
Appeal Decision

Site visit made on 14 December 2022

by Jo Dowling BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 DECEMBER 2022

Appeal A Ref: APP/C1950/W/22/3295568

Woodman Inn, Warrengate Road, North Mymms, Hatfield AL9 7TT

- 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 Dunning against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2021/2335/FULL, dated 5 August 2021, was refused by notice dated 1 October 2021.
 - The development proposed is erection of single storey rear extension.
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Appeal B Ref: APP/C1950/W/22/3295566

Woodman Inn, Warrengate Road, North Mymms, Hatfield AL9 7TT

- The appeal is made under section 20 of the Planning (Listed Building and Conservation Areas) Act 1990 against refusal to grant listed building consent.
 - The appeal is made by Mr Dunning against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2021/2336/LB, dated 5 August 2021, was refused by notice dated 1 October 2021.
 - The development proposed is erection of single storey rear extension.
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Decision

1. These appeals are dismissed.

Main Issues

2. The main issues are:

- 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;
- the effect on the openness of the Green Belt;
- if the development would be inappropriate, 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 necessary to justify it; and
- the effect of the proposal on the listed building, the Woodman Inn, and its setting.

Reasons

3. The Woodman Inn is a two storey detached gable ended building dating from the 17th Century. The original building and a small side extension that fronts onto Warrengate Road have clay tiled roofs and are finished in a white painted rough cast render. The building has a number of other extensions including a large single storey modern flat roofed extension and a part single, part two storey side and rear shiplap extension. A car park is located to the side and rear of the pub. The site sits centrally within the small hamlet of Water End and is located within the Green Belt. The Inn is a Grade II listed building.

Green Belt

Whether inappropriate development

4. Paragraph 147 of the Framework establishes that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
5. Paragraph 149 of the Framework indicates that except for a small number of exceptions, the construction of new buildings should be regarded as inappropriate. These exceptions include 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'*.
6. Policy RA3 of the Welwyn Hatfield District Plan (2005) (the district plan) and policy SADM 34 of the Welwyn Hatfield Borough Council – draft Local Plan (2016) (the emerging plan) both state that in the Green Belt extensions that would result in disproportionate additions will not be allowed.
7. The emerging plan (paragraph 25.9) advises that in determining what would constitute a disproportionate extension to a building a quantitative and qualitative assessment needs to be undertaken. In quantitative terms it states that proposals that would result in the footprint, volume and/ or above ground external dimensions (height/ width) of a building being 50% greater than the original building will generally be refused. However, it also advocates that any increase in footprint, volume and /or external dimensions will also need to be considered as part of a qualitative assessment.
8. The proposal is for a single storey rear extension which the Appellant advocates¹, when combined with existing extensions, would increase the floorspace by 50% and would therefore comply with policy. However, whilst the quantitative test might be met, I consider that the scale, bulk and mass of the proposed extension when combined with the existing extensions would be disproportionate in relation to the size and footprint of the original building. The extension would therefore not accord with paragraph 149(c) of the Framework or policies RA3 of the district plan and SADM 34 of the emerging plan and would therefore be inappropriate development which is, by definition, harmful to the Green Belt.

¹ Paragraph 5.8 of the Appellant's Written Representations: Grounds of Appeal Statement

Openness

9. Paragraph 137 of the Framework identifies that openness is one of the essential characteristics of Green Belts, along with permeance. The Courts have confirmed that openness of the Green Belt is a spatial as well as a visual aspect. This means that the absence of a visual intrusion does not itself mean that there is no impact on the openness of the Green Belt as a result, but equally this does not mean that the openness of the Green Belt has a visual dimension.
10. In this instance the effect of the increase in size of the host building would clearly be experienced both visually and spatially, although due to the extension being located at the rear of the Inn and within a row of other buildings, I consider that this impact would be localised and limited. However, in this respect even a limited adverse effect on openness would contribute to the overall harm to the Green Belt. For this reason, I consider that the proposed development would compromise the openness of the Green Belt in that it would be reduced. Whilst the loss of openness would be limited, harm to the Green Belt would still occur.

Very Special Circumstances

11. Having concluded that the proposal would be inappropriate development, it then falls to be considered whether the harm by reason of inappropriateness would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.
12. The Appellant considers² that the proposed extension would improve the appearance of the site by screening the existing extensions and enable the covid hit business to generate an alternative income stream which would allow this community facility to remain viable. The extension would also benefit the health and wellbeing of both visitors by providing a source of leisure accommodation and staff by ensuring that the viability of the business.
13. I accept that the proposed extension would screen the existing flat roofed modern extension, that the provision of accommodation at the Inn would enable the business to diversify and expand and could benefit the health and wellbeing of visitors and staff. However, these benefits are limited and as such I do not consider that they are sufficient to outweigh the harm I have identified above.

Listed Building

14. Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that when considering a proposal that would affect a listed building or its setting special regard needs to be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
15. The proposed extension is a significant structure that would extend most of the way across the rear elevation of the property. I accept that the extension, through the use of materials and design features, has been designed to reflect the original building and the rural location. However, it would be of a size, scale, bulk and height that when combined with the existing extensions would

² Paragraph 5.16 of the Appellant's Written Representations: Grounds of Appeal Statement

overwhelm the original building. When viewed from the rear it would lack subservience, would obscure views of and compete with the original building. As a result I consider that it would detract from the listed building and its setting. In my view the harm to significance would be less than substantial and where this is the case paragraph 202 of the Framework says that such harm should be weighed against the public benefits of the proposal.

16. For the same reasons I have set out in paragraph 13 I consider the benefits that would be delivered by the proposal would be limited and as such I consider they would be insufficient to outweigh the harm to the listed building that I have identified above.
17. As a result, I consider that the works would fail to preserve the Woodman Inn and its setting for which a clear and convincing justification has not been provided. The works would therefore not comply with the requirements of Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990, policy SADM 15 of the emerging plan, which states that proposals that result in less than substantial harm will be refused unless the benefits significantly outweigh the harm to the heritage asset, and the provisions of the Framework.

Other matters

18. The Appellant has referred to a number of appeal decisions citing these as setting a precedent for this proposal. However, I have only been provided with the decision letters and therefore the information before me is limited. Furthermore, I note that none of the appeals cited were for this Council or this area and as such I consider that their context would differ to that of the scheme before me. As a result, they do not lead me to a different conclusion in this case.

Conclusion

19. In conclusion, for the reasons set out above, the proposed extension would be inappropriate development in the Green Belt as defined by the Framework. The proposal would erode the openness of the Green Belt. As outlined above I give only limited weight to each material consideration cited to support the proposal and conclude that together they do not outweigh the harm that the scheme would cause. Consequently, I conclude that the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposal would therefore be contrary to policy RA3 of the district plan and policy SADM 34 of the emerging plan and the guidance contained within the Framework. Furthermore, the proposed extension would fail to preserve the setting of the Woodman Inn contrary to policy SADM 15 of the emerging plan. Accordingly, the appeals should be dismissed.

Jo Dowling

INSPECTOR