
Appeal Decision

Site visit made on 11 August 2020

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2020

Appeal Ref: APP/A1910/W/20/3249252

**Land between Bremhill and South Winds, The Common, Potten End
HP4 2QF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Robert Parker of Osprey Homes Ltd against the decision of Dacorum Borough Council.
 - The application Ref 19/03228/OUT, dated 19 December 2019, was refused by notice dated 17 March 2020.
 - The development proposed was originally described as a detached dwelling on infill plot.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was made in outline, with all matters reserved apart from access. I have considered the appeal on this basis.

Main Issues

3. The main issues in this case are:
 - whether the proposal would be inappropriate development, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt;
 - If inappropriate development, whether the harm by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Inappropriate development in the Green Belt

4. Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate development. Exceptions to this include limited infilling in villages. Policy CS5 of the Dacorum Core Strategy (DCS)(2013) states that within Green Belt, development will be permitted where, amongst other things, it is for a use defined as not

inappropriate in national policy. The exceptions set out in paragraph 145 are therefore relevant.

5. There is no dispute between the parties that the development would constitute residential infill between the two dwellings known as Bremhill and South Winds. However, the Council does not consider the site to be within the village of Potten End and thus does not fall within the exception.
6. The site is an open and undeveloped paddock on The Common. This road is characterised by a loose-knit linear ribbon of development, comprising large detached dwellings in generous plots. The housing is all on one side of the road, with a heavily wooded area opposite. The dwellings are all set well back from the road, mostly behind mature hedgerows and trees. This creates a highly verdant character and appearance. The site also sits within the Chilterns Area of Outstanding Natural Beauty (AONB).
7. The site sits well outside the defined 'small village' boundary for Potten End as defined on the Council's Proposals Map. The courts have held that while this may be a relevant consideration, it is not a determinative factor. Rather, whether or not a site lies within a village is a matter of planning judgement based on the situation on the ground.
8. The focus of the village is clearly concentrated around the main road which runs through the centre of the settlement. This partly comprises Water End Road and partly The Common (this is a long road, and the sharing of a name does not mean the site is in the village on this basis). When arriving from the east, there is a clear point at which the density of development and number of side roads increases, the grain becomes tighter and the hallmarks of a village become prominent, including the school, church, village hall and village green. Side streets punctuate the main road at several points along its length, leading to culs-de-sac or other residential streets. Secondary streets such as The Front, Vicarage Road and Hempstead Lane lead out of the village in different directions, but follow a similar pattern, with linear streets interrupted by culs-de-sac of different lengths.
9. What constitutes the 'village proper' is therefore reasonably clear in terms of the prevailing density, grain and pattern of the built form. The existence and location of complementary non-residential uses which support the village, including its open spaces, also help define the village 'core'.
10. There is a clear and distinct change in character once you travel beyond the entrance to Bullbeggars Lane to the west. The overall density of development reduces significantly, the grain of the dwellings becomes more loose-knit and housing is reduced to one side of the road only. Where the majority of streets in the village contain side roads or culs-de-sac which add depth to the settlement pattern, this part of The Common is entirely linear. Furthermore, the housing is not continuous, with some breaks in the frontage, including the site itself.
11. There is also a striking increase in tree cover, both in terms of the woodland opposite the site, but also the heavily landscaped gardens and frontages of the dwellings. This creates a more enclosed feel, as opposed to the more open character of the village. The woodland in particular creates a significant visual barrier to housing to the north and creates an overt sense that you have entered the open countryside beyond the village. There is also a change from

30 mph to 50 mph speed limit shortly beyond Bullbeggars Lane, which also suggests a change in character. Finally, although distance alone is not decisive, the site is also some way from what can clearly be considered the core of the village.

12. At this point along The Common, there is a distinct sense that you have left the village behind and are somewhere 'in-between' settlements. The housing here appears as a sporadic row of dwellings in the open countryside which is disconnected and separate to Potten End. This is particularly the case by the time you have reached the site itself.
13. The appellant has drawn my attention to different parts of the defined village which he considers share the characteristics of the site. Parts of Hempstead Lane and Little Heath Lane are also some distance from The Green. These lanes also consist of large detached houses in reasonably generous plots, with a relatively verdant character. Generally, there is also only pavement on one side of the street or none at all. Nevertheless, there are key differences. The grain of housing is much tighter along these lanes, with generally smaller gaps between dwellings. There are also continuous and largely contiguous lines of housing on both sides of the streets from the centre of the village. This creates a sense of a higher overall density and a connection with the core of the settlement. Hempstead Lane also contains accesses to culs-de-sac and Little Heath Lane. This pattern of development is clearly different to that near the site. While this part of the village has a more rural and verdant feel, it does not feel detached from the village.
14. Similarly, the far end of Water End Lane is a similar distance from the village's facilities as the site. There is also a part of this where there is housing only on one side of the road. However, this is only for a relatively short stretch and is in close proximity to the clear start of the village. The housing here is mostly semi-detached, culs-de-sac add depth from the roadside and there are sporadic examples of non-residential development, including a bus park. Although dwellings are often set back and there is a deal of planting, the overall character of this area remains markedly different to that of the site. At this point, the nature and use of the buildings and the overall pattern of development suggests you have transitioned from open countryside to the village. The same cannot be said for this part of The Common when arriving from the west.
15. The Green itself is clearly an open area with low density housing around it. However, this very pattern of development – with housing facing the main village green – is what marks this area as distinct to The Common. It is clearly the centre and focal point of the village. Similarly, examples of pockets of low density housing such as The Hamlet are not persuasive indicators of the site being within Potten End. Although the dwellings on The Hamlet have generous plot sizes, this is a cul-de-sac that is well related to Vicarage Lane which, in turn, is clearly part of the main built form of the settlement. Again, this is very different to the distant and disconnected feel of the site.
16. While the pavement opposite the site would provide future occupants with a safe and direct route into Potten End, it is not a strong indicator of the site being within the village. There are built-up areas that are clearly within villages without pavements and areas which are clearly open countryside that have them. Indeed, the appellant considers the edge of the village to be immediately

west of Bremhill. However, the pavement extends beyond this and provides a link to Berkhamsted. This demonstrates that such features can exist in the open countryside. This factor therefore makes a negligible contribution to either party's arguments.

17. Similarly, the speed limit does not determine where the village starts and ends. Nevertheless, the increase to 50 mph is indicative of the site being in a less built-up area. Although speed limits vary from place to place, the change between 30mph to 50mph in this case is indicative of the change in character that has taken place. Thus, this weighs against the development being considered within the village proper.
18. Whether or not a site is in a village or not is unlikely to be decided on one factor alone. Having considered the combination and cumulative effect of the distance between the site and the core of the settlement, the clear differences that exist in overall pattern, grain and density and the overt change and difference in character and appearance, I do not consider the site lies within the village of Potten End. I have had regard to the selective examples provided by the appellant. However, for the reasons given above, these do not persuade me that the site is within the village. Furthermore, the examples often relate to very small parts of the settlement and/or ignore other relevant factors.
19. In my view, the edge of the village more closely corresponds to the entrance to Bullbeggars Lane. I recognise that this is also the edge of the defined village in the development plan and the boundary of the AONB. However, in coming to my conclusion I have not seen these boundaries as definitive but have considered the overall situation on the ground. I therefore find that the site should not be considered as part of the village for the purposes of Green Belt policy. As a result, the development would not meet any of the exceptions listed in paragraph 145 of the Framework. It would constitute inappropriate development in the Green Belt for the purposes of DCS Policy CS5 and the Framework. 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 below.

Effect on openness

20. Paragraph 133 of the Framework states that "the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence." Openness has both spatial and visual dimensions.
21. The erection of a dwelling would result in built development on an open paddock that is currently free from development. It would therefore erode the open aspect currently experienced. The proposed dwelling would be a material addition to the amount of built development on the site, which would have a harmful effect upon the openness of the Green Belt in this location. This would not only be in relation to the dwelling itself, but also in relation to any associated domestic paraphernalia that would be necessary.
22. The visual impact of this would be mitigated to an extent by the trees fronting the site. Nevertheless, the change in character of the site would still be discernible. The development would therefore have a moderately harmful impact on the openness of the Green Belt. This would add to the harm caused as a result of being inappropriate development.

Other considerations

23. The development would provide one additional dwelling to the housing land supply. The Council acknowledges that it cannot currently demonstrate a five year supply of housing land. Nevertheless, the benefits associated with one dwelling would be modest.
24. The appellant has particularly highlighted the economic benefits that would be derived for their company in relation to the impacts resulting from the Covid-19 pandemic. It would also provide jobs during construction. The economic recovery following the pandemic is clearly a factor of particular importance. However, while noting the appellant's particular circumstances, the benefits of one dwelling to the economy as a whole would not be substantial. While I sympathise with the individual circumstances of the appellant's company, I have given this only moderate weight.
25. The appellant has indicated both that they are willing to undertake the construction of the dwelling as a self-build and/or that first preference would be given to people with a connection to the village. However, there is no mechanism before me to ensure this would be the case. As such, I am unable to give these assertions any weight.
26. The Council has not objected to the development in relation to the impact on character and appearance, including the likely impact on the AONB. I have seen nothing that would lead me to a different conclusion. While not harmful, the suggested design of the dwelling is not of such exceptional design quality that it would constitute a benefit of development. The site is also an open and undeveloped paddock which complements the countryside character of the area. It currently does no harm in itself and the dwelling would not constitute a particular improvement to local character. With or without the development, the trees to the front of the site would be retained. Accordingly, this cannot be considered a benefit of the development. The lack of harm caused by the development in these respects would therefore be neutral. As such, I have given them no weight in terms of the Green Belt or overall planning balance.

Other Matters

27. The appellant has drawn my attention to a number of appeal decisions¹ which he considers supports his argument. In those cases, the gap and distances between the site and village was considered acceptable. However, as noted above, whether or not a site is in a village is by necessity a judgement based on the individual characteristics of a site and its surroundings. The distance between the site and the core of the village, and any gaps that exist in the row of housing, are not the only factors I have considered. From what it is before me, I cannot conclude with any certainty that the individual characteristics of the site's in question or the nature of the villages to which they are connected are comparable to that before me. These decisions do not therefore lead me to alter my conclusion.
28. The appellant has alluded to discussions with neighbours which suggests the level of local objection is not as high as other correspondence would indicate. This also indicates local people accept the site is 'infill'. However, to meet the

¹ APP/P1940/W/17/3187494, APP/Q4625/W/17/3182260, APP/A0665/A/14/2217226, APP/R0660/W/16/3156493

relevant exception, the site must also be in the village. Even if this were the case, it would not alter my overall conclusion.

Planning Balance & Conclusion

29. The Government attaches great importance to Green Belts. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt. In this case, I have found harm to the Green Belt by reason of the proposed development's inappropriateness and openness.
30. In my view, the other considerations set out above do not clearly outweigh the substantial weight that I have given to the harm to the Green Belt, by reason of inappropriateness and effect on openness. Consequently, the very special circumstances necessary to justify the development do not exist. The development would therefore conflict with Policy CS5 of the DCS and the requirements of the Framework.
31. As the Council cannot demonstrate a 5-year supply of deliverable housing land, paragraph 11d) of the Framework is engaged. However, there are no very special circumstances and thus the application of policies in the Framework provide a clear reason for refusing the development proposed². As such, the development does not benefit from the so-called 'tilted balance'.
32. Material considerations do not therefore indicate that a decision should be taken other than in accordance with the development plan in this case. For the reasons given above, I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR

² See Footnote 6 of the Framework.