



Appeal Decision

Site visit made on 15 October 2019 by Darren Ellis MPlan

Decision by Mr A Thickett BA(Hons) BTP Dip RSA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2020

Appeal Ref: APP/A1910/W/19/3233722

131 Trowley Hill Road, Flamstead, AL3 8DS

- 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 R Rule against the decision of Dacorum Borough Council.
 - The application Ref 4/03018/18/FUL, dated 29 November 2018, was refused by notice dated 31 January 2019.
 - The development proposed is the erection of a pair of semi-detached, three-bedroom dwellings and two new points of access.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The appeal site is within the Green Belt and within the setting of a Listed Building. As such the main issues are:
 - whether the proposal would be inappropriate development for the purposes of development plan policy and the National Planning Policy Framework;
 - the effect of the proposal on the openness of the Green Belt;
 - whether the proposal would preserve or enhance the setting of the Listed Building; and
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether the proposal would be inappropriate development

4. The appeal site is currently the side/rear garden of 131 Trowley Hill Road in Trowley Bottom. The proposed development is the erection of a pair of semi-detached properties with separate vehicular access points onto the road called Trowley Bottom.
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5. The National Planning Policy Framework (the Framework) establishes that new buildings in the Green Belt are inappropriate except in certain circumstances set out in paragraphs 145 and 146. One such exception is limited infilling in villages. Policy CS5 of the Dacorum Core Strategy 2013 (CS) states that national policy shall be applied to proposed development in the Green Belt, and that a building for the uses defined as not inappropriate in national policy shall be permitted.
6. There is disagreement between the parties as to whether the appeal site, and the area of Trowley Bottom, is within Flamstead. Trowley Bottom is located outside of the settlement boundary of the village of Flamstead as defined by the CS, however it has been established in a High Court judgement¹ that policy maps are not determinative in judging the extent of a village and its relevant boundaries. It is therefore necessary to take account of the facts on the ground.
7. Previous developments have extended the village of Flamstead towards Trowley Hill. However, to the north of the junction of Trowley Hill Road and White Hill there is still a small but nevertheless, clear gap between the built areas of Flamstead and Trowley Hill. As such there is no clear continuum of development. In Flamstead, the pavement finishes and the road narrows at the start of this gap. While this in itself does not define the end of the village, it does contribute to the feeling of a division and that you are leaving Flamstead and entering Trowley Bottom. For these reasons, in my view Trowley Bottom lies outside of the village of Flamstead.
8. My attention has been drawn to an appeal decision² in Coppull, Lancashire, where the appeal site was also outside of the village boundary. However, in Coppull the Inspector concluded that there was a clear continuum of development from the village, which is not the case in this appeal. The Coppull appeal is therefore not directly comparable to the appeal before me.
9. The inclusion of Flamstead in the postal address of the appeal site is not conclusive evidence of the site lying within the village boundary. In addition, the Parish Council centenary sign shows the parish and not necessarily the village boundary.

Is Trowley Bottom a village in its own right?

10. Trowley Bottom is a small settlement and is considerably smaller than Flamstead, both in terms of area and the number of buildings and does not have a defined settlement boundary under the CS. As stated above these facts in themselves are not determinative of whether Trowley Bottom can be described as a village. The Council cites the English Oxford Living Dictionary definition of a hamlet, which is 'A small settlement, generally one smaller than a village, and strictly (in Britain) one without a church'. Trowley Bottom does not have a church. It does have a public house but otherwise there are no local amenities and residents are, therefore, reliant on the amenities and services provided in Flamstead and elsewhere. In my view, given its size and facilities offered (and not offered), Trowley Bottom can reasonably be described

¹ Wood v Secretary of State for Communities and Local Government and Gravesham Borough Council [2015] EWCA Civ 195

² Appeal Ref: APP/D2320/W/16/3154595

as a hamlet rather than a village and the proposal development does not, therefore, constitute infill in a village.

Openness

11. As the appeal site is currently a residential garden, it has been suggested that the proposal could also be considered to qualify as an exception as constituting the limited infilling or partial redevelopment of previously developed land. In this case, paragraph 145g of the Framework requires that there should not be a greater impact on the openness of the GB than the existing development. The appellant suggests that the proposed development would have a limited impact on the openness of the GB due to it being surrounded on three sides by dwellings. However, the erection of two houses on a part of the garden without existing buildings would inevitably have a greater impact on openness and this exception, therefore, does not apply. The general effect on openness is discussed in more detail below.
12. Consequently, the proposal would not fall within any category set out in paragraph 145 or 146. It would therefore constitute inappropriate development in the Green Belt.

Listed Buildings

13. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of preserving a listed building or its setting.
14. There are two listed buildings in the vicinity of the site; the Rose & Crown Public House and Trowley Bottom Farmhouse, both Grade II. The proposed dwellings would be set back from the street, partially screened from the Rose & Crown by 131 Trowley Hill Road and some distance away from Trowley Bottom Farmhouse. The proposed houses would be enclosed by existing buildings. They have been designed to be in keeping with their surroundings and I do not consider that they would affect the setting of either listed building.

Planning Balance and Conclusion

15. The proposal is inappropriate development in the Green Belt and, in addition, causes harm to the openness of the Green Belt. The Framework establishes that substantial weight is afforded to any harm to the Green Belt.
16. The Framework states that development should not be approved unless the harm to the Green Belt is clearly outweighed by other considerations. Moderate weight is attached to the other considerations that are raised by the appellant, and subsequently they do not clearly outweigh the totality of the harm I have identified, harm which carries substantial weight. Consequently, very special circumstances do not exist.
17. The Council cannot demonstrate a 5-year supply of housing land. When this is the case, paragraph 11d of the Framework requires planning permission to be granted unless the application of policies in the Framework that protect areas, such as Green Belt, or assets of particular importance provides a clear reason for refusing the development proposed. For the reasons given above, the proposal is in conflict with the Green Belt policies of the Framework and a clear reason for refusal exists. The proposal also does not comply with Policy CS5 of the CS.

18. I note that the Council raised no objections regarding design, layout, highway safety and the effect on the living conditions of neighbouring properties, and I have no reasons to disagree.
19. Whilst paragraph 59 of the Framework refers to significantly boosting the supply of housing, the provision of two additional units would provide a limited meaningful addition to which I attach moderate weight. However, the benefit is reduced by the distance of the site from local services and facilities.
20. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

A Thickett

INSPECTOR