



Appeal Decision

Site visit made on 17 August 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2020

Appeal Ref: APP/A1910/W/20/3251407

Land r/o 38 Rambling Way, Potten End, HP4 2SF

- 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 S & S Hayes & Whippey against the decision of Dacorum Borough Council.
 - The application Ref 19/02925/MFA, dated 6 November 2019, was refused by notice dated 16 March 2020.
 - The development proposed is construction of 14 dwellings (7 x 3-bed and 7 x 2-bed dwellings) and associated hard and soft landscaping.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the appeal proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies,
 - The effect of the appeal proposal on the character and appearance of the surrounding area; and,
 - If the appeal proposal is inappropriate, 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

Whether inappropriate development

3. The appeal site is an undeveloped plot of land within the Green Belt. The National Planning Policy Framework (the Framework) directs that the construction of new buildings should be regarded as inappropriate in the Green Belt, save for specific exceptions.
4. Paragraph 145 e) of the Framework identifies one of the exceptions as limited infilling in villages. Paragraph 145 f) further identifies limited affordable housing for local community needs under policies set out in the development plan as an exception.

5. Policy CS6 of the Dacorum Borough Council Core Strategy 2006-2031 (the CS) states that limited infilling with affordable housing for local people will be permitted in selected small villages in the Green Belt, including Potten End. As this is a more restrictive form of wording and the CS predates the Framework, I have given more weight to the Framework.
6. The Framework does not contain a definition of 'limited infilling' and it is a matter of planning judgment whether or not the development proposed can be considered as such. As the site lies between buildings on Rambling Way and The Laurels the development would be infilling. Whether it would be limited requires an assessment of both the size of the site and scale of development and must be determined with regard to the overall aim of Green Belt policy, which is to preserve its openness.
7. Relative to the scale of neighbouring development on Rambling Way, Kiln Close and The Laurels the appeal proposal would involve a significantly higher density of development. The development proposed would comprise a mix of semi-detached and terraced houses with relatively small gardens, where neighbouring properties are predominantly detached with much larger gardens. The appeal proposal would result in a cramped form of development that would be out of keeping with the comparatively spacious character of the surrounding area. The appeal proposal does not therefore amount to limited infilling as identified at paragraph 145 e).
8. 35% of the houses proposed would be affordable housing. However, the exception identified at paragraph 145 f) only applies where a proposal is for limited affordable housing. As set out above, the appeal proposal is not limited and while the proposed houses would be smaller than the surrounding area, the market houses would not be affordable in accordance with the definition in the Framework.
9. The appeal proposal would not meet any of the exceptions identified in the Framework for new buildings in the Green Belt. It would therefore be inappropriate development in the Green Belt, and conflict with paragraph 145 of the Framework and Policy CS6 of the CS.

Character and Appearance

10. The appeal site lies within the village of Potten End and the surrounding character is primarily residential with a mix of bungalows and two-storey houses. As set out above, the surrounding properties are predominantly detached houses set within generous plots. While the density of development in Potten End as a whole may vary, the immediate vicinity of the appeal site comprises low density development comprising predominantly detached houses on large plots.
11. As the appeal site is set back from the road the development would not be prominent when viewed from the highway. However, the site is overlooked by the surrounding existing houses and there is a public footpath along one boundary. While landscaping is proposed to the site boundaries to provide screening, I do not consider that this would be likely to wholly conceal the site from view.
12. The development proposed would therefore be out of keeping with the established pattern of development and harmful to the character and

appearance of the surrounding area. It would conflict with Policies CS6, CS11 and CS12 of the CS. These policies require, amongst other things, that development be sympathetic to its surroundings in terms of local character, design, scale and that it respect the typical density intended in an area.

Other matters

13. The appellant has referred to CS Policies CS10, CS13, CS16, CS19 and CS20 in their submissions. However, I have not been provided with copies of these policies, so have based my decision on national policy and those policies of the CS with which I have been provided.
14. I have found that conflict exists between Policy CS6 of the CS and the Framework. However, I have found that there would be harm to the Green Belt from the appeal proposal. The presumption in favour of sustainable development does not therefore apply in this instance.
15. I recognise that the statutory consultees did not raise any objections to the development proposed on technical grounds. The absence of identified harm is a neutral consideration in my determination of the appeal.
16. The appellants have suggested that, as the site is surrounded by development, the aims of the Green Belt have been overridden in this location. However, the site still falls within the Green Belt and its removal could only be secured through the Local Plan process.

Whether very special circumstances exist

17. I have found that the development proposed would result in harm to the Green Belt by reason of inappropriateness. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt.
18. In addition, I have found that there would be harm to the character and appearance of the surrounding area from the appeal proposal. I consider that this would amount to moderate additional harm in this instance.
19. The appellants have identified considerations which they contend amount to very special circumstances. They state that the site is located within a residential area, that CS Policy CS6 is out of date and development of this nature is supported in the Framework, that the development would not cause any significant harm to the character and appearance of the village and the design of the development reflects the character of the wider village, that the development would support local and rural services, that it would provide affordable housing in line with Council policy, that the site is undeveloped private land that serves no community purpose and that the site's designation as Green Belt inhibits a pragmatic approach to development.
20. I recognise that the site is within a residential location and that it would be a suitable location in principle for development that is not inappropriate in the Green Belt.
21. CS Policy CS6 is out-of-date, and I have afforded greater weight to the Framework in determining that the appeal proposal is inappropriate development. I have also found that it would result in harm to the character and appearance of the surrounding area.

22. The appeal proposal would result in additional housing within the village which would support rural services, and this would be a benefit, albeit a relatively modest one given the scale of the development. The development would contribute some affordable housing which would also be a benefit.
23. The site is presently undeveloped private land, but it contributes to the character of the area by keeping Green Belt land open, in accordance with national policy. Whether or not the site should be designated as Green Belt land, and whether Green Belt land designations inhibit development are not matters that fall to be considered under this appeal.
24. The development proposed would deliver some benefits in increasing the amount of private and affordable housing which would, in turn, help to support local and rural services. I consider that these would amount to moderate weight in favour of the appeal proposal, but would not clearly outweigh the harm by inappropriateness and other harm that I have identified would result.
25. Accordingly, very special circumstances do not exist in this instance.

Conclusion

26. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR