
Appeal Decision

Site visit made on 18 July 2017

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 28th July 2017

Appeal Ref: APP/P1940/W/17/3175619

Land rear of The Woodyard, The Green, Sarratt, WD3 6BH

- 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 J Cooke against the decision of Three Rivers District Council.
 - The application Ref 17/0351/FUL, dated 17 February 2017, was refused by notice dated 25 April 2017.
 - The development proposed is described as '*the removal of existing buildings and the change of use of land to residential and the erection of a two-bedroom, detached dwelling.*'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main parties agree that the appeal site is located within the Green Belt. As such, the main issues are:
 - Whether the proposed development is inappropriate development in the Green Belt for the purposes of the *National Planning Policy Framework* and the adopted Development Plan, and;
 - Whether proposed development would preserve or enhance the character or appearance of The Green, Sarratt Conservation Area, and;
 - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances needed to justify it.

Reasons

Whether inappropriate development

3. The *National Planning Policy Framework* (the Framework) sets out national policy on Green Belts, and is an important material consideration. The Government attaches great importance to Green Belts. Paragraph 87 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In local policy terms, the Green Belt policies of the Framework are broadly reflected in Policies CP11 and CP12 of the *Core Strategy 2011* (CS) and Policy DM2 and DM7 of the *Development Management Policies LDD 2013* (DMP).

4. Paragraphs 89 and 90 of the Framework indicate limited exceptions to inappropriate development. In consideration of those listed in Paragraph 90, the exceptions are of limited relevance in this case and it is not suggested by the parties that the proposal would fall into any of those exceptions. I see no reason not to concur in this instance.
5. Paragraph 89, sets out exceptions to inappropriate development which includes bullet point 4; *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*. In this case, the proposal seeks the erection of a new dwelling on the appeal site following the demolition of the existing double garage building and a single garage building. The erection of a new dwelling would not therefore fall into this bullet point exception.
6. In terms of bullet point 5, and limited infilling in villages, the proposal is limited insofar as it relates to one dwelling. In terms of infilling neither the CS nor the Framework provides a definition. However, a logical definition could reasonably be 'development of a gap in an otherwise built up frontage' and this would appear reasonable to use here. In this case, whilst the new dwelling would be located towards the centre of the site, it would not be located within a site that is within an otherwise built-up frontage, with the narrow gap between dwellings such as Vine Cottage and Green View not replicated on the appeal site. In this respect, I do not find that the proposal would represent limited infilling in a village in this case, and therefore not benefiting from this exception to inappropriate development.
7. The appellant has also directed me to the last bullet point of Paragraph 89 relating to previously developed sites being an exception, if it would not have a greater impact on the openness of the Green Belt and the purpose of including land within it. In respect of openness, this is generally understood to be the absence of built form. In this case, as set out in the Appellant's Planning Statement of February 2017, the appeal scheme seeks a footprint of about 60.5m² compared to the existing footprint of roughly 77.3m²; representing a reduction of approximately 21.7%. The proposal would result in a lesser impact on the openness of the Green Belt in terms of its footprint.
8. However, this consideration also needs to take into account the fact that whereas the site is currently used for storage, the residential occupation of a site will normally see the introduction of domestic paraphernalia. For example, one would expect to see washing lines, patio and decking areas, fences and/or other boundary treatments and garden furniture which would cumulatively introduce a degree of domesticity into the site where it currently does not exist.
9. What is more, the control of such items through the use of planning conditions does not normally meet the reasonableness test of imposing conditions; particularly where the removal of permitted development rights should only be removed in exceptional circumstances as set out in the national Planning Practice Guidance. As a result, this would, on balance, result in a greater impact on the openness of the Green Belt. Furthermore, the Green Belt serves five purposes, as set out in Paragraph 80 of the Framework, including to assist in safeguarding the countryside from encroachment and to preserve the setting and special character of historic towns; the latter of which I consider in further detail in the next section.

10. In having a greater impact on the openness of the Green Belt and at least two of the five purposes it serves, the proposal would constitute inappropriate development, as defined by the Framework. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Accordingly, the proposal would fail to comply with Policies CP11 and CP12 of the CS and Policies DM2 and DM7 of the DMP.

Conservation Area

11. The appeal site is located within a conservation area known as 'The Green, Sarratt Conservation Area'. I was able to see from my site inspection that the characteristics of the conservation area include a strong linear form along the western edge of the Green, which is an area of public open space separating the road serving the appeal site from the main highway that runs on a north-south axis. It is from this strong and noticeable linear form that the significance of the conservation area partly derives.
12. The appeal scheme would see the introduction of a new residential building to the rear of this established form, and in effect creating a 'backland' development. This would be at odds with the prevailing pattern of development in the conservation area, where most dwellings facing onto the principal routes through the settlement. I note that Wingfield Cottage to the south of the site is set back behind this established form. But this appears to be an exception rather than the norm and does not in itself justify the further proliferation of this atypical location within the conservation area.
13. Indeed, the conservation area appraisal identifies that the village follows a linear plan with *'very little expansion to the back plots, leaving it more or less unspoilt...any further development would unbalance the village character'*. I concur with this part of the appraisal, finding that the introduction of a new dwelling beyond the rear of the majority of dwellings facing the Green would result in less than substantial harm to its significance. It would also fail to preserve the character of the conservation area, as set out in the statutory duty at Section 72(1) of the *Planning Listed Buildings and Conservation Areas Act 1990*, as amended.
14. Paragraph 134 of the Framework requires that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, as I have found in this case, this harm should be weighed against the public benefits of the proposal. However, before considering the harm versus public benefits balance, in relation to the conservation area identified, I turn to any other considerations that the appellant has put forward which they consider would amount to 'very special circumstances' in Green Belt terms, before coming to an overall conclusion. Nonetheless, the proposal would be contrary to Policies CP1 and CP12 of the CS and Policies DM1, DM3 and DM6 of the DMP, which amongst other aims seek to conserve and enhance heritage assets.
15. I also note that the proposal would result in the loss of an established apple tree located to the centre of the appeal site, and within the conservation area. This tree makes a positive contribution to the appearance of the conservation area, and can be seen from the gardens of properties facing the Green. Section 197 of the TCPA requires that it shall be the duty of the local planning authority to ensure that whenever it is appropriate adequate provision is made by the imposition of conditions for the preservation or planting of trees.

16. I note the appellant's observations within their Appeal Statement of May 2017 that they consider that the apple tree could be retained or a condition could require a condition for a replacement within the plot. In terms of the former, without a detailed tree survey of the condition of the tree and indication of the root area of the tree, I am not able to share the optimism of the appellant that it could be retained. On the latter point, I agree that a condition could be reasonably used to secure replacement planting. What is more, the existing apple tree, being situated beyond the rear gardens of buildings facing The Green and being of a modest height, makes a limited contribution to the wider conservation area. As such, I acknowledge that a replacement tree secured through a condition could provide mitigation on this point. However, it does not alter my concerns on the adverse impact on the conservation area cited above.

Other Considerations

17. The appellant has pointed me to the history of the site, and how the current scheme has sought to address the concerns of earlier schemes, including a dismissed appeal (Ref 3157104) from 2016. I note these points, but have found that the scheme before me, even though it would have a smaller built form, would still fall to be inappropriate development within the Green Belt. This factor does not therefore weigh in favour of the appeal scheme.
18. The proposal; would also see the redevelopment of a previously developed site, which has been used for commercial storage activities. The appellant suggests that the removal of the buildings on site and their replacement with a single storey flat roofed dwelling would result in a visual improvement to the site which could be further improved through the use of landscaping. However, I concur with the views of the earlier Inspector, who found that *'although the site is said to be unkempt at present and the buildings dilapidated and redundant in a modern context, much of this attracts little benefit. To recognise that the site is unkempt...may give encouragement to others to neglect their holdings and interests. This is not in the public interest.'* In other words, just because the existing structures are considered dated, this does not provides justification in itself for the erection of new buildings in a different use. I afford this factor minimal weight.
19. I have also been directed to the fact that in the appellants view the proposal would represent a small scale development that would maintain the vitality of the community. I note that the proposal is within a short distance of some day to day services and facilities such as the local Post Office, a primary school and bus stops. I agree that the provision of a single two bedroom dwelling has the potential to further support these community facilities. However, given the likely small number of occupiers with two bedrooms, this is likely to make a minimal contribution compared to the existing number of dwellings in the settlement. Accordingly, I afford this factor little weight.

Overall Conclusion

20. Paragraph 88 of the Framework requires decision-makers to ensure that substantial weight is given to any harm to the Green Belt. In this case the proposal is inappropriate development and would reduce the openness of the Green Belt. There would also be less than substantial harm to the significance of the conservation area by failing to preserve its character; the desirability of preserving which should be given considerable importance and weight.

21. Other considerations weighing in favour of the development must clearly outweigh this harm. Principal among these are the relatively little benefit arising from the removal of older buildings and their replacement with a new building and the contribution future occupiers could make to sustaining local services. Whilst I acknowledge these, and all other considerations put forward by the appellant, Paragraph 88 makes clear that all development in the Green Belt is subject to stringent national planning policy tests, which I have applied.
22. In light of this, I conclude that those considerations put forward which weigh in favour of the proposal fail to clearly outweigh the substantial harm by reason of inappropriateness and the less than substantial harm to the conservation area I have identified. The very special circumstances needed to justify the proposal do not therefore arise, and the proposal conflicts with Policies CP1, CP11 and CP12 of the CS and Policies DM1, DM2, DM3, DM6 and DM7 of the DMP, and the Policies of the Framework, the aims of which I have aforesaid.
23. Accordingly, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR