
Appeal Decision

Site visit made on 26 January 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 09 March 2021

Appeal Ref: APP/J1915/W/20/3257470

Ellenglaze, Bramfield House, Bramfield, Hertford SG14 2QT

- 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 Chris Armstead against the decision of East Hertfordshire District Council.
 - The application Ref: 3/20/0919/FUL, dated 14 May 2020, was refused by notice dated 3 August 2020.
 - The development proposed is the construction of garage and home office
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be an inappropriate development in the Green Belt with regard to the National Planning Policy Framework (the Framework);
 - the effect upon openness; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

3. The proposed development would be sited within the Metropolitan Green Belt (the Green Belt). The Framework regards the construction of new buildings as generally being inappropriate.
4. There are some exceptions to this, which are listed in Paragraph 145 of the Framework. However, the proposed development would not be used for agriculture or forestry; sport and recreation facilities; would not be a replacement building; would not be a limited infill; would not be affordable housing; and would not pertain to redevelopment of previously developed land.
5. My attention has also been drawn to the requirements of Policy GBR1 of the East Hertfordshire District Plan (2018) (the District Plan). This requires that

proposals for new developments in the Green Belt are assessed against the requirements of the Framework.

6. Although the proposed development would be an outbuilding for use in association with an existing dwelling, the evidence before me is indicative that the proposed building would be located outside of the curtilage of the dwelling. In addition, the proposed building would be located a substantial distance away from the appellant's dwelling. This distance would mean that the proposed development would appear divorced from the original dwelling.
7. In addition, the proposed garage would have a significant footprint which, in conjunction with other outbuildings on the property, would contribute to a large increase in built form at the site. In consequence, owing to its location and proportions, the proposed development could not be considered to be a proportionate addition to the original dwelling.
8. In result, the proposal would represent an inappropriate development in the Green Belt. The development, in this regard, would conflict with Policy GRB1 of the District Plan and the Framework. Amongst other matters, these seek to prevent the undertaking of inappropriate development in the Green Belt.

Effect on openness

9. The topography of the surrounding area is relatively flat. This is also reflected on the appeal site, the rear boundary of which is marked by a post and rail fence. In consequence, the location of the proposed development and the countryside beyond can be viewed alongside one another, including from the adjoining residential properties.
10. In result, views of the proposed development and the wider countryside would be possible. This would be exacerbated by the footprint of the proposed development. This would mean that the proposed development would erode the physical sense of openness of the Green Belt.
11. In addition, the increase in built form which would be physically separate from the existing dwelling and other sizeable built structures would erode the spatial character of openness that is an intrinsic feature of the Green Belt.
12. Therefore, whilst views of the proposed development would be screened from Well Green, it would be visible from other parts of the Green Belt, which is a concern given that it would erode the spatial character of openness due to an increase in built form. Furthermore, owing to the proportions of the proposed development, it would not blend into the surrounding landscaping.
13. Paragraph 134 of the Framework sets out the reasons for including land within the Green Belt. These include safeguarding the countryside from encroachment. By reason of the scale and siting of the proposed development, it would result in an encroachment of built form into the countryside. Therefore, the proposed development would conflict with the purpose of including land within the Green Belt.
14. I am aware of a development on an adjacent property. I do not have the full information regarding its planning circumstances, which lessens the weight that I can attribute to it. Nonetheless, I note that it appears that these works have been undertaken using permitted development rights and are within the curtilage of the associated dwelling house.

15. In addition, this development is closer to the associated dwelling than the scheme before me and also appears to being constructed to smaller proportions than the appeal scheme. In consequence, the scheme before me would have a greater effect upon the openness of the Green Belt. Therefore, the presence of a development on the adjoining site does not allow me to disregard my previous concerns.
16. I therefore conclude that the proposal would have an adverse effect on openness. The development, in this regard, would conflict with the requirements of Policy GBR1 of the District Plan and the Framework. These, amongst other matters, seek to ensure that planning applications are considered in line with the requirements of the Framework; and that developments do not affect the Green Belt's open character.

Other considerations

17. The proposed development would provide additional garaging at the property. I am certain that this would increase convenience for occupiers of the dwellings and, potentially, reduce the need for residents to park in Well Green, which is relatively narrow and is an access shared with other properties.
18. However, the benefits of this are limited as the property already features off road parking, which is located behind gates that would provide some security for parked vehicles. In result, this provides an area for residents to park without effecting the movement of vehicles and pedestrians in Well Green. Therefore, I am only able to give this matter a limited amount of weight.
19. I note that the appeal site does not include a front garden, which means that off-street car garaging could only take place to the rear of the property. However, given that parking is available, this matter also only carries a limited amount of weight

Other Matters

20. I acknowledge concerns raised by the appellant regarding the manner in which the Council considered the planning application. However, in assessing this appeal, I have limited my considerations to the planning matters before me.
21. The application for planning permission was not the subject of objections and that support was expressed by the Parish Council. Whilst these are matters of note, they are only some of the points that must be considered and therefore do not outweigh my conclusions in respect of the Main Issues

Planning Balance and Conclusion

22. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to this harm. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.
23. As explained above, I give only limited weight to each of the considerations cited in support of the proposal and accordingly I do not find that these amount to the special circumstances necessary to justify the development. Therefore, they do not clearly outweigh the harm to the openness of the Green Belt.

24. In consequence, and for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR