
Appeal Decision

Site visit made on 22 January 2020

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2020

Appeal Ref: APP/J1915/W/19/3238401

Molewood Hall, High Molewood, Hertford SG14 2PL

- 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 Michael Edwards against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0245/FUL, dated 30 January 2019, was refused by notice dated 4 April 2019.
 - The development proposed is erection of an equipment/workshop and personal office together with change of use of land from woodland to residential curtilage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A building was under construction on the site at the time of my visit. Apart from some apparent differences with the design of the roof, the remainder appeared broadly consistent with the submitted plans. The proposed timber cladding had not been implemented. For the avoidance of doubt, I have considered the appeal on the basis of the submitted plans.

Main Issues

3. The main issues are;
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - The effect of the development on the character and appearance of the area;
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

4. The appeal relates to a large detached dwelling set in generous wooded grounds. There is an existing detached garage/storage building on the site that sits between the main dwelling and the development. This is of a similar scale and appearance to what is proposed. The stated intention is to use the building

for a mixture of storage, including machinery associated with the maintenance of the grounds, and a home office.

5. Policy GBR1 of the East Herts District Plan (EHDP)(2018) states that planning applications in the Green Belt will be considered in line with the provisions of the Framework. Paragraph 145 of the Framework states that the construction of a new building in the Green Belt should be considered inappropriate development unless it meets one of a number of exceptions. The development would not fall into any of the categories listed. While the building would ostensibly be used largely for the storage of maintenance equipment, this does not amount to forestry. Neither is there any evidence to suggest the grounds are used for formal recreational purposes.
6. In any event, the building would not be used exclusively for storage. The office element would also clearly fall outside any of the exceptions, as would the incorporation of any woodland into residential curtilage.
7. As such, the proposal constitutes inappropriate development in the Green Belt. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I shall return to this matter below.

Openness

8. The essential characteristics of Green Belts are their openness and their permanence. One of the stated purposes of the Green Belt is to keep land permanently open. In this case, the development would result in a building where previously none existed. The building is also not insignificant in scale for a residential outbuilding. It has a height of over 6 metres and a footprint of around 94 square metres. This constitutes a relatively large addition to the built form of the site, both in terms of footprint and volume.
9. It is stated that the building would replace an existing storage container on the site. Nevertheless, the appellant accepts that the building is both taller and would have a larger footprint than the container. The outcome would therefore still be a tangible increase in the built form on the site to the detriment of the openness of the Green Belt.
10. The site is well screened by woodland, other buildings and topography. Opportunities to view the building from outside the site are likely to be limited. Any views that are available would be glimpsed in nature and heavily filtered. The building would also be well screened from housing on Cowper Crescent by the main dwelling and existing detached garage. While the change in nature of the site would be clearly discernible to occupants of the dwelling itself, the overall visual impact on openness would not be significant.
11. However, the absence of significant visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt. When considered as a whole, the spatial impact of the development means that it would clearly fail to preserve the openness of the Green Belt. This adds to the harm resulting from being inappropriate development in the Green Belt.

Character and appearance

12. The development clearly adds to the existing cluster of buildings and density in this part of the site. Consequently, it does have something of an urbanising impact. However, the grounds are extensive, and the building is well separated from neighbouring properties. In this respect, it does not alter the character or grain of the area, which is one of detached dwellings in large plots. The effect on the character of the wider area would not be significant.
13. The extent of views into the site from outside will differ, with some parts being more visible and prominent than others. However, the siting of this building to the west of the garage and main dwelling means that it is not a particularly intrusive structure from the private views of nearby residents. The building is relatively large for a domestic outbuilding. However, when viewed from beyond the site it is unlikely it would be considered as a separate dwelling or annex. The design and materials of the building would also not be inappropriate in a rural location.
14. Therefore, while the building increases the density of development on the site, this does not rise to the level of an unacceptable impact on character and appearance. Accordingly, there would be no conflict with EHDP policies DES4 and HOU12 which seek to ensure, amongst other things, that development respects the character of an area and that the incorporation of land into residential curtilage would not have an adverse impact on character and appearance. The reason for refusal includes reference to Policy DES3. This relates to loss of landscape features. There is nothing to suggest the development would result in any conflict with this policy.

