
Appeal Decision

Site visit made on 15 October 2019

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2019

Appeal Ref: APP/A1910/W/19/3233263

Land adj. the Paddock, The Paddock Public House, Tower Hill, Chipperfield, Kings Langley WD4 9LN

- 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 Mr Steve Arnold against the decision of Dacorum Borough Council.
 - The application Ref 4/00610/19/FUL, dated 12 March 2019, was refused by notice dated 9 May 2019.
 - The development proposed is the erection of four dwelling houses.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In my heading above I have used the site address given in the decision notice and appeal form as it was omitted from the original planning application form.
3. The appellant has submitted revised plans¹ with the appeal and asked that they are considered as part of my determination. These plans differ from the original plans in that the depth of the four dwellings is reduced by approximately 0.6m and the height by approximately 0.75m. In addition, an alteration to the proposed surface material for the access/parking area is shown. As these alterations are of a relatively minor nature and would not increase the size of the dwellings proposed, I do not consider that it significantly changes the nature of the development. On that basis, I am satisfied that no parties would be prejudiced by my determining the appeal in relation to the revised plans.

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 (the Framework) and any relevant development plan policies;
 - The effect on the openness of the Green Belt;

¹ Drawing Nos. FP18771/01A Proposed House Type A Plans and Elevations, FP18771/02A Proposed House Type B Plans and Elevations, FP18771/10A Existing and Proposed Street Scenes and FP18771/101A Proposed Site Plan and Location Plan.

- The effect of the proposal on the character and appearance of the area having particular regard to the Chipperfield Conservation Area and the setting of The Paddock, a Grade II listed building.
- If inappropriate, 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

Whether inappropriate development

5. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open as the essential characteristics of Green Belts are their openness and their permanence. Development within the Green Belt is inappropriate with the exceptions of the types of development listed in Paragraphs 145 and 146 of the Framework. Policy CS5 of the Dacorum Borough Council, Core Strategy 2006-2031, September 2013 (CS) indicates that national Green Belt policy will be applied to protect the openness of the Green Belt.
6. Criterion (e) of Paragraph 145 of the Framework allows for new buildings that constitute limited infilling in villages, and it is the appellant's view that the proposal is not inappropriate by virtue of this exception.
7. Policy CS6 of the CS relates specifically to development within selected small villages in the Green Belt, including the village of Chipperfield. It is however more restrictive than paragraph 145(e) as it restricts infilling to developments for affordable housing. In this regard, given that the policy pre-dates the Framework by some margin, paragraph 145(e) attracts more weight.
8. The appeal site falls outside of the village boundary for Chipperfield shown on the saved proposals map of the Dacorum Borough Local Plan 1991-2011, April 2004. However, both parties accept that given the relevant case law² that this is not necessarily determinative. Similarly, I do not accept that the inclusion of the appeal site within the administrative parish area for Chipperfield within the Chipperfield Village Design Statement, Supplementary Planning Guidance, December 2001 (VDS) or within the boundary for the Chipperfield Conservation Area signifies that the appeal site is within a village for the purposes of paragraph 145(e).
9. Chipperfield is not a typical nucleated settlement in that it appears to have evolved from farmsteads dispersed around common land. As a result, its layout is not particularly tight knit and has some outlying areas, including that of Tower Hill where the appeal site is located. The site lies adjacent to The Paddock, a public house with a play area and playing field to the rear of the site that provide facilities for the main village. The pub is referred to within the VDS as one of four serving the village. As such, notwithstanding that there are agricultural fields between Tower Hill and the main area of the village to the south east, there is a functional and historic relationship between the outlying cluster of development at Tower Hill that includes the appeal site, such that it is reasonable to consider it as part of Chipperfield village.

² Julian Wood v SSCLG and Gravesham Borough Council [2015] EWCA Civ 195

10. This is not dissimilar to the appeal decision which the Council highlights at 49 and 51 Scatterdells Lane³ located a little distance to the north east of the appeal site in which the Inspector observed "*I note that the site is outside of the defined village envelope for Chipperfield, but it is nevertheless located within an area of established housing that forms part of the village.*"
11. The term 'infilling' is not defined in the Framework and therefore, is essentially a question of fact and planning judgement. However, the explanatory text for policy CS6⁴ defines infilling as "*a form of development whereby buildings, most frequently dwellings, are proposed or constructed within a gap along a clearly identifiable builtup frontage or within a group of buildings.*" In the absence of a national definition, it is relevant and appropriate to apply this definition to this case.
12. The appeal site represents a significant gap between The Paddock and Old Place. To the north west of The Paddock there is a clearly identifiable built-up frontage arising from a line of dwellings with regular plots and set back to the road. From my observations, this built frontage stops at The Paddock with a considerable intervening gap that is devoid of built form. As a result, Old Place reads as a sporadic detached dwelling rather than being part of a built-up frontage or group of buildings. Moreover, the proposed dwellings would be set well back into the site behind the established building line of The Paddock and the dwellings to the north-west. Consequently, the proposed development would not fall within the definition of infilling, and therefore, it cannot be further considered as to whether it would be 'limited infilling'.
13. Accordingly, the proposal would not fall within any of the exceptions listed in the Framework and would constitute inappropriate development in the Green Belt to which I must attach substantial weight.

Openness

14. The appeal site comprises predominantly open grass land with a belt of trees within the site and established hedgerows and trees along the boundaries. Even taking into account the reductions in scale shown on the revised plans, which are comparatively minor, the introduction of 4 semi-detached dwellings, gardens and hardstanding onto the site which is largely devoid of built form, would markedly reduce the openness of the Green Belt.
15. Due to the considerable set back of the dwellings into the site, they would fail to align with the siting of The Paddock and Old Place and would encroach into the open space to the north east which is largely surrounded by open land. As a result, this would exacerbate the harm to the openness of the Green Belt. In addition, glimpses of the development would be possible from Tower Hill, the playing fields at the rear of the site as well as from the car park and garden of The Paddock.
16. Accordingly, the proposal would have an adverse spatial and visual impact on the openness of the Green Belt. However, given the relatively minor scale of the proposal for 4 dwellings, the degree of harm would be moderate.

³ Reference APP/A1910/W/15/3133871 dated 12 January 2016

⁴ Paragraph 8.34

Character and appearance

17. The appeal site lies within the Chipperfield Conservation Area (CA) and adjacent to The Paddock, a Grade II listed building, both constitute designated heritage assets as defined in the Framework. To the south is a locally listed building, Old Place, which is a non designated heritage asset.
18. The CA covers an extensive area around and including Chipperfield village, and its significance lies in part in the way the range of buildings and spaces it contains reflects the evolution of the village from agricultural farmsteads around Chipperfield Common. The appeal site lies within the North-West Portion character area of the CA⁵ which retains a predominantly rural, spacious character due to the prevalence of fields and open areas with the limited amount of built form often set within generous plots.
19. The Paddock is likely to be 16th century or earlier and its significance is primarily derived from the aesthetic quality of the appearance of the building which given that it is set apart from nearby built form in spacious surroundings, can be readily appreciated.
20. I am required to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, and to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA⁶.
21. The appeal site currently comprises a grassed area and contains a significant number of established trees which combine to contribute positively to the significance of the CA as it reinforces its rural characteristics. In addition, as it lies adjacent to The Paddock it forms part of the spacious surroundings within which the aesthetic qualities of the building are experienced, thereby enhancing its setting.
22. As such, introducing the presence of considerable built form and associated domestic gardens into this area, would considerably diminish the rural spaciousness currently provided by the appeal site. Furthermore, the setting of the built form well into the site would fail to align with the generally regular set back of residential dwellings from the road evident in The Paddock and dwellings to the north, as well as Old Place. This would exacerbate the erosion of spaciousness.
23. In addition, the proposed street scene drawing⁷ indicates that the ridgeline of the nearest proposed dwelling would be considerably higher than that of Old Place. Similarly, even accounting for the difference in ground levels, the ridgeline of the nearest dwelling is shown as higher than the ridgeline on the closest part of The Paddock. Moreover, notwithstanding the reduction shown in the revised plans, the proposed dwellings would have a notably greater depth and height than those in evidence in the older parts of the adjacent historic buildings of The Paddock and Old Place. Consequently, despite being set back further into the site, the scale and proportions of the semi-detached dwellings would be overly prominent by comparison and would detract from the simple form of the heritage assets.

⁵ Chipperfield Conservation Area, Character Appraisal and Management Proposals, Published 2009

⁶ Sections 66 & 72 Planning (Listed Buildings and Conservation Areas) Act 1990

⁷ Drawing No. FP18771/10A

24. I accept that the retention of trees and landscaping within the site, particularly to the front of the proposed dwellings would assist in screening the visual impact of the built form. Nevertheless, glimpses of the buildings, access and parking areas would still be possible from Tower Hill which in turn, would adversely diminish the rural character and appearance of the appeal site.
25. Although the appellant considers that the proposed design takes references from nearby Arts and Crafts dwellings to the north of The Paddock, there are notable differences with the appeal proposal in terms of the siting, proportions and roof pitch utilised. In any event, neither this, nor the use of traditional external materials, would fully address the harm to the rural, spacious character arising from the presence of the proposed built form.
26. I am specifically referred to section 2.8, Part 2 of the Chipperfield Conservation Area, Character Appraisal and Management Proposals, published 2009 where it states that '*if any infill development is contemplated the relatively 'unplanned' character of the village must be observed and any development should respond positively to this organic layout/form*'. For the reasons outlined above, the proposed development would not respond positively and would be harmful to the significance of the setting of The Paddock and the character and appearance of the CA.
27. Nevertheless, the resulting harm to these designated heritage assets would be less than substantial. Paragraph 196 of the Framework advises that in such circumstances the harm should be weighed against the public benefits of the proposal. The development would provide additional housing thereby contributing to overall housing supply. Furthermore, there would be economic benefits arising from the contributions and activities of future occupants. However, given the modest scale of the development such benefits would be limited. Although less than substantial, mindful of the statutory duties and national advice⁸, the harm to the significance of the designated heritage assets attracts great weight. Therefore, the modest benefits identified would not amount to public benefits to outweigh this.
28. Accordingly, I find that the proposal would be harmful to the character and appearance of the area and to the significance of designated heritage assets. Therefore, the proposal would conflict with policy CS27 of the CS which seeks to protect the quality of the historic environment by, amongst other matters, requiring development to positively conserve or enhance the character of conservation areas and protect the setting of listed buildings.

Other considerations

29. As already acknowledged, the proposal would contribute towards overall housing provision, and in particular for Chipperfield village. This weighs in favour of the proposal but in view of the limited scale of the development such benefits would be limited. Therefore, overall, it attracts moderate weight.
30. The appellant highlights that the proposal would provide appropriate levels of car parking and floor space for the proposed residents and would not cause harm to the living conditions of nearby existing residents. Be that as it may, the absence of harm does not weigh in favour of the proposal, and as these matters would have been required in any event to fulfil other aspects of the

⁸ Paragraph 193 National Planning Policy Framework

development plan policy, they are neutral factors in the overall balancing exercise.

Green Belt balancing exercise

31. Paragraph 144 of the Framework advises that substantial weight should be given to any harm to the Green Belt. Moreover, very special circumstances to allow inappropriate development will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In this case, the proposal amounts to inappropriate development, and in addition, moderate harm would be caused to the openness of the Green Belt. These factors attract substantial weight. In addition, significant weight is given to the harm the would result to the character and appearance of the area and the significance of designated heritage assets.
32. The other considerations in this case do not clearly outweigh the harm identified. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, the proposal would be contrary to the Framework and to policies CS5 and CS6 of the CS which primarily seek to protect the Green Belt from inappropriate development.

Conclusion

33. For the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector