
Appeal Decision

Site visit made on 7 December 2020

by Mr Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2021

Appeal Ref: APP/C1950/W/20/3255374

High Willows, Vineyards Road, Northaw, Potters Bar EN6 4PE

- 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 Karl Knipe against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2020/0784/FULL, dated 25 March 2020, was refused by notice dated 25 June 2020.
 - The development proposed is for 2 x 6-bedroom detached properties.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The Welwyn and Hatfield Draft Local Plan Submission 2016 (DLP) is currently subject to examination. Hearing sessions took place in February 2018, including in association with policy SADM34, referenced in Reason for Refusal '2', and was not subject to objection. As such, I have applied moderate weight to the Plan due to its relatively advanced stage.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt with particular regard to its effect on the openness of the Green Belt;
 - whether the appeal site offers a suitable location for new housing development having regard to the development plan policies concerned with the location of new housing development and the National Planning Policy Framework (the Framework);
 - the effect of the proposed dwellings 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. Policy GBSP1 of the Welwyn Hatfield District Plan 2005 (DP) identifies that the Green Belt will be maintained and explains that 'Specified Settlements' will be excluded from the Green Belt. It's supporting text establishes that limited development will be allowed in such settlements. Cuffley is defined by policy GBSP2 as a Specified Settlement, whereas Northaw is not. Paragraph 145(e) of the National planning Policy Framework (The Framework) states that limited infilling in villages within the Green Belt would not be inappropriate development. The terms 'limited' and 'infilling' are not defined in the Framework. The question of limited infilling is a matter of planning judgement and a defined village boundary is not necessarily determinative.
5. The nearest settlement, Northaw is around 0.7 miles to the southwest of the site. Vineyard Road runs through the village. However, the property of 50 Vineyard Road marks the end of a row of regimented and closely grouped dwellings. When travelling past this property leaving the built-up area of the village, the character becomes more rural, with large trees, hedge boundaries and a reduction in the grass verge indicating the edge of the settlement. Beyond this plot boundaries and sizes become less clearly defined. Plots consist of dwellings within large plots, woodland areas and small fields. These invoke the sense of a strong rural character. The appeal site is therefore separated from the settlement edge and visually disconnected from the settlement itself. The site consists of a paddock and stabling area to the northeast of High Willows. It is between the existing dwelling and the neighbouring dwelling of 'The Wilderness' and opposite 'Oak Chalet'. These existing three dwellings are in a loose cluster of buildings within the open countryside. Accordingly, the site is not within a settlement and within the countryside for policy purposes.
6. Policy SADM34 of the DLP supports limited infilling, within villages in the Green Belt, if it is within a continuous built up frontage. Vineyards Road changes in character, from the relatively gathered grouping of dwellings within the village, to that of open countryside interspersed with individual dwellings on large plots. The proposed development would conjoin 'High Willows' to 'The Wilderness' by infilling the gap and creating a new continuous frontage between two previously separate and secluded dwellings. The site is therefore not part of an existing continuous built-up frontage. Consequently, the site would not consist of infill development within a settlement or therefore satisfy paragraph 145(e).
7. Policy H2 encourages windfall development in certain circumstances, including on previously developed land (PDL). Paragraph 145(g) of the Framework explains that the complete redevelopment of PDL would not be inappropriate development provided that it would not have a greater impact on the openness of the Green Belt than the existing development. The site contains stabling and a ménage. It is undisputed between parties that the site is PDL and I concur as I have no evidence to come to a different view.
8. The openness of the Green Belt has both spatial and visual dimensions. The proposed dwellings would be located within the open Green Belt. The front of

the site is partially enclosed with tree planting and a close boarded fence. These provide glimpses into and through the site. The proposal includes the creation of a new single access through the frontage into a shared driveway area. This gap would reveal further views of the site from the highway. The proposal would also be clearly visible from the public footpath to the south of the site and be overlooked by occupiers of neighbouring dwellings. Land to the rear of the site is on a steep gradient that provides distant views of the valley beyond. The site is therefore on an elevated and visible position where development would be especially overt within the surrounding landscape. The existing stable building is behind the fence and single storey in character and therefore comparatively subdued. In contrast, the proposal would result in the provision of two large dwellings within this prominent and exposed location.

9. The increased mass of development on the site would represent a substantial visual and spatial intrusion into the openness of the site and the surrounding Green Belt. Accordingly, due to the scale and footprint of the proposed dwellings and associated garages, its visual and spatial impact on the openness of the Green Belt would be significantly greater than the existing development. As such, although the proposal would make efficient use of PDL it would not satisfy the requirements of paragraph 145(g) of the Framework.
10. The proposal would also result in development that would urbanise a largely open site within the Green Belt. Consequently, the proposal would encroach into the Green Belt in conflict with a key purpose of Green Belt policy.
11. As it has not been demonstrated that the proposal would be any of the exceptions listed in Paragraph 145 of the Framework, it would amount to inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.

Locational suitability

12. Saved policy GBSP2 of the DP establishes the district's development growth strategy. This seeks to direct most development towards Welwyn Garden and Hatfield. It also specifies those settlements that would be suitable for limited development to maintain their character, which excludes Northaw. Being beyond the settlement the site would be subject to saved policy H2(i) of the DP, in relation to windfall housing sites. This policy includes support for the development of previously developed land, sites that provide access to services and facilities by transport modes other than a private car and the ability to reinforce existing communities. This approach would be in general conformity with paragraphs 77-78 of the Framework.
13. Northaw is a small village with limited access to goods and services. Cuffley is slightly further from the site but provides a greater range of services and access to a railway station. Consequently, the site is located in a small cluster of dwellings some distance from settlements offering day to day facilities. As such, although the scheme would not result in the creation of an isolated development, it is within a woodland setting without the benefit of footways or streetlights. It is therefore disconnected from the nearest settlement. The nature of the highway would deter future occupiers from walking or cycling to the settlement. Furthermore, the site would not gain easy access to public transport options. Therefore, although the existing house shares an address with the nearest settlement, the site itself has no tangible or functional link to the Northaw.

14. Paragraphs 77-78 of the Framework seek to encourage development in rural areas that would enhance or maintain the vitality of rural communities. Northaw is some distance from the site and provides limited goods and services. As a result, the proposal would make only a negligible contribution towards the few services and facilities of the village. Future occupiers would have to travel a significant distance to gain access to day to day goods and services. As such, the proposal would be likely to be mostly accessible by private car only. Taking these characteristics together, the proposed site would make only a negligible contribution to the vitality of local rural communities. It would be within an inaccessible location and would therefore be an unsuitable location for housing development.
15. Accordingly, the proposal would fail to satisfy saved policies SD1, GBSP2 and H2 of the DP, which amongst other things, seeks sustainable development. Furthermore, the proposal would fail to satisfy the Framework for the above reasons.

Character and appearance

16. The site consists of a stable block, paddock area and ménage. It is a largely undeveloped area of land within the open countryside. The site is part of a substantial gap between two existing dwellings. Therefore, although the existing dwellings are in a loose cluster their spacing provides space around each to maintain a sense of separation from each other. The local dwellings include rural characteristics that include varying roof heights and strong articulation that disaggregate their forms into smaller components. The group of dwellings therefore create a low-density cluster within a verdant setting. The site therefore reads as a gap between built form that makes a positive contribution to the rural character and appearance of the area.
17. The proposed dwellings would be large two-storey hipped roof buildings. They would be of a traditional design of a substantial scale. The proposal would therefore be overt and prominent interventions into the landscape. The design of 'House 2' would include a render finish that would replicate features of 'High Willows'. However, the design of the dwellings would not more broadly reflect the traditional rural designs of the dwellings seen locally. Also, 'House 1' would crowd 'The Wilderness' and this would not be characteristic of the open and spacious setting of existing development. Moreover, being on a pronounced and exposed site, the scale and design of the dwellings do not allow them to integrate well into the landscape or respect their rural setting. The proposal would therefore be out of character and would not integrate well with its surroundings.
18. Nearby dwellings are clearly evident in the streetscene, due to their mass and proximity to the highway. However, their separation apart from each other is an important characteristic. In contrast, the proposed dwellings would be comparatively crowded additions to the streetscene diminishing the existing character of local development. Furthermore, they would be of a scale that landscaping would be unable to adequately mitigate to enable them to be successfully integrated into this context. The proposal would therefore harm the character and appearance of the area.
19. Accordingly, the proposal would not accord with saved policies D1 and D2 of the DP which require development to be high quality and relate well to the character and context of an area. Furthermore, the proposal would not satisfy

the Council's Design Guide 2005. This requires development to respect the context of a site and enhance key characteristics which contribute to the landscape quality of an area. These policies are in general conformity with the Framework that seeks development to be sympathetic to the local character.

Other considerations

20. The planning application gained several letters of support from the local community. These expressed support for the scheme stating it would provide much needed family housing in the area, would blend in well to the local landscape and would support the local economy. This support is of moderate weight in favour of the proposal.
21. The proposal would satisfy matters in regard to ecology and highway safety. However, an absence of harm in these respects can only be considered as neutral factors in the planning balance.

Whether there would be Very Special Circumstances

22. 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.
23. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in significant harm to the openness of the Green Belt and would result in encroachment into the Green Belt. The proposal would also harm the character and appearance of the area and would be located in an unsuitable location, both points of significant further weight. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt.
24. 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.

Planning balance and conclusion

25. It is undisputed that the Council cannot demonstrate a 5-year housing land supply by a substantial amount. Paragraph 11(d)(i) of the Framework states that where the policies most important for determining the application are out-of-date, including where a local planning authority cannot demonstrate a 5-year supply of deliverable housing sites, development should be granted. This is unless policies within the Framework that protect areas of particular importance, including Green Belts, provide a clear reason for refusing development. The harm caused to the Green Belt would be significant and this would provide a clear reason for refusing development. Accordingly, although the tilted balance is engaged, the proposal would not satisfy the presumption in favour of sustainable development for which the Framework advocates a

presumption in favour. The proposal would not therefore accord with the Framework when taken as a whole.

26. Furthermore, the proposed development would not accord with the development plan when taken as a whole and there are no other considerations including the Framework which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Mr Ben Plenty

INSPECTOR