



Appeal Decision

Site visit made on 18 October 2022

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2022

Appeal Ref: APP/A1910/W/22/3297409

The New Forge, Shantock Lane, Bovington HP3 0NN

- 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 G Terry against the decision of Dacorum Borough Council.
 - The application Ref 21/03283/FUL, dated 19 August 2021, was refused by notice dated 29 October 2021.
 - The development proposed is described as “redevelopment of the site to provide 5 detached dwellings”.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the appeal process, Natural England issued a letter in respect of the Chilterns Beechwoods Special Area of Conservation (SAC) which is afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations), of which the appeal site is located. The letter states there is currently an outstanding need for a mitigation strategy to be produced for this SAC before any developments that would result in a net increase in dwellings are allowed. Whilst the appeal proposal would result in a net increase of one dwelling, as I am dismissing the appeal, I do not need to consider this matter further.

Main Issues

3. The main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies, including the effect upon the openness of the Green Belt;
 - the effect of the development upon the character and appearance of the area; and
 - if the development is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether Inappropriate Development

4. The NPPF identifies the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the NPPF explains that other than in connection with a closed list of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. One such exception is (g) the limited infilling or the partial redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development; or, not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
5. Policy CS5 of the Dacorum Borough Council Core Strategy 2006-2031, adopted 2013 (CS) refers to development that is not inappropriate in the Green Belt, including (e) the redevelopment of previously developed sites, provided that (i) it has no significant impact on the character and appearance of the countryside; and (ii) it supports the rural economy and maintenance of the wider countryside. CS Policy CS5 is more prescriptive than the NPPF and therefore it is not entirely consistent with it. Annex 1 of the NPPF states that the weight afforded to policies in plans should accord with their degree of consistency with the NPPF. For this reason, I attribute limited weight to the specific criteria stated within CS Policy CS5.
6. The main parties agree that the appeal site comprises previously developed land. The concern is therefore whether the proposed development would not have a greater impact on the openness of the Green Belt than the existing development. There is no evidence before me that the proposal would contribute to meeting an identified affordable housing need within the area of the local planning authority and therefore the second indent of paragraph 149 criterion (g) of the NPPF is not applicable.
7. The appeal site contains a bungalow, single storey outbuildings and open-sided structures of various heights, and a shipping container. Surrounding the buildings/structures are piles of timber that are irregular in height, plus some items of machinery. The land between the outbuildings and a field is relatively open, as well as the bungalow's garden. I have not been provided with elevation drawings of the existing buildings. However, I was able to determine during my site visit that the bungalow had the greatest scale and massing, whereas the outbuildings/structures were more diminutive in scale with low pitched/mono-pitched roofs. Furthermore, the majority of the piles of wood were relatively low in height, with the highest around the eaves height of the bungalow.
8. The proposal is for five bungalows arranged around a cul-de-sac. The main parties have used different methods of calculating the comparative size of the existing and proposed buildings. However, both sets of figures indicate that the proposed dwellings would have a greater overall size when compared to the existing buildings on site. Furthermore, other than the existing bungalow, the

- proposed dwellings would have a greater overall height than the existing outbuildings.
9. Four of the proposed dwellings would be sited within the vicinity of some of the existing buildings. However, their positioning would extend beyond these buildings into areas that are currently free from development, thereby increasing the spread of built development on the site. A fifth dwelling would be positioned solely on land used for the storage of timber, whilst another dwelling would be partially positioned on land used for this purpose. The piles of timber vary in height and, due to the nature of the business, would fluctuate. Whilst the area of the site covered by timber and some machinery is large, its height is predominantly low in level and is not highly visible from the surrounding area. In contrast, the scale and height of the built form in these areas would increase considerably with the construction of the dwellings, which would be prominent from the surrounding area.
 10. The area covered by the timber would be consolidated, however, the proposal would not result in these areas being completely free from development. Instead, the land would be subdivided by boundary treatments and utilised as gardens which would likely contain such items as occupiers' vehicles, garden sheds and other domestic paraphernalia. Furthermore, some of the gardens would be located in parts of the site that are currently free from development. In addition, the scale and spread of the proposed development across the appeal site would be clearly discernible from public views, particularly from Shantock Lane and Leyhill Road.
 11. For these reasons, the proposed development would have a greater impact on the openness of the Green Belt in both visual and spatial terms than the existing development and therefore it would comprise inappropriate development in the Green Belt. The proposed development would not comply with the exception detailed at paragraph 149(g) of the NPPF, or Policy CS5(e) of the CS.

Character and Appearance

12. Shantock Lane comprises a narrow country lane that is bounded on either side by hedgerows and trees. The existing development along Shantock Lane predominantly comprises small groups of dwellings, larger detached dwellings and farms, interspersed with open fields. The existing dwellings are not uniform in character or appearance.
13. The roadside vegetation provides some screening to the appeal site. However, glimpse views can be gained, and a large gap beside an adjacent field provides a clear view of the site when travelling along the lane. Leyhill Road is separated from the appeal site by a large open field. Hedgerows and trees also bound either side of this road, but the vegetation is sparse, enabling clear views of the appeal site when travelling along this road. Furthermore, a large proportion of the hedgerows and trees are deciduous and therefore the visibility of the site would be more prominent when the leaves have fallen.
14. The proposed development would comprise a group of five dwellings arranged around a cul-de-sac. Four of the dwellings would have a similar L-shaped appearance, whilst the fifth would have an elongated design. All would comprise bungalows with a steeply pitched roof which appears top heavy and disproportionate in scale to the ground floor elevations. The dwellings would

have the appearance of a modern suburban housing development. The dwellings' similar design and suburban layout would be in stark contrast to the sporadic and diverse character and appearance of the existing dwellings in the surrounding area, which would be visible from both Shantock Lane and Leyhill Road.

15. The appellant would accept a condition requiring the dwellings to be clad in timber weatherboarding to provide a more rural appearance. Whilst this may help to soften the appearance of the proposed development against the backdrop of the roadside hedge, it would not outweigh the harm I have found in respect of the suburban layout and design, and visual impact of the proposed development.
16. For these reasons, the proposed development would harm the character and appearance of the surrounding area contrary to Policies CS11 and CS12 of the CS, which amongst other things, seek to ensure that development respect the typical density intended in an area, integrate with the streetscape character and respect adjoining properties.

Other Considerations

17. The appellant has directed me to a recent planning approval¹ for three dwellings at the appeal site. This scheme differs from the appeal proposal as the amount of built development proposed was smaller, the dwellings were sited towards the existing access in a similar position as the existing buildings, and it resulted in a large area of the site returned to a paddock. Furthermore, the Council considered the approved scheme to not comprise inappropriate development in the Green Belt. The approved scheme is therefore not directly comparable to the appeal proposal and in any event, each proposal must be determined on its own merits.
18. The provision of five dwellings weighs in favour of the scheme, albeit it would only result in a net increase of two dwellings above a recently approved scheme for three dwellings². This would make a contribution, albeit moderate, to the Government's objective of significantly boosting the supply of new homes. The proposal would also provide a limited amount of short-term employment through the construction of the development, although the scale of the benefit would be reduced due to the site already having approval for the construction of three dwellings. These benefits therefore carry moderate weight in favour of the scheme.
19. A lack of harm to the occupiers of neighbouring properties or future occupiers from the proposed development, the provision of a sufficient amount of space for the parking of vehicles for each dwelling, and each dwelling is to have a garden, are neutral matters.
20. Limited information has been provided in respect of the number of vehicle movements or types of vehicles that currently access the existing commercial/residential use. Therefore, I am unable to conclude that the proposed development would result in fewer vehicle movements. Furthermore, no evidence has been submitted to demonstrate that the current use generates noise, dust or odours that adversely affect the occupiers of neighbouring properties or result in harm to the surrounding environment. The existing use

¹ Planning Ref 21/04467/FUL

² Planning Ref 21/04467/FUL

currently operates unrestricted and therefore another occupier may operate the business in a different manner. However, any noise or pollution concerns arising from such a use could be controlled under different legislation.

Other Matters

21. The Council has stated that it is unable to demonstrate a five-year housing land supply of deliverable housing sites. As such, the relevant policies for the supply of housing should not be considered up-to-date and paragraph 11(d) of the NPPF is engaged which states, "where the policies which are the most important for determining the application are out-of-date, granting planning permission unless (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
22. I have not been provided with information regarding the scale of the shortfall in housing supply, however, the appeal site is located in the Green Belt (a protected area defined by Footnote 7 of paragraph 11(d)). As I have already found that the proposed development would comprise inappropriate development, paragraph 11(d)(ii) is therefore not engaged.

Conclusion

23. The proposed development would be inappropriate development in the Green Belt and would harm openness. As such, the NPPF establishes that substantial weight should be given to any harm to the Green Belt. It would also be harmful to the character and appearance of the area. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
24. Given the substantial weight to be given to Green Belt harm combined with the other identified harm, relative to the modest benefits of the proposed scheme, the harm is not clearly outweighed by the other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist.
25. For the reasons set out above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal is dismissed.

A Berry

INSPECTOR