
Appeal Decision

Site visit made on 8 November 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 1st December 2017

Appeal Ref: APP/X1925/W/17/3181783

Land at Danesbury Park Road, Adjacent to Gragil Farm and Silver Birches, Welwyn. AL6 9SS

- 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 and Mrs Andrews against the decision of North Hertfordshire District Council.
 - The application Ref 17/00320/1, dated 7 February 2017, was refused by notice dated 21 April 2017.
 - The development proposed is four detached dwellings, associated car parking and 'Wildlife Garden' with public footpath adjacent to Danesbury Park Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are as follows:
 - Whether the proposal is inappropriate development in the Green Belt;
 - The effect of the proposal on openness, the character and appearance of the surrounding area and whether the site would constitute a sustainable location for development;
 - If the proposal is inappropriate, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

3. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions as set out in paragraph 89. Policy 2 of the Local Plan¹ states that the Council will aim to keep the uses of land open in character, with only proposals which accord with

¹ North Hertfordshire District Local Plan No.2 with Alterations, September 2007.

Policy 3 or in very special circumstances granted permission. Policy 3 contains a range of development, including housing for rural uses or defined need, or single dwellings within the built core of a settlement.

4. The site consists of a reasonably sized field located on the northern fringes of Welwyn. Danesbury Park Road is a fairly narrow straight road in the vicinity of the site, which has a range of development on its eastern side, including park homes and a care home, but more sporadic development on the west. The field has accesses roughly bordering the site on both north and south sides, leading to a substantial detached dwelling to the north, Silver Birches, and a few properties to the south respectively. To the western side lies another open field and there is an existing access to the site in its south eastern corner.
5. The proposal aims to construct 4 open market dwellings, utilising and improving the existing access. Two houses would be sited in the southern area of the site, with the 2 further dwellings towards the northern boundary. Although the appellant considers that the scheme may constitute limited infilling in a village, in line with paragraph 89 of the Framework, due to the size of the site and the limited nature of the surrounding development on the west side of the road I do not consider that the proposal would meet this exception. The proposal therefore would not meet the exceptions set out for new buildings in the Green Belt set out in paragraph 89 of the Framework, or in policy 3 of the Local Plan, and would thus constitute inappropriate development in the Green Belt.

Openness, character and appearance, and sustainability

6. Openness in terms of the Green Belt has spatial and visual aspects. At present the site is an open field and as such the construction of 4 fairly large detached properties, along with the provision of car parking, bike and bin storage would inevitably reduce openness in a spatial sense.
7. Visual impact forms part of the concept of openness of the Green Belt, and the visual dimension of the Green Belt is an important part of the point of designating land as Green Belt. The four dwellings are all designed in a fairly similar manner, and are all 2 storeys with a fairly large basement level below ground, although there are design differences between house 1, houses 2 & 4, and house 3. All houses would be faced with vertical and horizontal black timber cladding, with black timber clad roofs and black aluminium windows. Interesting design features in the form of open spaces within the basement level on both sides of the houses to allow subterranean courtyards with trees are proposed for all house types.
8. The site is well screened on its boundary with the road by existing dense trees/hedges, with only occasional glimpses of the site possible through the hedges, even given the time of year when my visit took place. The site is more clearly visible from private views however, both from Silver Birches to the north and from Old Orchard and Long Barns to the north west.
9. It is clear that the design of the properties has been carefully considered. However, the proposed use of black timber for all elevations, including roofing would present 4 large bulky structures which would appear out of place within the setting of the site. Such mass would only be broken up by the black encased windows and by chimneys on houses 1 & 3, but such features would detract from the above ground barn design aesthetic. While I understand that

the buildings have been positioned to allow views through the site towards the north west, such views would likely be restricted and impeded by boundary treatment and domestication of the gardens of the proposed properties. While conditions can manage such effects to a certain degree and I note the indication on plans that the area around the houses would be maintained as fields, there would likely be pressure for some form of boundary treatment from the future residents of the homes.

10. The proposal seeks to construct a reasonably large area of community green space. This area would be constructed and planted along a wide strip of land adjoining the road and would include a community vegetable patch, a meandering through pathway to provide an alternative to walking along the road, and two seating areas. Plans indicate that the northern boundary of this area would be delineated by a 1.8m fence to prevent access but allow views across the site. However, while this would open up views of the site to the public that are largely not possible now, conversely in doing so they would also ensure that the proposed houses would also have a visual impact on the openness of the Green Belt.
11. Paragraph 55 of the Framework seeks to promote sustainable development in rural areas. The appellant is of the view that the proposal would meet the criteria of point 4 of this paragraph, which states that new isolated homes in the countryside should be avoided unless there are special circumstances such as the exceptional quality or innovative nature of the building. However, for the reasons given above I consider that the proposal would not be truly outstanding or innovative, and while it may be of a higher design level than some development nearby, it would not reflect the highest standard in architecture, and would therefore not meet the fourth exception in paragraph 55.
12. Danesbury Park Road is a fairly narrow lane, which appeared on my site visit to be lightly trafficked and used for walking fairly extensively. The appellant notes that a school, post office, pub restaurant and general shopping facilities are located some 0.7 miles away. Aside from Danesbury Park Road, all roads along this route have footpaths and so I consider could be likely to be used in times of clement weather to access these facilities. However, given the distance involved and the limited local public transport services, I consider it more likely that future residents would still remain heavily dependent on private vehicles, particularly in times of poor weather. I therefore consider that the proposal would not make the fullest possible use of public transport, walking and cycling, and future occupants of the proposed development would likely use private transport to make most of their journeys for local services and facilities.
13. It is stated that the proposed houses would be designed to a high environmental standard, and minor sustainability benefits would also be provided in terms of the economic and social benefits in constructing and providing 4 additional houses for the area. I also note the stated poor quality of the site in agricultural terms. However, I am not convinced that such benefits would outweigh the harm caused to the character and appearance of the area and that caused by the location of the proposal.
14. I therefore conclude that the proposed development would have an adverse impact on the openness of the Green Belt, in both spatial, and to a lesser

effect, visual grounds. I also conclude that the scheme would have an adverse effect on the character and appearance of the surrounding area, and neither would the site constitute a sustainable location for development. While I note the appellant's views on the extent of Green Belt land nationally and the size of the site in comparison to this, the proposal would be contrary to the fundamental aim of Green Belt policy to keep land permanently open, failing to safeguard the countryside from encroachment, as well as to paragraph 55 of the Framework. The proposal would also fail to actively manage patterns of growth to make the fullest possible use of public transport and walking, a core planning principle of the Framework.

Other considerations

15. The community green space would be open to the public, and would be used and enjoyed by not only the future residents of the houses, but also the residents of the park home estate and the adjacent care home. The appellant considers that over 180 local residents would benefit from such space. The planting of the garden would also provide ecological benefits, and the footpath through the site would provide highway safety benefits, in providing an alternative, attractive route for walking, avoiding the road, as well as helping in a small way to integrate the site as a whole into the local natural and built environment. A wide range of public support for the scheme is in evidence from the local community, who it is clear largely value the idea of the proposed community green space. The management and maintenance of such space could be achieved by condition.
16. I note evidence relating to repeated attempts to gain unauthorised access to the site, and the various fly tipping that has occurred. The proposal in developing the site would help to dissuade such attempts and activities.

Conclusions

17. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition the scheme would also have an adverse effect on the openness of the Green Belt and a minor harmful effect on the character and appearance of the surrounding area. The site is also not sustainably located.
18. On the other hand, the proposal would create an attractive and potentially well used community green space, providing community and highway safety benefits for local residents. I place significant weight on this proposed garden, which it is clear from representations would be much appreciated by members of the local community. I also place limited weight on the security benefits of the proposal. However, I do not consider that the benefits of the proposal would *clearly* outweigh the cumulative harm that the scheme would cause. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.
19. The appellant states that the Council are unable to demonstrate a five year supply of deliverable housing land. In such circumstances the Framework states that relevant policies for the supply of housing should be considered out of date. The appellant considers therefore that the proposal should be viewed with the presumption in favour of sustainable development. However, paragraph 14 and footnote 9 of the Framework states that where relevant

policies are out of date, permission should be granted unless specific policies, such as those relating to land designated as Green Belt indicate that development should be restricted, which is the case in this instance.

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

Jon Hockley

INSPECTOR