



Appeal Decision

Site Visit made on 20 April 2021

by R Sabu BA (Hons), BArch, MA, PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 28 April 2021

Appeal Ref: APP/J1915/W/20/3264733

Tree Heritage, North Road, Hertford SG13 8EQ

- 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 Edward Pearce against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0713/FUL, dated 6 April 2020, was refused by notice dated 10 June 2020.
 - The development proposed is the redevelopment of the site, including demolition of existing buildings and erection of 6 dwellings, associated 14 off-street car parking spaces and altered access and provision of informal open space.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Section E of the appeal form indicates that the description of development has changed from that stated in the application form to include reference to the number of parking spaces. I have therefore used this description in the header above.
3. I note the reference to garages in the Council's report. However, from the wider evidence, the Council have correctly assessed the scheme on the basis of the submitted drawings and description of development. Therefore, the reference appears to be an error and the Council has not behaved unreasonably in this respect.

Main Issues

4. The second reason for refusal relates to biodiversity. The appellant submitted additional information in this respect as part of the appeal and the Council has stated that it considers the second reason for refusal to be overcome. From the evidence before me I see no reason to disagree. Therefore, the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies including the effect on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area; and
 - would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriateness

5. The appeal site is situated in the Metropolitan Green Belt. Paragraphs 143 and 145 of the National Planning Policy Framework (Framework) indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development is one of the listed exceptions.
6. Since the site is occupied by existing buildings, it constitutes previously developed land. However, the issue of whether the development would be inappropriate in the Green Belt will be determined by my conclusion on the effect on Green Belt openness.
7. A fundamental aim of Green Belt policy, as set out in paragraph 133 of the Framework, is to keep land permanently open. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect.
8. The proposed dwellings would have a combined footprint significantly larger than that of the existing building on the site. Moreover, the proposed single storey houses would have a ridge height higher than the highest existing building on the site. As such, the scheme would adversely affect the spatial openness of the site.
9. Given the low height of the existing buildings, and the siting of the smaller outbuildings at the periphery of the plot, the site appears open and spacious. While there are trees and vegetation around the boundaries, there are nevertheless glimpses of countryside beyond with views available across large parts of the site.
10. I note that the massing of the scheme would appear as several separate units, rather than a larger mass as existing, and that the proposed dwellings would be located towards the centre and front of the site with the lower bungalows closer to the highway. I also acknowledge that the proposed materials would reflect the traditional materials used on buildings in the area. In addition, a large portion of the site would be turned from hard landscaping to open meadow land.
11. However, since the massing of the proposed buildings would be significantly greater in footprint and height compared to the existing buildings, the views across the site and to the countryside beyond would be significantly reduced. I note the findings of the Visual Impact Report. However, while the trees and vegetation along the boundaries of the site would partially restrict wider views of the scheme, the screening would be reduced during winter months and the height of the two storey dwellings in particular would be visible from across Waterford Marsh. The coniferous trees along the boundary with the road would restrict some views of the scheme. However, the massing and height of the proposal would be visible from the approaches from the north and south. Therefore, both the spatial and visual openness of the Green Belt would be significantly harmed by the proposal.

12. I acknowledge the evidence regarding current commercial activity and movements on the site. The proposal would also be likely to result in a significant number of vehicular movements to and from the site, albeit residential in nature rather than commercial. However, even if the proposal resulted in a lower frequency of vehicular movements and the vehicles were generally smaller, given the significantly increased massing of the proposed buildings compared with existing, the scheme would nevertheless harm the visual openness of the Green Belt contrary to the aims of the Green Belt policy.
13. Consequently, the proposal would have an adverse effect on the openness of the Green Belt and would therefore be inappropriate development in the Green Belt in the terms of the Framework, specifically paragraph 145(g) and none of the other exception criteria apply. Therefore, it would conflict with Policy GBR1 of the East Herts District Plan October 2018 (DP) which relates to the Green Belt.

Character and appearance

14. The site is surrounded on two sides by green, undeveloped land with further fields across the highway and some sporadic housing nearby. Given the functional agricultural appearance of the buildings on the site, together with the existing commercial use, the site is in keeping with the surrounding rural setting.
15. The proposal would not only introduce new dwellings, but also significant areas of formal road and driveways, and domestic paraphernalia that would urbanise the site and substantially alter the landscape setting. As such, while part of the site would be converted to meadowland, given the increase in built development on the site, the scheme would constitute encroachment into the countryside.
16. I note that the proposed materials, forms and cul-de-sac layout of the dwellings may reflect that of existing houses in the wider area. I also acknowledge the proposed fencing around the gardens and landscaping around the road edge. In addition, I note the Landscape Character Assessment Supplementary Planning Document September 2007 (SPD). However, given the encroachment into the countryside that would result from the amount, massing and scale of the scheme, these matters do not override the harm identified.
17. Consequently, the proposal would harm the character and appearance of the area. Therefore, it would also conflict with DP Policies DES2, DES3 and DES4 which together seek development that would protect or enhance the landscape character of the area. It would also conflict with the Framework in this respect.

Other Considerations

18. Subsequent to the refusal of this scheme by the Council, a proposal for five single storey dwellings on the site was granted planning permission. Given the recentness of the permission, it appears likely that the scheme would be implemented should this appeal fail. As such it forms a fall-back position.
19. Since the fall-back scheme consists of fewer dwellings, a smaller combined footprint and would be single storey, their impact on Green Belt openness would be significantly less than the proposal subject of this appeal. As such, the fall-back scheme would not weigh in favour of the proposal.

20. I acknowledge the evidence relating to the development at Sacombe Road, the construction of which was underway at the time of my site visit. However, that scheme appears to have been based on planning permission granted in 2013 under a previous development plan. In addition, it is sited some distance from the appeal site, adjacent to two roads and near other dwellings such that direct comparisons cannot be made with the appeal scheme in terms of openness or character and appearance. In any event, each case must be determined on its own merits.
21. I note the evidence in terms of the sustainability of the location, However, any lack of harm in this respect does not carry weight in favour of the proposal.
22. The scheme would result in an increase in biodiversity net gain in habitat and hedgerow units. A significant portion of the site would also be turned from hardstanding to open meadowland. I also acknowledge the environmental credentials of the proposal as set out in the Sustainability Statement. The proposals would align with the aims of the SPD in this particular respect and I therefore attribute these points moderate weight in favour of the scheme.
23. The Green Belt policies in the Framework provide a clear reason for refusing the development proposed. Therefore, regardless of the Council's position in terms of housing land supply, the presumption in favour of granting planning permission in those circumstances found in paragraph 11(d) of the Framework does not apply.

Conclusion

24. 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 the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. The substantial weight to be given to Green Belt harm is not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances given that those benefits are reasonably modest commensurate to the modest scale of the development proposed.
25. For the reasons given above the appeal should be dismissed.

R Sabu

INSPECTOR