

Appeal Decision

Site visit made on 5 June 2017

by C Jack BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 20th June 2017

Appeal Ref: APP/W1905/W/17/3170938

1 Cheshunt Park Farm, Park Lane Paradise, Cheshunt, Herts 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 Gary Harvey against the decision of Broxbourne Borough Council.
 - The application Ref 07/16/1167/F, dated 12 October 2016, was refused by notice dated 12 December 2016.
 - The development proposed is described as the 'formation of a building plot in the garden area of existing house, and the erection of a detached 2 bedroom house with new car parking area within the site, with modified access to existing private road'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt and the purposes of including land within it; and
 - 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 it.

Reasons

Whether the proposal is inappropriate development

3. The appeal site is situated in the Metropolitan Green Belt. Saved Policy GBC2 of the Borough of Broxbourne Local Plan Second Review 2005 (LPSR) states that within the Green Belt permission will not be granted for the construction of new buildings, other than for a number of specified exceptions. This is generally consistent with paragraph 89 of the National Planning Policy Framework 2012 (the Framework), which is clear that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt.
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4. The proposal is for the construction of a new detached dwelling on an area of existing garden at the side of the host property, 1 Cheshunt Park Farm. The site is situated in a generally rural location, outside the existing settlement edge of nearby Cheshunt. The first five listed exceptions in paragraph 89 therefore do not apply in this case. The sixth bullet makes some limited provision for the partial or complete redevelopment of previously developed sites, provided it would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Exception (c) of Policy GBC2 sets out similar requirements.
5. There is a single storey outbuilding on the site, which appears to be used for general storage associated with the host property. This outbuilding, which has a volume of approximately 88m³, would be removed. However, the new dwelling would have a volume of around 358m³ which, even taking the Council's calculation in which it discounts the new dwelling volume by the volume of the outbuilding and an existing single storey side extension to the host property, would still represent an overall increase in built volume on the site of around 216m³. Whether or not the site should be considered previously developed land, for which there is no significant evidence before me, this increased volume would represent a significant increase in the overall extent of built form on the site, which would have a greater impact on the openness of the Green Belt than the existing.
6. I therefore consider that, in not complying with any of the specified exceptions, the proposed development would be inappropriate development in the Green Belt. I attach substantial weight to the harm that would arise, by definition, from the inappropriate nature of the development, having regard to paragraphs 87 and 88 of the Framework. For the same reason, the proposal would also not comply with saved Policy GBC2 of the LPSR, the relevant requirements of which are set out above, which is generally consistent with the aims of the Framework.

Openness and Green Belt purposes

7. Openness is an essential characteristic of the Green Belt, as set out in paragraph 79 of the Framework. As set out above, the proposal would represent a significant increase in the extent of physical built form on the site, which would accordingly have a greater impact on the openness of the Green Belt in spatial terms.
8. In addition, the proposed two storey house would be visible above the existing hedges from the access track and from Park Lane Paradise. While this would be against a backdrop of existing houses, outbuildings and a wooded area, there would nonetheless also be an impact on the openness of the Green Belt in visual terms. Furthermore, it is questionable whether the full extent of hedging would remain, particularly given the proximity of the front hedge to the proposed front elevation.
9. While the site would be reasonably well related to a cluster of nearby houses and other buildings, the additional dwelling would nonetheless significantly intensify the residential use of the site in the Green Belt. While the wider effects of this would be limited, the proposal would result in a degree of conflict with the purposes of the Green Belt set out in paragraph 80 of the Framework. Specifically because there would be encroachment of residential built form into

the countryside within the Green Belt, arising from the creation of an additional dwelling in this location.

Other considerations

10. The proposal would result in the provision of one house, which has been designed to be generally in keeping with the host property and would bring about modest social and economic benefits in general terms. Furthermore, the house is proposed for occupation by an elderly relative of the appellant who has 24 hour care needs for a progressive condition and I note that there would be specific benefits arising including in relation to NHS and community care services.
11. I sympathise with the situation, however, personal circumstances can very seldom outweigh general planning considerations and would not outweigh the identified harm to the Green Belt in this case. The Written Ministerial Statement of 17 December 2015 accentuated this position in advising, among other things, that personal circumstances are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. Moreover, while the appellant states that the existing house does not lend itself to practical extension or adaptation, it is not clear why this might be so, or that other suitable accommodation could not be made available.
12. A temporary permission, for an unspecified period, has been suggested by the appellant. However, the proposal relates to an independent new house that would be of generally substantial and permanent construction and so could not be readily removed at a future time. The Planning Practice Guidance (PPG) sets out circumstances where a temporary permission may be appropriate, including where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change at the end of the temporary period. No likely significant changes in planning circumstances have been put to me. Moreover, it is clear that the proposal would be inappropriate development in the Green Belt and a trial run is not reasonably necessary to determine this. Accordingly, I consider that a temporary permission is not appropriate or justified here.
13. The appellant has drawn my attention to a planning permission granted by the Council, Ref 07/15/0715/F, for 14 houses on a site at Cheshunt Park Farm. This site is around 200m from the appeal site and also lies within the Green Belt. I saw during my visit that this permission relates to a site consisting of various barns and other buildings apparently in a variety of commercial uses. The Council advises that it determined that application on the basis that the development would increase openness compared to existing and regenerate previously developed land. On the evidence before me, I am of the view that the circumstances of that planning permission differ significantly from the case before me, which I have considered on its own merits.

Conclusion

14. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, I have identified further harm to the openness of the Green Belt and the Green Belt purpose of safeguarding the countryside from encroachment. The Framework is clear that substantial weight should be

given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. I give a little weight to the social and economic benefits that would arise. However, these benefits would be modest in relation to one house and are not sufficient to clearly outweigh the substantial weight to be given to the harm to the Green Belt. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt.

15. For these reasons, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR