
Appeal Decision

Site visit made on 15 November, 2016

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 30th January, 2017

Appeal Ref: APP/J1915/W/16/3155858

Clinton, Poles Lane, Thundridge, Hertfordshire, SG12 0SQ

- 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 and Mrs M Cooper against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/2553/FUL dated 21 December, 2015 was refused by notice dated 16 February, 2016.
 - The development proposed is described as conversion, with alterations and extension, of a Victorian outbuilding to residential use.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The description of the development on the appeal form is different from that on the original application, and has been changed, with the approval of the Council, to "demolition of outbuilding, conversion and extension of outbuilding to create one number three bedroomed dwelling". I have determined the appeal on the basis of the revised description.

Main Issue

3. The site falls within the Green Belt, and accordingly the main issues are:
 - a) Whether the development would constitute inappropriate development in the Green Belt;
 - b) Its effect on the openness of the Green Belt and the purposes of including land in it; and
 - c) 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 needed to justify it.

Reasons

The development plan

4. The development plan for the purposes of this appeal is the East Herts Local Plan Second Review 2007 (the LP). Although Policy GBC1 concerns development in the Green Belt, it pre-dates the National Planning Policy
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Framework (the Framework) and I have therefore attached greater weight to the approach to the Green Belt set out in the Framework.

Whether the development would constitute inappropriate development in the Green Belt

5. Clinton is a modern bungalow with a very large garden set in the former grounds of Sprangwell, a substantial, listed nineteenth century house now subdivided to create three separate dwellings. The appeal proposal is for the extension of the existing garden building originally associated with Sprangwell, through replacement of the existing conservatory element with a larger structure, and through replacement of the former modern pool room of lightweight construction to the north of this, and creation of a linking structure between the two to create a single-storey, two bedroom house.
6. Paragraph 89 of the Framework says that the construction of new buildings in the Green Belt should be regarded as inappropriate, and sets out the exceptions to this, which include extension or alteration of a building provided it does not result in disproportionate additions over or above the original building; and limited infilling or the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.
7. Clinton sits at the end of Poles Lane which is sparsely developed, facing open space and with open countryside to its side and rear. As it is not located in a built-up area, following a recent High Court judgement¹ it is not excluded from the definition of previously developed land.
8. However, the creation of a new residential curtilage, through the material change of use of the extended garden building from an ancillary outhouse to a principal building is a change of use within the Green Belt for which the Framework makes no provision, and for this reason the proposal amounts to inappropriate development within the Green Belt.
9. The pool room which would be removed is currently incidental to the primary residential use of Clinton. Its removal and replacement with a building with a new use as part of an independent dwelling could not as a result be considered as a replacement building under the fourth bullet point of Paragraph 89 of the Framework. It would therefore, form part of an extension to the garden building. This extension would approximately double the size of the building, and could not, as a result, be considered not to result in a disproportionate addition. The appeal development would therefore be inappropriate for this reason also.
10. Paragraph 87 of the Framework sets out the general presumption against inappropriate development which, it advises is by definition harmful to the Green Belt, and should not be permitted except in very special circumstances.

Its effect on the openness of the Green Belt and the purposes of including land in it

11. The appeal proposal also includes the demolition of a double garage and small greenhouse, and the figures supplied by the appellant indicate that the re-used and replacement buildings between them would have a smaller footprint than

¹ Dartford Borough Council v Secretary of State for Communities and Local Government [2016] EWHC 635

the existing buildings on the site. However, by massing these elements into a single building, disproportionately larger than any single one of the pre-existing individual buildings the appeal proposal would have a harmful effect on openness.

12. The site has a strong boundary treatment in the form of high leylandii hedges sitting inside high stock brick walls. Although the hedges could in theory be removed, the removal of the walls is much less likely in the interests of privacy, and it is reasonable to expect that these at least would be a feature of this part of the Green Belt for the long term. I consider that the proposed dwelling would remain screened by these boundaries, and contained from encroaching into the open countryside, which would limit its harmful effect on the openness of the Green Belt. Nonetheless, harm would still exist by virtue of the size of the building.
13. The effect on openness may go beyond physical works to encompass activities around a building. The garden building was formerly used as a child minding facility for up to fifteen children associated with the host dwelling, although this use is now in abeyance. Levels of movement to and from the appeal dwelling would be likely to be significantly less than from that approved use, but slightly greater than those generated by a Clinton as a single dwelling. The current use of the appeal site for purposes incidental to the main dwellinghouse carries the likelihood of accumulation of domestic paraphernalia, which would continue in relation to the appeal dwelling. I conclude therefore that the proposal would have some harm on openness in respect of these factors, but that it would be limited.
14. Although there would be some screening effect from the appeal building's immediate setting, I consider that the harm caused to the openness of the Green Belt would nonetheless be significant. Paragraph 88 of the Framework advises that any harm to the Green Belt should be given substantial weight.

Other Considerations

15. The Framework at Paragraph 131 requires that in the determination of planning applications, account should be taken of the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation. Paragraph 135 of the Framework requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.
16. The group of structures including the garden building and walls, including the relatively rare Hitch bricks, date from the nineteenth century and were associated with Sprangwell house and grounds before their subdivision. They therefore possess some historic interest as undesignated heritage assets and some weight should therefore be given to their conservation.
17. The applicant suggests that the appeal proposal will find a new viable use for the Victorian garden building, and that it would also include removal of the existing Upvc windows and polycarbonate sheet roof, and repair of the boundary wall which would better reveal the original character of these structures.
18. However, alterations to the garden building, and particularly the extension to the southern elevation would also subsume this original character. The Hitch

bricks are largely located on the outside of the boundary walls to the garden, which would not be affected as part of the appeal proposal. This is therefore a benefit to which I attach limited weight.

19. It is agreed between the parties that the absence of a five year deliverable housing land supply is a consideration which in itself is not able to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

Very Special Circumstances

20. Paragraph 88 of the Framework advises that that “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
21. I have concluded that the proposal would be inappropriate development, and would therefore, by definition, be harmful to the Green Belt. I have, also concluded that the proposal would cause moderate harm to the openness of the Green Belt. No consideration of any other harm has been put before me, and I have not identified any other harm arising from the proposal.
22. On the other hand, I have concluded that the proposal would present some benefits in securing the repair and sensitive restoration of a small group of undesignated heritage assets, but that these would be limited.
23. The substantial weight given to the harm arising from inappropriate development is not therefore clearly outweighed by other considerations so as to justify the proposal by virtue of very special circumstances.

Conclusion

24. For the reasons given above and taking into account matters raised, I conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR