
Appeal Decision

Site visit made on 7 December 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2020

Appeal Ref: APP/C1950/W/20/3258095

Tanum Farm, Hawkshead Road, Little Heath, Potters Bar EN6 1LX

- 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 and Mrs Hewett against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2020/0549/FULL, dated 26 February 2020, was refused by notice dated 23 June 2020.
 - The development proposed is the demolition of all buildings on site, and construction of new dwelling.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The Council submitted the Welwyn and Hatfield Draft Local Plan Submission (DLP) (2016) for examination in 2017. It is currently undergoing examination and is therefore of moderate weight in my consideration of this appeal.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, taking into consideration the effect on openness;
 - the effect of the proposed dwelling on the character and appearance of the area; and
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances to justify it.

Reasons

Inappropriate development

4. The site is within the Metropolitan Green Belt. Saved policy RA4 of the Welwyn Hatfield District Plan 2005 (DP) refers to replacement dwellings in the Green Belt. This requires, at (i) for such dwellings to not materially exceed the size of the original dwelling in terms of floorspace, height and volume. Parts (ii) and (iii) of the policy also require the proposal to have no greater visual impact

- than the existing building and to reflect the character and distinctiveness of the site's rural setting. Furthermore, having ascribed moderate weight, Policy SADM34 of the DLP explains that planning permission will be granted for development in the Green Belt that is in accordance with national policies.
5. The National Planning Policy Framework (The Framework) explains that the Government attaches great importance to the Green Belt. Paragraph 145 establishes that new buildings would be inappropriate unless they fall within one of the listed exceptions. Paragraph 145(g) allows for the partial or complete redevelopment of previously developed land (PDL) provided it would not have a greater impact on the openness of the Green Belt than the existing development.
 6. The openness of the Green Belt has both spatial and visual dimensions. Parties agree that the proposed development would result in a reduction in footprint and volume in comparison to the existing buildings on site. This would result in a 44% decrease in total footprint and a 1% reduction in volume. Therefore, the footprint and volume of development, taking the proposed demolition into account, would have a limited spatial impact on the openness of the Green Belt.
 7. However, the effect visually would be more significant. The height of the proposed dwelling would be around one meter greater than the existing development. Furthermore, the existing buildings are single-storey and dispersed throughout the site. Consequently, the overall impact of existing development on the surrounding area is limited. Whereas, the section drawing comparison shows that the proposed eaves and roof would stand substantially above the ridge heights of the existing buildings.
 8. The appeal site extends significantly beyond the rear boundary of the adjacent two gardens. The proposed dwelling would be located beyond the existing buildings of neighbouring land within the centre of the plot. Due to the open land to both sides of the site, with limited screening, the proposal would be a prominent addition to local views. Therefore, although the proposal would be submerged below natural ground level, its combined scale and height would be substantially greater than the low-lying profile of existing buildings on site. Consequently, the proposal would have a materially greater visual impact on the openness of the Green Belt than the existing development.
 9. The consolidated development would result in a sizeable mass of development being formed towards the rear of the site, in an exposed location. The form of development would emphasise its mass especially at its highest points. This would therefore be clearly evident within the surrounding area. Accordingly, due to the scale and location of the proposal its visual impact on the openness of the Green Belt would be substantial. As such, the increased mass of built form would represent a significant visual effect on the openness of the site and the surrounding Green Belt.
 10. It is in dispute whether all of the appeal site, required for development, would be PDL. Although, the appeal site may extend beyond the lawful residential curtilage as granted in 2017, details are not in evidence to illustrate its boundary and the extent of variance. Moreover, there is limited evidence to contradict the appellant's assertion that the ménage, including an all-weather surface, constitutes PDL. Nevertheless, for the purpose of paragraph 145(g) I am satisfied that the ménage would constitute PDL. Consequently, although the

proposal would involve the redevelopment of PDL it would not satisfy the requirements of paragraph 145(g) for the above reasons.

11. It has not been demonstrated that the proposal would be any of the exceptions listed in Paragraph 145 of the Framework. It would therefore amount to inappropriate development which is, by definition, harmful to the Green Belt. However, in footprint terms, the proposal would be contained within existing built form. Accordingly, the proposal would not result in an encroachment into the Green Belt.

Character and appearance

12. The site is a relatively large plot mostly to the rear of existing dwellings. It consists of a series of large timber buildings that range through the site in a loose linear arrangement. The first building is used as an office, the second and fourth as stores and the third is a dwelling. The remaining land includes a large domestic garden and paddock area. The access drive runs alongside 'Chestnut Ridge', and a community building. A further dwelling (Studlands) is located adjacent to 'Chestnut Ridge'. The two dwellings and the community room are separated from adjacent built form by the Little Heath Playing Field and an extensive field and garden seemingly associated with 'Videne'. Local dwellings are of a relatively moderate scale, being largely two-storey detached dwellings. The majority of local plot sizes are tightly drawn around dwellings. In contrast, the site is comparatively large and contains low-lying buildings. The site therefore makes a positive contribution to the verdant and spacious rural character of the area.
13. The proposal would result in the replacement of the existing timber buildings. The proposed dwelling would be mostly within the footprint of the existing dwelling. This would be part single and part two-storey and its footprint arranged in a 'v-formation'. Materials would be a combination of timber cladding laid in horizontal and vertical arrangements, partially mimicking an agrarian style of architecture. Its form would also replicate a barn in the use of a wide span floor plan and low-profile roof.
14. The imagery provided in evidence shows the visual effect of the proposal from views within the adjacent recreation ground and Hawkshead Road. These views appear to have been taken close to the front and side of 100 Hawkshead Road. These show that the proposal would be relatively discrete from these views. However, the proposal would be more prominent from several further views both within the recreation ground, the car park of the community hall and the gap between the hall and 'Chestnut Ridge'. These views in combination would present a relatively overt structure. The proposal would especially dominate southeast views from the recreation ground. Therefore, due to its scale and location the proposed dwelling would not complement the existing pattern of linear development along Hawkshead Road. The proposal would therefore have a harmful effect on the character and appearance of the surrounding area.
15. Accordingly, the proposal would not accord with saved policies D1, D2 and RA10 of the DP which require development to be high quality, relate well to the character and context of an area and contribute to the local landscape character. Furthermore, the proposal would not satisfy the Council's Design Guide 2005 which requires development to respect the context of a site and contribute to the landscape quality of an area. Having applied moderate weight to the DLP, the proposal would also be contrary to policies SP9 and SADM16 of

the DLP which amongst other things seeks development to relate well to its surroundings. These policies are in general conformity with the Framework that seeks development to be sympathetic to the local character.

Other considerations

16. The use of the office and dwelling buildings are established through consents given in 1997 and 2017 respectively. Although, the office may be suitable to be converted to residential use, this permitted development right has not been ratified with Prior Approval consent. Furthermore, the Council has suggested that Prior Approval may not be granted for several reasons including known ground contamination in the area. In any event, the effect of such a change would be of lesser impact on the openness of the Green Belt than the proposal.
17. The Green Belt boundary is proposed to be changed in the DLP. This would result in three parcels of land close to the site being released for around 170 dwellings. This would also adjust the Green Belt boundary resulting in the front half of the appeal site being excluded from the Green Belt, this would seem to include the footprint of the proposed dwelling. However, these proposed changes do not yet form part of the statutory plan. Therefore, although the area around the site may evolve in the coming years, the proposal must be considered within the context of the existing Green Belt boundary and policy. This consideration is therefore only of limited weight in favour of the proposal.
18. The proposal would include sustainable construction and design features. Also, its construction would be undertaken by the current owner/occupier of the dwelling as a self-build project. However, it is not in evidence that the appellants have registered the proposal on the Council's self-build register or offered a mechanism to secure it as such. Also, the quality and sustainable merits of the design are not central to the harm caused by the proposal, which is more concerned with the impact of its scale, bulk and positioning. These benefits therefore garner moderate weight in favour of the proposal.
19. It is uncontested between parties that the existing dwelling has permitted development rights. However, the extent of available permitted development rights has not been formally established. It is also unconvincing that the structure, having a limited life-span, could be altered in the manner described by the appellant. It is therefore unconvincing that such adaption seems likely. Consequently, any additions would be likely to have a reduced impact on the openness of the Green Belt in comparison to the proposal.
20. The appellants' submission illustrates that the site would be accessible to Little Heath. It would be within reasonable access to local services and a range of public transport options. It is therefore, in principle, within a suitable location for housing. This is of moderate benefit in favour of the proposal.

Whether there would be Very Special Circumstances

21. Paragraphs 143 and 144 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

22. I have concluded that the appeal scheme would result in significant harm to the openness of the Green Belt and would therefore be inappropriate development that would, by definition, harm the Green Belt. The proposal would also harm the character and appearance of the area, a point of significant further weight. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt.
23. On the other hand, the other considerations I have identified are of limited to moderate weight in favour of the proposal. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.

Conclusion

24. Accordingly, for the reasons given, the appeal does not succeed.

Ben Plenty

INSPECTOR