
Appeal Decision

Site visit made on 6 November 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 12th December 2017.

Appeal Ref: APP/A1910/W/17/3179079

Land at Love Lane, Love Lane, Kings Langley, WD4 9HW

- 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 Messrs JC, AG and AC Barker and DLA Town Planning and Wakelin Assoc against the decision of Dacorum Borough Council.
 - The application Ref 4/02147/16/OUT, dated 4 August 2016, was refused by notice dated 4 January 2017.
 - The development proposed is erection of four chalet bungalows with associated access, parking and amenity space.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline, with access and layout being submitted for consideration at this stage. The matter of scale was subsequently added at the request of the Council. All other matters are reserved for future consideration. The appeal is considered on this basis with information shown on the plans relating to appearance and landscaping treated as purely indicative.
3. There is no dispute that during the application process amended plans were submitted to the Council. The plans amend the layout of the scheme from a row of dwellings to a 'U shaped' courtyard arrangement. It is clear from the Council's report that interested parties were able to comment on the amendment. As such no party would be prejudiced by my taking them into account. The appeal is considered on this basis.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (The Framework) and development plan policy;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the countryside; and

- if the development is inappropriate, whether the 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 the development within the Green Belt.

Reasons

5. The appeal site is situated in the Green Belt. I have been referred to policies from the Dacorum Core Strategy (CS). Policy CS5 refers to development in the Green Belt. It states that national Green Belt policy will be applied and only allows for small scale building for '*...the uses defined in national policy...*'. This approach is broadly consistent with the Framework. However, none of the policies that I have been provided with refer to infilling. Therefore I have had regard to national policy in determination of this appeal.
6. At paragraph 89 the construction of new buildings is defined as inappropriate development except for those exceptions listed. This list includes '*limited infilling in villages*'. The terms of *villages* and *limited infilling* are not further defined in the Framework. The appellant argues that the proposal is not inappropriate and that this exception to Green Belt policy applies. To qualify for this exception the proposal must be both '*limited infilling*' and in a '*village*'.
7. The appeal site is a broadly square piece of land. It is situated on the north west side of Love Lane. To the south there is Meadow View and then a complex of buildings associated with Hill Farm. Opposite there is a group of dwellings that front Love Lane. There is also a group of dwellings fronting the road further to the north. However this is beyond the nearby school and there is an open area between these dwellings and the site. To the west there are a small number of detached dwellings with open areas around them. The development would be for four dwellings. The revised plans show that the dwellings would form a courtyard group with access taken from Love Lane and filling this gap. In this regard it would be limited infill in so far as it would fill a gap with four dwellings. Nevertheless, it would consolidate development in this location.
8. The appellants contend that, irrespective of the position of the settlement boundary, the appeal site would be within the village of Kings Langley. Indeed the appellants view is that whether the site is within a village should be determined with reference to the specific features on the ground¹. There are some facilities within the area of Kings Langley. I appreciate that the Local Plan identifies the village as a 'large' village. However, even taking into account the fact that there is development to three sides, the site it remains on the edge of the settlement. In this regard it contributes as open and transitional landscape in an edge of settlement location. As proposed the scheme as a whole would not have a physical or visual affinity with the linear development opposite that is characteristic of Love Lane or the more sporadic pattern to its west.
9. I therefore conclude that the development would not be limited infilling in a village but, on the contrary, would be inappropriate development as described in paragraph 89 of the NPPF. Paragraph 87 of the Framework confirms that

¹ Lee Valley Regional Park Authority, R (on the application of) v Epping Forest DC & anor (Rev 1) [2016] EWCA Civ 404

inappropriate development is, by definition, harmful to the Green Belt and advises should not be approved except in very special circumstances.

Openness

10. Paragraph 79 of the Framework advises that one of the essential characteristics of a Green Belt is its openness. CS policy CS5 identifies the fundamental aims of Green Belt policy to prevent urban sprawl by keeping land permanently open. It goes on to state that all development proposals must preserve the openness of the Green Belt. This is a matter of its physical presence rather than its visual qualities. The site does not contain any buildings. The scale proposed for the dwellings would follow the form of the dwellings opposite and to the north east.
11. The site currently appears open with substantial trees and hedgerow to the visible boundaries. Openness is the result of absence of built development. As such the introduction of four dwellings would inevitably reduce and harm the openness of the Green Belt to a degree by reason their siting on land which is currently free from buildings. Having seen the site from near and distant viewpoints I consider that new dwellings in this location would have a harmful impact on the openness of the Green Belt.

Character and appearance

12. This area of Love Lane on represents a substantial gap in the street scene. It marks a change from the frontage development to the north and east. I appreciate that there are dwellings on the opposite side of the road that have smaller plots and a linear form. However, the character of this side of the road changes markedly beyond the school especially when travelling south. The overall impression is open and spacious with dwellings becoming increasingly sporadic when leaving the main settlement area. The appeal site adds to this open and spacious character in its undeveloped state. The addition of further dwellings would increase the amount of built development and would erode the rural character of the area.
13. I appreciate that the dwellings could be designed to reflect the character and appearance of the surrounding properties. Nevertheless, the indicative plans demonstrate that they would be substantial in both footprint and scale. I understand that they would be sited back from the pavement edge and that the intention is to retain and enhance the hedgerow. However, the addition of dwellings would add to built development in the locality that would detract from the rural character along this part of Love Lane.
14. I therefore conclude that the proposal would have an adverse effect on the character and appearance of the area. It would conflict with policy CS5 in so far as it requires new buildings to not have a significant impact on the character and appearance of the countryside. The proposal would also conflict the Framework which identifies that planning should recognise the intrinsic beauty and character of the countryside. The harm identified to the character of the area adds to the weight I have identified by reason of inappropriateness.

Other Considerations

15. Paragraph 87 of the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to state that substantial weight is

given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

16. Paragraph 80 of the Framework sets out the five purposes of including land in the Green Belt. Whilst I note there would not necessarily be conflict with all five purposes, in my judgement, the development would result in encroachment due to the sheer physical presence of new buildings on the plot and I have identified that there would be a harmful effect on character and appearance.
17. The appellants refer to cases which they consider establish precedents for infill plots, in particular three appeal decisions². I understand that the appellants consider that these cases are comparable to the appeal site. However, I do not have all the information regarding these cases, the sites are located within different boroughs and in these cases the proposals sought to fill a gap in an 'otherwise built up frontage'. I do not consider that to be the case here as this side of Love Lane does not contain such a frontage in its entirety. As such I attached very limited weight to these examples.
18. There is some disagreement as to whether or not the Council can identify a five year supply of deliverable housing land or not. The appellants acknowledge that a recent examination of the Site Allocations Local Plan found that a five year supply does exist. This was based on the requirement in the adopted Core Strategy. The appellants' submission is that the actual housing need is greater than that set out in the Core Strategy. However, the proposal would be contrary to development plan policies in terms of its location, including specific policies that indicate development should be restricted.
19. The proposed development would be inappropriate development. The Framework establishes that substantial weight should be given to any harm to the Green Belt by reason of inappropriateness. There would be a harmful impact on openness. The proposal would make a modest contribution of 4 units and this is a matter to which I attribute some weight. However it would harm the character and appearance of the area and there would be conflict with the development plan in this regard. Furthermore, due to the harm to the character and appearance of the rural area, there would also be conflict with the environmental dimension of sustainable development which seeks to protect and enhance the natural environment. These are all factors which weigh against the development.
20. If policies for the supply of housing land are not up to date then less weight must be given to policy objectives in relation to the location of development. However, even if I were to conclude there is a shortfall in 5 year supply of the scale suggested by the appellant and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission that I have identified would significantly and demonstrably outweigh the benefit of the provision of dwellings in this case.
21. I appreciate that the proposal could be well designed and that the views of the proposal in the wider landscape would be limited to some degree by the boundary planting. However, these other considerations do not outweigh the totality of harm which is the test they have to meet and do not amount to very

² APP/M3645/A/13/2201312; APP/C3620/W/15/3005744; APP/R0660/W/14/3001214; APP/U3645/W/16/3141780

special circumstances. Therefore the harm by reason of inappropriateness and the other harm identified is not clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development within the Green Belt.

Conclusion

22. For the reasons given and having regard to all other matters raised the appeal is dismissed.

D J Board

INSPECTOR