
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: 21st August 2017

Appeal Ref: APP/J1915/W/17/3174337

25 Chapel Lane, Letty Green, Hertfordshire SG14 2PA

- 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 Sam Spears against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/2773/FUL, dated 14 December 2016, was refused by notice dated 24 February 2017.
 - The development proposed is construction of a new house, garage and driveway.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a new house, garage and driveway at 25 Chapel Lane, Letty Green, Hertfordshire SG14 2PA in accordance with the terms of the application, Ref 3/16/2773/FUL, dated 14 December 2016, subject to the conditions set out in the Schedule at the end of the decision.

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.
 - The effect on the openness of the Green Belt.
 - The effect of the proposal on the character and appearance of the area.
 - 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 inappropriate development

3. The development plan comprises the saved policies of the East Herts Local Plan Second Review of 2007 (LP). The proposal relates to the side garden of 25 Chapel Lane which is a dwelling within a section of ribbon housing development in the village of Letty Green. This settlement is defined a Category 3 village under LP Policy OSV3 which restricts development to that appropriate in the Green Belt as set out in Policy GBC1.

4. The LP and Policy GBC1 predate the Framework and the Government's current approach for protecting Green Belt land set out in Part 9. Paragraph 89 of the Framework regards the construction of new buildings as inappropriate in Green Belt. A number of exceptions to this are set out including the 'limited infilling in villages' stated in the fifth bullet point. Letty Green is a village where LP Policy GBC1 would not provide for limited infilling. Therefore, with regard to paragraph 215, this clear inconsistency with the Framework must mean that LP Policy GBC1 be given limited weight.
5. The Framework does not define 'limited infilling'. However, infill development is defined in the LP Glossary as the subdivision of an unusually large plot in an otherwise built-up area normally capable of taking only one or two houses without damage to the character of the village.
6. No 25 marks the clear limit of the eastward extent of the housing plots along the northern side of Chapel Lane where the available depth of land decreases with the increasing convergence with the railway embankment running in this direction. Without this physical restraint housing continues further to the east along the south side of Chapel Lane.
7. I am not persuaded that the dwelling proposed would qualify as infilling due to the presence of the small outbuilding beyond it within the appeal site or the stables further to the east. The outbuilding is a relatively small structure and does not individually define the built-up area of the village, beyond which the stables further to the east are clearly located. However, because No 25 does fall within the built-up area of Letty Green and its side garden provides a plot capable of accommodating a dwelling, with the benefit of its own road frontage, the proposal would in principle be in reasonable accord with the LP glossary definition of infill development.
8. Whilst infill development is also commonly understood to be the development of a small gap within an otherwise built-up frontage or group of houses, in this case the alignment of the former railway line effectively closes the lacuna for further development and defines a physical limit. Consequently, I consider that this proposal would be the limited infilling in villages deemed as not inappropriate in the Green Belt through the Framework and that this would outweigh the conflict found with LP Policy GBC1 in this regard.

Effect on openness

9. Paragraph 89 of the Framework adds no further qualification to the consideration of limited infilling of villages as not inappropriate development in the Green Belt. As a consequence the impact of the dwelling on the openness of the Green Belt has been implicitly taken into account through Government policy and this does not become a further issue in respect of assessing this proposal. Therefore, I conclude that the proposal should not be regarded as harmful to the openness of the Green Belt or to the purposes of including land within it and find no further conflict with LP Policy GBC1 in this respect.

Character and appearance

10. The dwelling would be of a contemporary design of an intrinsically good architectural quality that would satisfy LP Policy ENV1. There would be no conflict with the Framework's core planning principle to always seek to secure high quality design. The plot dimensions and the size of dwelling, sited quite

forward towards the road and coupled with the loss of frontage trees, would provide the development a quite dominant visual appearance in the street scene when compared to the generally less obtrusive, further set-back housing in this area. The double garage sited to the front of the dwelling would add to the overall quite dominant appearance of the scheme.

11. I find that the scale and visual prominence of the proposed dwelling would give rise to some material conflict with the aims of LP Policy HSG7 that development is well-sited in relation to that surrounding it and does not appear obtrusive or over intensive.

Other considerations

12. As the proposal would not be inappropriate development in the Green Belt very special circumstances are not required to justify the dwelling. The current LP policy does not provide the five year supply of housing land required under paragraph 47 of the Framework. Paragraph 49 goes on to state that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
13. Where relevant development plan policies are out-of-date the presumption in favour of sustainable development set out in paragraph 14 of the Framework applies. This would mean granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in this Framework indicate development should be restricted.
14. Paragraph 6 of the Framework establishes that the purpose of the planning system is to contribute to the achievement of sustainable development, based on performing economic, social and environmental roles which should be sought jointly and simultaneously.
15. For the reasons given, Green Belt policy would not in this case indicate the development should be restricted. The single dwelling would provide only a very small contribution to housing supply but would offer the modest benefit of a self-build scheme of a high level of design sustainability. Whilst the scale and position would result in a quite prominent development its impact would be softened by landscaping and, whilst the contemporary scheme would contrast with the nearby more traditionally built homes, the proposal would provide an example of good quality modern architecture complementing the existing and quite varied design pattern along this street.
16. For these reasons any adverse impacts from permitting this dwelling would not significantly and demonstrably outweigh the benefits and this development would therefore be the sustainable development sought by the Framework.

Conditions

17. I have considered the conditions suggested by the Council against the advice contained in paragraph 206 of the Framework and made some minor amendments. In addition to the standard time limit for commencement it is necessary that a condition specifies the approved drawings, in the interest of certainty.

18. In the interests of the character and appearance of the area conditions are necessary requiring external materials and hard and soft landscaping to be agreed and the development implemented accordingly. In the interests of highway safety it is necessary that a condition requires the car parking and turning space shown to be provided and retained for those purposes.

Conclusion

19. For the reasons given, having taken into consideration all other matters raised, I conclude that the appeal should be allowed subject to the conditions set out in the Schedule below.

Jonathan Price

INSPECTOR

Schedule of Conditions
Appeal Ref: APP/J1915/W/17/3174337
25 Chapel Lane, Letty Green, Hertfordshire SG14 2PA

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 688.17.4, 318.ELP.01, 318.PLP.01, 318.FP.01, 318.SL.01, 318.GFP.01 and 318.SSP.01.
- 3) No development shall commence above ground level until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence above ground level until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) means of enclosure and retaining structures;
 - ii) boundary treatments;
 - iii) hard surfacing materials;
 - iv) planting plans, including schedule of plants, species, planting sizes and proposed numbers/densities where appropriate.

The landscaping works shall be carried out in accordance with the approved details before the development is first occupied.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. 318.SL.01 for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.

End of Conditions