
Appeal Decision

Site visit made on 1 August 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 8th September 2017

Appeal Ref: APP/J1915/W/17/3172039

Unadopted Track South East Perrywood Lane to the Moat House, Watton at Stone SG14 3RB

- 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 GCK Developments Ltd against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/2005/FUL, dated 1 September 2016, was refused by notice dated 1 November 2016.
 - The development proposed is construct two detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies;
 - (b) the effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
 - (c) the effect of the proposal on the character and appearance of the area, including Watton at Stone Conservation Area; and
 - (d) if the proposal would be inappropriate development, whether the harm by reason of its inappropriateness and any other harm is clearly outweighed by other considerations so as to 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 appeal site is within the Metropolitan Green Belt on the edge of Watton at Stone. Paragraph 89 of the NPPF regards the construction of new buildings as inappropriate in the Green Belt unless it relates to a number of exceptions listed in bullet points. The Council considers that the most relevant exception is the final bullet point in paragraph 89 which provides for "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”.

4. Policy GBC1(i) of the East Herts Local Plan Second Review 2007 ('the Local Plan') states that limited infilling or redevelopment of 'Major Developed Sites', identified on the Proposals Maps, in accordance with Policy GBC4, would not be inappropriate development. This policy approach is narrower as it focuses on specific defined sites rather than a broader consideration of previously development sites as set out in the NPPF. I have thus applied the policy approach of the NPPF given its broader scope.
5. There is a stable building in the south-eastern half of the site. The stable building is surrounded by hard surfacing, but further to the north-west the site is overgrown grassland. Three smaller structures to the south-east of the stables as shown on the plans were not visible at the time of my site visit. The appellant states that a lawful development certificate (LDC) exists for the site for use of the land and buildings for storing building materials including associated plant, equipment and vehicles. However, the Council argues that the LDC was granted for the adjacent site to the south-east. The evidence before me regarding the LDC is limited. Nevertheless, given the existence of the stable building and associated land, it is plausible to consider the appeal site, at least in part, as a previously developed site and brownfield land.
6. The proposed development would represent the complete redevelopment of the site with the removal of the stable building and existing hard surfacing and the construction of two houses with private gardens. In order to consider whether or not this type of building would be inappropriate development, I need to consider the effect on Green Belt openness and purposes. This leads me to the next main issue.

Effect on the openness and purposes of the Green Belt

7. Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
8. The appeal site is located on the countryside edge of Watton at Stone accessed via a track leading off Perrywood Lane. The appeal site is largely screened from the lane by thick boundary vegetation and a change in levels. However, there is a public footpath along the site's south-western boundary and Watton Green open space is situated to the south-west.
9. Apart from the stable building and fencing, the appeal site contains little in the way of built structures. The stable building is single storey and modest in scale. The proposed development would be considerably larger in terms of footprint, height, floor space and volume, with two spacious two storey dwellings each with a linked double garage. Although the site is largely screened from Perrywood Lane to the north by the thick boundary vegetation, the space within the appeal site would reduce significantly as a result of the development. Even allowing for the screening, the development would be visible from the public footpath and Watton Green open space. Thus, the development would have a greater impact on the openness of the Green Belt and the Green Belt purpose of safeguarding the countryside from

encroachment than the existing development. Give the scale of development and its visibility from the public footpath and open space, the negative effects would be significant.

10. I note that the previous application sought to provide three dwellings on the site, with a greater footprint area than the proposed development. I have not been provided with elevational or floor plan drawings of this previous application so cannot be certain of the overall impact. Nevertheless, the proposed development would result in a greater loss of openness and a greater encroachment of built development than currently exists on site.
11. Consequently, when considered as the complete redevelopment of a previously developed site, its greater impact on the openness of the Green Belt and the purpose of including land within it means that the proposal considered under the paragraph 89 exception in the NPPF would be inappropriate development in the Green Belt.

Character and appearance

12. Perrywood Lane is a narrow lane with sporadic residential development. Properties are large and detached, set back from the lane on spacious plots. Perrywood Lane and land either side of it including Watton Green is situated within Watton at Stone Conservation Area. The conservation area is focused in part on the High Street through the centre of the settlement but also incorporates a large area of green space to the south of the High Street around the church where built development is limited. The lane is secluded and green while Watton Green has an open and rural character with little encroachment of built development. These qualities make a positive contribution to the significance of the conservation area.
13. The thick boundary vegetation around the northern extent of the appeal site lies within the conservation area according to the map provided by the Council and contributes positively to its significance. The remainder of the appeal site outside of the conservation area makes little contribution given its overgrown and redundant condition, with the conservation area appraisal identifying the land for proposed enhancements. However, in its relatively undeveloped state, it does not visually encroach on the open and rural character of Watton Green.
14. The development would protect the thick boundary treatment around the appeal site's northern extent with no built development proposed within the conservation area. It would be largely screened from Perrywood Lane like existing detached dwellings to the east of the lane. However, the development would be visible from Watton Green as large and prominent dwellings and would visually encroach on the open and rural character of this area.
15. Concluding on this main issue, the proposed development would have a moderate adverse effect on the character and appearance of the area, including the conservation area, and there would be harm to the significance of the conservation area through negative change within its setting. Thus, there would be conflict with Policies ENV1 and BH6 of the Local Plan which seek development that is compatible with the layout of the surrounding area and is sympathetic in terms of siting. The harm to significance would be less than substantial as a relatively small part of the conservation area would be affected, but still carries moderate weight given the effects on the open and rural character. Paragraph 134 of the NPPF requires such harm to be weighed

against the public benefits of the proposal, which shall be carried out in the next section.

Other considerations

16. The proposed development would provide a boost to local housing supply in a district where the Council accepts it cannot demonstrate a five year housing land supply and where the appellant indicates that the supply is at 3.1 or 3.6 years. There would also be some economic benefit through the construction and maintenance of the dwellings. However, the amount of development is limited to two houses, and so I can only afford modest weight to these benefits.
17. The proposed development would represent a more effective use of land by reusing land that has been previously developed and would help to enhance a currently overgrown and redundant site. I also note the support from some interested parties and that the Parish Council had no comments to make on the proposal. However, it has not been demonstrated that the development is the only solution in terms of redeveloping and enhancing the site, and so I can only give moderate weight to this benefit.
18. The site is not particularly far from the centre of Watton at Stone and its train station, which provide a reasonable degree of services and facilities, although the nature of the lanes leading to the site would not necessarily encourage non-car modes of transport at all times. This benefit carries moderate weight in favour of development.
19. Two houses are under construction to the south-east. According to the Council these houses were not considered to be materially larger than the buildings they replaced, and so were not regarded as inappropriate development. Thus, I can give their presence little weight in favour of the proposal. The dwellings would also seek to be energy efficient, but such benefit could apply to any scheme and so carries little weight.
20. The absence of any negative effects on highway safety, flood risk or biodiversity is not a benefit and so carries no weight in terms of other considerations.
21. The appellant argues that because the Council cannot demonstrate a five year housing land supply, relevant policies for the supply of housing should not be considered up to date in line with paragraph 49 of the NPPF and that the presumption in favour of sustainable development set out in paragraph 14 applies. However, paragraph 14 states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF, including policies relating to Green Belt, indicate the development should be restricted. As I have already found that the NPPF policies relating to Green Belt and heritage assets indicate that development should be restricted, the presumption in favour of sustainable development does not apply to this appeal.

If the proposal would be inappropriate development, whether the harm by reason of its inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal

22. Paragraph 87 of the NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposed development would also result in significant negative effects in terms of the openness of the Green Belt and the purposes of including land within it. Paragraph 88 of the NPPF makes clear that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. In terms of other harm, I have identified moderate harm to the character and appearance of the area and the significance of Watton at Stone Conservation Area.
23. Cumulatively, moderate weight can be attached to the benefits of development that make up the other considerations. Although there is a housing land supply shortfall, the Planning Practice Guide confirms that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the very special circumstances necessary to justify inappropriate development on a site within the Green Belt.
24. The other considerations do not clearly outweigh the harm to the Green Belt that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Thus, the development would not accord with Policy GBC1 of the Local Plan or the aims of the NPPF which seek to protect Green Belt land from inappropriate development.

Conclusion

25. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR