The Planning Inspectorate

Appeal Decision

Site visit made on 3 November 2016

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 21 December 2016

Appeal Ref: APP/N1920/W/16/3155425
Land adjacent to Stagg Ridge, The Ridgeway, Potters Bar, Hertfordshire EN6 5QS

- 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 Simon Winterflood against the decision of Hertsmere Borough Council.
- The application Ref 15/2002/FUL, dated 15 November 2015, was refused by notice dated 11 April 2016.
- The development proposed is described as the conversion of existing buildings to studio apartment, including live/work space.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council adopted the Site Allocations and Development Management Policies Plan 2016 (SADMPP) on 23 November 2016. Following the deletion of an earlier policy, draft Policy SADM27 has been renumbered SADM26. The adoption of the SADMPP has also superseded Policies C1 and C4 from the Hertsmere Local Plan through to 2011.

3. The structure currently on site, for which the planning application relates to, is partially constructed and sits on a metal frame which is raised off the ground. The metal frame is a single structure which supports what has been described as a greenhouse and a shed and the area between them is, in effect, a raised platform.

4. From the evidence before me, the structure on site differs from the plans showing the approved buildings permitted under planning permission TP/10/2332 and the proposed drawings submitted with the application. From the information supplied by the Council no planning permission has been sought for the structure as built. As such, the structure may not benefit from planning permission.

5. Given that the appeal development has been described as the conversion of the existing buildings to a studio apartment, I have dealt with the appeal on the basis of the structure erected on site rather than the exact details on the submitted plans.

Main Issues

6. The main issues are:

   (i) whether the proposal would be inappropriate development in the Green Belt;

   (ii) the effect on the openness of the Green Belt; and

   (iii) if the development would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

7. The National Planning Policy Framework (the Framework) at paragraph 89 sets out in bullet point form the categories of development which may be regarded as not inappropriate in the Green Belt. There are six such categories. The first two are not relevant to the circumstances of this appeal but the last four have relevance, and I will deal with each in turn.

8. The third bullet point indicates that extensions or alterations to buildings can be considered as not amounting to inappropriate development provided they are not 'disproportionate additions over and above the size of the original building'.

9. The Council have considered the size of the proposed dwelling in relation to the previously permitted buildings. Whilst the height of the proposed dwelling would be the same as the existing structure, the dwelling would be 61% larger in footprint and 52% larger in volume than these previously permitted buildings, and I have been given no evidence that would lead me to dispute these figures. The two elements of the proposed structure would be linked with a glazed section. Whilst this section would be less dominant than a solid wall, it would nevertheless increase the overall bulk and massing of the building. The proposed structure would therefore amount to a disproportionate addition over and above the size of the original building, and the third bullet point of paragraph 89 is not engaged.

10. The fourth bullet point of paragraph 89 indicates that the replacement of a building can be considered as not amounting to inappropriate development provided it is not 'materially larger than the one it replaces' provided that the new building is in the same use. However, from the Councils officers report, the site has a nil planning use and I also note that a Certificate of Lawful Development application for the use of the land for a private domestic garden (TP/12/0873) was refused and subsequently dismissed at appeal[1]. Consequently, from the evidence before me, the use of the existing building is not the same as the proposed use and therefore the forth bullet point of paragraph 89 of the Framework is of little relevance.

11. The fifth bullet point involves the limiting infilling of villages. However, the appeal site is located away from the built up area of Potters Bar and, in

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planning policy terms, is therefore located in the countryside and not within a village.

12. Finally the sixth bullet point of paragraph 89 relates to, amongst other things, the limited infilling of previously developed sites which would not have a greater impact on the openness of the Green Belt. To the west of the site is a block of flats (known as Stagg Ridge) with some limited residential development and a builders yard along The Ridgeway. However, the area is distinctly rural in character. Given the above, the proposed development could not be construed to be limited infilling. Furthermore, given the 'nil' use of the land, I consider that the land cannot be considered to be previously developed land. It follows that the sixth bullet point of paragraph 89 does not apply.

13. Considering all of the above, the proposal would be inappropriate development in the Green Belt.

Effect on the openness of the Green Belt

14. Paragraph 79 of the Framework outlines a fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

15. I have already characterised the site as countryside rather than as part of the built up area. One of the five purposes of a Green Belt, outlined at paragraph 80 of the Framework, is that it should assist in safeguarding the countryside from encroachment.

16. The construction of a new dwelling would result in a built development where there does not appear to be any lawful buildings. The new building (and associated paraphernalia) would inevitably lead to the loss of openness. This is particularly the case as the site has no other lawful buildings or development on it. Even if the buildings currently on site were considered to be lawful, the increase in the size of the overall built form would result in a loss of openness.

17. Whilst the site is not readily visible or prominent from the road owing to the relatively dense landscaping to the site frontage, this does not overcome the loss of openness.

18. I therefore conclude that the development would lead to a loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment contrary to the Framework and Policy CS13 of the Hertsmere Local Plan Development Plan Document Core Strategy 2013 (CS) and Policy SADM26 of the SADMPP which amongst other things seek to protect the Green Belt.

Other considerations

19. The development would also assist in providing much needed housing and I therefore consider that it would make a positive contribution to rural housing provision and the viability of local services.

20. Notwithstanding that, paragraph 55 of the Framework seeks to promote sustainable development in rural areas and indicates that housing should be located where it will enhance, or maintain, the vitality of rural communities.

However isolated homes in the countryside should be avoided unless there are special circumstances.

21. From the evidence before me, the site is located in a rural area between Potters Bar and Hadley Wood. Whilst there is a range of services in both of these areas, travel to these would invariably be by private motor vehicle which is the least sustainable mode of transport. Therefore, the locational element of the proposal development leads me to conclude that the dwelling would be isolated in the context of paragraph 55 of the Framework.

22. Whilst I accept that the design and appearance of the dwelling could be considered to be of an innovative nature, it would not be of an exceptional quality which would be truly outstanding or innovative as to amount to such special circumstances.

23. The Appellant has suggested that the boundary treatments and landscaping enhance the rural character of the area and that the overall development could have ecological benefits which would outweigh any harm. Whilst I acknowledge that the provision of an ecological pond and wildlife meadow, as part of an overall landscape scheme, could have some benefits the information before me in this respect is limited.

24. The proposed development includes both a living and work space element. However, from the submitted floor plans, the work element is limited to a small home office area. Given the very limited nature of the work element, I give this limited weight.

Green Belt balance

25. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Additionally, I have found that there is an adverse impact on the openness of the Green Belt. Therefore, substantial weight should be given to the harm to the Green Belt.

26. The provision of much need housing is a benefit and the proposal would have an innovative design. I also acknowledge that the provision of an ecological pond and wild-flower meadow could have some biodiversity benefits to the area. However, these benefits carry only limited weight.

27. It follows that the substantial weight given to Green Belt harm is not clearly outweighed by these other considerations. Therefore there are no very special circumstances to justify the new dwelling and the development would conflict with the Framework. It would also conflict with Policy CS13 of the CS and Policy SADM26 of the SADMPP which amongst other things seek to protect the Green Belt.

Conclusion

28. Taking all matters into consideration, including some local support for the proposal, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR