

Appeal Decision

Site visit made on 8 November 2017

by J Gilbert MA (Hons) MTP MRTPI

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

Decision date: 1st December 2017.

Appeal Ref: APP/N1920/W/17/3180872

Land adjacent to Caldecote Cottage, Caldecote Lane, Bushey WD23 4EF.

- 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 C Mellish against the decision of Hertsmere Borough Council.
 - The application Ref 17/0356/FUL, dated 21 February 2017, was refused by notice dated 4 May 2017.
 - The development proposed is described as "construction of 2.5 storey house comprising 5 bedrooms and cat slide roof element."
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form provides the address as "Caldecote Cottage", while the appeal form gives the address as "Land adjacent to Caldecote Cottage." The address on the appeal form reflects the site's circumstances more accurately and I have therefore used it in the banner heading above.

Main Issues

3. The main issues in this appeal are:
 - (a) whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - (b) the effect of the proposed development on the openness of the Green Belt and the purposes of including land within it;
 - (c) the effect of the proposed development on the character and appearance of the area, including trees; and
 - (d) if the proposed development 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

- (a) *Whether the proposed development would be inappropriate development in the Green Belt*
4. The appeal site is within the Metropolitan Green Belt on the edge of Bushey. Paragraph 89 of the Framework regards the construction of new buildings as

inappropriate in the Green Belt unless it relates to one of the exceptions listed in bullet points. The appellant 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."

5. Policy CS13 of the Hertsmere Local Plan Core Strategy 2013 (CS) confirms that there is a general presumption against inappropriate development within the Green Belt, as defined on the Policies Map and such development will not be permitted unless very special circumstances exist. It also notes that development proposals, including those involving previously developed land and buildings, in the Green Belt will be assessed in relation to the Framework.
6. The appeal site is located close to the edge of Bushey, with the car park and farm buildings of Caldecote Farm wrapping around 2 sides of the site and Caldecote Cottage to the other side. There is a single garage towards the front of the appeal site close to Caldecote Lane and adjacent to the site's vehicular access. A storage container is located to the rear of the garage. Towards the site's rear boundary adjoining Caldecote Farm, I observed a roofless timber shed during my site visit. Though there was a brick shed and a portacabin marked on the site plan 3101 SP1 A and reference is made in the appellant's statement to the remaining hardstanding which once served a large storage shed, the buildings were not present and the hardstanding was not visible at the time of my site visit, perhaps due to the presence of vegetation. The site also provided parking space for a number of cars and had a number of piles of timber and vegetation at the time of my site visit. The site's frontage contains a number of shrubs which screen the site partially from the lane, while a few trees are positioned close to the boundaries of the site.
7. Given the existence of the single domestic garage, it is plausible to consider that the site once formed part of the garden of Caldecote Cottage as the Council asserts. However, I note the difference of opinion between the main parties regarding the site's past ownership and history. Although the appellant refers to a 1970 planning application for 6 loose boxes having previously been permitted and constructed, I saw no evidence of them during my site visit. Furthermore, while the appellant has provided information on the rateable value of land to the right hand side of Caldecote Farm Stables with rates having been paid since 2014, no map is provided which confirms conclusively that the 2017 valuation relates specifically to the appeal site. In any event, business rates do not denote planning permission. Despite the appellant's assertion that the site has been in continuous use for a number of years for commercial use, no planning permission or lawful development certificate has been provided to confirm this. As a result, and notwithstanding the presence of the garage, storage container and timber shed on the site, I consider that there is insufficient information to show that the appeal site constitutes previously developed land.
8. Accordingly, the final bullet point of Paragraph 89 does not apply. There is no suggestion, and I do not consider, that any of the other exceptions in Paragraph 89 apply. As such, the proposal would comprise inappropriate development in the Green Belt.

(b) Effect on the openness and purposes of the Green Belt

9. Paragraph 79 of the Framework 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. Notwithstanding the appellant's view regarding openness and permanence, the appeal site is evidently within the Green Belt, requiring the application of relevant national and local policy.
10. The proposed development would involve the removal of the existing garage and other structures from the appeal site and the erection of a detached two-storey house. Though set back from the lane, the proposed development would result in built development across the majority of the width of the appeal site. The footprint of the dwelling, its bulk, and accompanying formal car parking area, would result in a loss of openness and a greater encroachment of built development compared to the site as it currently exists. Thus, it would not preserve the openness of the Green Belt and would conflict with the Green Belt purpose of checking the unrestricted sprawl of large built-up areas. Given the scale of development and its visibility from the lane, the negative effects would be moderate.
11. Thus, I conclude that the proposed development would lead to a loss of Green Belt openness with consequent additional harm to the Green Belt. This reinforces my finding on inappropriate development above, given the requirements relating to openness and the purposes of Green Belt set out in Paragraph 89 of the Framework. It would be contrary to policy SADM26 of the Hertsmere Site Allocations and Development Policies Plan 2016 (SADMPP), which requires, amongst other things, the scale, height and bulk of the development to be sympathetic to, and compatible with its landscape setting and not be harmful to the openness of the Green Belt.

(c) Character and appearance

12. Caldecote Lane is a relatively narrow lane with a mixed character and different ages of development. Though there is no one prevalent architectural style within the lane, the houses are predominantly substantial detached two-storey dwellings in relatively spacious plots. While they are varied in design, most of the two-storey dwellings have relatively simple roofs. Locally listed Caldecote Cottage adjoins the appeal site to the north-east and is a two-storey red brick detached cottage, with two-storey rear and side extensions currently under construction.
13. The proposed house would comprise a two and a half-storey detached dwelling of approximately 8.3m in height to the main ridge line with two-storey projecting front gables, a cat-slide roof and a pitch-roofed dormer window to the front roofslope and a two-storey projecting gable and a flat-roofed dormer window to the rear roofslope.
14. The proposed cat-slide roof would somewhat reduce the mass of the proposed house when viewed from the lane, but the depth and height of the cat-slide roof and the two front gables would still cause the proposed house to be unduly prominent. The proposed house's overall bulk and height, exacerbated by the front gables and large roof, would make it appear cramped within its site.

15. Furthermore, the conflicting width of the two gables would be incongruous and would draw the eye to the uncomfortable relationship created between the main gable, the rather awkward entrance gable, and the cat-slide roof. Taken together, these features would have a negative effect on the character and appearance of the area.
16. In addition to the cat-slide roof and the front gables, the proposed house would have a very deep footprint, which would be highlighted by the juxtaposition of the gables and the front and rear dormer windows. I note the traditional and local influences and materials referred to in the appellant's statement and acknowledge that the proposed development has reduced in width and height since the appellant's submission of a request for pre-application advice. However, as a result of the number of architectural elements used to reflect features present on other houses along the lane, the proposed house does not have a single strong architectural style. The resultant ensemble lacks coherence. Its height, bulk and depth and architectural details together would cause harm to the character and appearance of the area.
17. Although the existing garage building and other structures on the appeal site cannot be described as attractive or in a particularly good state of repair, they are substantially obscured from view from the public realm by fencing and the remaining shrubs on the site's frontage. When viewed from the lane and even allowing for continued screening along the front boundary, the site's character would change from that of a vegetated area of land with some small single-storey structures to that of a large detached house within its grounds.
18. Despite the large extensions under construction at neighbouring Caldecote Cottage, that house lies within a large plot and is separated from Caldecote Farm by the appeal site. At Caldecote Farm, the planning permission 16/0160/FUL includes a house at Plot 1 adjacent to the appeal site. With gaps of between approximately 5 – 7m between the existing and proposed houses on the 3 adjacent sites, this would reduce the vegetated setting of Caldecote Cottage to a setting of a more suburban character. Even if the planning permission at Caldecote Farm were not to be implemented, the reduced gap between the proposed development and Caldecote Cottage would still detrimentally alter the area's character and appearance.
19. The appellant points to other large detached houses on Caldecote Lane. Despite the scale of other houses relative to the appeal scheme and the architectural variety within the lane, the examples provided are not directly comparable to the appeal scheme, which is of a very individual design, and would not represent a compelling reason to find in favour of a scheme that would cause the harm I have identified in this instance.
20. In the Council's officer report, reference is made to the appeal site containing a number of mature trees and shrubs and the lack of a tree survey. The Council also confirmed that there are no Tree Preservation Orders on the site. During my site visit, I observed that there were very few trees and shrubs remaining on site and a number of trees had recently been removed. Given their location outside a conservation area and in the absence of a Tree Preservation Order, there is nothing before me to suggest that the removal of trees was not lawful. While the trees may well have made a contribution to the character and appearance and biodiversity of the appeal site, I must consider the proposed development having had regard to the current circumstances of the appeal site.

21. Although reasonably localised in its extent, I conclude that the proposed development would have a moderate adverse effect on the character and appearance of the area. The proposed development would therefore be contrary to policies CS12, CS14 and CS22 of the CS, and policies SADM26, SADM29 and SADM30 of the SADMPP, and the Framework. The Planning and Design Guide SPD (Part D) has been referred to by the Council. However, as this document is only in draft, I can only give it very limited weight.
22. Policies CS12 and CS14 respectively seek to conserve and enhance the natural and historic environment, while Policy CS22 requires high quality design and takes account of, amongst other things, the cumulative impact of new development, including the impact arising from residential intensification and redevelopment. Policy SADM26 states, amongst other things, that a development's scale, height and bulk should be sympathetic to its landscape setting, and that existing trees, hedgerows and features of landscape and ecological interest should be retained and enhanced. Policy SADM29 requires development proposals to consider heritage assets and their significance, while policy SADM30 sets out design principles for new development. The proposed development would also fail to meet the requirement for high quality design set out in one of the core planning principles of the Framework.

Other considerations

23. The proposed development would provide one additional house suitable for a family within an area where there are other residential properties. There would also be some economic benefit through the construction of the house. This weighs in favour of the development, and I am mindful of the importance placed on the provision of new housing in the Framework. That said, it is relevant to bear in mind that only a single new home would be provided. Overall, I attach only modest weight to the benefit arising from the new home.
24. The appellant has referred to the planning permissions for the houses named Melbury House and Hillfield, and extensions to Caldecote Cottage and Melbury House. However, both Melbury House and Hillfield were approved and constructed a number of decades ago, when the local and national policy context differed from the extant policy context. Furthermore, the extensions to Caldecote Cottage and Melbury House would not have been considered against the same policy parameters as a new house within the Green Belt. Although I note the planning permission at Caldecote Farm for the redevelopment of the site to provide 5 detached houses and 4 apartments, the 2 adjacent sites do not have identical site-specific circumstances. I can therefore only give these issues limited weight.
25. The absence of any negative effects on the living conditions of neighbours, highway safety, car parking, internal floorspace or external amenity space are not benefits. I regard them as neutral factors in the overall balance.
- (d) If the proposed development 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*
26. 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. The proposed development would also result in

moderate adverse effects in terms of the openness of the Green Belt and the purposes of including land within it. Paragraph 88 of the Framework 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. Cumulatively, I attach only modest weight to the benefits of the proposed development that make up the other considerations.

27. Thus, the harm to Green Belt and character and appearance is not clearly outweighed by other considerations. Consequently, there are not the very special circumstances necessary to justify inappropriate development in Green Belt.

Conclusion

28. For the reasons given above, and having taken account of all other matters raised, this appeal should be dismissed.

J Gilbert

INSPECTOR