



Appeal Decision

Site visit made on 10 March 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th April 2020

Appeal Ref: APP/A1910/W/19/3243740

Former Bates Coaches, Water End Road, Potten End, Hertfordshire HP4 2SH

- 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 Peek Developments Ltd against the decision of Dacorum Borough Council.
 - The application Ref 4/02234/19/FUL, dated 18 September 2019, was refused by notice dated 18 November 2019.
 - The development proposed is the erection of two detached car ports and ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. From the evidence before me, the site can be considered to be previously developed land and the Council has previously granted planning permission for the construction of two dwellings¹. At my site visit, I saw that construction works on the dwellings themselves were well advanced.

Main Issues

3. The main issues are:
 - (i) whether the proposal is inappropriate development in the Green Belt;
 - (ii) the effect on the openness of the Green Belt;
 - (iii) the effect of the development on the character and appearance of the area; and
 - (iv) 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 the proposal is inappropriate development in the Green Belt

4. Paragraph 133 of the National Planning Policy Framework (the Framework) outlines the fundamental aim of Green Belt policy which is to prevent urban

¹ Reference 4/00858/18/FUL (together with a non-material amendment reference 4/01862/19/NMA)

- sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Framework, at paragraphs 145 and 146, set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions.
5. The Appellant has set out that they consider that the carports would constitute limited infilling and would therefore be in accordance with the exemption to inappropriate development as set out at paragraph 145e) of the Framework.
 6. The Framework does not define what a village is or what would constitute 'limited infilling'. However, infilling could be considered to be development which would close an existing small gap in an otherwise built up frontage.
 7. On the south side of Water End Road, the appeal site is located on the edge of the built up area with open fields to the east and south of the site. Given this, I am not convinced that the erection of two car ports to the frontage of the under-construction dwellings could be classed as infilling, principally owing to the lack of built form to the east of the site. In coming to that view, I acknowledge that the carports would be located between the new dwellings and the road (and the built development on the opposite side. However, I consider that this factor does not indicate that the carports would be infilling.
 8. In addition to the above the Appellant has indicated that the carports would not be disproportionate additions over and above the size of the original buildings and therefore the exemption at paragraph 145c) would apply. Notwithstanding that, the carports would be detached structures and would not therefore be an extension or alteration to a building as such.
 9. With the above in mind, the development would not fall within any of the exemptions to inappropriate development in the Framework or Policy CS5 of the Dacorum Core Strategy 2006-2031 (2013) (CS).
 10. For the above reasons, I conclude that the appeal development would be inappropriate development in the Green Belt and would conflict with the Framework and Policy CS5 of the CS which seeks to protect the openness and character of the Green Belt.

Effect on the openness of the Green Belt

11. One of the five purposes of a Green Belt, outlined at paragraph 134 of the Framework, is that it should assist in safeguarding the countryside from encroachment.
12. As noted above, the appeal site has two dwellings which are in the latter stages of construction. Whilst I am not aware of the extent of buildings which were present before the dwellings were constructed, the Appellant has set out that as the residential use of the site has not commenced, the appeal should be considered in that context.
13. From the Appellants information, each carport would be around 36 square metres in footprint and would represent a 15% increase in built floor area from the under-construction dwellings. Whilst I recognise that the size of the carports is not great, they would nevertheless result in additional buildings on the site when compared to the existing situation.

14. In addition to the above, the Council has set out that the size of the dwellings were amended several times during the pre-application and formal application considerations so that the resulting buildings had no greater impact than the existing development at that time (i.e. the original coach/garaging building). The Appellant has not provided any evidence to dispute that, and I have no reason to disagree with the Council's view in this respect.
15. If the appeal development is considered in the context that new residential use of the site is yet to commence, it appears that the totality of the dwellings and the carports would result in a greater impact on openness than the previous coach/garaging building.
16. Alternatively, if the carports are considered in isolation to the new dwellings, it is clear that the addition of new buildings would have an inevitable loss of openness to the Green Belt.
17. In coming to the above views, I have also considered that not all changes result in a greater impact on openness, and specifically the Euro Garages judgement². However, in this case, the introduction of new buildings to the frontage of the site would clearly result in an additional form of bulk which would harm the open frontage of the site.
18. In addition to the above, the Appellant considers that the proposal would be supported by Policy CS5 of the CS. This policy sets out that some forms of development will be considered to be not inappropriate development. In listing the types of development that will be permitted the policy text includes "i.e." before five categories of development. The Appellant suggests that this indicates that this is not a closed list of acceptable development types. That said, there is little evidence to suggest that the development proposed could be considered not to harm Green Belt openness.
19. Therefore, from the evidence before me, I consider that the proposal would result in the loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment contrary to the Framework and Policy CS5 of the CS.

Character and appearance

20. The appeal site is located on the south side of Water End Road at the fringe of the village of Potten End. From my site visit, there were very few garages to the street frontage in the area, and the overriding characteristic was dwellings set back from the road with front gardens. Therefore, the introduction of the new carports would therefore be in contrast to the prevailing character of the frontages of the existing development in the area.
21. That said, the siting of the carports would be close to the front elevation of the new dwellings. This is particularly the case with the dwelling to the north-east of the site. Whilst the siting of this carport would help to minimise its impact in the streetscene, it would also significantly clutter the appearance of the dwelling from the road. This would also be the case in respect of the dwelling to the south west of the site but given the greater distance between that dwelling and the carport this effect would not be as significant.

² Euro Garages v SSCLG [2018] EWHC 1753 (admin)

22. Notwithstanding the siting of the carports close to the dwelling frontages, they would still be a prominent feature in the streetscene despite the hedgerows to the side of the respective plots. In coming to that view, I acknowledge that they would only be visible from the Water End Road frontage and that they are sited and designed to minimise the visual impact of the structures. However, this does not justify an otherwise unacceptable development.
23. I have also taken into account that the carports would reduce the visual impact of parked cars to the frontage of the dwellings. However, in my opinion, the benefit of this is outweighed by the increase in building coverage at the frontage of the site.
24. For the above reasons the carports would harm the character and appearance of the area and would be contrary to Policies CS11 and CS12 of the CS which amongst other matters seek to ensure that development integrate with the streetscape character including preserving attractive streetscapes.

Green Belt balance

25. I have concluded that the proposal would be inappropriate development and would have an adverse effect on openness. I have also concluded that the development would harm the character and appearance of the area. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Therefore, substantial weight should be given to the harm to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
26. The Appellant has not explicitly advanced any very special circumstances which would indicate that permission should be granted. Similarly, from what has been provided to me, I have not been able to identify any other circumstances which could be considered to justify the development before me.
27. Therefore, in considering the substantial weight given to the Green Belt, I am of the opinion that the very special circumstances necessary to justify the development do not exist and the proposal would conflict with the Framework and Policy CS5 of the CS.

Conclusion

28. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR