
Appeal Decision

Site visit made on 19 August 2020

by **L Fleming BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 August 2020

Appeal Ref: APP/A1910/W/20/3250604

Land adjacent to Frithsden House, Firthsden Copse, Potten End HP4 2RG

- 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 Ray Maginley against the decision of Dacorum Borough Council.
 - The application Ref 20/00043/FUL, dated 6 January 2020, was refused by notice dated 4 March 2020.
 - The development proposed is erection of a 6 bed dwelling house with associated access.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect of the proposal on the character and appearance of the area bearing in mind it would be within the Chilterns Area of Outstanding Natural Beauty (AONB);
 - if the development is inappropriate in the Green Belt, whether any harm by reason of inappropriateness, openness 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

Inappropriate development

3. Paragraph 145 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. It says new buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling in a village or infilling involving the partial or complete redevelopment of a previously developed site, which would not have a greater impact on the openness of the Green Belt than the existing development.
 4. Furthermore, Policy CS5 of the Dacorum Core Strategy 2006-2031 (2013) (CS) makes clear that the Council will apply national Green Belt policy to protect the
-

openness. Moreover, it says small scale development will be permitted i.e. the redevelopment of previously developed sites provided that it has no significant impact on the character and appearance of the countryside. Thus, in so far as is relevant to this appeal Policy CS5 of the CS is broadly consistent with the Framework albeit the Framework is somewhat more stringent.

5. The appeal proposal would be within a row of large detached dwellings set in large plots. These dwellings generally extend along the road frontage of Frithsden Copse, have spaces between them and are surrounded by open countryside and a golf course.
6. The surrounding countryside and the character and expanse of the golf course provides substantial physical separation between the built form of Frithsden Copse and other nearby groups of buildings, particularly those in Potter End some distance away. There are no significant services or facilities in the group of dwellings which the proposal would form part of and the proposal would also be outside of a village boundary as identified on the proposals map. All that said, in my judgement, the appeal proposal would not represent limited infilling in a village.
7. Even if I accept the appeal site was residential curtilage and previously developed, although surrounded by thick hedging and mature trees, beyond the boundary, the appeal site is mainly open and free from any significant structures. In contrast, the proposed six-bedroom dwelling would be tall, wide and noticeable from Frithsden Copse through the access drive and gaps in the boundary vegetation. Any additional landscaping would take some time to become effective as a screen.
8. Consequently, I find the proposal would introduce a significant bulk of built form into a location which provides a gap in the road frontage where currently there are no significant structures. It would therefore have a greater impact on Green Belt openness than the existing development.
9. For these reasons, I find the proposal would be inappropriate development in the Green Belt which would harm Green Belt openness. It would be in conflict with paragraph 145 of the Framework and with Policy CS5 of the CS which seek to avoid inappropriate development in the Green Belt.

Character and appearance (AONB)

10. The appeal site is within an area characterised by a ribbon of detached dwellings in spacious verdant plots giving it a linear, spacious and verdant character and appearance.
11. The proposed dwelling would be comparable in size and character to other properties in the area. It would be set in a large plot with space around it and positioned a similar distance from the road to properties nearby with the existing mature landscaping retained.
12. Therefore, fitting into a group of other dwellings, there is no substantive evidence before me, to suggest the proposal would harm the character and appearance of the area or the special qualities of the AONB. In this regard, I therefore find no harm and as such there would be no conflict with Policy CS24 of the CS which seeks to ensure the special qualities of the AONB are conserved.

Other considerations

13. The proposal would provide a new dwelling contributing to housing supply. The occupants might work locally and support local services and there may also be employment opportunities associated with construction. It may also involve the redevelopment of previously developed land. I also note the comments about the Council's handling of the planning application and that the appellant has engaged positively with local residents including receiving some comments in support of the scheme.

Conclusion

14. Even though I have found no harm to the character and appearance of the area or the AONB, I have found that the proposal would amount to inappropriate development within the Green Belt and would be harmful to Green Belt openness and therefore should not be approved except in very special circumstances.
15. I give some weight to the contribution of a new dwelling to the supply of housing, the ability of the proposal to contribute towards the local economy and the vitality of a rural community and the regeneration of the appeal site if I accepted it was previously developed. However, all of the other considerations combined are relatively modest.
16. As such the other considerations are outweighed by the substantial weight which must be given to the Green Belt harm identified and are clearly insufficient to demonstrate very special circumstances. Thus, for the reasons set out above and with regard to all other matters raised I conclude, on balance, that the appeal should be dismissed.

L Fleming

INSPECTOR