



Appeal Decision

Site visit made on 9 July 2019

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 02 August 2019

Appeal Ref: APP/J1915/W/19/3226976

Land at Upper Green Road, Tewin, Welwyn, Hertfordshire AL6 0LE

- 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 Cheryl Cook against the decision of East Herts Council.
 - The application Ref: 3/18/1796/OUT dated 6 August 2018, was refused by notice dated 24 October 2018.
 - The development proposed is construction of 3 no affordable houses consisting of 2 no. two bedroom and 1 no. three bedroom and 1 no. three bedroom marketable house and new vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline. Notwithstanding the information presented on the original application form, the proposal seeks matters of access, appearance, layout and scale to be determined at this stage, with landscaping reserved out for future consideration.
3. The application form specified that the proposal was for 3 no affordable houses and 1 marketable house whereas the Council's description of development did not refer to matters of tenure. Whilst I understand the Council's reasoning in this regard, it is clear from the information before me that the Appellant's proposal specifically and solely relates to a scheme for 3 affordable houses with 1 market house and I have considered the appeal on this basis.
4. The Appellant has raised a number of procedural concerns with the manner in which the application was processed. However, these are matters to raise direct with the Council and my decision is necessarily based solely on its planning merits. It is not entirely clear whether the application should have been revised following a request from the Appellant for some amendments during the application process; this does not appear to have happened. However, the Appellant did not refer to an amended proposal at the appeal stage and I have considered the proposal on the basis of the description of development set out above.
5. At the time the Officer's report was prepared on the application, the Council's East Herts District Plan 2018 (District Plan) was at a very advanced stage of preparation and about to be adopted. The plan has now been adopted but given its very advanced stage at the time of the application consideration, and

that it had been adopted at the stage of the appeal being submitted, I see no reason to re-consult on its policies.

Main Issues

6. 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 and any relevant development plan policies and its effect on openness;
- b) Its effect on the character and appearance of the local area;
- c) Other considerations; and
- d) Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Issue a) Whether inappropriate development

- 7. The appeal site is part of undeveloped and open land on the east side of Upper Green Road, to the immediate north of a terrace of properties within Godfries Close, fronting Upper Green Road. I am advised that the site falls outside of the settlement boundary of Tewin, which is a Category 2 village under Policy VILL2 of the District Plan and the site lies within the Green Belt.
- 8. The National Planning Policy Framework (Framework) sets out the government's planning policies to secure sustainable development. Paragraph 133 sets out the great importance that the Government attaches to Green Belts and that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 confirms that *inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances*. Paragraph 145 sets out that the construction of new buildings is inappropriate except for a limited number of exceptions including, under criterion f) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)*.
- 9. The Council has also referred to Policy GBR1 of the District Plan which confirms that planning applications within the Green Belt will be considered in line with the provisions of the Framework.
- 10. Policy HOU4 of the District Plan addresses Rural Exception Affordable Housing Sites on sites that would not normally be acceptable for general housing development. The policy refers at criterion I b that the proposed development *will contribute towards meeting an identified need for affordable housing within the parish* and under criterion III that *a small number of market homes may be permitted, at the Council's discretion, where a viability assessment demonstrates that a cross subsidy is necessary to make the scheme viable*.
- 11. I have taken into account all the information presented by the Appellant and the Council as well as other relevant parties, including the Parish Council. I have no reason to doubt the Appellant's wish to provide smaller houses on this site which she considers would be affordable to the local community. However,

there is no clear evidence before me of an identified need for affordable housing within the parish. The Appellant has referenced a more favourable response from the Council in 2008 to the possibility of affordable dwellings on the site, but that was more than ten years ago, and the requirement relates to the current position. Although the Appellant has referenced a general district wide need for additional affordable housing as set out under the Strategic Housing Market Assessment, there is no evidence of a local/ parish need as required under Policy HOU4 of the District Plan.

12. Furthermore, whilst Policy HOU4 allows for the inclusion of market homes, this needs to be justified through a viability assessment and no such assessment has been provided. It is not clearly explained why it has not been possible to provide such an assessment to support the proposal.
13. On the basis of the evidence before me, I do not therefore find that the proposal would fall to be considered under criterion f of paragraph 145 of the Framework and Policies GBR1 and HOU4 of the District Plan. The proposed development would not fall to be considered under any of the other exceptions set out under the Framework and the Appellant has not drawn my attention to any of these exceptions as applying to this proposal.
14. Furthermore, the introduction of built development on this currently undeveloped site, in terms of its footprint, bulk and massing and associated works, would inevitably lead to a reduction in openness, which is the essential attribute of the Green Belt.
15. Taking all these matters together, I have no doubt that the proposal would be inappropriate development for the purposes of the Framework as well as development plan policy.

Issue b) Character and Appearance

16. Whilst the Appellant has questioned the references by the Council to the agricultural character of the site, the land is currently undeveloped and open. Although the site is currently largely screened from general views from Upper Green Road, by the frontage hedgerow, it does provide a clear break from the built development within the village. Whilst the frontage hedgerow may be retained, the proposed development would be seen from the access point as this would necessitate the removal of planting, as well as from public footpath No 26 to the north and glimpsed from other public spaces. It would therefore introduce built development and an urbanising form into this currently open area, beyond the current extent of development on this side of the road. It would extend an urbanising element into this rural area and would not therefore in my view respect the character and appearance of the local area. This would conflict with Policy VILL2 of the District Plan as well as the Framework, and in particular Section 12 both of which seek and amongst other things seek a good quality of design which respects the local context.
17. I have noted the concerns of the Council to specific aspects of the design. However, were no other matters of concern and planning permission were to be granted, I do not consider that these matters would justify withholding planning permission.

Issue c) Other Considerations

18. The Framework indicates at paragraph 144 that substantial weight should be attached to any harm to the Green Belt. Very special circumstances to justify such development 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. I now turn to the other considerations in support of the development which have been put forward.
19. As already addressed, I have no reason to doubt the Appellant's wish to provide smaller houses on this site which she considers would be affordable to the local community. However, there is no clear evidence before me of an up to date, identified need for affordable housing within the parish/ local area, which is one of the criteria of Policy HOU4 of the District Plan for a scheme to qualify as a rural exception affordable housing scheme. This therefore limits the weight I can afford to this argument.
20. I have taken into account that there was some local support for the proposal but this on its own would not justify the proposal under the policies of the development plan and the Framework. The support for the scheme therefore only carries limited weight in favour.

Issue d) Overall Balance and Conclusion

21. I have already found that substantial weight must be given to the harm to the Green Belt by reason of the inappropriateness of the proposed development. The harm from loss of openness and the harm to the character and appearance of the local area adds to that harm. The totality of the harm I have concluded is not clearly outweighed by the other considerations. I do not find that the very special circumstances required to justify the proposed development exist.
22. No material considerations advanced in favour of the appeal scheme would justify a decision other than in accordance with the development plan, with which, in terms of the above-cited policies, it would clearly conflict. Accordingly, for the reasons set out above and having regard to all other matters raised, including in representations, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR