



Appeal Decision

Site visit made on 2 September 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2020

Appeal Ref: APP/N1920/W/20/3251004

Kendal Hall Farm, Watling Street, Radlett WD7 7LH

- 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 Ciaran Purcell against the decision of Hertsmere Borough Council.
 - The application Ref 19/1122/OUT, dated 12 July 2019, was refused by notice dated 18 February 2020.
 - The development proposed is demolition of existing buildings and structures and erection of 2 No. 4 bed detached dwellings with carports/refuse stores and associated landscaping.
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Decision

1. The appeal is allowed and outline planning permission is granted for demolition of existing buildings and structures and erection of 2 No. 4 bed detached dwellings with carports/refuse stores and associated landscaping at Kendal Hall Farm, Watling Street, Radlett, WD7 7LH in accordance with the terms of the application, Ref 19/1122/OUT, dated 12 July 2019, and the conditions set out in the attached schedule.

Procedural Matter

2. The appeal seeks outline planning permission with all matters reserved except for access. I have dealt with the appeal on this basis and treated the submitted plans as illustrative with regards to all other matters.

Application for costs

3. An application for costs was made by Mr Ciaran Purcell against Hertsmere Borough Council. This application is the subject of a separate Decision.

Background

4. The appeal site, and the wider Kendal Hall Farm site, has a lengthy planning history including permission being granted for residential development of the adjoining site.
5. It is not disputed that the appeal site comprises previously developed land as defined in the National Planning Policy Framework.

Main Issues

6. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt, including the effect on the openness of the Green Belt, having regard to the revised Framework and any relevant development plan policies; and,
- The effect of the development proposed on the character and appearance of the surrounding area.

Reasons

Whether inappropriate development

7. The appeal site lies in the Green Belt. Paragraph 143 of the National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework details certain exceptions that are not inappropriate development. These include the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development. Policy CS13 of the Hertsmer Core Strategy 2013 (the CS) states that development proposals in the Green Belt will be assessed in relation to the Framework. Policy SADM22 of the Hertsmer Site Allocations and Development Management Policies Plan 2016 (the SADM) confirms the extent of Green Belt within the borough.
8. There are four buildings on the appeal site of varying size and manner of construction. During my visit the three buildings finished in corrugated metal, which are identified as G, H and I in submissions, were in use for storage of vehicles and materials. Building H is a substantial structure of a style typical in a rural location. Building I is an open-fronted building that has previously been without a roof for a time, but the roof has been restored. Notwithstanding that Building H has some loose panelling and holes in the walls and roof, I saw nothing to make me doubt that both buildings are of permanent and solid construction. I have therefore included both buildings in my assessment of impact on the openness of the Green Belt.
9. The openness of the Green Belt has both spatial and visual aspects. The scale and design of the houses and associated development are reserved matters. I do not doubt that it is possible to develop a design that would result in an overall reduction in both the area and volume of built development on the site, and therefore on the spatial element of Green Belt openness.
10. The siting of the proposed houses and their ancillary buildings is also a reserved matter. I am likewise satisfied that an appropriate layout can be developed that would result in the proposed buildings having less visual impact on the openness of the Green Belt.
11. The appeal proposal would not therefore have a greater impact on the openness of the Green Belt than the existing development so would not be inappropriate development in the Green Belt. It would accord with CS Policy CS13, SADM Policy SADM22 and the requirements of the Framework.

Character and appearance

12. A planning application showing an amended layout for a comprehensive development of the appeal site and adjoining site has been submitted to the Council but I have no information regarding any decision.
13. Notwithstanding this, the detailed layout of the appeal site is a reserved matter, and construction of the two houses closest to the appeal site did not appear to have commenced at the time of my site visit. Access to the appeal site is proposed between these two houses, which is not an unusual arrangement. As approved, these houses would have their rear elevations to the appeal site. However, the layout of the appeal site can be developed through a reserved matters application to achieve a satisfactory integration with the approved development.
14. I have no reason to doubt that the adjoining development will be built out in full, especially as the permission has been implemented. The appeal proposal would not then be isolated from the existing house on the adjoining site.
15. The appeal proposal would not have a harmful effect on the character and appearance of the surrounding area. It would therefore accord with Policies CS13 and CS22 of the CS, and SADM Policies SADM22, SADM26 and SADM30. These policies require, amongst other things, that development recognise and complement the particular local character of the area in which it is located.

Conditions

16. I have had regard to the Council's suggested conditions. Where necessary, and in the interests of conciseness and enforceability, I have altered the suggested conditions to better reflect national Planning Practice Guidance.
17. I have imposed standard conditions relating to the submission of reserved matters and to the timescale of development. I have also included a condition specifying the approved plans for the sake of certainty.
18. I have included a condition requiring approval of details of the external materials for the approved house to ensure that the approved development will be of an acceptable appearance relative to the neighbouring houses.
19. As the appeal site lies within the Green Belt, I have imposed a condition restricting Permitted Development rights relating to fences, gates and walls in front of the houses. This is to preserve openness.
20. I have considered the Council's suggested condition relating to hard surfacing, walls and garden landscaping. However, I consider that this is already covered by the need to submit landscaping details through a reserved matters application.

Conclusion

21. For the reasons set out above, the appeal succeeds.

M Chalk

INSPECTOR

Schedule of conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.
- 5) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 6) The development hereby permitted shall be carried out in accordance with the following approved plans: 31, 32, 33, 34, 11687-1.