
Appeal Decision

Site visit made on 27 January 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 07 March 2017

Appeal Ref: APP/A1910/W/16/3155545

Land at The Old Stables. Shendish, Hemel Hempstead, Herts HP3 OAA

- 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 Stephen Kennealy against the decision of Dacorum Borough Council.
 - The application Ref 4/00184/16/FUL, dated 22 January 2016, was refused by notice dated 4 April 2016.
 - The development proposed is two detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The site is within the Green Belt and so the main issues are:
 - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and the development plan;
 - The openness of the Green Belt; and
 - If the proposal is inappropriate development, whether the harm caused 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 it.

Reasons

Whether inappropriate development

3. The National Planning Policy Framework (the Framework) establishes that new buildings are inappropriate in the Green Belt, unless they fall within exceptions detailed in paragraphs 89 or 90 of the Framework. Policy CS5 of the Dacorum Local Development Framework Core Strategy (CS) 2012 reflects the Frameworks policy on inappropriate development and list similar exceptions.
 4. In terms of relevant exceptions under the Framework and CS, the development would not constitute a replacement of a building. As to limited infilling in villages, the appeal site would be infilling of land within the grounds of a dwelling which is enclosed on three boundaries by residential properties and a recent hotel extension. Whilst these properties extend out along access roads to form a built-up area, the overall extent of this is small and isolated within
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Shendish golf course and associated grounds. Although there is no definition of a village within the Framework, I am not persuaded that such a pattern and location of development constitutes a village. Furthermore, this built-up area is not defined as a village under CS or the Saved Policies of the Dacorum Borough Local Plan 1991-2011 (2004).

5. As to whether the proposal constitutes limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) under the Framework, the Appellant has confirmed that the appeal site is residential curtilage. The definition of previously developed land under the Framework excludes land in built-up areas such as private residential gardens.
6. Under the CS policy CSS, the redevelopment of previously developed sites, including major developed sites is an exception. Within the explanatory text of the policy, there is a table listing such sites which have existed for some time and before the Green Belt designation. The CS indicates sites can be added and that the redevelopment or limited infilling of these sites may be considered where it would help to secure economic prosperity or achieve social objectives or environmental improvements. The Appellant indicates that the settlement of Shendish should be considered due to its similarities with Berkhamsted Hill (Berkhamsted Castle Village) which is included in the table.
7. However, the appeal site lies within designated countryside within the Green Belt under development plan policy and the CS also aims to prevent damage to the intrinsic quality and purpose of the countryside. Furthermore, it indicates that the key role of Hemel Hempstead is to maintain the New Town's physical separation from a number of smaller villages and hamlets on its periphery.
8. The proposal would encroach into the countryside by reason of the addition of two dwellings and would result in a reduction of separation between the New Town and Shendish. In respect of economic prosperity and social benefits, these would be limited for two dwellings and there would be no environmental improvement by reason of the countryside encroachment and reduced separation. For these reasons, there is no evidence before me that the appeal site and Shendish should be considered as a major development site.
9. For these reasons, no exception would apply and the proposal would be inappropriate development which is by definition, harmful to the Green Belt in conflict with the Framework and CS Policy CS5.

Openness of the Green Belt

10. In terms of openness, this is an essential characteristic of the Green Belt which is commonly taken to mean the absence of built or otherwise urbanising form, irrespective of whether the site is screened by vegetation. The two dwellings would result in the loss of openness because there are no buildings on the plots proposed to be developed. Overall, this loss of openness resulting from this scale of development would be small in isolation but the Framework establishes substantial weight should be given to any harm in the Green Belt.

Other considerations

11. The environmental construction of the dwellings would be to a high standard securing sustainable benefits in reductions of energy use, emissions of CO₂, water consumption and use of reclaimed and renewable materials. However, many of these measures would be secured to a good standard by reason of the

need to comply with Building Regulations. Given the proposal would be for two dwellings, any improvements over and above the required standards would be limited. The dwellings would be attractively designed in keeping with the character and appearance of the area. Nevertheless, this is an absence of harm factor rather than a positive attribute of the appeal scheme and thus this consideration would be of neutral significance.

Conclusion

12. The proposal would be inappropriate development in the Green Belt which is by definition harmful. Although this loss in openness is small, it is nevertheless harmful. The Framework establishes substantial weight should be given to any harm to the Green Belt.
13. In favour of the proposal, there is only limited weight to be given to the environmental construction of the dwellings. Accordingly, the absence of other harm and the benefits identified fail to outweigh the harm to the Green Belt. Consequently, very special circumstances needed to justify the proposal do not exist. For all these reasons, the proposal would conflict with CS Policy CS5 and the Framework.
14. For the reasons given above and having regard to all other matters raised, including support, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR