



Appeal Decisions

Site visit made on 10 November 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Appeal A Ref: APP/J1915/W/20/3246744 Grasslands, Pye Corner, Gilston CM20 2RB

- 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 Mrs A May and Mrs C Reilly against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/2241/FUL, dated 1 November 2019, was refused by notice dated 2 January 2020.
 - The development proposed is described as improvement to existing access to Grasslands.
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Appeal B Ref: APP/J1915/W/19/3240379 Grasslands, Pye Corner, Gilston CM20 2RB

- 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 Mrs A May and Mrs C Reilly against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0849/FUL, dated 24 April 2019, was refused by notice dated 3 July 2019.
 - The development proposed is described as improvement to existing access to Grasslands.
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Decisions

1. Appeal A is allowed and planning permission is granted for improvement to existing access to Grasslands at Grasslands, Pye Corner, Gilston, CM20 2RB in accordance with the terms of the application, Ref 3/19/2241/FUL, dated 1 November 2019 subject to the conditions set out in Schedule 1.
2. Appeal B is allowed and planning permission is granted for improvement to existing access to Grasslands at Grasslands, Pye Corner, Gilston, CM20 2RB in accordance with the terms of the application, Ref 3/19/0849/FUL, dated 24 April 2019 subject to the conditions set out in Schedule 2.

Application for costs

3. An application for costs was made by Ms A May and Mrs C Reilly against East Hertfordshire District Council. This application is the subject of a separate Decision.

Procedural Matters

4. As set out above there are two appeals on this site. I have considered each on its individual merits but, as they only differ in the proposed width of the access, I have dealt with the two proposals together to avoid duplication.
5. At the time of my site visit the boundary wall to The Bungalow had already been reduced in length as indicated on the submitted plans. The appeals have been determined accordingly.

Main Issues

6. The main issues in both cases are:
 - Whether the proposals would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework and any relevant development plan policies; and,
 - The effect of the proposals on the character and appearance of the surrounding area.

Reasons

Whether inappropriate development

7. The appeal site lies in the Green Belt. The National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt. The Framework identifies certain developments as not inappropriate provided that they preserve Green Belt openness and do not conflict with the purposes of including land within it. Engineering operations are identified as one of those exceptions. Policy GBR1 of the East Herts District Plan 2018 (the DP) states that applications in the Green Belt will be considered in line with the provisions of the Framework.
8. The Council have drawn to my attention an appeal finding that creation of a hardstanding amounted to building works rather than engineering operations. However, in that case the appeal related to a large expanse of hardstanding within the grounds of a farm, so is significantly different to the appeal proposals which relate to the widening of an existing highway access. The Town and Country Planning Act 1990 states that engineering operations include the formation or laying out of means of access to highways. The appeal proposals therefore constitute engineering operations.
9. Either appeal proposal would result in some loss of greenery at the site and an increase in the area of tarmac surface. However, the scale of development in either instance would be relatively modest given the existing access. In addition, there is an improvement to the spatial openness from the reduction of the boundary wall at the highway edge. Overall, neither development would be harmful to the purposes of including land within the Green Belt.
10. The Council have further referred to decisions relating to houses in the grounds of Pinewood School in Ware, where two vehicular accesses were found to be harmful to the openness of the Green Belt. However, those proposals differ in that there were no existing accesses to those houses. Only limited weight can therefore be accorded to these decisions in determining these appeals.
11. The appeal proposals would be engineering operations that would preserve Green Belt openness and would not conflict with the purposes of including land

within the Green Belt. They would therefore not be inappropriate development, in accordance with Policy GBR1 of the DP and the provisions of the Framework.

Character and Appearance

12. The increased hard surface would cause some loss of rural character from the site. However, this must be considered in the wider context of the street scene, which comprises a mix of dwellings and the nearby village hall. This side of the road has a more suburban character due to the relatively small plots and close siting of the houses to the road. Within this context the increased hard surfacing, whether that proposed under Appeal A or Appeal B, would not appear unduly out of keeping in the area.
13. The developments proposed would therefore not be harmful to the character and appearance of the surrounding area. They would accord with policies DES3 and DES4 of the DP which seek to ensure, amongst other criteria, that development proposals respect the character of the site and the surrounding area.

Other Considerations

14. Third parties have questioned the need for a wider access to the property. However, as there would be no harm by reason of inappropriateness or harm to the character or appearance of the area, it is not necessary to consider whether the appeal proposals are necessary.
15. In addition, concerns have been raised regarding the potential for future development at the site. However, any such future development would be subject to control by the Council and does not fall to be considered as a part of these appeals.

Conditions

16. I have imposed the standard conditions relating to commencement of development and confirming the approved plans for both appeals.
17. Given the rural character of the wider area and the proposed increase in hard surfacing of the site, a condition requiring landscaping of the appeal site is necessary in each case to ensure that the development would not appear harmful in the street scene.
18. I have also imposed conditions to secure the provision of the proposed visibility splays. This is to ensure that the development would result in a safer access for users of the highway.

Conclusion

19. For the reasons set out above, the appeals succeed.

M Chalk

INSPECTOR

**Schedule 1: Conditions for Appeal A Ref: APP/J1915/W/20/3246744,
Council Ref: 3/19/2241/FUL**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Plan 01, 2019/4713/001 Rev. E, 2019/4713/007 Rev. A and 2019/4713/009.
- 3) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping for the site, including a timetable for implementation. The scheme shall thereafter be carried out in accordance with the approved details.
- 4) The visibility splays shown on 2019/4713/001 Rev. E shall be provided in accordance with that drawing concurrently with the widening of the access and shall be retained thereafter.

**Schedule 2: Conditions for Appeal B Ref: APP/J1915/W/19/3240379,
Council Ref: 3/19/0849/FUL**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Plan 01 Rev. A, 2019/4713/001 and 2019/4713/007.
- 3) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping for the site, including a timetable for implementation. The scheme shall thereafter be carried out in accordance with the approved details.
- 4) The visibility splays shown on 2019/4713/001 shall be provided in accordance with that drawing concurrently with the widening of the access and shall be retained thereafter.