



Appeal Decision

Site visit made on 27 September 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th October 2022

Appeal Ref: APP/A1910/W/22/3290993

Gammel Farm, Bulbourne Road, Tring, HP23 5HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Jay Mallik (Millstone Homes Ltd) against the decision of Dacorum Borough Council.
 - The application Ref 21/02210/ROC, dated 27 May 2021, was refused by notice dated 22 July 2021.
 - The application sought planning permission for construction of four detached dwellings with new access from Bulbourne Road without complying with a condition attached to planning permission Ref 4/00866/19/ROC, dated 4 June 2019.
 - The condition in dispute is No 19 which states that: This planning permission is for 4 dwellinghouses on Plots 1, 2 3 and 4 as shown by Drawing No. C204 F Site Layout and subject to the requirements of other conditions of this planning permission the development hereby permitted shall be carried out in accordance with the following plans:
 - (1).Submitted Plans:
 - B301 rev C (Block Plan)
 - P301 rev E (Site Layout)
 - P302 rev C (Plot 1)
 - P303 rev D (Plot 2)
 - P305 rev C and P306 rev C (Plots 3 and 4)
 - Velux - Sloping and fixed combination Standard into slate
 - (2).Other Plans
 - C01 A : Visibility Sight Lines only
 - Approved Acoustic Fencing Details
 - Foul & Surface Water Drainage : Drawing 15.527.C300 B
 - The reasons given for the condition is: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. Planning permission was granted for the construction of 4 houses on this site in 2019. This appeal seeks permission for a revised layout for the parking area to the front of Nos 2 and 4 Goldsworth Road.
3. The appellant suggests that the appeal proposal should be considered in light of the condition of the wider site before permission was granted for its redevelopment. However, the approved development has been carried out, albeit not wholly in accordance with the approved plans. The application form

states that permission is being sought for “amendments to omit shared access and provide separate driveway access to nos 2 & 4 Goldsworth Road”. As the development has been completed with only this variation from the approved plans identified, this appeal therefore falls to be considered against the approved scheme, and not any prior state of the site.

4. Therefore, as the site is in the Green Belt, the main issues in the determination of this appeal are:
 - Whether the development constitutes inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies,
 - The effect of the revised parking layout on the character and appearance of the area; and,
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

5. The National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt. It further states that the essential characteristics of Green Belts are their openness and permanence. Openness in the Green Belt has both a visual and a spatial characteristic, and the loss of either can amount to inappropriate development. The Framework further states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework recognises that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These can include engineering operations.
6. As set out above, this appeal is assessed against the extent of development for which permission was granted in 2019. In that approval the access and parking area for nos 2 and 4 Goldsworth Road was relatively shallow in their projection from the front elevation of those houses. The existing access and parking area projects much further from the front of the houses. It encompasses land between the houses and Bulbourne Road which on the amended approved site layout plan was not shown as designated for any particular purpose so would be undeveloped land. The extension of the parking area onto this land therefore causes a loss of spatial openness.
7. The gates and pillars to the entrances of the two properties are not considered by the Council to cause undue harm to the openness of the Green Belt. Given the relatively small footprint of the pillars and as the gates are not solid, I agree that they do not cause harm to the Green Belt.
8. However, overall the revised parking layout causes a loss of spatial openness in the Green Belt, and is therefore inappropriate development. It conflicts with Policy CS5 of the Dacorum Core Strategy 2013 (the CS), which seeks to protect the openness of the Green Belt, and with the aims of the Framework as set out above.

Character and appearance

9. The amended approved layout plan shows the appeal site as undesignated land. The Council has stated that it expected this to become a soft landscaping area providing biodiversity benefits, but there is no evidence of this being agreed. The revised access and parking area is not prominent in the Bulbourne Road street scene or wider area. It is set down from Bulbourne Road and screened in this view by the boundary planting to the front of the site. The effect of the development on the character and appearance of the area, including the nearby Chilterns Area of Outstanding Natural Beauty (the AONB), is therefore negligible due to its limited prominence and visibility.
10. The Council have noted that the close-boarded fencing to the front of the site has not been approved. This is not a matter that falls to be determined as part of this appeal, rather being for the Council and appellant to resolve. However, even if it were to be removed and no replacement fencing installed in its place, the evergreen hedgerow planted along the bank inside the fence line would still limit visibility of the appeal site in Bulbourne Road.
11. The development therefore accords with Policies CS12, CS24 and CS25 of the CS, saved Policy 97 of the Dacorum Borough Local Plan 2013 and Policy DP4 of the Chilterns Management Plan 2019-2024. Collectively these policies require that development integrate with the streetscape character and conserve the special qualities of the AONB, including within its setting.

Other considerations

12. The appellant contends that the development is not inappropriate, given the prior state of the appeal site, and no very special circumstances are required to justify it. However, I have set out above why this is not a consideration in the determination of this appeal. The appeal proposal is inappropriate development that causes a loss of openness in the Green Belt.
13. The Framework requires that substantial weight is given to any harm to the Green Belt. There are no identified considerations to clearly outweigh the harm to the Green Belt caused by the revised parking layout, including the limited visibility given the landscaping and lower site level relative to Bulbourne Road. Accordingly, very special circumstances do not exist.

Conclusion

14. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR