
Appeal Decision

Site visit made on 26 February 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 19th March 2020

Appeal Ref: APP/J1915/D/19/3242916

16 Chapmore End, Ware SG12 0HF

- 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 Neil Blackaller against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1672/HH, dated 12 August 2019, was refused by notice dated 11 October 2019.
 - The development proposed is described as, 'carport to drive'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. While I note the name of the appellants in the application form, since the appeal form states Mr Neil Blackaller only, the appeal proceeds on this basis.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies;
 - the effect on the openness of the Green Belt;
 - would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriateness

4. The appeal dwelling is part of a terrace of houses and occupies a large plot which backs onto open countryside. The property has been extended and altered. The proposal consists of a free-standing carport which would be set in the front corner of the site separate from the main house.
5. The National Planning Policy Framework (Framework) states that the construction of new buildings are inappropriate in the Green Belt with a number of exceptions. These include, under paragraph 145c) of the Framework, the extension or alteration of a building provided that it does not result in

disproportionate additions over and above the size of the original building. Policy GBR1 of the East Herts District Plan 2018 (DP) states that planning application within the Green Belt will be considered in line with the provisions of the Framework.

6. While I note that the proposal would be set further away from the host building than the previous appeal scheme¹, given its proximity to the main house and position in front of the building, it could reasonably be considered as an extension under paragraph 145c) of the Framework. Given the previous extensions to the main dwelling, the proposal would increase the size of the property to around 150% of the original building. This is undisputed by the appellant. In any event, the carport would add considerable built development to a property that has already been significantly extended. It would therefore amount to disproportional additions over and above the size of the original building and would constitute inappropriate development in the Green Belt.
7. Even if the proposal was considered a separate entity to the original building, it would not meet any of the exceptions stated in the Framework and would constitute inappropriate development in the Green Belt.
8. Consequently, the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies. Therefore, it would conflict with DP Policy GBR1 which relates to the Green Belt, and with the Framework in this regard.

Openness

9. A fundamental aim of Green Belt policy, as set out in paragraph 133 of the Framework, is to keep land permanently open. The proposal would involve the erection of a building in the Green Belt where there is currently no built development above ground. Though the front of the house is largely screened by tall hedges, since the proposal would include a solid roof and three enclosed sides, it would be visible through the access to the site and given its height and massing would result in harm to the visual and spatial openness of the Green Belt. While I note that the previous Inspector did not consider that the car port would result in harm to the character and appearance of the area and Green Belt, that Inspector did find harm in terms of the openness of the Green Belt and from the evidence before me I have come to a similar conclusion in this case.
10. Consequently, the proposal would harm the openness of the Green Belt and would conflict with DP Policy GBR1 and the Framework in this regard.

Other Considerations

11. I acknowledge that the proposal may not conflict with other policies of the DP or be harmful in terms of the character and appearance of the area. However, these do not weigh in favour of the proposal. While I note that the previous appeal proposal was determined under a different development plan, I have assessed this scheme on the basis of the adopted DP and this point carries limited weight. I acknowledge the comments regarding a possible change of use of the car port to dwelling. However, I have made my assessment on the basis of the scheme before me and I have attached very limited weight to this point.

¹ Appeal Ref: APP/J1915/D/13/2192510

Conclusion

12. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to the harm to the Green Belt. In addition, while the proposal would not have adverse effects on the character and appearance of the area or the Green Belt, there would be additional harm to the openness of the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. The substantial weight to be given to Green Belt harm is not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances given that those benefits are reasonably limited commensurate to the modest scale of the development proposed.
13. For the reasons given above the appeal should be dismissed.

R Sabu

INSPECTOR