



Appeal Decision

Site visit made on 09 July 2019

by Michael Wood RIBA

an Inspector appointed by the Secretary of State

Decision date: 19 August 2019

Appeal Ref: APP/A1910/W/19/3227022

Land at New Mill, Icknield Way/Grove Road, Tring HP23 5HF

- 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 RELX (UK) Ltd. against Dacorum Borough Council.
 - The application Ref 4/01695/18/FUL dated 06 July 2018 was refused by notice dated 24 October 2018.
 - The development proposed is the erection of a timber security fence.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 1. Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies.
 2. The effect on the openness of the Green Belt.
 3. The effect of the proposal on the character and appearance of the area.
 4. 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 in the Green Belt

3. The development would be within the Green Belt where development is generally considered inappropriate in accordance with paragraph 145 of the National Planning Policy Framework of 2019 (the Framework). The Appellant proposes to construct a 2.25m high open boarded timber security fence parallel with Bulbourne Road. The fence will be set back by about 4m from the existing verge behind an area of informal vegetation and trees. The Council have concerns about the visual appearance of the proposal.

The effect on the openness of the Green Belt

4. Policy CS5 of the Dacorum Core Strategy of 2013 (the Core Strategy) states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt. Paragraph 133 of the National Planning Policy Framework of 2019 (the Framework) states that the essential characteristics of Green Belts are their openness and their permanence. This refers to the absence of buildings and I find that the construction of a fence, of greater proportions than permitted development, should be considered to be a form of building construction on the appeal site. As such it would amount to an encroachment contrary to the purpose of the Green Belt as described in paragraph 134 of the Framework. Paragraph 145 of the Framework refers to new buildings in the Green Belt that would be considered inappropriate and sets out the exceptions which may be allowed. The proposed fence would not be described as one of these exceptions. I conclude that the development proposed would be inappropriate and contrary to policy CS5 of the Core Strategy; and, without very special circumstances, the development would be unacceptable and lead to significant detrimental impact on the openness and permanence of the Green Belt.

The effect on the character and appearance of the area

5. The use of timber and open boarding for the construction of the fence in conjunction with the associated informal vegetation and trees would assist in the creation of a soft boundary feature in accordance with policy CS10 and CS12 of the Core Strategy which are concerned to achieve good design appropriate to the area and local character.

Other material considerations

6. The Appellant has put forward, as a very special circumstance, that the fence will only be 0.25m higher than the height of 2m fence which could be constructed as permitted development. The appeal site is 14.66ha of agricultural land which has housing on three sides. The boundaries with residential gardens and Grove Road are wooded with hedgerows and fences. The proposed fence would, with the exception of the 4m strip, close access to the land from Bulbourne Road. The Appellant has experienced difficulty securing the site from unauthorised access at this perimeter with a previous fence, of a size allowed for permitted development. There is no detailed evidence to support a reason why the additional height would be essential. Paragraph 144 of the Framework requires that substantial weight be given to any harm in the Green Belt such as in this case the inappropriateness and loss of openness.
7. In deciding whether there are other existing material considerations which would either individually or cumulatively outweigh the harm from the proposed development, I recognise that there would be benefit to the Appellant from being able to secure a site which is in agricultural use. However, access to the land could be secured by a lower fence as permitted development, and, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Consequently, I find the proposal to conflict with policies CS10 and CS12 of the Core Strategy and conclude that the appeal should be dismissed.

Conclusion

8. For the above reasons the appeal is dismissed.

Michael Wood

INSPECTOR