



Appeal Decision

Site visit made on 16 July 2019

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2019

Appeal Ref: APP/J1915/W/19/3227676

Mill House, unadopted track east from Ware Park Road to Mill House, Ware Park, Ware SG12 0EA

- 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 Design Twenty Five Limited against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1987/FUL, dated 5 September 2018, was refused by notice dated 27 November 2018.
 - The development proposed is erection of store/ plant room.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The layout of the site is different to that shown on the site plan with the area immediately to the rear of The Barn being fenced off. The garden area where the development is located is accessible via the neighbouring property, Windrush.
3. At the time of my site visit it was evident that the development has been constructed in part. I have determined the appeal on that basis.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and local policy.
 - The effect of the proposal on the openness of the Green Belt.
 - 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

Inappropriate Development and Openness

5. The appeal site is located within the Green Belt. Paragraph 143 of the NPPF states inappropriate development is, by definition harmful to the Green Belt

and should not be approved except in very special circumstances. Paragraph 145 of the NPPF states the construction of new buildings in the Green Belt is inappropriate. It sets out some exceptions, one of which is the redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. Paragraph 133 of the NPPF says 'the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence'.

6. The appeal site incorporates a building known as The Barn and land to its rear which currently houses the remnants of building materials. The development which is part constructed, is set into an earth bank and is located at the rear of the site against the backdrop of a wooded area. Despite this, once complete the width and height of the structure would nevertheless create a massing that would reduce the openness of the appeal site when taken as a whole, compared to the existing situation. This is even though the overall impact of the development would be relatively small and views outside of the site would be limited. The proposed sedum green roof would do little to overcome the impact.
7. The amount of operational development would be relatively small but it would nonetheless generate harm that would weigh against the scheme. To that extent the development would constitute inappropriate development due to the harm to openness. The development would therefore conflict with national policy in this regard. It would also conflict with Policy GBR1 of the East Herts District Plan 2018 which states that applications within the Green Belt will be considered in line with the provisions of the NPPF.

Other Considerations

8. Paragraph 144 of the NPPF states that substantial weight should be given to any harm to the Green Belt and that 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.
9. The appellant has referenced planning permission granted for the retention of 2 similar structures built at neighbouring properties either side of The Barn in support of the development. However, I do not know the circumstances in which the planning permissions were granted, nor do I have sufficient detail to enable meaningful comparisons to be drawn with the case before me. In any event, each case is determined on its own merits and my assessment has been based on the information before me.
10. Similarly, the appellant says the site previously housed a farm shed, the footprint of which is where the store/ plant room is being constructed. Be that as it may, the shed is no longer there and my assessment is based on the current situation.
11. The appellant says the development utilises an existing retaining wall. However, this on its own does not represent very special circumstances to justify the development.
12. Whilst the appellant says there is a functional need for the development to serve The Barn, there is very little before me to substantiate this and therefore

that need has not been clearly demonstrated. As such I give this consideration little weight.

13. The appellant has identified a fallback position of a new detached store/ plant room within the curtilages of the 2 neighbouring properties. There is little evidence to indicate that this is anything other than a theoretical possibility. Whilst the appellant says it would have a greater impact on the openness of the Green Belt this has not been substantiated. In the absence of clear evidence of a tangible alternative scheme, I give this consideration little weight.

Other Matters

14. Mill House is a Grade II Listed Building of ware white brick and slate roof dating from around 1800. The Council has identified that the development by virtue of its design, scale and siting would not harm the setting of the Listed structure. On the evidence before me I have no reason to disagree.

Planning Balance and Conclusion

15. The development would lead to a loss of openness therefore would constitute inappropriate development which by definition is harmful. Paragraph 144 of the NPPF requires that substantial weight be attributed to harm to the Green Belt. For the appeal to succeed the combined weight of other considerations must clearly outweigh the harm caused. The other considerations do not clearly outweigh the totality of the harm that would be caused and so very special circumstances to justify the development do not exist. For the reasons identified, I therefore conclude that the appeal should be dismissed.

K Ford

INSPECTOR