



Appeal Decision

Site visit made on 31 August 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/P1940/W/22/3291193

Land to r/o of the Woodyard, The Green, Sarratt WD3 6BH

- 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 J Cooke against the decision of Three Rivers District Council.
 - The application Ref 21/1607/FUL, dated 23 June 2021, was refused by notice dated 10 September 2021.
 - The development proposed is removal of buildings, change of use of land and the re-use and extension of a workshop/garage/storage building to a 1 bedroom detached dwelling with associated parking, ancillary works and landscaping enhancement including the formation of a pond.
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Decision

1. The appeal is allowed and planning permission is granted for removal of buildings, change of use of land and the re-use and extension of a workshop/garage/storage building to a 1 bedroom detached dwelling with associated parking, ancillary works and landscaping enhancement including the formation of a pond at Land to r/o of the Woodyard, The Green, Sarratt WD3 6BH, in accordance with the terms of the application Ref 21/1607/FUL, dated 23 June 2021, and the plans submitted with it, subject to the schedule of conditions to this Decision.

Main Issues

2. The main issues are:
 1. Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
 2. Whether the proposal would affect the setting and significance of the Sarratt Green Conservation Area (CA).
 3. Whether the proposal makes appropriate provision for affordable housing.

Reasons

Background

3. The appeal site is a parcel of land to the rear of properties which face The Green. The site falls within the Metropolitan Green Belt and Sarratt Green CA.
4. The proposal includes the demolition of a prefabricated garage building located in the northern part of the site, along with other smaller structures and the

partial redevelopment of the larger garage/workshop to a 1-bedroom detached dwelling.

Inappropriate development

5. Policy CP11 of the Core Strategy, adopted October 2011 ('CS') sets out that there is a presumption against inappropriate development, that fails to preserve openness of the Green Belt. Policy DM2 of the Development Management Policies Local Development Document, adopted July 2013 ('LDD') relates to development in the Green Belt and relies on national policy in terms of determining if a development is inappropriate or not.
6. 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: g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development.
7. There is disagreement between the main parties as to whether the appeal site is Previously Developed Land ('PDL'). The appellant advises that the workshop / garages and general storage including the open-storage of vehicles and items are connected with his business and hobbies. Furthermore, in determining the 2017 appeal for development at the appeal site, the Inspector found that: 'The proposal; would also see the redevelopment of a previously developed site, which has been used for commercial storage activities.' Accordingly, and having regard to the definition of PDL in the Framework and in the absence of any clear evidence to the contrary, I conclude that the appeal site is PDL. The proposed scheme would represent a 'partial' redevelopment of the site.
8. The proposed demolition of existing structures would result in an appreciable reduction in the extent of built development at the appeal site in terms of footprint and volume. There would also be no discernible change in the scale of the new dwelling relative to the garage/workshop building. The existing access road would be retained and partially resurfaced on the approach to the dwelling. The parking would be located adjacent to the dwelling. Save for a modest refuse/recycling store close to the kerbside, no other structures are proposed. Overall, this arrangement would improve the openness of the Green Belt.
9. The new dwelling would have a sizeable garden area which would be retained by the apple tree and hedgerow to the west and a range of boundary treatments along its other boundaries. Consequently, the proposal would result in the potential for domestic paraphernalia to be introduced within the site, such as washing lines, patio and decking areas, alongside garden furniture. Furthermore, the control of such items through the use of planning conditions would not meet the reasonableness test of imposing planning conditions.
10. Nonetheless, given that paragraph 149 (g) of the Framework supports the partial or complete redevelopment of the site and the proposal is for a dwelling, a degree of domestic paraphernalia is to be expected.
11. In this case, there are some elements typically associated with a domestic property already at the site, such as a shed and green house. Furthermore, the

site is surrounded to three sides by gardens and domestic buildings all of which contribute to the domestic appearance of the area. As such, some domestication of the appeal site in this context would not be unacceptably harmful to the openness of the Green Belt.

12. However, the new dwelling could be altered and extended under the provisions of permitted development thereby resulting in a greater impact on the openness of the Green Belt than the existing development. To this end and based on my findings in respect of the second main issue, if the appeal were to succeed it would be reasonable, necessary and justified to remove permitted development rights for the enlargement, improvement or other alteration to the dwelling, an enlargement consisting of an addition to the roof, the erection of a porch and buildings etc incidental to the enjoyment of a dwellinghouse.
13. For the above reasons, and subject to securing the demolition of the existing structures and removal of permitted development rights, the proposal would not have a greater impact on the openness of the Green Belt than the existing development. Consequently, the proposal would accord with paragraph 149 (g) of the Framework and is therefore not inappropriate development in the Green Belt.
14. There is no requirement to consider the effect of the proposal on the purposes of the Green Belt as this is implicitly taken into account within this exception.
15. Accordingly, I find no conflict with the Policy CP11 of the CS and Policy DM2 of the LDD and the Green Belt provisions of the Framework.
16. The Council's first reason for refusal also refers to policies CP12 of the CS and DM7 of the LDD. The former relates to matters of design and the latter to landscape character. As such, these are not specifically relevant to Green Belt considerations and accordingly I find no conflict with these.

Whether the proposal would affect the setting and significance of the Sarrat Green CA.

17. Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act requires that special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 195 of the Framework also requires me to assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).
18. The characteristics of the conservation area include a strong linear form along the western edge of The Green, which is an area of public open space separating the road serving the appeal site from the main highway that runs on a north south axis. It is from this strong and noticeable linear form that the significance of the conservation area partly derives.
19. Indeed, the conservation area appraisal identifies that the village follows a linear plan with 'very little expansion to the back plots, leaving it more or less unspoilt...any further development would unbalance the village character'.
20. The proposal would introduce residential development to the rear of this established form. This would be at odds with the prevailing pattern of development in the conservation area, where most dwellings face onto the principal routes through the settlement.

21. However, because the proposal is based on the partial redevelopment of an existing building, the new dwelling would be broadly in the same position and of a similar scale to the extant building. In particular, the proposal would not unacceptably alter the arrangement of buildings in the conservation area. This, along with the removal of existing structures and permitted development rights as already stated, would reinforce the relationship between built structures and open spaces, which is one of the most important features of the conservation area. As such, even though the proposal introduces 'backland' development, given the existing and proposed arrangement of development at the site, this would not be inappropriate for the area or unacceptably unbalance the village character.
22. Although the surrounding buildings are mainly of traditional designs, these vary considerably in appearance due to their styles, forms and materials. In this context and given that the extant building is not of any notable architectural merit, the contemporary design of the new dwelling would be acceptable.
23. The new dwelling would incorporate a sedum roof. This, together with the proposed landscaping would complement the existing landscaping within the site, which is largely being retained, and would positively contribute to the verdant appearance of this part of the conservation area.
24. For the above reasons, the proposal would not harm the setting and significance of the Sarrat Green CA. Accordingly, I find no conflict with the aims of policies CP1 and CP12 of the CS, which together seek to secure high quality design in developments and the protection of historic environments, and Policy DM3 of the LDD which amongst other things, states that applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment.
25. I also find no conflict with Policy DM1 of the LDD, along with other things this Policy seeks to protect the character and residential amenity of existing areas of housing from forms of 'backland' development which are inappropriate for the area.

Whether the proposal makes appropriate provision for affordable housing.

26. CS Policy CP4 seeks 45% of all new housing to be affordable. For small sites of between one and nine dwellings the policy indicates commuted payments towards provision off site, as an alternative to on-site provision, can be made.
27. The Council's evidence sets out a robust case for an acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. The requirement for and the amount of the affordable housing contribution are detailed in the Council's submissions.
28. The appellant's Financial Viability Assessment (FVA) concludes that it is not viable to provide any affordable housing within the proposed development or make any financial affordable housing contribution to the Council.
29. However, the Councils review of the FVA identifies a surplus. Accordingly, the Council argue that the scheme could support the requirement for a commuted sum of £23,750 towards affordable housing provision. Based on the evidence before me, I have no reason to dispute this.

30. Furthermore, the appellant has provided a completed Unilateral Undertaking (UU) which would secure the required financial contribution towards affordable housing provision.
31. As such, the submitted obligation accords with CS Policy CP4. On the basis of the above reasons, the obligation is also directly related to the development, fairly and reasonably related in scale and kind to the development and therefore complies with the tests set out in the Framework, the advice in the Planning Practice Guidance and with Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended).

Other Matters

32. In addition to the above matters, third parties have raised concerns in respect of the existing access to the site and the effect of the proposed development on neighbours. These matters were addressed in the Council's 'Delegated Report' and did not form part of the Council's reason for refusing the proposal. I have also considered these matters and I have not been provided with any strong reasons to take a contrary view.
33. There is no technical evidence to support concerns that the proposed pond would result in any unacceptable risk of flooding or that the proximity of the proposed dwellings to a neighbouring property poses a fire risk.
34. I am aware that two previous proposals for residential development at the appeal site have been refused by the Council and dismissed at appeal. Nonetheless, on the information before me, the scheme before me is different in terms of scale and layout, which I have considered on its planning merits and found to be acceptable. Also, for these reasons, my Decision does not set a precedent.

Conditions

35. Having regard to the Framework and the Planning Practice Guidance. In addition to the standard timescale condition, I have imposed a condition specifying the relevant plans as this provides certainty. Conditions requiring samples of proposed materials and the implementation and maintenance of landscaping are necessary to ensure the satisfactory appearance of the development and the area.
36. To safeguard existing trees, I have specified a condition requiring the provision of tree protection fencing and other measures outlined in the submitted Arboricultural and Planning Integration Report.
37. In the interests of safeguarding the openness of the Green Belt and preserving the setting of the Sarratt Green CA, I have specified a condition requiring a scheme to secure the demolition of existing structures.
38. For the reasons set out above it is reasonable, necessary and justified to remove permitted development rights which could otherwise increase the extent of built development at the appeal site. The Council has suggested the removal of permitted development rights for hard surfaces. However, because such rights apply to land between a wall forming the principal elevation of the dwellinghouse and a highway, the proposed layout would not facilitate this. Therefore, it is not necessary to remove permitted development rights for hard surfaces.

39. In the interests of promoting sustainable development, it is reasonable to impose a condition requiring energy saving and renewable energy measures to be provided within the development.
40. Given the modest scale of the proposal (1-bedroom dwelling) which would utilise an existing access, the requirement for a Construction Management Plan in the interests of highway safety is neither reasonable nor necessary.
41. Conditions 3 and 4 which prevent any development approved from commencing until they have been complied with, are considered fundamental to the development hereby approved. It is necessary for them to take the form of 'pre-commencement' conditions in order to have their intended effect. Where necessary and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance.

Conclusion

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

M Aqbal

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 3057.WDYD.100 A, 3057.WDYD.101, 3057.WDYD.102, 3057.WDYD.103, 3057.WDYD.104, 3057.WDYD.105 A, 3057.WDYD.106 and 3057.WDYD.107.
3. The development shall be undertaken in full compliance with the construction methods detailed in the Arboricultural and Planning Integration Report prepared by GHA Trees Arboricultural Consultancy dated 13 November 2020 forming part of this application.

No operations shall commence on site in connection with the development hereby approved (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) until the tree protection works required by the approved scheme are in place on site. The fencing or other works which are part of the approved scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the local planning authority has first been sought and obtained.

4. The development hereby permitted shall not commence until a scheme for the permanent demolition of all existing structures, as broadly indicated on Information Plan - 3057.WDYD.102 has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include details of the method of demolition and a timescale for the completion of those works. Thereafter, the demolition works shall be undertaken in accordance with the approved details.
5. Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be undertaken in accordance with the approved external materials.
6. Prior to the occupation of the dwelling hereby approved, details of the proposed landscaping, including a timescale for implementation shall be submitted to and approved in writing by the local planning authority. The landscaping shall be undertaken in accordance with the approved details and timescale and retained thereafter.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Classes A, B, D and E shall be carried out at the development site.
8. The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement prepared

by Bluesky Unlimited dated 14 July 2021 submitted as part of the application are incorporated into the approved development.