD (Dist) MRTPI. Inspector Warder allowed an appeal by concluding that the construction of 5 new dwellings following the demolition of two existing ones, amounted to "limited infilling in villages". The Appeal Decision is attached as Appendix 3. We note that, at Paragraph 13, Inspector Warder agreed with the Local Plan Inspector that small-scale "developments of backland" fall within the definition of infill.

² "Backland development is a term used for land that may not be visible from the usual roadways. For example, the land behind a row of houses. A backland site is usually a section of garden with road access at the rear or side of a property. Or it could be a plot of land in between gardens with communal or a private access alley." © Urbanist Architecture www.urbanistarchitecture.co.uk

27. Potentially, therefore, a fallback position could be for the existing house to be demolished and two detached houses built in its place. However, following consideration of the NPPF's economic and environmental objectives, I consider implementing the Appeal Proposal as submitted to be the more sustainable option.

Conclusion

28. Despite there being a housing crisis in the District and a national policy which promotes "limited infilling in villages" as appropriate development, by:

- counting on its own unsubstantiated conclusion from an entirely different form of development in 2018.
- using wholly inappropriate evidence in the form of Figure 4.
- failing to consider the extent of the village on the ground.
- relying on vague and/or irrelevant comparisons with nearby housing; and
- choosing not to engage with – or simply to ignore – key submissions and planning principles, the Council clearly has not considered this scheme in the "positive and creative way" required by paragraph 38 of the NPPF.



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29. Consequently, I respectfully ask the Inspector to do what the Council failed to and consider this application in a positive and creative way. Given that the Council has raised no other reasons for refusal (such as access, layout, design etc.), if the Inspector agrees that the scheme is a reasonable example of “limited infilling in villages”, then I respectfully ask that the Appeal be Allowed.

Brian Parker BA MSc MRTPI
October 2020

Colney Heath Parish Council
January 2021