Other Considerations

15. The appellant argues that the development would be acceptable if not for an existing condition which removes certain permitted development rights. This has been the subject of a separate appeal. The appellant accepts that even without the condition, the building itself would not constitute permitted development. Rather, he contends that without the condition there would be a realistic fallback position. However, as the condition remains in place there is no potential fallback on this basis. As such, I have not given any weight to this argument.
16. The appellant has also argued that he has a fallback position as a result of permitted development rights on other properties that he owns in the estate. In the event the appeal is dismissed, he contends that these would allow the construction of equipment stores that may be more harmful than the development. There are no plans before me to demonstrate how such development could take place. Therefore, it is not possible to conclude with any certainty that the 'fallback' would be any more harmful to the openness of the Green Belt and/or the character of the area than the development.
17. In addition, there is no mechanism before me to extinguish existing permitted development rights. If permission were granted on this basis, there would be nothing to stop further development coming forward in those locations in the future. If this were to happen, then any supposed benefits of the development in this regard would be lost. As a result of the above, I have given only moderate weight to this fallback position.

18. The estate is extensive, and it would be reasonable to assume it requires a large amount of maintenance. I acknowledge that being able to store items necessary for this maintenance would be important to the appellant. However, it is not clear why this could not be achieved in a less harmful way.
19. For example, the permission for the adjacent building described it as a triple garage, equipment store and playroom. This should therefore meet some or all of the requirements outlined in the appellant's statement. While I have noted the comments in relation to the number of private vehicles owned, there is no absolute necessity for these to be parked in the garage. I saw that there was ample space for vehicles to be parked outside without the need to park on the grass. Moreover, the particular requirement for this level of parking relates primarily to the personal circumstances of the appellant and the number of vehicles the household owns, including a private collection of motorcycles. Concerns about security are noted, but parking vehicles outside the home is not an unusual or inherently risky practice.
20. The appellant also states that they have planning permission for a stable elsewhere on the grounds. It is possible that this could provide some opportunities for additional storage space. It is also unclear what the extensive area of roof space is needed for. The items needed to be stored are mainly vehicles or heavy-duty items. There is little to suggest that this space is necessary or useful for the purposes suggested.
21. The appellant's statement also refers to additional security measures, including cameras, that have been put in place in response to concerns over crime. There is nothing to suggest that these would not be effective in providing comfort that existing arrangements for the storing of maintenance and gardening equipment, would not be adequate. The provision of additional security measures may also be a potential option which would negate the need for inappropriate development in the Green Belt. Based on the evidence before me, I consider that the above factors should carry only moderate weight in favour of the proposal.
22. The appellant's desire for a separate office carries very little weight in my view. There is no clear evidence to demonstrate that the operation of the appellant's business, or that of family members, could not take place without the need for a new building. Even if carrying out business within the dwelling causes some level of disturbance to other occupants, I am not persuaded that this should necessarily have a harmful impact on living conditions. In addition, the evidence implies that some working from home may already take place. Thus, there would be no associated benefits in terms of reducing the need to travel.
23. Moreover, this requirement also reflects the very specific personal circumstances and preferences of the appellant. These circumstances may change over time, whereas the building would be permanent. This concern also applies to the apparent need for additional storage over and above what already exists.
24. There would be no enhancement or direct public benefits associated with the development, particularly in terms of the effect on local character. In the context of the appeal as a whole, I find the lack of harm to character and appearance carries only moderate weight in favour of the development.

Other Matters

25. The development would not have any impact on the living conditions of nearby residents. However, a lack of harm in this respect is neutral and weighs neither for nor against the development.

Planning Balance & Conclusion

26. The proposal constitutes inappropriate development in the Green Belt. I have given the harm associated with this substantial weight. There would also be some additional harm through the effect of the development on the openness. As explained above, I have given only moderate or limited weight to the other considerations cited in support of the development. Taken together, these would not clearly outweigh the harm to the Green Belt identified above.
27. Consequently, the very special circumstances needed to justify the development do not exist. The development would therefore be in conflict with EHDP Policy GBR1. For this reason, I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR