
Appeal Decision

Site visit made on 6 June 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 14th June 2017

Appeal Ref: APP/W1905/W/16/3171258

Paradise Bungalow, Cheshunt Park Farm, Park Lane Paradise, Cheshunt, Hertfordshire, EN7 6PZ

- 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 Paul Jordan against the decision of Borough of Broxbourne.
 - The application Ref 07/16/1203/F, dated 26 October 2016, was refused by notice dated 12 December 2016.
 - The development proposed is the demolition of existing four bedroom detached bungalow and erection of replacement four bedroom detached bungalow, with car parking car port within the existing site area.
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Decision

1. The appeal is dismissed.

Main Issues

2. As the site is located within the Green Belt, the main issues are:
 - (a) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies including the effect on the openness of the Green Belt;
 - (b) The effect upon protected species;
 - (c) If the proposal is inappropriate development, whether any harm by reason of inappropriateness, and so any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Inappropriate Development and Openness

3. The appeal site comprises of an existing bungalow which is located to the edge of Cheshunt Park Farm as well as a large grassed area which has the appearance of a paddock, separated from the bungalow by an gravel access track. Cheshunt Park Farm comprises of a group of agricultural buildings and residential dwellings which are accessed via a shared driveway. To the east of the site are paddocks and open fields.
 4. The proposed replacement dwelling would comprise of a 4-bed chalet bungalow with attached car port and conservatory. The replacement dwelling would be
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relocated within the appeal to the east of the existing dwelling to the other side of the access drive and within the area which is currently grassed.

5. The overall objective of Saved Policy GBC2 of the Broxbourne Local Plan Second Review, adopted in 2005 (LP), is to maintain the openness of the Green Belt. Development within it will be tightly controlled and inappropriate development strongly resisted. Replacement dwellings are cited as an exception, subject to the requirements of Policy GBC13. This policy states that the replacement of a dwelling will not be permitted if it would result in a new dwelling materially larger and or materially greater visual impact in that the dwelling which is replaces.
6. The National Planning Policy Framework (the Framework) is clear that the Government attaches great importance to Green Belts. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt and paragraph 89 indicates that the construction of new buildings within the Green Belt should be regarded as inappropriate. The replacement of a building, provided that the new building does not result in disproportionate additions over and above the size of the original building is listed as one of the exceptions to this. While the policies of the LP are of some age, I consider these to be entirely consistent with the Framework and as part of the adopted development plan, I afford these significant weight.
7. The existing dwelling has a floor area of around 141.1 square metres and the proposed dwelling would have a floor area of around 388.9 square metres which would represent an increase of around 175%. In terms of volume, there would be an increase of around 286%. I therefore consider that such an increase cannot reasonably be considered as anything other than materially larger and as such the development would not accord with Policy GBC2, GBC13 and paragraph 89 of the Framework.
8. Moreover, while the existing bungalow would be demolished and this area would be converted into a private garden area, the proposed dwelling would be located in an area which is currently undeveloped and open land, set away from the existing built up areas of Cheshunt Park Farm.
9. Openness in a Green Belt context is a physical absence of buildings and structures, rather than an element of an area's character and, accordingly, I consider that the proposed dwelling would represent a significantly larger and more intrusive structure than exists at present. This would give rise to an urbanising and encroaching impact which would not, in my view, preserve Green Belt openness.
10. While the effect of a single dwelling would be moderate, on the basis that the fundamental aim and purpose of the Green Belt is to keep land permanently open and safeguard the countryside from encroachment, as set out in paragraphs 79 and 80 of the Framework, the proposals would result in harm in the Green Belt.
11. Consequently, the development would not comply with the provision for replacement dwellings in the development plan and the Framework and I therefore conclude that the proposal would constitute inappropriate development within the Green Belt. In accordance with paragraph 88 of the Framework, I give substantial weight to that harm.

Protected Species

12. The Hertfordshire and Middlesex Wildlife Trust has identified that there is a reasonable likelihood that bats may be affected by the proposed development. Specifically, it is noted in their consultation response that building appears suitable for bats and that the site is situated in proximity to high value feeding and roosting habitat and that there are records of bats in the near vicinity.
13. No protected species survey has been submitted as part of the appeal. Instead, the appellant considers that this matter could be dealt with by condition. The appellant also submits that there have been no bats present on the site for the past 15 years at least.
14. Planning Practice Guidance is clear that information on biodiversity is required to support all stages of the application. It states that an ecological survey will be necessary in advance of a planning application if the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.¹
15. There is no evidence to support the claims of the appellant regarding a lack of bats at the site. Furthermore, in light of the objection raised by the Wildlife Trust, I consider that there is a significant degree of uncertainty surrounding the impacts upon the protected species. Accordingly, and in adopting the precautionary principle enshrined in the Habitats Regulations, I consider that it needs to be clearly demonstrated why development would not have a detrimental effect on the local habitat at this stage.
16. The appellant states that in the Officer Report, the Council have identified that the Wildlife Trust have no objections, however, my reading of this report and of the consultation response from the Trust, there is a clear concern in respect of protected species and in respect of the legal duties relating to wildlife.
17. Without any evidence to the contrary, I therefore conclude that the proposed development would be in conflict with saved LP Policy GBC20 which seeks to avoid development which would materially affect upon protected species, as well as paragraph 118 of the Framework which seeks to conserve biodiversity.

Other Considerations

18. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be attached to that harm. Very special circumstances to justify such development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraphs 87 and 88).
19. I have already found that substantial weight must be given to the harm to the Green Belt by reason of inappropriateness of the development. I have also found harm in respect of protected species.
20. I note the desire of the appellant to increase the amount of accommodation for their family. It is also alleged that the existing bungalow is structurally defective. However, little weight can be attached to such personal circumstances and there is no evidence to support the claims that the dwelling

¹ Paragraph: 016 Reference ID: 8-016-20140612

is unsafe, nor that it is beyond reasonable repair. Such matters would not therefore outweigh the totality of harm that I have identified.

21. My attention has been drawn to residential development for 14 dwellings, also at Cheshunt Park Farm, located around 20m away from the appeal site. However, it is understood that this was assessed against a separate exemption relating to the reuse of previously developed land, which is also recognised by LP Policy and under the Framework as an exemption and that openness was increased by the approved development. On this basis, I consider that the proposals before me are materially different and I have assessed the appeal on its own planning merits.
22. I therefore conclude that the very special circumstances necessary to justify the development do not exist. The development would therefore be contrary to LP Policy GBC2 and GBC13. As such the proposal would also be contrary to paragraphs 79, 87 and 88 the Framework. The proposals cannot therefore be considered sustainable development for which the Framework presumes in favour.

Conclusion

23. For the reasons given above, taking into account all other matters raised, I conclude that the appeal should be dismissed.

C Searson
INSPECTOR