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# Appeal Decision

Site visit made on 18 October 2022

**by C Harding BA(Hons) PGDipTRP PGCert MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22<sup>nd</sup> December 2022**

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**Appeal Ref: APP/J1915/W/21/3284724**

**The Gables, Pembridge Lane, Broxbourne EN10 7QP**

- 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 N Morretto against the decision of East Hertfordshire District Council.
  - The application Ref 3/21/0873/FUL, dated 17 March 2021, was refused by notice dated 7 July 2021.
  - The development proposed is erection of a single-storey garage for personal storage purposes.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
  - The effect of the development on the openness of the Green Belt;
  - The effect of the proposal on the character and appearance of the area, and;
  - 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

*Whether inappropriate development*

3. Policy GBR1 of the East Herts Local Plan (LP) advises that planning applications in the Green Belt will be considered in line with the provisions of the Framework.
4. The Framework identifies that 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. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in Paragraph 149. One such exception is 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.
5. The parties disagree with regards to whether the proposal would comprise an extension to the original building, and therefore fall within the scope of this exception.
  6. With regards to this, I am guided by *Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe [2022] EWHC 2145 (Admin)* where it was held that the definition of extensions to an existing building is not confined to physically attached structures. Rather, it is a matter of fact and degree as to whether a proposed detached building can be considered to be an extension of an existing building.
  7. The proposed garage would, it is stated, be located approximately 20m from the dwelling at the site. It would be situated within a grassed open field, which contains a limited area of hardstanding, and is currently partially used for the storage of various trailers and a caravan. The evidence also indicates that this land is used for the grazing of ponies, although this wasn't evident at the time of my visit.
  8. This part of the site, although clearly associated with the dwelling, is nevertheless demarked from the main residential garden of the property, albeit the boundary treatment varies in height and in some places, it is possible to simply step over it. Nevertheless, I consider that it comprises a separate parcel of land.
  9. In such circumstances, I consider, having regards *Warwick DC vs SSLUHC etc*, that it would not be reasonable to conclude that a detached building on land separated from the original building can reasonably be considered to form an extension to such a building. Accordingly, I conclude that the proposed development would not meet the criteria for the exception set out at Paragraph 149 (c) of the Framework, or any of the other exceptions, and would therefore constitute inappropriate development in the Green Belt for this reason.
  10. Even if, having regard to *Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe [2022] EWHC 2145 (Admin)*, I was to conclude that the proposed building did comprise an extension to the original building, the provided plans indicate that the proposed garage would be of significant scale in comparison to the existing building at the site in terms of footprint, and would also be of a significant volume.
  11. I have not been provided with any information with regards to the history of the existing dwelling, or any extensions or additional buildings that currently exist at the site. However, and although LP Policy GBR1 does not provide any further guidance on how to assess whether an extension would constitute a disproportionate addition, I consider that the size of the proposed garage in comparison to the existing dwellinghouse would be such that it would comprise a disproportionate addition to the original building. The proposed development would therefore also fail to meet the criteria for the exception set out at Paragraph 149 (c) for this reason, in any event.
  12. Consequently, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with LP Policy GBR1, and the provisions of the Framework.

### *Openness*

13. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The appeal site comprises a field adjacent to the existing dwelling. Although it is screened to a moderate extent by substantial hedgerows and woodland, and contains several trailers, it is currently clearly generally open in character and is reflective of the open aspect of the Green Belt that is clearly evident around the appeal site and surrounding countryside. The introduction of a large, detached structure of the scale of the proposed development into this space, would result in a significantly harmful loss of openness. I afford substantial weight to this harm.

### *Character and appearance*

14. The proposed garage would comprise a considerable structure, located within a currently largely open field, within an otherwise domestic setting. The proposed garage would be set back within the appeal site and would relate to other existing outbuildings. It would also be screened, to an extent, by existing hedgerows and woodland that surround the site.
15. However, its scale and design would result in the erection of a building that would not be domestic in character. Rather, and despite its intended use, it would have the character of a commercial or agricultural building. Whilst there are examples of large agricultural and commercial buildings in the surrounding area, those that I saw appeared to be associated with existing agricultural or commercial enterprises. These examples are not, therefore, be comparable with the situation before me.
16. I therefore conclude that the proposed building will lead to harm to the character and appearance of the area. Consequently, it would be contrary to LP Policies DES4 and HOU11 which together, and amongst other criteria require new development, including residential outbuildings to be of a size, scale, mass, form, siting, design and materials that would be appropriate to the character of the local area. The Council has also referred to conflict with LP Policy VILL3 however, this policy relates to development within Group 3 Villages, and the appeal site does not appear to lie within any identifiable settlement. I therefore consider this policy to be of little relevance to this appeal.

### *Other considerations*

17. The appellant considers that as the proposed building would be used to store vehicles and trailers that are currently stored at the appeal site, that this would amount to a visual improvement, be of benefit to the openness of the Green Belt and reduce fear of crime.
18. Whilst I agree that a reduction in the number of trailers and vehicles openly stored at the site would be positive in visual terms and would improve security at the appeal site, the proposed building would be a permanent and solid structure. Consequently, the benefit to the openness of Green Belt of the removal of vehicles, which are temporary and moveable objects, would not outweigh the harm to openness that would result from the proposed development.
19. Furthermore, there is no mechanism before me that would ensure that the existing vehicles would be stored within the building, and nor would any such

mechanism be reasonable, having regard to the tests set out in Planning Practice Guidance. Accordingly, I afford this factor very little weight in my considerations.

### **Conclusion**

20. In summary, the proposal would be inappropriate development in the Green Belt in the terms set out by the Framework and would result in a harmful loss of openness to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt.
21. For the reasons set out above, the harm to the Green Belt would not be clearly outweighed by the other considerations and, therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated. The proposed development would be contrary to LP Policy GBR1, and there are no material considerations that indicate a decision should be taken other than in accordance with the development plan. Consequently, the appeal is dismissed.

*C Harding*

INSPECTOR