



Appeal Decision

Site visit made on 4 August 2021

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2022

Appeal Ref: APP/C1950/W/21/3272408

The Bungalow, Great North Road, Bell Barr, Brookmans Park, Hatfield AL9 6DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Daniel Brunt against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2021/0237/OUTLINE, dated 25 January 2021, was refused by notice dated 24 March 2021.
 - The development proposed is outline application for the erection of a detached dwelling (bungalow design) with all matters reserved.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of a detached dwelling (bungalow design) with all matters reserved at The Bungalow, Great North Road, Bell Barr, Brookmans Park, Hatfield AL9 6DB in accordance with the terms of the application, Ref 6/2021/0237/OUTLINE, dated 25 January 2021, and the plans submitted with it, subject to the conditions set out in the Schedule to this Decision.

Preliminary Matters

2. The application is submitted in 'outline' with access, layout, scale, landscaping and appearance reserved for future consideration.
3. The emerging Local Plan Proposed Submission ('eLP') was submitted for examination on 15 May 2017. However, I am unable to conclude with any certainty when the eLP will be found sound and the policies adopted in their current form. As such I attach limited weight to this.

Main Issue

4. The main issue is whether or not the proposal would be inappropriate development in the Green Belt in terms of the National Planning Policy Framework ('the Framework') and development plan policy.

Reasons

Development in the Green Belt

5. The proposal relates to the erection of a bungalow on part of the land associated with an existing dwelling known as 'The Bungalow'.

6. The appeal site lies within the Green Belt and Policy GBSP1 of the Welwyn Hatfield District Plan 2005 ('the District Plan') states that the Green Belt will be maintained in Welwyn Hatfield as defined on the Proposals Map.
7. More specifically, in relation to development in the Green Belt, Paragraph 147 of the Framework is clear that, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
8. Paragraph 149 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include: e) limited infilling in villages.
9. The proposal is for a single dwelling and therefore falls within the definition of 'limited'.
10. The submitted Design and Access Statement identifies the appeal site as a parcel of land situated within the west part of the curtilage of 'The Bungalow', a residential dwelling in bungalow style fronting the Great North Road (A1000) and forming part of the village of Bell Bar.
11. I have not been provided with any plan showing the extent of Bell Bar as a settlement. Irrespective, whether a site is within a defined village boundary in a development plan is not conclusive to determining whether a site is within a village or not. It is for the decision maker to decide whether, as a matter of fact and degree on the ground, if the site appears to be in a village.
12. On the ground, Bell Bar comprises sporadic and limited ribbon development with open fields in between within the countryside, south of the A1000. However, development along Bell Lane continues to the junction with the A1000. In particular, there is an apartment block that is accessed off Bell Lane but also turns west onto the A1000. Beyond this building on the south side of the A1000 is a row of dwellings. On the opposite side there is a continuous built-up frontage of development, comprising petrol filling station selling convenience goods, a workshop, the host property (The Bungalow), the appeal site and then another dwelling known as 'Meadowcroft', and beyond this is open countryside.
13. Development also extends east along the A1000 to include a public house and restaurant. Therefore, even though these developments are located on the A1000, on the ground, they are physically and visually related to development along Bell Lane and in my view form part of Bell Bar.
14. Notwithstanding the extent of Bell Bar as a settlement, the main parties dispute whether this is a village or a hamlet. This has consequences in terms of whether the scheme accords with Framework paragraph 149 e). I appreciate these are subjective terms and no definition is provided in the Framework or the District Plan. In particular, there is nothing before me to suggest that a settlement of this scale with houses and associated buildings, such as a restaurant, public house and petrol station with a shop cannot be a village. Moreover, Figure 6 of the eLP identifies Bell Bar as being a village. For these reasons, in my judgement, Bell Bar is a village.
15. Furthermore, the proposed dwelling would be located within a continuous built-up frontage, which would be contained within the village envelope and not extend the built form into open countryside and would not result in the loss of

a view or vista which makes a significant contribution to the character of the settlement. Thus, having already judged the appeal site to fall within the extent of Bell Bar, which is a village, the proposed development would constitute limited infilling.

16. Therefore, the proposal accords with the exception under paragraph 149 e) of the Framework and is not inappropriate development in the Green Belt. There is no requirement to consider the impacts on openness or the purposes of the Green Belt as this is implicitly taken into account within this exception. Consequently, I conclude that the proposal would not be inappropriate development within the Green Belt. It is also not necessary for me to consider the proposal under any of the other exceptions listed under paragraph 149 of the Framework.
17. I have found the proposal to be acceptable having regard to national Green Belt Policy. Consequently, it is not necessary for me to consider this under policies H2 of the District Plan which specifically deals with 'windfall sites' and RA14, which relates to rural exception sites. Policy D2 of the District Plan deals with matters of character and context. Based on the above reasons, I consider the proposal to be acceptable with regard to its context. The effects of the proposal on the character of the area along with other considerations such as design and scale would be assessed at reserved matters stage. As such, I find no conflict with the District Plan.

Other Matters

18. Whilst the proposal would generate some traffic, on the information before me there is nothing to suggest that the addition of a single dwelling would raise any significant highway safety issues, subject to securing an acceptable access to and from the site under the reserved matters.
19. I have determined the proposal before me having regard to its planning merits and site-specific circumstances. As such, each application in the Green Belt is determined on its merits and my Decision would not set a precedent for other sites in the area.

Conditions

20. In imposing conditions, I have had regard to the Framework and the Planning Practice Guidance. I have imposed the standard conditions for the submission of reserved matters and implementation of the permission. A condition specifying the relevant plan defines the development site. Given the site's location along a main road and near to commercial uses, to safeguard the living conditions of the occupiers of a dwelling here, it is necessary to require a scheme to mitigate the noise from traffic, commercial operations, deliveries, plant and equipment.

Conclusion

21. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal
INSPECTOR

Schedule of Conditions

- 1) Approval of the details of access, layout, scale, appearance and landscaping of the site (hereafter called 'the reserved matters') shall be obtained in writing from the local planning authority before the development is commenced and the development shall be carried out as approved.
- 2) Application for approval of reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission.
- 3) The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters.
- 4) This permission relates to the site edged red on Location Plan-AT938-01A.
- 5) Prior to any above ground level development taking place, full details of a scheme to mitigate the noise from traffic and commercial operations, deliveries, plant and equipment shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved scheme. The scheme must include the following:
 - a) Assessment of noise from commercial operations and details of appropriate mitigation measures in accordance with BS 4142. Indoor ambient noise levels in living rooms and bedrooms from commercial noise sources must be 10dB below the standards within BS 8233:2014 and LA_{max} levels must not exceed 40dB internally with windows closed.
 - b) Assessment of traffic noise and details of appropriate mitigation measures to ensure the indoor ambient noise levels in living rooms and bedrooms meet the standards within BS 8233:2014. Internal LA_{max} levels should not exceed 45dB more than ten times a night in bedrooms.
 - c) Details of any associated mechanical ventilation which must meet the ventilation requirements found within The Noise Insulation Regulations 1975 (or a similar alternative to be agreed with the Local Planning Authority); and
 - d) Outdoor amenity areas must be protected from noise by mitigation measures which are designed to achieve the lowest practicable levels in accordance with BS 8233:2014 and World Health Organisation Guidelines for Community Noise.