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## Appeal Decision

Site visit made on 18 February 2020

**by Graham Wraight BA(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 March 2020**

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**Appeal Ref: APP/A1910/W/19/3241643**

**Pouchen End Hall, Pouchen End Lane, Hemel Hempstead HP1 2SA**

- 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 and Mrs Sue and Bryan Mundy against the decision of Dacorum Borough Council.
  - The application Ref 4/00324/19/FUL, dated 31 January 2019, was refused by notice dated 22 May 2019.
  - The development proposed is the demolition of existing derelict portacabin and erection of two relocated single storey Art Studios.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - (i) The effect on the openness of the Green Belt; and
  - (ii) 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

3. The main parties have agreed that the proposal would represent inappropriate development in the Green Belt as defined in development plan policy CS5 and the revised National Planning Policy Framework (The Framework). I concur with that position.

### *Openness*

4. A fundamental aim of Green Belt policy, as set out by The Framework, is to prevent urban sprawl by keeping land permanently open. Openness is, in effect, the absence of development and it has both a spatial and visual aspect to it.
5. At the present time there is only a small portacabin style building on the site and nothing comparable to the footprint of the proposed buildings or their scale and bulk. Whilst the area is also used for car parking for the existing art studios, the surface of the appeal site is covered with a mixture of crushed aggregate and grassed areas, and neither the surfacing nor the use for car

parking has any significant impact on openness. A number of other items and equipment were present on the site, however none were substantial in size or were permanent structures. The proposed development would therefore lead to a loss of visual openness and its presence would represent an encroachment into an area where there is not currently any substantial built development.

6. For these reasons, I conclude that the development would lead to significant harm to Green Belt openness and to the purposes of including land in the Green Belt. It would therefore be contrary to Policy CS5 of the adopted Dacorum Borough Core Strategy 2013 (CS) which seeks to restrain development within Green Belt areas, and to the specific guidance within The Framework.

#### *Other considerations*

7. The appellant considers that the proposed development would deliver cultural, community, social and economic benefits through the provision of the purpose designed art studios, which would provide employment and an extremely important community, social and cultural space for local people and a profitable business for the appellants. They would replace the existing art studios which are outdated and not fit for purpose and their re-use for residential purposes would generate funds for the appeal development to be built. These considerations collectively weigh in support of the proposed development, but no substantive evidence has been provided to demonstrate that the appeal development is the only way in which these outcomes could be achieved. Accordingly, I give them only limited weight.
8. Reference has been made to the Council's lack of a 5 year housing land supply and that the proposed development would allow the existing art studios to be converted to dwellings, thus boosting the supply of housing in the borough. However, this would result in only two dwellings being created and therefore the contribution to the overall provision of new housing in the borough would not be significant. I therefore give this consideration only limited weight.
9. The appellant also considers that the development would enable the positive and beneficial re-use of the site and result in its enhancement. Existing trees and planting within and on the boundary of the site would be retained and enhanced where necessary to provide biodiversity benefits. However, the site at present does not cause any significant harm to the character and appearance of the surrounding area, and therefore any environmental benefits or enhancements which would arise from the proposed development can be given only minimal weight.

#### **Conclusion**

10. 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. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness is clearly outweighed by other considerations.
11. The proposal would be inappropriate development in the Green Belt and would result in significant harm to its openness. Having regard to the reasons I have set out, I find that the other considerations in this case do not clearly outweigh

the harm to the Green Belt that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

12. For the reasons given above, I conclude that the proposal conflicts with the objectives of Saved Policy CS5 of the CS and the Framework, both of which seek to protect the Green Belt, and that the appeal should be dismissed.

*Graham Wraight*

INSPECTOR