
Appeal Decision

Site visit made on 20 October 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2020

Appeal Ref: APP/X0415/W/20/3251079

Hertfordshire Lodge, Coleshill Lane, Coleshill HP7 0PD

- 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 Neil Cadman against the decision of Chiltern District Council.
 - The application Ref PL/19/2443/FA, dated 12 July 2019, was refused by notice dated 04 December 2019.
 - The development proposed is described as: Car garage/workshop.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt, having regard to any relevant development plan policies and the National Planning Policy Framework (the Framework);
 - the effect on the openness of the Green Belt;
 - whether the proposal would preserve the setting of the Grade II listed building, namely Hertfordshire Lodge;
 - the effect on the character and appearance of the Chilterns Area of Outstanding Natural Beauty (AONB), and
 - if the proposed development is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations that amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

3. The Framework directs decision-makers to regard new buildings in the Green Belt as constituting inappropriate development, unless it is for one of the exceptions outlined in paragraphs 145 and 146.
4. Saved Policy GB15 of the Chiltern District Local Plan 1997 (with alterations 2001 and consolidations 2007 and 2011), (LP), allows for non-habitable ancillary buildings within the domestic curtilage of a dwelling, provided that

- such buildings are both small and subordinate in scale to the original dwelling. I note that the Council consider the principle aims of the policy to be consistent with the Framework, and that the requirement of such buildings to be both small and subordinate in scale to the original dwelling to be in keeping with paragraph 145 'c' of the Framework, ie an extension or alteration to a building, provided it does not result in disproportionate additions to the original building.
5. However, given that the reasoning of the policy relies on a PPG that is no longer part of national policy/guidance, and that the Framework does not include domestic outbuildings as an exception, I consider Policy GB15 is not consistent with the Framework in this regard. Furthermore, as the proposed outbuilding would be some distance from the dwelling, I consider it cannot reasonably be regarded as an extension or alteration to it and therefore does not satisfy exception 'c' in paragraph 145 of the Framework. Consequently, I attribute no weight to Policy GB15 in this instance.
 6. I acknowledge that some remains of what appears to have been a timber building exist at the western tip of the site, which the appellant's evidence suggests was a barn. The definition of previously developed land (PDL) in the Framework excludes land that was previously developed but where the remains of the permanent structure have blended into the landscape. Given what little remains of the permanent structure that existed, I consider it to have blended into the landscape. Additionally, I do not consider that the proposal represents 'infill' development, as it would not be filling in a gap between existing properties. For these reasons I consider that the proposal does not satisfy exception 'f' in paragraph 145 of the Framework.
 7. I note that a recently constructed domestic timber outbuilding was in situ when I visited the site, located approximately where the proposed outbuilding would be located. This does not appear to be shown on any of the plans or drawings submitted with the appeal, and it differs to the outbuilding approved under planning application Ref PL/18/3290/FA.
 8. I do not know whether this outbuilding is lawful development or not. However, I note its presence because one of the exceptions in paragraph 145 of the Framework, exception 'd', is a replacement building, provided it is in the same use as the building it replaces and not materially larger than it. Although the uses of the 2 buildings would appear to be the same and the footprints of each building would cover a similar area, I consider that the proposed building would be materially larger than this existing building, due to being around 1.5 m higher and having a greater volume and mass, including a dormer window in one of the roof slopes and an external staircase.
 9. Bearing the above factors in mind, I conclude that the proposal would constitute inappropriate development in the Green Belt, which is harmful by definition.

Effect on openness

10. Paragraph 133 of the Framework states that the essential characteristics of Green Belts are their openness and permanence. The openness of the Green Belt has both spatial and visual dimensions.

11. The proposed building would be around 5.9m wide, 8 m long and 5 m high. I consider a building of this size would reduce the spatial openness of the Green Belt, and the reduction would be of a moderate degree.
12. Although public views of the proposed building would be restricted, it would be partially visible from around the junction of Coleshill Lane/Sampsons Hill and the footpath that runs past the northern boundary of the site. As such, I conclude that the proposal would affect the visual openness of the Green Belt. However, this would only be to a limited degree.

Effect on setting of listed building

13. As noted, Hertfordshire Lodge is a Grade II listed building (LB). I have a duty to give considerable importance and weight to the desirability of preserving the setting of a LB. Also, the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
14. With reference to the formal listing of the building (1984), it can be seen to derive its significance from the overall architectural design and several of its architectural features. However, as a result of a combination of partial rebuilding and extensions and alterations having occurred since the listing, I acknowledge that the appearance of the building does not now accord with the list description. Nevertheless, the property retains some architectural aspects of importance and, furthermore, it derives historic significance from its association with Hertfordshire House and the Hertfordshire House Estate.
15. I consider the wider setting of the LB to be the agricultural, rural landscape within which it is located, and I consider the wider setting to make a significant contribution to the historic significance of the building. I consider the immediate setting, from where the building can be experienced, to include the adjacent roads and footpaths from where the building is visible. Although the proposed outbuilding is relatively large compared to the existing building, given the limited extent to which it would be publicly visible, I conclude that the proposal would not harm the setting of the LB. As such, the proposal would accord with policies LB1 and LB2 of the LP and heritage policies within the Framework, which collectively seek to conserve or enhance heritage assets, including their settings.

Effect on character and appearance of the AONB

16. Under Section 85 of the Countryside and Rights of Way Act 2000 (as amended) I have a duty to have regard to the purpose of conserving and enhancing the natural beauty of an AONB. Also, paragraph 172 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.
17. For the same reasons I have concluded that the proposal would only have a limited effect on the visual openness of the Green Belt and would not harm the setting of the LB, mainly that the proposal would be barely visible from public vantage points, I conclude that the proposed outbuilding would not harm the character or appearance of the AONB. As such, the proposal accords with Policy CS22 of the LP and paragraph 172 of the Framework.

Other considerations & very special circumstances

18. When determining applications, the Framework advises that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations.
19. Planning permission has been granted for a domestic outbuilding on the site, and the permission is extant (Ref PL/18/3290/FA). The key differences between the current proposal and the building approved are as follows: the current proposal would be around 4 m shorter in length, around 1.5 m wider and around 1.5 m higher; it would have less fenestration; it would have a dormer window and an external staircase; it would be sited a little further from the dwelling, and the increased height would provide ancillary accommodation in the roof space. I do not consider that the design differences amount to an enhancement which weigh in favour of the proposal. Indeed, I consider that the increased height, volume and mass of the current proposal would have a greater impact on the spatial and visual openness of the Green Belt than the approved scheme. I therefore conclude that the previously approved building would be less harmful than the current proposal. As such I attach little weight to the approved scheme as a fallback.
20. I appreciate that the size of the site, which the Council has accepted as being the curtilage, is physically large enough to accommodate the proposed building. However, this does not mean that the proposal would not have any harmful effect. I therefore attach limited weight to this factor.
21. The appellant contends that there is a practical need for a secure garage building, given the site's remote location and vulnerability to crime. I have not been provided with any evidence that the site has been subjected to crime. Nor have I been provided with any evidence that would lead me to conclude that the only means of securing the site would be to construct a large outbuilding. I therefore attach limited weight to this factor.
22. I acknowledge that a secure outbuilding with ancillary accommodation in the roof space would enhance the property's desirability. However, such enhancements would only benefit a small number of individuals. The planning system exists in the public interest. As such, I attach little weight to this aspect.
23. The appellant contends that the proposal would assist with the ongoing maintenance, and therefore long-term preservation, of the property. I have not been provided with any evidence that suggests the proposed building is required to secure the long-term preservation of the dwelling. I therefore attach no weight to this aspect.

Conclusion

24. I have concluded that the proposal would constitute inappropriate development in the Green Belt, that it would have a moderate degree of impact on the spatial openness of the Green Belt and a limited degree of impact on its visual openness. Notwithstanding my conclusions regarding the effect of the proposal on the setting of the LB and the character and appearance of the AONB, in

accordance with the Framework, substantial weight is given to any harm to the Green Belt.

25. I consider that the harm I have found has not been clearly outweighed by the other considerations identified above. As such, there are no very special circumstances that justify the development. Consequently, the proposal does not accord with Policy GB2 of the LP or national Green Belt policy as outlined in the Framework, which require inappropriate development in the Green Belt to be refused, unless there are very special circumstances. Policy GB16 of the LP relates to extensions of a residential curtilage. As the proposal does not include extending the curtilage Policy GB16 is not relevant to the appeal.

26. For the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR