



Appeal Decision

Site visit made on 30 January 2020

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 7 February 2020

Appeal Ref: APP/A1910/W/19/3235874

The Old Stables, Shendish, Hemel Hempstead, Hertfordshire HP3 0AA

- 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 Kennealy against the decision of Dacorum Borough Council.
 - The application Ref 4/01275/19/FUL, dated 9 May 2019, was refused by notice dated 18 July 2019.
 - The development proposed is detached dwelling, garage and change of use of land from residential curtilage to countryside.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: -
 - Whether, or not, the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (2019) - the Framework- and the effect on the openness of the Green Belt;
 - The effect of the proposed development on heritage assets; and: -
 - Whether the harm by reason of inappropriateness, and any other harm, would 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

3. The appeal site lies within the settlement of Shendish and is an open area of grassland to the south of The Old Stables. It lies between The Old Stables and The Courtyard, which is a private road. Whilst part of the garden of The Old Stables, it is separated from the dwelling by a mature hedge and has the appearance of a landscaped paddock. It is bounded by a mature hedge. The boundary with Apsley Manor Farm, to the west is in the form of a brick wall which incorporates an outbuilding. The boundaries to the roads to the east and the south are in the form of mature hedges of moderate height incorporating field gates.
4. The proposal would place a new, single storey dwelling with a detached garage in the western half of the site, with a new boundary running south to the road,

- separating the dwelling from the rest of the site which would be further landscaped.
5. There is no dispute that the site lies within the Metropolitan Green Belt. Paragraph 145 of the Framework states that the construction of new buildings is inappropriate development in the Green Belt. Paragraph 143 of the Framework is clear that inappropriate development is by definition harmful to the Green Belt.
 6. Paragraph 145 does nevertheless provide exceptions which are not considered to be inappropriate. Policy CS5 of the Dacorum Core Strategy 2006-2031 (2013) -the Core Strategy- reflects the Framework's policy on inappropriate development and lists similar exceptions. It is broadly consistent with the aims of those parts of the Framework which seek to protect the Green Belt from inappropriate development.
 7. Regarding the exceptions within the Framework and the Core Strategy relevant in this case, the development would not constitute a replacement of a building. The appeal site would be within a gap in the built fabric of the settlement, in the grounds of an existing dwelling and would have existing buildings within a built-up area on three sides, albeit that the building on one side is an outbuilding. However, the proposed dwelling would lie in a longitudinal gap between a line of dwellings formed by The Old Stables, Manor Farm and that formed by buildings on the south side of The Courtyard. The proposed dwelling would not, therefore, conform to the general grain of development in the area. Further, the building would not fill the gap to a degree where further development would be precluded and so the proposal is not infill.
 8. Further, although in recent years additional building has taken place in Shendish it is still of limited size and is constrained by Shendish Golf Course and its grounds. Whilst there is no definition of a village within the Framework, I am not persuaded that the size of the settlement and its pattern and location of development constitutes a village.
 9. My attention has been drawn to Paragraph 8.31 of the Core Strategy. This identifies the presence of "a number of major developed sites which largely predate the current planning system and Green Belt designation" and that these sites may support limited infilling to secure economic prosperity or achieve social objectives or environmental improvements. However, the text goes on to identify certain criteria for the selection of sites, including, amongst other things, that the sites are substantial in size and contain a significant amount and scale of built development. From my reasoning above it will be seen that, despite recent development, the settlement does not fulfil these criteria.
 10. Although Paragraph 8.32 of the Core Strategy identifies that the current list of major developed sites within Core Strategy may be added to, Shendish is not identified and I have no evidence before me that it is proposed to be specifically added.
 11. My attention has been drawn to Berkhamsted Hill (Berkhamsted Castle Village), which is on the current list of major developed sites. However, that settlement is not within the immediate vicinity of the proposal and is not part of the site context of the appeal scheme. I do not, therefore consider that it provides a

direct contextual comparison to the case before me. I have, in any case, determined this appeal on its own merits.

12. Paragraph 145 g) of the Framework provides scope for the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development, or would not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. As the appeal proposals do not provide for affordable housing the latter does not apply in this case.
13. The Framework identifies that the fundamental aim of the Green Belt as “to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”. Whilst there is no dispute that the plot could accommodate buildings of the scale proposed, the proposal would introduce two substantial buildings into the open area, and these buildings, and their massing, would be open to view from the surrounding streets and golf course.
14. The Green Belt has both a spatial and a visual dimension. For the above reasons, regardless of the presence of other existing buildings in the vicinity, in spatial terms the increased built form on the site would result in a loss of openness, which is a separate issue from the character and appearance of the area. Therefore, even were I to consider that the development constitutes redevelopment of PDL, the site reduces the openness of the Green Belt.
15. Consequently, the development would not fall within any of the exceptions set out under paragraph 145 of the Framework. Moreover, there is no indication that the development would fall to be considered under any of the exceptions under paragraph 146.
16. The Framework identifies five purposes served by the Green Belt. Given that the development would be contained within the existing plot boundary I find that it would not encroach further into the countryside and so would not be contrary to the purposes of the Green Belt.
17. Although the proposal would not conflict with the purposes of including land within the Green Belt, it would decrease the openness of the Green Belt and would not fulfil the criteria to demonstrate that the development would not be inappropriate. For these reasons, I conclude that the proposal would amount to inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies, including any relevant effects on the openness of the Green Belt. The proposal would therefore be contrary to Policy CS5 of the Core Strategy and Section 13 of the Framework, the aims of which I have set out above.

Effect on heritage assets

18. To the south of the site lies Shendish House, whilst to the west lies Apsley Manor Farm, which are both grade II Listed Buildings. The significance of both listed buildings derives from their traditional architectural detailing, setting within a parkland landscape and the relationship between Shendish House and the estate buildings to the north to which Apsley Manor Farm belongs. Whilst

there has been development in the vicinity, the appeal site remains open and still provides a visual gap between Shendish House and its former estate buildings when viewed from the east and this, together with the approach through the parkland from that direction, retain the visual context of Shendish House with its estate.

19. The proposal would introduce two substantial buildings, albeit of single storey in height, into this gap. On this basis I consider that the appeal site falls within the setting of Shendish House.
20. The proposed dwelling and garage would each be of a single storey, so as to remain subordinate to the adjacent Shendish House and respect the scale of The Old Stables. It is proposed to use reclaimed bricks and tiles and traditional, dark stained timber for cladding to help integrate the building into its setting. However, the design of the building and use of matching materials, of itself, could not sufficiently reconcile the intrusion of the building into the visual gap, which would detract from the setting of the listed building.
21. The wall and outbuilding of Apsley Manor Farm, whilst encroaching into this view, are set further back and do not undermine the visual relationship to the same degree as the proposed dwelling and garage would.
22. The buildings would not be visible, to any significant, degree in views encompassing Apsley Manor Farm and so would not have any significant effect on its visual context. On this basis I do not consider that the appeal site falls within the setting of Apsley Manor Farm.
23. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in making decisions on planning applications that may affect a listed building or its setting, special attention is paid to the desirability of preserving the building or its setting. In addition, Paragraph 193 of the Framework requires when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
24. Thus, whilst not resulting in harm to the setting of Apsley Manor Farm, I find that the development would cause material harm to the setting of Shendish House, which is a grade II listed building, contrary to Policy CS 27 of the Core Strategy, which requires that development should protect, conserve and if appropriate enhance the integrity, setting and distinctiveness of designated heritage assets. The development would also be contrary to the aims of Section 16 of the Framework, which are similar.

Planning balance in regard to heritage assets

25. The statutory duties in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are a matter of considerable importance and weight. As a consequence of the siting of the appeal scheme it would have a harmful impact on the setting of the grade II Shendish House. However, the proposal would not lead to the loss of any of the buildings or any of their special features. As such, whilst material, I find that the harm would be less than substantial. Paragraph 196 of the Framework directs that where a development proposal will lead to less than substantial harm of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

26. The proposal would make an additional dwelling available to supplement housing delivery and provide economic support to local businesses and services. These would be public benefits to which, due to the scale of the development, I attach limited weight.
27. On the evidence before me I therefore conclude that the public benefit has not been demonstrated to outweigh the less than substantial harm identified to the setting of the grade II listed building.

Other considerations

28. The development would provide benefits in terms of providing an additional dwelling to supplement housing delivery and provide economic support to local businesses and services. These would be public benefits to which, due to the scale of the development, I attach limited weight. Moreover, there would be likely minor benefits to the local economy in terms of short term employment in the construction industry. Taken together these are benefits to which, given the restricted scale of the development, I attach limited weight.

Other Matters

29. In the description of the proposal it is noted that it is proposed to return the site to countryside use. Whilst there is no specific "countryside use" defined within the Use Classes Order 1987 or its amending Order of 2005, the site lies outside of any development boundary and would, therefore, be subject to planning policies relating to its countryside location. Whilst permitted development rights would change, some such rights still apply to countryside uses and, in any case, the site is protected by virtue of its location within the Green Belt and countryside location. I therefore consider that the proposal would not provide any significant additional protection against future development in planning terms beyond that which already exists.

Conclusion

30. The revised 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. 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, and the harm to the setting of the listed building. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.
31. The proposal is therefore contrary to Policy CS5 of the Core Strategy, and the Framework in as much as the development would not permanently retain the open and undeveloped character of the Green Belt. The proposal is also contrary to Policy CS27 EP3 of the Local Plan, and the Framework which seek to protect heritage assets, including their settings.
32. For the reasons given above the appeal should be dismissed.

I Dyer

INSPECTOR