
Appeal Decision

Site visit made on 1 November 2016

by J S Nixon BSc(Hons) DipTE CEng MICE MRTPI MCIHT

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 November 2016

Appeal Ref: APP/P1940/W/16/3157104

Site address: Land at the rear of The Woodyard, The Green, Sarratt, Herts, WD3 6BH.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Cooke (the Appellant) against the decision of the Three Rivers District Council (the Council).
 - The application Ref. No: 16/0919/FUL, dated 19 April 2016, was refused by notice dated 28 June 2016.
 - The application is for a proposed dwelling and detached garage (Re-submission).
-

Decision

1. For the reasons given below, this appeal is dismissed.

Clarification

2. The Council's description of the proposal in the Officer's Report and the subsequent Decision Notice is for the removal of existing buildings and the change of use of land to residential and construction of a detached dwelling and detached garage with associated landscaping works. In my judgement this represents a more appropriate description of the appeal scheme and, thus, I have dealt with the appeal on this basis. No details of the original scheme were submitted with the documentation and so it has not been possible to establish what precise changes took place as part of this resubmission.

Planning Policy

3. There is an obligation to determine this appeal in accordance with the provisions of the statutory development plan (DP) unless the material considerations dictate otherwise. In this case, it is accepted that the appeal site lies in the Metropolitan Green Belt and The Green, Sarratt Conservation Area. As such, the relevant DP policies contained in the adopted Three Rivers District Council Core Strategy 2011 (CS) and the Development Management Policies Document 2013 (DMPD) are advanced in support of the reasons for refusal.
4. With respect to the Green Belt, CS Policies CP11 and CP12 and DMPD Policies DM2 and DM7 are cited in the reasons for refusal. In addition, the National Planning Policy Framework (the Framework) section covering development in Green Belts is prayed in aid. These establish the presumption against inappropriate development, except in very special circumstances and the need for a high standard of design and a positive contribution to the surrounding

landscape. The in principle arguments in the DP policies accord with Framework (paragraphs 80, 88 and 89). On the basis of the change of use from garage/workshop to residential and the increase in height, bulk and floor area implicit in this scheme, there is no dispute that the proposal falls to be considered as inappropriate development.

5. As for the Conservation Area reason for refusal, CS Policies CP1 and CP12, DMPD Policies DM1, DM3 and Appendix 2 and The Green, Sarratt Conservation Area Appraisal are arrayed against the appeal scheme. Although not mentioned, there are also pertinent passages in the Framework, especially in paragraphs 131 and 134. In combination these reflect the well-rehearsed obligation evinced by s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 for decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Main Issues

6. From what I have read and seen and having regard to the policy background referred to above, it follows that the main issues to be decided in this appeal are:
 - The degree of harm caused by this inappropriate development to the characteristics and purposes of the statutory Green Belt;
 - the effect on the character and appearance of The Green, Sarratt Conservation Area; and
 - whether the planning balance shows the proposed development to be sustainable in the terms espoused by the Framework.

Reasons

Background

7. The appeal site lies to the rear of an existing run of terraced property fronting The Green, with open fields to the west and existing property immediately to the south (Wingfield Cottage) and a structure to the north, in the rear garden of Cherry Tree Cottage. The site has a vehicle access to The Green, between The Woodyard and Cherry Tree Cottage. Although the site is said to be unused currently, there is some existing parking on site and evidence of other parked vehicles that have been removed recently.
8. The fenceline to the open fields is some 1-1.3 m high. The other boundaries largely comprise relatively high hedges/planting/fencing, which provide some screening of the proposal from the ground floors and gardens of the surrounding properties. A thick hedge runs parallel to, and some 3 m from, the rear boundaries of the properties fronting The Green, with an apple tree within this hedge some 7 m from the existing workshop. These are not shown as retained on the application plans.
9. The design seeks to site the new dwelling and garage approximately on the footprints of the existing workshop and garage respectively, such that at ground floor there would be a marginal decrease in the footprint. The architect has achieved a design to keep the buildings as low as possible in the landscape, commensurate with meeting required living standards. A little to

the north of the appeal site a public footpath runs from The Green round the side and some distance to the rear of frontage property to join Dawes Lane in the south, which then connects back to The Green. Walking this route, I saw no more than glimpsed views of the appeal site from the footpath and Lane, though in winter any new, higher buildings could become more visible especially when rooms are lit.

The Green Belt

10. As this scheme is accepted as inappropriate development, there would be the in principle harm to the Green Belt. In addition, and although largely seen from private vantage points, the openness of the Green Belt would be compromised to a degree by the increased height and bulk of the proposed buildings. The dwelling would also extend the domestic character further into the Green Belt and prejudice the purposes of safeguarding the countryside from encroachment and preserving the setting and special character of the heritage assets of the village. The fact that the site would be difficult to see from public vantage points cannot be afforded great benefit. This could be repeated all too often, leading to the incremental erosion of Green Belt openness and an intensification of the built environment.
11. Neither does any suggestion that the land should be viewed as previously developed attract support, as a consequence of the increased impact. Thus, although the visual impact has been reduced as far as possible and views of the development from public vantage points would be small, the development would be inappropriate and there would be some harm to the openness, permanence and other purposes of the Green Belt. As such, the Framework (paragraph 88) makes it clear that this should attract substantial negative weight and unless 'very special circumstances' exist that clearly outweigh the potential harm to the Green Belt and any other harm, the presumption against inappropriate development should apply.

The Conservation Area

12. Once again, the relatively low level of visibility of the site and development reduces the negative impact on the appearance of the Conservation Area. However, the character of the Conservation Area is defined in the Appraisal as following a linear plan along The Green, with "*very little expansion to the back plots, leaving it more or less unspoilt*", where "*any further development would unbalance the village character*" and "*detract from the village feel*". Against this background, there can be little doubt that the character would be prejudiced.
13. Looking at the design, here the Architect has had design flexibility reduced in trying to balance the need to keep the structures as visibly unobtrusive as possible, while meeting the heritage obligations imposed by the Conservation Area designation and the locally listed buildings fronting The Green. Unfortunately in my view, the chalet style of design does not rest comfortably with the architectural style and characteristics of the adjacent locally listed buildings and the character of the village in its wider context. This runs counter to the aims of paragraph 131 of the Framework.
14. Without doubt, these negative aspects attract significant, albeit less than substantial, negative weight, which the Framework (paragraph 134) says needs to be weighed against the public benefits, including its optimum viable use.

Other matters and benefits

15. There are several other topics that contribute to the overall assessment. The first is the access that has attracted no objection from the responsible authority. However, it was clear from the site visit that, in the vicinity of the appeal site access, there is no margin at the back of the carriageway to accommodate pedestrians. Thus, vehicles can park very close to the hedge forming the highway boundary making it difficult for drivers using the access to observe vehicle or pedestrian movement on The Green. The Appellant points out that it would be easy to improve the visibility splays to address this problem, which is so. However, the land necessary to achieve this falls outside the appeal site and control of the Appellant. In addition, although the Council's waste recycling requirements could be met within the site, access to the bins would be difficult and in all probability require leaving them for collection on the highway. This, therefore, presents a further objection to the proposal.
16. Turning to benefits of the proposal, this would be an open market house and not one designated as an affordable unit. An affordable or social 'label' would attract greater positive weight and be more closely aligned to the Framework exceptions included in paragraph 89. Without this, the trappings of domesticity that would accompany a market house would be a negative. Moreover, in this case, there is no shortfall in the 5-year supply of readily available and deliverable housing, which, in the event no lower quality land was available, could have weakened land use designations designed to restrict use for housing.
17. The site is underused at present, and could, of course revert to its former use for agricultural storage etc. This could be seen as a minor positive, but is tempered by the change from a rural based activity to a more urban one. Although the site is said to be unkempt at present and the buildings dilapidated and redundant in a modern context, much of this attracts little benefit. To recognise that the site is unkempt and the buildings dilapidated may give encouragement to others to neglect their holdings and interests. This is not in the public interest.
18. Other aspects of the scheme, such as ecology and residential amenity are matters that could be addressed by condition. Even so, they do not constitute benefits in any public sense. Finally, it is recognised that there is already some tandem development close by and this project could be seen as rounding off. In some ways this could again be judged a small benefit, but, it seems the reasons why one or two buildings have been permitted behind the frontage development are different from those advanced in support of current proposal and should not be seen as a compelling precedent. In any event, and as pointed out by the Appellant, each case must be judged on its individual merits.

Planning balance

19. Looking at the issues, the scheme is inappropriate development in the Green Belt and would be harmful to the characteristics and purposes of the Green Belt, thereby causing significant harm. Against this, the small benefits identified do not amount to very special circumstances that clearly outweigh this harm as well as the significant harm to The Green, Sarratt Conservation Area and lesser harm caused by the substandard access. As such, the appeal

scheme would conflict with the Development Plan and Framework policies identified above.

20. As for the site's location in the Conservation Area, the development would cause less than substantial harm, but still significant harm to the character and to a lesser extent the appearance of The Green, Sarratt Conservation Area. Against this, the public benefits do not outweigh the harm. As such, this falls foul of the Development Plan and Framework policies cited above.

Summary and conclusion

21. In summary, what benefits there would be to weigh in favour of and lend support for the development would not be sufficient to outweigh the harm identified to the characteristics and purposes of the Green Belt or the significance of the heritage assets. Put briefly the benefits of the appeal scheme in both land use planning and public interest terms would be very small. Thus, whether the main objections are taken singly or together this means that the appeal scheme cannot be judged sustainable development in the terms espoused by the Framework and should, therefore, be resisted.
22. In the light of my conclusions, and having taken into account all other matters raised, this appeal fails.

JS Nixon

Inspector