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Standing up for Hertfordshire's countryside

Elizabeth Burnham  
Planning and Building Control  
St. Albans City and District Council  
St. Peter's Street  
St. Albans  
Herts AL1 3JE

Our Ref:

Your Ref:

8<sup>th</sup> January 2020 (by email)

Dear Ms. Burnham,

**Application No. 5/2019/3047**

**Demolition of existing building and construction of single storey dwelling with associated parking and landscaping**

**On Land opposite Ayres End House, Ayres End Lane, Harpenden, Hertfordshire**

While we have no objection in principle to the provision of a residential dwelling to replace the existing building on this site, we have concerns regarding the increase in size of the building in the current application over the size previously approved for conversion of the original (5/2019/1279).

The argument put forward by the applicant is that the existing building could be increased in size through permitted development rights and that consequently the Council's existing policy in Supplementary Planning Guidance on Replacement Dwellings in the Green Belt, which allows up to 40% increase in footprint, should be applied to the existing plus the notional permitted development rights extensions. In our view this is stretching the intent and interpretation of the SPG.

The permission to convert the existing building has not been implemented and as a result the original use of the building remains in force until such time as conversion work is carried out. Consequently, the proposed development subject to this application would result in a greater impact on the openness of the Green Belt than the extant approval for conversion of the existing building. Paragraph 145 (d) of the National Planning Policy Framework states that in order to be appropriate development any replacement must be "*in the same use and not materially larger than the one it replaces*", which this proposal clearly is not.

The applicant cites precedent in the approval of Application 5/2015/2567 (Little Bamville), (which used a similar 'fall-back argument) which the Planning Committee approved contrary to the Officer's recommendation of refusal.

In our view the Officer's reasons for recommending refusal in that instance were correct and are equally relevant here: The application site is located in the Metropolitan Green Belt wherein there is strict control over the size of extensions and replacement dwelling houses. The proposed replacement dwelling would be materially larger than the one it would replace and would therefore constitute inappropriate development in the Green Belt. The proposal would therefore be detrimental to the open character of this rural Green Belt area contrary to the aims of Policies 1 (Metropolitan Green Belt) and 13 (Extensions or

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Replacement of Dwellings in the Green Belt) of the St. Albans District Local Plan Review 1994, Supplementary Planning Guidance (SPG), Residential Extensions and Replacement Dwellings in the Green Belt May 2004 and the National Planning Policy Framework 2012.

Irrespective of the Little Bamville precedent, all applications must be considered on their own merits. Consequently the Council will have to consider whether or not the 'very special circumstances' put forward by the applicant outweigh the consequent harm to the openness of the Green Belt. In our view they do not.

Yours sincerely,

David Irving