



Appeal Decision

Site visit made on 12 April 2021

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 May 2021

Appeal Ref: APP/W1905/W/20/3261342

Land at Goffs Lane & Halstead Hill, Goffs Oak EN7 5ND

- 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 NDSol Ltd against the decision of the Borough of Broxbourne Council.
 - The application Ref 07/20/0573/F, dated 15 July 2020, was refused by notice dated 29 September 2020.
 - The development proposed is erection of detached three bedroom dwelling with associated off-street parking, amenity space and new vehicle access/crossover.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal has been submitted with revised drawings correcting a drawing error to the front elevation of the proposed dwelling. I have assessed the appeal on the basis of these drawings and am satisfied that in doing so, the interests of the main parties have not been compromised.

Main Issues

3. The appeal site is in the Green Belt. Consequently, the main issues are:
 - i) whether the proposal would constitute inappropriate development in the Green Belt;
 - ii) the effect of the proposal on the openness of the Green Belt;
 - iii) the effect of the proposal on the character and appearance of the area, having particular regard to existing trees; and
 - iv) if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Inappropriate development

4. The fundamental aim of Green Belt policy in the National Planning Policy Framework (the Framework) is to prevent urban sprawl by keeping land

permanently open. The essential characteristics of Green Belts are their openness and their permanence.

5. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate development in the Green Belt. However, an identified exception to this is limited infilling in villages.
6. The appeal site is an undeveloped parcel of land located adjacent to the junction of Goffs Lane and Halstead Hill. It hosts a number of mature trees both within the site and lining its perimeter. Opposite the site, there is a well established frontage of built form. In addition, to the west of the site, dwellings line the south side of Goffs Lane, although this is terminated by the junction adjacent to the appeal site. To the east, there is additional undeveloped land which together with the appeal site, creates an expansive space before the continuation of buildings on the south side of Goffs Lane. The heavily treed nature of the site in combination with the open land adjacent to it, also provide this section of Goffs Lane with a semi-rural character and appearance.
7. The term infilling is not defined within the Framework and no definition is provided within the development plan. However, a common understanding of the term is development located in a space or gap in an otherwise built up frontage. The appeal site is an open space that is well defined by the geometry of the road junction. However, when the nature of the site is combined with the space provided by the road junction, as well as the distance from development to the east, there is both a significant visual and physical separation between the developments to the east and west of the appeal site. This level of separation is substantially more generous than a gap in the street scene. Instead it represents a generous pocket of semi-rurality which is experienced as a distinctly separate element within the road to the built up frontages.
8. Accordingly, although the site is located amongst built development, the expansive nature of the site and adjacent parcel of land ensures that the proposal would not infill an existing gap or space in an otherwise built up frontage. Instead, it would erode an important undeveloped and substantial section of open space. Consequently, the proposal would fail to comply with the exceptions listed within the Framework. I therefore conclude that it would represent inappropriate development within the Green Belt, thereby failing to accord with the Green Belt protection aims within the Framework as well as Policy GB1 of the Broxbourne Local Plan (2020) (LP).

Openness

9. As identified above, the site currently consists of an area of woodland that is devoid of built form. It is framed by a road junction, and adjacent to open space. Despite the presence of trees, views can be readily achieved through and across the appeal site. Accordingly, as a large parcel of land without any buildings on it, the appeal site positively contributes to the openness of the Green Belt.
10. The proposal would introduce a new dwelling centrally onto the site. In doing so, it would require the removal of trees to facilitate the vehicular access. Due to the location of the proposed structure, as well as the substantial tree removal, the building would become a prominent addition on the site. It would

interrupt views across the site and fundamentally change its appearance from an undeveloped woodland, to a site containing a prominent dwelling. Accordingly, the proposal would have a significant and demonstrably harmful effect on the openness of the Green Belt.

Character and appearance

11. The appeal site is subject to two Tree Preservation Orders. Although the proposal has not been supplemented with a tree survey, they are substantial trees which have a distinct presence within the locality. They provide an area of woodland within otherwise built up surroundings and when combined with the adjacent open space, they make an important visual contribution to the area, providing a semi-rural setting for much of the surrounding development. Accordingly, in its current form, the appeal site makes a positive contribution to the character and appearance of the area.
12. As identified above, a central access would be provided to the front of the site. In addition, to the front of the proposed dwelling there would be an area of hardstanding for the parking and turning of vehicles. When combined with the positioning of the dwelling itself, the effect of these works would be to cause a significant reduction in tree coverage on the site. As a consequence, the semi-rural character that is provided by the site in its current form would be replaced by a more formal, domestic appearance.
13. Many of the trees around the perimeter of the site would be retained, and I also note that select tree removal has already been authorised at the site. In addition, I note that the site, as a privately owned parcel of land, does not provide any informal recreational value. However, it does make an important visual contribution to the locality and the proposal would substantially alter the appearance of the site in a manner that would be harmful to its semi-rural qualities.
14. The nature of the site also means that it is likely to have value for local biodiversity. Both the Framework and Policy NEB1 of the LP refer to net gains to biodiversity and based on the evidence before me, it is unclear how this would be achieved. In addition, although not necessarily formally allocated, the appeal site has a distinct value to the green infrastructure of the locality, and for the reasons identified above, the proposal would harm the important attributes of the site which contribute to this value.
15. Accordingly, I conclude that the proposal would harm the character and appearance of the area. It would therefore fail to comply with Policies DSC1, NEB1, NEB3 and NEB4 of the LP. Taken together these seek a high standard of design which should result in net gains to biodiversity and avoid the loss of any component of the green infrastructure network.
16. Despite the Council's reference to Policy ORC3 of the LP, the appeal site is not an undesignated amenity space and therefore, I am satisfied that this policy is not applicable to the proposal.

Other considerations

17. The appellant has supplemented the appeal with details in relation to specific family circumstances that led to the purchase of the site. The nature of this evidence is noted, and I am satisfied that based on the limited evidence before me, the proposal would bring a social benefit to which I attach moderate

weight. I also note the desire to prevent unwanted items getting dumped on the site and provide lighting to improve pedestrian safety. These matters also attract some limited weight in favour of the appeal.

18. Paragraph 144 of the Framework requires that substantial weight be given to any harm to the Green Belt, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
19. I have found that the proposal would represent inappropriate development within the Green Belt. It would also cause harm to the openness of the Green Belt, as well as to the character and appearance of the area. In accordance with Paragraph 144, I give these matters substantial weight. Although I have attached moderate weight to the social benefits that the proposal would bring, this would not clearly outweigh the harm to the Green Belt that I have identified. Accordingly, I conclude that very special circumstances do not exist to justify the proposal.

Conclusion

20. For the reasons identified above, the appeal should be dismissed, and planning permission refused.

Martin Chandler

INSPECTOR