



Appeal Decision

Site visit made on 8 August 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 18th August 2017

Appeal Ref: APP/X1925/W/17/3172016

The Coach House, London Road, Langley, Hertfordshire SG4 7PP

- 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 Peter David Homes 2 Limited against the decision of North Hertfordshire District Council.
 - The application Ref 16/03205/1, dated 19 December 2016, was refused by notice dated 22 February 2017.
 - The development proposed is a new bungalow (in addition to houses approved under outline planning permission reference 15/01755/1 and Reserved Matters 16/02023/1).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies.
 - If the proposal were to be inappropriate development in the Green Belt whether the harm for this reason, and any other harm, would be clearly outweighed by other considerations. If so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. The proposal is for a small, one-bedroom bungalow sited adjacent to two pairs of more substantial houses which are under construction and at the time of my visit appeared close to completion. These new dwellings comprise the northern extent of a short section of predominantly ribbon development which runs along one side of the London Road and falls within the Green Belt. The proposed bungalow would occupy an outside area next to the new houses and would similarly follow the building line along the street. There is thick hedging along the boundary of the site beyond which is open farmland.
4. As set out in Part 9 of the Framework, the Government attaches great importance to Green Belts where the fundamental aim is to prevent urban sprawl by keeping land permanently open and where inappropriate development should not be approved except in very special circumstances.

The essential characteristics of Green Belts are their openness and their permanence. There is no definition of openness in the Framework but, in the Green Belt context, it is generally held to refer to freedom from or the absence of development. Policy 2 of the North Hertfordshire District Local Plan¹ (LP) seeks to protect the open character of the Green Belt and, whilst pre-dating the Framework, is consistent with its aims in this respect and can be given significant weight.

5. Under paragraph 89 of the Framework the construction of new buildings should be regarded as inappropriate in Green Belt other than in the case of specified exceptions. One of these exceptions is the *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which 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.*
6. The nearly complete dwellings were permitted in the Green Belt under this exception as a redevelopment of a previously developed site. The land was previously occupied by the Old Coach House, a building in part residential and part restaurant use including two and single-storey elements. This had occupied a corner of the site fronting the road with the remainder mainly taken over by hard-surfaced parking space.
7. The essence of the appellant's case is that the small bungalow, combined with the four houses, would have no greater impact on the Green Belt than the previous development. However as the exemption refers to comparisons with an existing development, and the Old Coach House has been removed and replaced by a substantially completed scheme, I find very little justification for an additional dwelling.
8. In the approved scheme the appeal site is intended as mainly hard-surfaced parking space and is well screened, allowing only fleeting views from the road. However, this would not alter the fact that the bungalow would further reduce openness which is a fundamental Green Belt feature.
9. Although the demolished building might have had a greater volume than the permitted development, of a more sprawling nature coming closer to the road, I nonetheless agree with the Council that the four houses provide the built footprint appropriate not to have any greater impact on openness.
10. I am not persuaded that because the Council found significant environmental benefits in the approved scheme this infers there to be credit available for further development. Neither would pre-application advice resisting a larger dwelling on this site provide any material support for a smaller unit.
11. The permitted housing scheme has resulted in the complete redevelopment of a previously developed site and the proposed bungalow would therefore now be inappropriate development. The proposal would result in harm both through inappropriateness and by reducing the openness of the Green Belt and therefore be contrary to the aims of LP Policy 2 and of the Framework.

¹ North Hertfordshire District Local Plan No 2 with alterations 2007.

Whether very special circumstances exist

12. The Council is unable to demonstrate a five year housing supply and so, under paragraph 49 of the Framework, relevant development plan policies must not be considered up-to-date. Where this is the case the fourth bullet point of paragraph 14 of Framework means granting permission unless its specific policies, in this case relating to land designated as Green Belt, indicate development should be restricted. This would be the case for inappropriate development in the Green Belt except in very special circumstances.
13. The appellant refers to the North Hertfordshire Local Plan 2011-2031, now submitted for Examination, which proposes major Green Belt releases around main centres to meet the District's housing need. However, there is no evidence this plan seeks smaller Green Belt releases elsewhere. In this context, the proposal would make only a very small contribution to housing supply.
14. There would be social benefits deriving from meeting a particular need for small-scale bungalow accommodation and economic benefits to the construction and servicing industry but in both cases these would be quite modest. I find no material environmental benefits deriving from the proposal creating a visually less abrupt end to the development.
15. A single small bungalow would amount to a relatively limited amount of Green Belt harm. However paragraph 88 of the Framework requires this harm is given substantial weight, both in respect of inappropriateness and loss of openness. The small benefits found would not clearly outweigh the harm identified. Consequently, there would not be the very special circumstances necessary to justify the development required by LP Policy 2 and the Framework.

Conclusion

16. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Having taken into consideration all other matters raised I conclude therefore that the appeal should be dismissed.

Jonathan Price

INSPECTOR