
Appeal Decision

Site visit made on 8 January 2020

by S Shapland BSc (Hons) MSc CMILT

an Inspector appointed by the Secretary of State

Decision date: 11 February 2020

Appeal Ref: APP/C1570/W/19/3238490

Pleasant View, Sawbridgeworth Road, Gaston Green, Little Hallingbury, Bishops Stortford, Hertfordshire CM22 7QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr R Tunks (BK Tooling Ltd) against the decision of Uttlesford District Council.
 - The application Ref UTT/19/0130/OP, dated 16 January 2019, was refused by notice dated 7 August 2019.
 - The development proposed is outline application, with all matters reserved except for access and layout, for the demolition of existing dwelling and commercial buildings and the erection of 6 no. dwellings with detached garages.
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Decision

1. The appeal is dismissed

Procedural Matters

2. The description used in the banner heading is the one taken from the Council's decision notice, as this is a more precise description than the one given on the application form. I have determined the appeal on this basis.
3. The planning application was submitted in outline form with all matters apart from access and layout reserved for future approval. I have therefore taken any indication of reserved matters shown on the submitted drawings to be illustrative only.

Main Issues

4. The main issues are:
 - Whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework, having regard to the openness of the Greenbelt;
 - If the development is inappropriate, 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 the development.

Reasons

Whether inappropriate development in the Green Belt

5. The National Planning Policy Framework (the Framework) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It further states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions as set out in paragraph 145 of the Framework. One such exception is the limited infilling or the partial or complete redevelopment of previously developed land, 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.
6. The appeal site is more or less perpendicular from the highway and comprises of a large dwelling with a long gravel driveway, which extends towards the rear of the site. The existing development is largely focused at each end of the site, with the existing dwelling located towards the highway and a commercial building at the rear of the site. Between the dwelling and commercial building there is a landscaped garden which includes a disused swimming pool and a small number of outbuildings. The commercial building is of a timber construction and includes a dual pitched roof design. There is an existing gravelled area which I observed was used as a parking area for the business adjacent to this commercial building. The site is well screened by mature vegetation along the boundary.
7. The Framework defines previously developed land as "land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure". I am satisfied that the site is previously developed land as defined within the Framework.
8. The appellant contends that the proposal would not have a greater impact on the openness of the Green Belt than the existing development. The appeal proposal is for the demolition of the existing buildings on site, including the residential dwelling and construction of 6 dwellings. The original application was in outline with all matters apart from layout and access reserved for future approval. The submitted drawings have shown the proposed dwellings would be large 4 bedroom properties with detached garages. However, as scale is a reserved matter I have taken these as indicative only.
9. Openness within the Green Belt has both a spatial and visual aspect. In this instance, the provision of 6 dwellings in the layout shown would spread the built form across much more of the site. This would have a greater effect on the openness of the Green Belt as it would be introducing built form across a greater area than currently exists. Furthermore, the introduction of new driveways to serve the properties and the new residential paraphernalia which would accompany new dwellings would further impact the openness of the Green Belt. In this instance the totality 6 new dwellings shown in the layout plans would have a greater impact on the openness than the existing development on the site.
10. The appellant has indicated that as the site is well screened with mature vegetation, and that the proposal would include a landscaping scheme, this

would preserve the openness of the Green Belt. Whilst this would go some way towards preserving the visual openness of the Green Belt by screening the proposed built form, it would not overcome the harm I have identified to the spatial aspect of openness.

11. Calculations of the footprint and volume of the existing buildings on site have been provided by the appellant, but no evidence to support these calculations have been submitted as part of the appeal. Furthermore, there appears to be an error in the calculations of the volume of the proposed development as this refers to 4 new dwellings. In any event, limited weight can be attributed to this assertion as the scale of the proposed dwellings is a matter reserved for future approval.
12. Accordingly, the proposal is considered inappropriate development in the Green Belt as the proposed development would have a greater impact on the openness than the existing development. It would further conflict with Policy S6 of the Uttlesford Local Plan 2005 (LP) which sets out areas of exception where development in the Green Belt would be permitted.

Other Considerations

13. The appellant has stated that the Council has approved similar schemes in the locality where previously developed land has been redeveloped to provide residential dwellings. The examples cited by the appellant are the Coal Yard at Grinstead Lane¹ and Claremont Nursery at Sheering Road². In these instances the Council found that the proposals would not harm the openness of the Green Belt. I have not been provided with the full details of these schemes and so cannot be certain that the circumstances are the same. In any case, all applications and appeals must be determined on their own merits and that is what I have done. Consequently, limited weight can be provided to the two examples of these other developments in the Green Belt.
14. The Council is unable to demonstrate a five-year supply of housing and as such the appellant is of the view that the presumption of sustainable development applies. However, Paragraph 11 d)i of the Framework is clear that where the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, the presumption in favour of sustainable development does not apply. Footnote 6 to this paragraph includes the Green Belt. As such the presumption in favour of sustainable development is not engaged in this appeal. However, I recognise that the proposal would provide a modest contribution towards local housing supply and this is a benefit of the proposal.
15. The appellant has indicated that the development of residential dwellings in this location would safeguard the site from further commercial development. Expansion of commercial development in this location could further impact the appearance of the site and the openness of the Green Belt. Furthermore, the appellant contends that the site could be further expanded under permitted development rights which would harm the openness of the Green Belt. I have been provided with no cogent evidence to indicate that expansion at the site is likely to occur in the future, and as such limited weight can be attributed to this.

¹ UTT/18/0430/FUL

² UTT/18/1948/FUL

16. The cessation of commercial activities in this location would remove the associated heavy vehicle movements related to the existing use. The appellant contends that the removal of this would have a positive benefit to the character and appearance of the area. I have been provided with no evidence of the existing vehicular movements to the site, however there would likely be a limited environmental benefit should the industrial use cease. However, on the basis of what is before me I can only provide this limited weight in favour of the appeal.
17. The appeal site is located within the setting of the Listed Building known as 'The Hop Poles'. As such I have had regard to my statutory duties under S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I find that the proposed development would be well screened from this listed building and would therefore not harm the setting of the listed building. Consequently, I find that it would have a neutral effect on the significance of the designated heritage asset. I note that the Council raised no concerns in this regard.
18. 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.

Conclusions

19. In summary, I have identified that the scheme would be inappropriate development in the Green Belt as defined by the Framework. Substantial weight has to be attached to any harm to the Green Belt. The proposal results in a reduction in openness of the Green Belt, and moderate weight must also be attached to this.
20. I give weight to the modest contribution that the proposal would make to the local housing supply, and the other minor environmental benefits outlined above. However, these benefits are insufficient to outweigh the substantial harm to the Green Belt arising from inappropriate development, and the moderate harm to the openness of the Greenbelt. Therefore, I have found that the considerations reviewed above do not clearly outweigh the harm that I have identified. Consequently, no very special circumstances exist, and the proposal is contrary to policy S6 of the LP.
21. For the reasons given I conclude that the appeal should be dismissed.

S Shapland

INSPECTOR