



Appeal Decision

Site Visit made on 15 June 2021

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 12th August 2021

Appeal Ref: APP/W1905/W/21/3268732

**Land to the East of Stanford House, Burnt Farm Ride, Goffs Oak
Hertfordshire EN7 5JA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Digby against the decision of Broxbourne Borough Council.
 - The application Ref: 07/20/0920/F, dated 12 October 2020, was refused by notice dated 7 December 2020.
 - The development proposed is erection of 1 x dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address in the banner heading above, which is taken from the appeal form and decision notice, includes 'Land to the East of Stanford House', which is not shown on the application form. This more complete address is used in the interests of precision.
3. Since the Council's decision, a new version of the National Planning Policy Framework (the Framework) was published in July 2021. The new Framework echoes and reinforces policy relevant to the main issues in this case. I shall determine the appeal on this basis.

Main Issues

4. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - Whether the proposed development would make adequate access provision; 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 development.

Reasons

Whether inappropriate development

5. The appeal site is within the Green Belt. Policy GB1 of the Broxbourne Local Plan (LP) sets out that planning applications will be considered in line with the provisions of the Framework.
6. The Framework sets out that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless they constitute an exception under paragraph 149 of the Framework¹. Two such exceptions cited by the appellant are c) the extension or alteration of a building, provided it does not result in disproportionate additions over and above the size of the original building, and d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
7. The proposal is for a new detached dwelling, not an extension or alteration of an existing building. Furthermore, the Class Q prior approval² for change of use of the agricultural barn on the appeal site to a residential unit (the Class Q scheme) has not been implemented and the barn's agricultural use remains. Consequently, the proposal would not fall within exceptions in paragraph 149 of the Framework. It would therefore be inappropriate development which would, by definition, harm the Green Belt. As such, the proposal would conflict with Policy GB1 of the LP.

Openness of the Green Belt

8. The Framework states that an essential characteristic of Green Belts is their openness and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land within them permanently open. Openness has both spatial and visual dimensions.
9. The appeal site is situated towards the centre of a substantial area of Green Belt countryside located between Goff's Oak village and the M25. This area is mainly a patchwork of rural fields interspersed with woodland blocks.
10. Much of the appeal site is open farmland to the east of a track that runs past a barn. The track adjoins and emphasises the north-to-south perimeter of the arable field to the east.
11. The barn has block walls topped and roofed with corrugated cladding. It forms the eastern edge of a cluster of buildings that is located to the west of the track. The rest of the cluster of buildings comprises a farmhouse, and several residential barn conversions including Stanford House, which is close to the remaining barn on the appeal site. Substantial areas of countryside that are largely free from buildings separate the cluster of buildings from settlements to the north, north-east and east and the M25 motorway to the south.
12. As such, the appeal site reads on the ground as part of the open rural setting of the eastern edge of a cluster of several, mainly residential buildings, within a substantial area of open rural landscape.
13. The proposed dwelling's location is elevated in relation to land which falls away to the east and south, with panoramic views across the countryside. The appeal

¹ Which replicates Paragraph 145 of the previous version of the Framework.

² Ref: 07/20/0122/PNAGR-RES, March 2020.

site is visible from farmland on three sides, from the access track and its entrance off the Old Park Ride public bridleway and from Stanford House. Thus, the site has some prominence within the Green Belt from various viewpoints in the rural landscape.

14. The proposed building would have approximately the same sized footprint as the barn on the appeal site. The demolition of the barn would result in more architectural 'breathing space' in relation to Stanford House.
15. However, this architectural 'breathing space' would come about through a differently shaped footprint, rotated approximately 90 degrees to the south, compared to the barn. This would result in the proposed house jutting out around 19m further east beyond the existing building cluster, into the countryside. Furthermore, the proposed house would extend across and beyond the track, further accentuating the dwelling's eastward incursion into the area of farmland.
16. The appeal proposal would entail the building's approximately 22m wide front and rear elevations facing south and north respectively, mostly in open countryside beyond the existing building cluster. Together with the lack of other visible buildings in the vicinity to the north, south and east, this would further draw attention to the building jutting out into the countryside, and the cumulative eastward expansion of the cluster of buildings.
17. In addition to its red brick core, the exterior of the proposed two-storey, five bedroom detached house would comprise a variety of vertical, triangular, curved and angular forms highlighted in buff coloured material, as illustrated in the elevations drawings. The building's front elevation would combine a classical style portico with columns, with extensive modern fenestration. The rear dining room with a pitched glazed gable roof would be an eye-catching adjunct to the core of the building, resulting in an L-shaped footprint. The building's extensive fenestration would catch the light and draw the eye. Together with its mass, this combination of architectural detailing, form and materials would result in a substantial house of ostentatious appearance. This would further emphasise the dwelling's presence and its eastward intrusion into the open countryside.
18. Furthermore, the proposed dwelling would bring domestic paraphernalia, activity and comings and goings to the site which is mainly farmland free from residential development. This is likely to entail garden and parking areas, with hard and soft landscaping and garden apparatus, regular vehicle presence and movement, illumination and noise.
19. In its relatively elevated location, the proposal would intrude into verdant countryside views, including some skyline vistas.
20. The above adverse impacts would be noticeable from a combination of viewpoints on farmland, Old Park Ride public bridleway, the track leading to the proposed house and in the vicinity of Stanford House.
21. Consequently, the proposal would have an adverse spatial and visual impact on the openness of the Green Belt. Furthermore, the combination of residential building mass, use, paraphernalia, illumination and activity would result in encroachment into the countryside. As such, the proposal would result in moderate harm to the openness of the Green Belt, and its purposes as set out

in the Framework. This harm must be regarded as additional to the harm by reason of inappropriateness.

Access

22. The accessibility of the proposed house would be partly dependent on the stretch of access track outside the appeal site, between the Old Park Ride entrance and the southern boundary of the appeal site, being improved with shingle and maintained as such. However, no substantive scheme or mechanism to ensure this treatment for this stretch of track beyond the appeal site is presented. As such, I cannot be certain that adequate vehicular access to the proposed dwelling would be provided.
23. The appellant considers that the severance of the farm track on the appeal site by the proposed dwelling would not prevent access to farmland as 'farm operatives can access all other land from a network of access roads'. However, in the absence of a plan drawing showing such alternative accesses clearly marked and verified, I have no certainty that the proposed severance of the farm track would not result in inadequate access.
24. I therefore conclude that the proposed development would not make adequate access provision. As such, the proposal conflicts with Policy TM3 of the LP which seeks to ensure that development provides for adequate and convenient access.

Other considerations

25. The proposal would contribute to local housing supply in the form of a five bedroom house, with associated socio-economic benefit to the area during and after construction. Through demolition of the barn, and the separation gap to the proposed dwelling, the appeal scheme would also result in more architectural 'breathing space' in relation to Stanford House, with associated privacy, light and outlook benefits to occupiers of the neighbouring and proposed dwellings. These benefits would be limited in scale.
26. The proposed appeal building would entail approximately the same size building footprint, in a different configuration, as for the Class Q scheme. However, the appeal house would jut out around 19m further east beyond the existing building cluster into the countryside, compared to the Class Q scheme. Even with the envisaged lower, ground floor level and ridge height than Stanford House, this jutting out by the bulk of the proposed approximately 8.3m high appeal house would result in a more intrusive impact on the Green Belt.
27. Furthermore, the domestic paraphernalia and activity associated with the proposed appeal dwelling would extend further eastwards into the countryside than for the Class Q scheme. This would result in more amplification of adverse impact on the openness of the Green Belt by domestic paraphernalia and activity in the case of the appeal proposal.
28. As such, the proposal would not constitute a swap for the Class Q permitted development fallback scheme, and the appeal proposal would more adversely impact on the openness and purposes of the Green Belt than the Class Q scheme. The above together limits the weight that the fallback position carries in this case.

29. Other appeal decisions involving fallback schemes on other sites as cited by the appellant, and the judgement of *Mansell v Tonbridge and Malling BC [2017] EWCA Civ 1314* do not alter the above specifics in this case and my consequent finding in respect of the fallback position.

Whether very special circumstances

30. The Framework sets out that inappropriate development in the Green Belt will not be permitted except in very special circumstances. As per paragraph 148³ of the Framework, very special circumstances 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. Policy GB1 of the LP endorses this approach.
31. The proposal would be inappropriate development in the Green Belt, which would, by definition, be harmful. The appeal scheme would also result in loss of openness of the Green Belt and undermine the purposes of the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt.
32. I therefore conclude that the substantial weight to be given to the Green Belt harm arising from the development and other harm would not be clearly outweighed by other considerations. Consequently, very special circumstances necessary to justify the development do not exist. The proposal would therefore fail to accord with the Framework.

Conclusion

33. The proposed development would be contrary to the development plan and the Framework and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

William Cooper

INSPECTOR

³ Which replicates Paragraph 144 of the previous version of the Framework.