



Appeal Decision

Site visit made on 18 September 2019

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 8 October 2019

Appeal Ref: APP/J1915/W/19/3232599

Pinewood School, Hoe Lane, Ware, SG12 9PB

- 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 Mrs M Fuller against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/2300/FUL, dated 12 October 2018, was refused by notice dated 12 February 2019.
 - The development proposed is vehicular access to No. 2 Walnut Tree Walk.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: -
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2019 (the Framework) and any relevant development plan policies, including any relevant effects on the openness of the Green Belt, and: -
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

3. The appeal site, described as 'House No 2', lies within the grounds of Pinewood School, which is a special needs school, close to the southern boundary with Walnut Tree Walk. It contains a detached dwelling, and between the dwelling and the road is a garden containing mature trees close to the boundary. The boundary itself is a close boarded timber fence. There is mature planting and a footpath running along on the north side of Walnut Tree Walk, close to the boundary of the school. Walnut Tree Walk is bounded on both sides by mature planting and has the character of a rural lane.
4. The proposal would remove two trees within the garden and take down a length of fence to create a new vehicular access onto Walnut Tree Walk, giving onto a driveway, parking for two vehicles and a manoeuvring area. Currently the dwelling has two allocated parking spaces within the school grounds, but to access these, the residents of the dwelling need to pass through the school grounds.

5. There is no dispute that the site lies within the Metropolitan Green Belt. Paragraph 146 of the Framework makes provision for certain forms of development, including engineering operations such as those proposed, as being not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Paragraph 143 of the Framework is clear that inappropriate development is by definition harmful to the Green Belt.
6. Policy GBR2 of the East Herts District Plan 2018 (the District Plan) requires that planning applications within the Green Belt, as defined on the Policies Map, are considered in line with the provisions of the Framework.
7. The Framework identifies that the fundamental aim of the Green Belt is “to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”.
8. The proposal would introduce parking and its associated paraphernalia into an area within the garden of House No 2. The proposed access would open up the southern boundary of the site by removing part of the fence and planting, providing views into the garden from Walnut Tree Walk and the footpath running alongside it. The urbanising effect of the proposal would, therefore, be visually intrusive in the context of the rural lane. Given that openness as a concept has both a spatial and a visual dimension, I find the increased urban presence on the site and the visibility of that urbanisation from the public realm would result in a harmful loss of openness.
9. Green Belt serves five purposes. The proposed development would, by virtue of the parking and increased area of hard surfacing, fail to assist in safeguarding the countryside from encroachment. As a result, it would conflict with the purposes of including land within the Green Belt, which is one of the five purposes of the Green Belt.
10. I conclude, therefore, that the proposal would amount to inappropriate development in the Green Belt. The proposal is therefore contrary to Policy GBR2 of the District Plan 2018 and the Framework. I attach substantial weight to the harm to the Green Belt that arises by reason of inappropriateness. Further, the proposal is contrary to the provisions of Policies DES3, DES4, TRA2 and TRA3 of the District Plan which, amongst other things require development to: demonstrate how they will retain, protect and enhance existing landscape features which are of amenity; avoid significant detrimental effect on the character of the local environment; and reflect and protect local distinctiveness

Other considerations

11. The proposal would provide access and off-street parking for the dwelling without the necessity of travelling through the school grounds. It is argued that the proposal would reduce the number of motor vehicle movements within the school site, thus reducing conflict between vehicles and pupils. The reduction in conflict between motor vehicles and vulnerable pedestrians would be a benefit in favour of the proposal. However, I have little evidence before me of the existing level of conflict resulting in injury or other harm or that the removal of the parking demand from the dwelling would result in such a significant decrease in vehicle movements within the school site as to translate to any significant reduction in vehicle/pedestrian conflict. Further, there is no evidence before me that, should parking provision be made within the appeal site, the

existing use of the parking spaces serving the dwelling would be permanently removed and by removal, reduce the number of vehicle movements within the school site.

12. The appellant argues that the proposed parking could be provided within the site by provision of access from the internal circulatory road within the school site as permitted development. However, even should such a proposal be built, views of the parking and hard surfacing would be screened from the public realm by the planting and hedge alongside Walnut Tree Walk and so the visual harm to openness that I have identified above would not result.
13. The provision of a separate access would facilitate the use of the dwelling without traffic from the domestic use mixing with school traffic, particularly if the dwelling were to be sold or let to persons not associated with the school. Should the link cease between the site and the school this would provide a benefit in terms of increased security for the school and its pupils. At the time of my site visit the dwelling was occupied and so I have little evidence before me that the separation of the dwelling from the school would result in an additional dwelling becoming available, regardless of any need for additional further within the area.
14. There would be likely minor benefits to the local economy in terms of short term employment in the construction industry. Taken together these benefits carry moderate weight.
15. The appellant argues that provision of an independent means of access would facilitate the possible future sale of the dwelling to secure additional school funding. I have limited evidence before me regarding the sustainability of the school and so this matter attracts limited weight.

Conclusion

16. The Framework establishes that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, whilst I have considered all matters in support of the development, I conclude that, collectively, they would not clearly outweigh the harm to the Green Belt by reason of inappropriateness. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.
17. The proposal is therefore contrary to Policy GBR2 of the District Plan 2018 and the Framework. Further, the proposal is contrary to the provisions of Policies DES3, DES4, TRA2 and TRA3 of the District Plan.
18. For the reasons given above the appeal should be dismissed.

I Dyer

INSPECTOR