
Appeal Decision

Site visit made on 18 May 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 04 June 2021

Appeal Ref: APP/C1950/D/21/3267107

Manor Cottage, Vineyards Road, Northaw, Potters Bar EN6 4PQ

- 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 Avanzi against the decision of Welwyn Hatfield Borough Council.
 - The application Ref: 6/2020/1980/HOUSE, dated 7 August 2020, was refused by notice dated 9 November 2020.
 - The development proposed is a new entrance gate and driveway.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. References have been made to an emerging Welwyn Hatfield Local Plan. However, the weight that I can attribute to this document is limited on the grounds that the findings of the examination in public are awaited.
3. I am aware of references to a further application being required for a dropped kerb to serve the proposed development. However, this falls outside of the terms of the planning application. I have assessed this appeal with reference to the elements of the development described within the supporting documents.

Main Issues

4. The main issues are:
 - whether the proposal is inappropriate in the Green Belt and the effect of the openness of the Green Belt;
 - the effect of the development upon the character and appearance of the surrounding area; 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 and the effect on openness

5. The appeal site is located in the Green Belt. The development plan, in Policy GBSP1 of the Welwyn Hatfield District Plan (2005) (the District Plan) states

that the Green Belt should be maintained. Policy SADM34 of the District Plan requires that development be in conformity with the requirements of National policy. The National Planning Policy Framework (the Framework) states that the erection of new buildings within the Green Belt is generally inappropriate.

6. There are some exceptions to this which are listed in Paragraph 145 of the Framework. This list includes the provision of replacement buildings providing that they are not materially larger from the original building, and in the same use. The proposed development includes the erection of gates with pillars. In consequence, it would have a discernible mass and physical presence. Therefore, it can be described as a building.
7. The appeal site comprises a single dwelling surrounded by a garden. The boundaries of this garden are marked by a wire fence, supported by wooden posts. The proposed development would allow for the retention of the garden and therefore the development would not result in a change of use of the land.
8. However, the proposed development would feature a gate and piers. These would be taller than the original boundary treatments. Therefore, this increase would result in a development that would have a demonstrably greater mass than the existing structure. The development would therefore result in the provision of a building that would be larger than the existing installation.
9. The appeal site contains a single dwelling and garden. The front of the site is marked by a wire fence with wooden posts. Whilst some screening is provided by an existing hedge, views are possible into the site, which contribute to a generally open and natural landscape.
10. The increased built form would prevent views into the site, which would result in a loss of the physical sense of openness that is a feature of this part of the Green Belt. This is a concern given that the proposed development would be located at the front of the property. In result, the adverse effect on openness would be readily apparent.
11. In addition, the increase in built form would result in an adverse effect upon the spatial sense of openness that is an intrinsic feature of the Green Belt
12. My attention has been drawn to boundary treatments at Nyn Manor. Whilst this property features boundary treatments that are similar to that proposed within the appeal proposal, the primary matters before me are whether the proposed development would be materially larger than the structure it replaces and the effect on openness.
13. For the foregoing reasons, I have identified that the proposed development would be materially larger than the existing boundary treatments and would have an adverse effect on openness in this specific location. In result, the presence of a similar development elsewhere does not overcome these concerns.
14. The appellant has suggested that the proposal should be assessed under the provisions of Paragraph 145(g) of the Framework. I recognise that as the site is within a rural area, the garden of the appeal site might be classified as previously developed land. However, the appeal site would remain in the same use. Furthermore, the provisions of Paragraph 145(g) are such that for a development to not be inappropriate, it should not have a greater effect on openness than the existing development.

15. Therefore, even if I were to agree with the appellant that the development should be assessed under the requirements of Paragraph 145(g) of the Framework, I would find that the greater adverse effects on the openness of the Green Belt would render the development unacceptable. Therefore, this provision does not overcome my previous concerns.
16. I therefore conclude that the proposal represents an inappropriate development in the Green Belt and would have an adverse effect upon the level of openness in the Green Belt. The development would therefore conflict with the requirements of Policies GBSP1 and SADM34; and the Framework. Amongst other matters, these seek to avoid inappropriate development in the Green Belt and to maintain its openness.

Character and appearance

17. The appeal site contains a dwelling, with boundary treatments around the garden area. There are several other dwellings in the surrounding area, which feature a variety of different boundary treatments. In addition, some of the fields in the surrounding area feature some enclosures.
18. In result, the proposed development, whilst being of a different construction to the existing, would not appear to be particularly incongruous given that it would be viewed against a backdrop of a variety of physical boundary treatments.
19. Although I am unaware of the planning circumstances of all of these, they contribute to a varied character where boundary treatments of different designs are relatively common.
20. In addition, the surrounding road network is relatively sinuous. This means that views of the proposed fence would not be possible from vantage points further away from the appeal site. In result, the development would not erode the character of the surrounding area. This reduces the effects of the development.
21. The appeal site is within the Northaw Common Parkland Landscape Area. This is characterised by parkland features, with landscapes that have been created through the historic development of parklands and estates. The proposed development would create an additional access from the highway, however, it would be viewed alongside comparable other accesses that are a feature of this specific locality. In addition, the development would not result in the loss, or erosion, of any feature that marks the boundary of a field.
22. Furthermore, had I been minded to allow this appeal, I could have imposed a condition that would have controlled the materials from which the boundary treatments are constructed from materials that would be sympathetic towards the surrounding area. This would further reduce the effects of the character and appearance of the vicinity.
23. I therefore conclude that the proposed development would not erode the character and appearance of the surrounding area. The development would therefore be in conformity with the requirements of Policies D1 and D2 of the District Plan and the Council's Supplementary Design Guidance (2005). Amongst other matters, these seek to ensure that new developments be of a high quality of design; and relate to and respect the character of the surrounding area.

Other considerations

24. The proposed development would result in improvements to the safety and security of the occupiers of the appeal site. In result, the proposed development would result in an improved, and more direct, connection with the highway network. Whilst these are matters of note, the weight that can be attributed to them either individually, or cumulatively, is limited. This is because of the scale of the development. In addition, the evidence before me is not conclusive that the current access arrangements are causing an unacceptable effect.

Other Matters

25. The evidence before me indicates that the proposal would not have an adverse effect on highway safety. Whilst this is a matter of note, it is only one of all the matters that must be taken into account when assessing a proposed development. It therefore does not outweigh my findings in respect of the first main issue.

Planning Balance and Conclusion

26. The development plan and 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.
27. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. In so doing I have found harm to the openness of the Green Belt. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt.
28. The other considerations I have identified individually and collectively carry a limited 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.
29. Whilst the proposal would not harm the character and appearance of the area, this is outweighed by the harm to the Green Belt. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR