The Planning Inspectorate

Appeal Decision

Site visit made on 2 July 2019

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2019

Appeal Ref: APP/J1915/W/19/3226142
Land adjacent to High Trees Farm, Chapmore End, Ware SG12 0HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mrs Nicola Mckay of Hertfordshire County Council against the decision of East Hertfordshire District Council.
- The application Ref 3/18/2762/OUT, dated 19 December 2018, was refused by notice dated 14 February 2019.
- The development proposed is residential use of site for one dwelling.

Decision

1. The appeal is dismissed.

Procedural matter

2. The application was made in outline with all matters reserved other than access for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative other than access.

Main Issues

3. The main issues are:

(i) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;

(ii) The effect of the development on the openness of the Green Belt;

(iii) Whether or not the proposed development would accord with the Framework and the policies in the development plan relating to the location of new development in the District, having particular regard to the accessibility of local services and facilities; and

(iv) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

4. The appeal site comprises of an open parcel of land situated immediately adjacent to a number of agricultural buildings and outbuildings associated with High Tree Farm to the south-west of the site. A small linear group of residential

properties are located immediately to the north-east and to the south-east on the opposite side of the road. To the west and east of the site are open fields and countryside. The proposal would involve the construction of a detached dwelling with access off the road to the front of the site.

Whether inappropriate development in the Green Belt

5. The appeal site is within the Green Belt and the National Planning Policy Framework February 2019 (the Framework) states at paragraph 143 that inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances.

6. Paragraph 145 of the Framework establishes that, within Green Belts, the construction of new buildings is inappropriate, subject to a number of exceptions, including limited infilling in villages. Policy GBR1 of the East Herts District Plan 2018 (EHDP) states that the development within the Green Belt will be considered in line with national policies for protecting the Green Belt. Chapmore End is a Group 3 village within the settlement hierarchy and there is no dispute between the main parties that the site lies within the village.

7. While the Framework does not provide a definition of what constitutes an infill development, I find it appropriate to rely on the definition that it constitutes a small-scale development that fills a gap in an otherwise built-up frontage. In this case, the appeal site is not located at a point on Chapmore End which can be described as being within a continuously developed road frontage. Rather it sits very clearly at the end of what is a continuously developed road frontage of relatively even spaced residential properties to the north-east of the site. Although there is a dwelling further to the south-west (High Tree Farm) this is located away and separated from the appeal site by a number of agricultural buildings and outbuildings. Given the separation distance and relationship with the adjacent dwellings, I consider that the open appeal site, with its relatively wide frontage, represents a definite visual break and cannot reasonably be considered as a limited infilling in this village location.

8. Consequently, the proposal would constitute inappropriate development in the Green Belt that is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. It conflicts with the aims of the Framework and Policy GBR1 of the EHDP. In accordance with the Framework, I attach substantial weight to the harm arising due to the inappropriate nature of the development in this location.

Openness of the Green Belt

9. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. The Framework advises at Paragraph 133 that openness and their permanence are essential characteristics of Green Belts. Openness is generally defined by an absence of built form and not necessarily to visibility.

10. It is clear from the evidence provided and from my observations during my site visit that, given the screening provided by the mature landscaping around the site and topography of the site and immediate surroundings, the proposed dwelling would not be highly visible in the wider landscape. Nonetheless, on a more local level, the indicative scale and form of the proposed dwelling would not amount to a subservient form of development on the appeal site in its

current open and undeveloped form. The proposed dwelling would result in an increase in the built form in the area which would compromise the sense of openness and would fail to keep the land permanently open.

11. Consequently, I conclude that the development would result in harm to the openness of the Green Belt and as such would conflict with Policy GBR1 of the EHDP and the aims of the Framework which seek to preserve the openness of the Green Belt. I give substantial weight to that harm.

Location of development

12. The appeal site is located on the south west edge of Chapmore End, a Group 3 village. Policy VILL3 of the EHDP sets out limited infill development will be permitted within Group 3 villages, where identified in an adopted Neighbourhood Plan, which is not the case here.

13. Paragraphs 78 and 79 of the Framework seek to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities and avoid new isolated homes in the countryside unless there are special circumstances, such as where there is an essential need for a rural worker, which do not apply in this case.

14. Given the other development in the vicinity of the site, the proposal would not be physically isolated in this rural location and forms part of an isolated cluster of development on the edge of Chapmore End. The settlement of Chapmore End comprises a small linear pattern of development along Chapmore End and lacks any local services and facilities other than a public house. This would, therefore, necessitate the need for the future occupiers to travel for day to day services, facilities and employment in other nearby towns and villages. These settlements are a reasonable distance away and from the evidence provided, and from my observations on my site visit, are not readily accessible by safe public footpaths or a regular public transport service. The appeal site is not within easy walking distance of these settlements and the nature of the surrounding road network, with a lack of footpaths and lighting, limits pedestrian accessibility to the nearby services.

15. Consequently, the appeal site would not be in the optimum location to maximise the use of walking, cycling or public transport to access services and facilities to meet daily needs. The Framework recognises that opportunities to maximise sustainable transport will vary from urban to rural areas. However, in this case, the appeal site would be functionally isolated and remote in this rural location such that the future occupiers of the proposed development would be reliant on the use of the car to reach day to day services, facilities and employment elsewhere. This would, in my view, limit any meaningful enhancement or maintenance of the vitality of the surrounding rural communities and as such the proposal would therefore represent an isolated home in the countryside contrary to the aims of the Framework.

16. Have regard to all the factors above, I conclude that the proposed development would not provide suitable site for housing, having particular regard to the accessibility of local services and facilities and would be contrary to Policies DPS2 and TRA1 of the EHDP. These policies, amongst other things, promote sustainable patterns of development across the District, where development proposals would enable sustainable journeys to be made to key services and facilities to help reduce carbon emission and

ensure a range of sustainable transport options are available to occupants. In addition, the proposed development in this location would not form a limited infill development identified in an adopted Neighbourhood Plan, and as such would conflict with Policy VILL3 of the EHDP.

Other Considerations

17. I have considered the various benefits put forward by the appellant that the proposal would bring, including providing an additional dwelling that would make use of a site that is currently underused and improve its appearance. However, whilst an additional dwelling would make a positive, albeit modest contribution to the supply of housing in the area, there are other means of tidying up the site without the need to construct such an inappropriate residential development. The submitted details illustrate that the proposed dwelling would, subject to the Reserved Matters, be of a high quality design and would be in keeping with the other properties in the area and the character and appearance of the area. Overall, these are benefits that would result in moderate weight in favour of the appeal scheme.

18. I have noted the other development in the area drawn to my attention by the appellant. However, the development for 15 dwellings at Hunsdon[1] has different development and locational characteristics to the appeal scheme and was allowed on appeal in a different policy context. In any event, each proposal falls to be assessed primarily on its own merits and I am unaware of the full circumstances associated with this development. I therefore accord this limited weight as a precedent in this case.

Very Special Circumstances

19. I have concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have concluded that the proposal would harm the openness of the Green Belt. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have concluded that the proposed development would not provide suitable site for housing, having particular regard to the accessibility of local services and facilities, to which I attach significant weight.

20. Having considered all of the matters raised in support of the development, I conclude that, collectively, they do not outweigh the totality of the harm I have identified in relation to the Green Belt. I am not satisfied that any material considerations have been put forward of sufficient weight to outweigh the very strong public interest in protecting the Green Belt from inappropriate development. Accordingly, very special circumstances do not exist and the development would be contrary to EHDP Policy GBR1 and the Framework.

Conclusion

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

David Troy

INSPECTOR

[1] APP/J1915/W/15/3141268