
Appeal Decision

Site visit made on 14 June 2022

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2022

Appeal Ref: APP/A1910/D/22/3292754

Denbar, 62 Scatterdells Lane, Chipperfield WD4 9EX

- 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 Slager against the decision of Dacorum Borough Council.
 - The application Ref 21/04085/FHA, dated 25 October 2021, was refused by notice dated 21 December 2021.
 - The development proposed is described as a single storey side and rear extension and replacement outbuilding.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main parties agree that, for the purposes of the National Planning Policy Framework (the Framework) the appeal scheme would be inappropriate development and conflict therewith. This would be harmful to the Green Belt by definition. Policy CS5 of the Dacorum Borough Council Core Strategy 2013 (the Core Strategy) explains that the Council will apply national Green Belt policy in order to protect it. By association therefore, the appeal scheme would conflict with Policy CS5. Having regard to the evidence before me, I have no reason to disagree.
3. The main issues are therefore a) the effect of the proposed development on the openness of the Green Belt; and b) 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 required to justify the proposal.

Reasons

4. Openness is one of the essential characteristics of the Green Belt. It has been established as having both a spatial and visual aspect. In the case of the latter, I would agree that the effect of the proposed development on the Green Belt's visual openness would be limited, given its location to the rear of the existing building. There would, however, be an unavoidable reduction in the spatial openness of the Green Belt, by virtue of the not insignificant land take of the proposed development. This would cause further harm to the Green Belt, in addition to that caused by the inappropriateness of the proposed development.
5. The appellant refers to potential fallback options in the form of adding extensions and alterations to the original dwelling. However, I have been provided with only limited details of these alternative schemes and have no

compelling evidence that they would be compliant with the relevant part of the General Permitted Development Order. I cannot therefore be sure that these would be a realistic or probable situation, to the point that I can afford them more than limited weight.

6. The extension would be well screened and discreetly located to the rear where it would have a small overall visual impact. However, the extension itself would be inappropriate development and the Framework does not test this against public views. I therefore ascribe this limited weight.
7. The design of the proposal would integrate within the site in broader character terms and would not negatively impact upon neighbouring occupiers or existing or future occupiers. I also note there would be no unacceptable highway impacts. However, the absence of harm is a neutral factor, weighing neither for nor against the appeal.
8. My attention is drawn to development at Stoney Lane Nursery, I am advised that this was a former nursery which now has permission for redevelopment. However, I have not been provided with the details of this case or the rationale behind the Council's decision making. On this basis this carries limited weight.

Other Matter

9. It is suggested that the proposal does not conflict with paragraph 138 of the Framework. However, given my findings set out above, the development proposal would harmfully encroach into the countryside.

Conclusion

10. I am required to give substantial weight to any harm to the Green Belt. In this case such would occur due to the proposed development's inappropriateness. The weight I would accord to the other considerations raised, in isolation and all together, would not be sufficient to clearly outweigh this harm for the reasons I have given. Therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated. Consequently, the appeal should be dismissed.

N Praine

INSPECTOR