
Appeal Decision

Site visit made on 29 March 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 21 April 2017

Appeal Ref: APP/P1940/W/17/3167089

Templepan Farm, Templepan Lane, Chandlers Cross WD3 4NH

- 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 James Hubble against the decision of Three Rivers District Council.
 - The application Ref 16/2327/FUL, dated 5 November 2016, was refused by notice dated 3 January 2017.
 - The development proposed is the demolition of commercial motor vehicle workshops, cattery buildings and associated hardstanding infrastructure. Erection of 3 bungalows with garages.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt including the consideration of the effect upon openness for the purposes of the Planning Policy Framework (the Framework) and development plan policy;
 - 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

Inappropriate development and openness

3. The appeal site is currently occupied by a single storey dwelling within a large garden close to the gravelled driveway leading into the site where there are also commercial uses. These include a cattery and commercial vehicle repair garage.
 4. The largest of the single storey cattery buildings is along the roadside boundary of the appeal site. It has a low ridged roof for much of its length but adjoins some lower buildings with sloping, non-ridged roofs. Other smaller cattery buildings are positioned parallel to the main building, separated by a hard-surfaced driveway. The driveway leads between the cattery buildings on to commercial workshop buildings. These include a tall barn-like open-fronted
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structure with a ridged roof and a pair of lower but still substantial pitched roof garage buildings. There are fences within the site providing separation between the substantial garden and the other uses.

5. Core Strategy (CS)¹ Policy CP11 and Local Plan (LP)² Policy DM2 follows the wording of the previous advice within Planning Policy Guidance 2 "Green Belts" which has been replaced by the Framework. Although the thrust of the policies is similar, there is some inconsistency between them and the Framework. In these circumstances, paragraph 14 of the Framework requires me to consider whether specific policies in the Framework (including Green Belt policies) indicate that development should be restricted. Accordingly, I have considered the question of whether the appeal proposal is inappropriate development within the Green Belt with regard to policies in the Framework.
6. I agree with the main parties that the appeal site can be considered as previously developed land. Paragraph 89 of the Framework allows for limited infilling or the partial or complete redevelopment of such land where it would not have a greater impact on the openness of the Green Belt and the purposes of including land within it.
7. Planning permission exists for 2 dwellings which, from the details provided, appear to be very similar to plots 1 and 2 that are proposed now. This appeal proposal would involve an additional plot to replace the cattery building alongside the road with a single storey dwelling the same as is proposed (and previously approved) for plot 1. The Council considered that the previous approval would involve a reduction in floorspace covered by buildings thereby increasing the openness of the site.
8. In this case, the Council has provided figures for the floor space covered by existing buildings; for the buildings proposed; and also for the approved scheme. These figures are not contested by the appellant and I will take them as being a reliable indication of the change in the amount of floorspace that would be taken up by buildings within the site. The current scheme would reduce the floorspace coverage of buildings by 36.6m² compared with the development currently on site.
9. I have not been given figures to compare the volume of the existing buildings with those proposed. The Council refers to the proposed dwellings being 5.7m in height which is not disputed by the appellant (there are no precise heights shown on the proposed drawings). Taking into account the survey drawing which includes spot heights, the existing buildings are lower than the proposed bungalows. Some of the existing buildings are substantially lower. Pitched, hipped roofs would help to reduce the impact of the dwellings, but they would be bulky. In my opinion they would be bulkier than the existing, generally smaller scale buildings on the site.
10. The loss of the cattery building alongside Templepan Lane would open up the frontage to the land reducing the enclosing effect of that existing building. The bungalow in that position would be of a compact form and there would be a gap between it and the single garage. However the proposed dwelling that would replace that building would have a higher roof than that on the cattery

¹ Three Rivers District Council Local Development Framework, Core Strategy, adopted 17 October 2011

² Three Rivers District Council Local Plan, Development Management Policies, Local Development Document, adopted July 2013

and the opening up of that part of the site would reveal the rest of the development.

11. The existing uses already result in some external storage including a skip and cars on the field to the east of the site as well as vehicles required by the operators of the use and their customers. There may be a decrease in the number of vehicle movements to and from the site over the course of year which may indicate that there will be fewer vehicles on site. The creation of 3 plots occupied by separate households would however lead to an increased need for privacy between the garden areas and more permanent and robust enclosures than is currently the case on the site. There would also be increased domestic paraphernalia. I am thinking in these terms about washing lines, garden furniture, play equipment, external refuse bins and other varied domestic articles. These would take up substantial space and therefore would have an impact upon the openness of the site. The loss of hard-surfaces will make little difference to the openness of the site but I consider the establishment of 3 domestic plots would have an impact upon the openness of the area. I give substantial weight to the previously approved scheme which would, with respect to plots 1 and 2 be very similar to the current proposal. However the third plot close to the lane would be noticeably very different from the landscaped area behind a 2m fence as previously approved.
12. With respect to the openness of the site, the case is finely balanced. However due to the general increase in bulk of buildings over a marginally smaller floor area as well as the impact from additional paraphernalia on the site and more robust enclosures, the overall amount of development on the site would be increased. The effect upon openness would be significantly greater than the existing planning permission for 2 dwellings on the site. The proposal would not safeguard the countryside from encroachment which is one of the purposes of the Green Belt.
13. In relation to the first main issue, I conclude that the proposal would lead to a loss of openness and would be inappropriate development in the GB having regard to the Framework as well as LP Policy DM2 and CS Policy CP11. This would by definition be harmful to the Green Belt and should not be approved except in very special circumstances. I attribute substantial weight to this harm as required by paragraph 88 of the Framework.

Other considerations

14. Templepan Lane includes loosely knit dwellings alongside it within a wooded setting. These are mainly bungalows although there are some 2 storey dwellings set out in a low density manner. The appeal site has a partly domestic appearance due to the position of the existing dwelling, its garden and driveway. The cattery is a commercial use but it has an orderly, appearance that does not look out of place close to the dwelling.
15. The commercial workshops in the eastern part of the site have a more industrial look. The larger open fronted structure is not out of keeping with a working rural area being functional in appearance. The lower workshop buildings are visible from the lane but are domestic looking and do not look out of place on the site. There is some external storage within the field close to the workshops which intrudes into the adjoining undeveloped field. This has a limited impact as it is well screened by fencing as well as vegetation along the lane. There would be a reduction in the amount of hard-surfacing across the

site although that is not visually harmful at the moment and the increase in the amount of soft landscaping would not be very noticeable from outside of the site. Existing trees would be retained.

16. The proposal would lead to a suburban development but that would not have a harmful effect on the character and appearance of the area. The dwellings would be built to high environmental standards keeping emissions. Furthermore, there have been no objections from neighbouring residents. These factors limit impacts that living in this location would cause and are in my view neutral within the overall balance.
17. I did not notice much noise resulting from the current use of the site over the background hum of traffic from the nearby motorway. There were some power tools in use within one of the workshops but the cattery was very quiet. This was a snapshot in time and businesses like those on site will vary in their intensity of operation. I accept that overall the proposal is likely to produce a generally quieter environment which would be a benefit to existing neighbouring properties. I give a limited amount of weight to this. The likely reduction in traffic would also improve the highway conditions along the narrow lane. This also has a limited amount of positive weight. The better use of previously developed land is encouraged within the Framework and I give that benefit of the proposal a small amount of additional weight.

Conclusions

18. In conclusion I have identified that the proposal would be inappropriate development in the Green belt as defined by the Framework and this has substantial weight. When taken together the other considerations above including some benefits of the proposals do not clearly outweigh the harm that I have identified. Accordingly, very special circumstances do not exist and the proposal does not comply with the Framework, CS Policy CP11 or LP Policy DM2.
19. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

Andy Harwood

INSPECTOR