



Appeal Decision

Site visit made on 27 September 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2022

Appeal Ref: APP/A1910/W/21/3288470

Flaunden Stables, Birch Lane, Flaunden HP3 0PT

- 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 Flaunden Construction Ltd against the decision of Dacorum Borough Council.
 - The application Ref 21/02018/FUL, dated 14 May 2021, was refused by notice dated 8 July 2021.
 - The development proposed is a front extension within the courtyard, conversion of stable building to residential use and changes to fenestration.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the appeal Natural England issued advice about the effect of residential development on the Chilterns Beechwoods Special Area of Conservation. The main parties were given an opportunity to comment on this matter. I have determined the appeal in light of comments received.

Main Issues

3. As the appeal site is in the Green Belt the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to relevant development plan policy and the Framework;
 - its effect on the Chilterns Beechwoods Special Area of Conservation;
 - whether the proposal would support the rural economy;
 - its effect on the character and appearance of Flaunden Conservation Area and the countryside; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

Inappropriate development

4. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential

characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5. The construction of new buildings should be regarded as inappropriate development in the Green Belt, subject to the exceptions set out in Framework paragraph 149. Certain other forms of development are not inappropriate development provided they preserve Green Belt openness and do not conflict with the purposes of including land within it and fall within an exception set out in Framework paragraph 150.
6. Policy CS5 of the Council's Core Strategy 2013 (CS) applies national Green Belt policy and is broadly consistent with the Framework. The type of development listed in (c) and (d) of Policy CS5 is relevant to this appeal. Parts (i) and (ii) of the policy refer to the countryside and both apply to the development in (c) and (d), notwithstanding the appellant's suggestion that (i) and (ii) only apply to the type of development in (e).

Extension or alteration of a building

7. The exception set out in Framework paragraph 149 c) is relevant in this case, which is for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
8. Based on the Council's calculations of the building's footprint, floor area and volume there is agreement that the proposed extensions and alterations would not be disproportionate additions over and above the size of the original building. I have no reason to find otherwise. Accordingly, the proposal would meet the requirements of Framework paragraph 149 c).

Re-use of a building

9. The exception set out in Framework paragraph 150 d) is relevant in this case, which is for the re-use of buildings provided that the buildings are of permanent and substantial construction. There is agreement that the proposal would re-use the stable and that it is a permanent building, substantial in construction. I have no reason to find otherwise.
10. In order to satisfy this exception it is also necessary to consider the effect of the proposal on openness and the purposes of including land in the Green Belt set out in Framework paragraph 138.
11. The new ridge line would cap the existing ridge and a chimney would be narrow and short. The inward, narrow courtyard facing extensions would broaden the floorplan of the building to a point level with the edge of the roof overhang. A proposed shallow rear garden space is already used for outdoor equestrian storage, including a shipping container and shed, and is bounded by fences. Parking spaces and cars already exist on the site. The proposal would not therefore significantly change the overall profile of the building and residential use would be well contained on the site.
12. Nonetheless, it would consolidate built-form on a part of the site where none presently exists. Consequently, while the proposal would have a limited visual impact on the openness of the Green Belt, there would be a greater impact on spatial openness than the existing development. The extensions and alterations

would therefore fail to preserve openness, be at odds with the aim of the Green Belt to keep land permanently open and conflict with purpose c) of including land within the Green Belt; namely to safeguard the countryside from encroachment. Accordingly, the proposal would not meet the requirements of Framework paragraph 150 d).

Green Belt findings

13. Taking all of the above into account, I find that the proposal does not qualify as an exception set out in Framework paragraph 150 d). It also conflicts with CS Policy CS5. Consequently, it would be inappropriate development in the Green Belt.

Chilterns Beechwoods Special Area of Conservation (SAC)

14. The appeal site is within a zone of influence of the SAC and its important habitat of Beech forests on neutral to rich soils, semi-natural dry grasslands and scrubland facies on calcareous substrates and dry grasslands and scrublands on chalk or lime. A significant individual or in-combination effect on this European habitats site would be likely to occur due to disturbance from increased population arising from residential development in an area where these inhabitants would be in such proximity to the SAC that they would be likely to visit it for recreational purposes.
15. The Council is working with Natural England (NE) to adopt a strategic mitigation strategy. This might include Strategic Access Management and Monitoring or Suitable Alternative Natural Greenspaces with financial contributions or the provision of land secured by a planning obligation. Significant work remains to be done by the Council in this regard, including liaison with NE and other affected Councils, and timescales are uncertain. In the meantime, NE advises that residential development requires individual habitats regulations assessment (HRA) and must demonstrate how adverse impacts on the integrity of the SAC would be avoided by appropriate mitigation.
16. I appreciate that this issue emerged during the appeal process. Nevertheless, the appellant has not submitted an HRA, nor proposed any mitigation and there is no planning obligation before me.
17. Though not suggested to me, I have considered whether a negatively worded planning condition could be imposed to limit the development that can take place until a suitable planning obligation or other agreement has been entered into to secure appropriate mitigation. However, Planning Practice Guidance (PPG) sets out that such an approach is unlikely to be appropriate in the majority of cases. In this case, I do not know precisely what mitigation measures a condition might lead to. I therefore cannot be sure if the mitigation would be appropriate and relevant to the development to be permitted, reasonable and enforceable or therefore meet all the tests set out in the Framework and in PPG.
18. In these circumstances, based on the limited or incomplete information before me, as the competent authority in this appeal I am unable to undertake an appropriate assessment, which would also necessitate consultation with NE. As a result, I cannot be certain that the proposal would not harm the nature conservation interests of the SAC. I therefore find that the proposal would

adversely affect the integrity of the SAC. Consequently, it conflicts with CS Policy CS26 which seeks to protect designated habitats sites.

19. It also conflicts with objectives of Framework paragraphs 174 and 180 to conserve habitats and biodiversity, which should be protected in a manner commensurate with their statutory status. If significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. The presumption in favour of sustainable development does not apply where development is likely to have a significant effect on a habitats site (paragraph 182).

Rural economy

20. There is no up-to-date objective evidence about the nature or location of any local services and community facilities or sustainable means of travel to these. Despite what the appellant suggests, it is therefore not certain that the proposed dwelling would help to maintain or enhance the vitality of the small rural community at Flaunden, or any village nearby, nor that it would help to retain or develop accessible local services and community facilities as is intended by Framework paragraphs 79 and 84 d).
21. Though I have not been provided with a copy, I am informed that a unilateral undertaking (UU) includes obligations to retain the stable as part of an equestrian activity in support of the rural economy. Obligations in a UU usually run with the land. The stable would, though, no longer be used for this purpose and a smaller-scale equestrian activity would continue at other land and buildings near the site.
22. The appellant's Viability Report and Equine Business Plan describe different intensities of equestrian activity at the stable over time. However, neither clarify the basis on which it took place, or still does, or is intended as an outcome of the proposal (for example, as a commercial business, part of a farm enterprise, a private benefit to the owner or if there would be any public benefit to the local community). Moreover, there is no financial viability assessment of an existing or proposed equestrian activity. The description of the proposed development does not include any rural business use.
23. Considering the above, notwithstanding advice given by some Council officers, I find that the appellant has not demonstrated that the proposed dwelling or downsizing and relocation of the equestrian activity would support the rural economy. Consequently, the proposal conflicts with CS Policy CS5(c)(ii) and (d)(ii) and with saved Policy 110 of the Dacorum Borough Local Plan 2004. These policies support the extension and re-use of buildings in the countryside for residential use provided the proposal supports the rural economy or is part of a scheme for business use.
24. It also conflicts with objectives of the Framework for development in rural areas set out in paragraphs 79 and 84 d).

Flaunden Conservation Area (CA) and the countryside

25. The small hamlet of Flaunden is in the countryside surrounded by mainly small, flat fields bounded by hedgerow or trees. This gives a limited visual envelope beyond existing built form, most of which is in the CA. The significance of the CA includes the historic origins, siting and appearance of the mainly older

residential properties centred on its cross-roads. These frontages of buildings extend as off-shoots in each direction with other buildings behind, including some in (or formerly in) agricultural or equestrian use. Recent development has significantly changed the nature and use of buildings and land near the site, including from agricultural or equestrian use to residential use.

26. Existing stable windows and doors would be altered or removed and replaced with windows and doors more domestic in nature. However, these would not be excessive in size or number and mainly use existing apertures or reflect their placement, especially in the inward facing courtyard elevations. There would be no rooflights. The application plans and form refer to different proposed external materials but they would either reflect materials in the stable building or as used in other converted buildings nearby so would not be incongruous. The narrow, U-shaped floorplan and limited scale and massing of the stable would broadly be maintained. The origins and former use of the stable, including the central 'tower', would still be appreciated and that it was a conversion of a rural building rather than resembling a new build bungalow.
27. The rear garden and associated domestic paraphernalia would have an outward facing aspect. This would, though, be limited in extent and mainly towards a manège and small stable or, on one side, a small paddock, not the open countryside. Domestic activity at the front would be contained within the mostly enclosed courtyard, facing residential development, including an access road and car parking. Due to its set-back and position, such activity on the site would not be conspicuous in any public view.
28. The proposal would, therefore, maintain an overall rural feel to the stable building and the site, as well as the rural setting to this edge of Flaunden and this part of the CA. It would also relate well visually and spatially to the nearby buildings already converted and in residential use and maintain the collective integrity of this discrete group of buildings. This previous development has not unduly eroded the character or appearance of this part of the CA, especially the residential frontages along the cross-roads, because it is distinctly different in form and separate from it. The proposal would not materially change this status quo.
29. Taking all of the above into account, I find that the proposal would have a neutral effect on the special architectural and historic interest of this part of the CA, and on the CA overall. It would, therefore, preserve the character and appearance of the CA (and this part of the countryside) and cause no harm to the significance of this designated heritage asset. Consequently, the proposal complies with CS Policies CS5(c)(i) and (d)(i), CS10, CS12 and CS27. These policies include that development should conserve conservation areas and the countryside, respect views into and out of villages and be comparable in quality and design to adjoining properties.
30. It also complies with objectives of the Framework for achieving well-designed places and conserving the natural and historic environments set out in paragraphs 130 a) to d), 174 b), 189 and 199.

Other Matters

31. I have considered the evidence presented in respect of bats (a protected species) and the concerns of local people in respect of roads and flood risk. However, none of these matters are determinative in this case.

Other considerations

32. The proposal would make an efficient and effective use of previously developed brownfield land on a small windfall site to provide a new two-bedroom home. This would be aligned with objectives of the Framework to significantly boost the supply of homes and meet specific housing needs, albeit commensurate with the provision of a single dwelling.
33. It would improve the internal and external fabric and structure of the stable building, though similar outcomes could be achieved by maintenance and investment in the stable for its present use.
34. The Council's development plan generally restricts development in the countryside, though an exception is for re-use of buildings for residential or business use that support the rural economy. The Framework also supports the rural economy and businesses in rural areas. However, the proposal would not support the rural economy.
35. The social, economic and environmental benefits of the proposal are, therefore, limited.

Green Belt Balance

36. I have found that the proposal would be inappropriate development in the Green Belt, contrary to local and national policy to protect the Green Belt. The Framework requires me to give substantial weight to this harm and states that inappropriate development should not be approved except in very special circumstances. I have also found that the proposal would adversely affect the integrity of the SAC, contrary to the requirements of the Habitats Regulations.
37. There are no other considerations that clearly outweigh the harm to the Green Belt due to inappropriateness, loss of openness and the harm to the SAC. Consequently, very special circumstances to justify the proposal do not exist.

Planning Balance

38. There is agreement that the Council cannot demonstrate a 5-year supply of deliverable housing sites. As a result, paragraph 11 d) of the Framework is engaged. However, in this appeal the application of policies in the Framework that protect areas of particular importance (the Green Belt and habitats sites) provide clear reasons for refusing the development. Accordingly, by virtue of Framework paragraph 11 d) i), and even if the scale of housing supply shortfall is acute, the presumption in favour of sustainable development does not apply in this case. Consequently, the significant adverse impacts of the proposed development would outweigh the limited benefits.

Conclusion

39. The proposed development would not accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above the appeal does not succeed.

Robin Buchanan

INSPECTOR