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# Appeal Decision

Site visit made on 8 February 2023

**by Ryan Cowley MPlan (Hons) MRTPI**

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

**Decision date: 21<sup>st</sup> March 2023**

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**Appeal Ref: APP/J1915/W/22/3302528**

**Aston Water Tower, Aston End, Stevenage SG2 7EU**

- 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 Philip Barnett against the decision of East Hertfordshire District Council.
  - The application Ref 3/21/1516/FUL, dated 7 June 2021, was refused by notice dated 14 March 2022.
  - The development proposed is extension and alterations of the existing building to accommodate residential use.
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## Decision

1. The appeal is 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 including, where appropriate, its effect on openness;
  - The effect of the proposal on the character and appearance of the site and surrounding area;
  - Whether the proposal would minimise water use, overheating, the need for heating in winter and carbon dioxide emissions, with regard to the provisions of the development plan that seek to control these matters; and
  - If the development is inappropriate, whether any 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

### *Inappropriate Development*

3. Policy GBR1 of the East Herts District Plan October 2018 (the District Plan) stipulates that planning applications within the Green Belt will be considered in line with the provisions of the Framework. The Framework 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.

4. Paragraph 149 of the Framework establishes that the construction of new buildings should be regarded as inappropriate, except in specific circumstances. These exceptions include (c) 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, and (g) limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. Additionally, paragraph 150(d) of the Framework indicates that the re-use of buildings is also not inappropriate in the Green Belt, provided its openness is preserved and it does not conflict with the purposes of including land within it.
5. I recognise that any redevelopment, partial or otherwise, of previously developed land may include extensions and has the potential to fall within another category of the list of exceptions. Where this occurs it is reasonable to consider the proposal against all exceptions that are relevant. I have therefore considered the proposal against each of the exceptions identified above.

*The extension or alteration of a building*

6. The appeal proposal includes extension of the existing water tower in the form of the infilling of the space beneath the water tank and around its support structure. The proposed external cladding would extend above the height of the water tank to facilitate the provision of an external roof terrace, though would remain below that of the existing telecommunications equipment attached to it.
7. There is no evidence before me to suggest the provision of the development plan or local guidance contains specific limits and the Framework does not provide a definition of 'disproportionate additions'. This is therefore a matter of planning judgement. There are different ways of assessing and measuring the proportionality of an extension and I consider it reasonable to look at the overall size increase in terms of volume, footprint and external dimensions.
8. The appellant contends the cumulative height of the existing structures on the site is 17.7 metres, in contrast to the measurement of 15.4 metres stated by the Council. I understand the higher figure includes the existing attached telecommunications equipment and railings, which I observed during my site visit and are reflected in the plans before me. The proposal would have a height of 16.6 metres including the cladding overrun. I am therefore satisfied the proposal would represent a modest decrease in the tower's overall height.
9. Given the absence of existing floorspace, the appellant also submits that in this case it would be unreasonable and overtly preventative to use the increase in floor space as a means of measuring the proportionality of any extension. However, even discounting the increased floorspace provided by the upper levels, the proposal includes an expansion of the footprint of the water tower beyond the existing support structure at lower levels.
10. The evidence before me indicates the footprint of the existing water tower is approximately 58m<sup>2</sup>, whereas the proposal would have a footprint of 110m<sup>2</sup>. These figures do not appear to be disputed by the appellant and represent a substantial increase in the footprint of the existing building. Additionally, the existing water tower and ancillary structures have an approximate volume of

381.5m<sup>3</sup>, exclusive of the unenclosed space below the water tank. Including this gives a figure of approximately 1000m<sup>3</sup>. The proposal would be approximately 1393.4m<sup>3</sup> in volume. Even when accounting for the existing unenclosed space below the water tank, this represents an approximate 39% increase in volume. The appellant recognises that in isolation the volumetric figures appear to reflect a disproportionate addition.

11. Despite the modest decrease in the overall height of the existing structure, based on the assessment above I consider the proposal represents a disproportionate addition over and above the size of the original building. It would as a result also harm the openness of the Green Belt.
12. In view of the above, I consider the proposal does not benefit from the exception set out in paragraph 149(c) of the Framework and would be inappropriate development in the Green Belt when assessed against this criterion.

*Limited infilling or the partial or complete redevelopment of previously developed land and the re-use of buildings*

13. Both paragraphs 149(g) and 150(d) of the Framework indicate that it is necessary to determine whether the proposal would preserve the openness of the Green Belt or have a greater impact on it than the existing development, in order to establish if it would or would not be inappropriate.
14. The Courts have found that the word “openness” in this context is open textured, and several factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. The matters relevant to openness are therefore a matter of planning judgement, and the openness of the Green Belt can have a spatial aspect as well as a visual aspect.
15. I saw on my site visit that the appeal site is located towards a ridge above the River Beane valley. Approaching the site from the roads to the south and east, the existing water tower can be clearly observed from some distance away across the valley and in closer views looking north-easterly along Aston End Road. The water tower does benefit from some partial screening provided by existing mature vegetation, particularly in views from the north and west. However, in winter months this is less effective and based on the evidence before me and my own observations much of this appears to be outside of the application site and beyond the appellant’s control.
16. The existing water tower is a functional structure, though one that is not uncommon in this type of setting. It is of considerable height and diameter however its design and finish allow it to sit relatively unassumingly in the wider landscape and amongst the nearby foliage. While the water tank and its support structure represent an intrusion of built development, the open space between the support struts provides welcome relief to its overall mass and allows views through to the landscapes and sky beyond.
17. The proposed development would fundamentally change the character of the existing structure to one of a residential dwelling with associated paraphernalia and activity. A large ground floor extension with a mezzanine would wrap around the base of the structure, expanding beyond its existing footprint. Above this, the remaining space below the water tank would be infilled with built development. While the heavily glazed design of the extension would

appear lightweight, it would introduce a large reflective surface, and any views or natural light otherwise passing through would be obscured or terminated by internal walls, staircases, and other domestic furnishings. At night, given its design, the proposal is also likely to emit more artificial light than the current use. External aluminium cladding around the water tank would partially obscure its original features and form and give it a wider appearance.

18. The appellant contends residential paraphernalia would not be significant, particularly given the existing use, and it would be well screened by existing vegetation. At the time of my site visit I saw several telecommunications cabinets, palisade and mesh fencing, a small digger, and a small trailer on site. These are of a different nature to residential paraphernalia such as private vehicles, garden sheds, equipment and furniture, waste bins, play equipment and domestic fencing. Some of this could be controlled by planning condition however some could prove impractical to restrict and others unreasonable to seek to control. I recognise lower levels of the site do benefit from greater landscape screening however this is sporadic in places, less effective in winter and, as above, much of it appears to be beyond the application site. In any event, this would not overcome the fundamental issue of the effect of the proposed built development itself on openness.
19. I have had regard to the submitted Green Belt Visual Openness Assessment provided by the appellant. The assessment concludes that the water tower is visible from some aspects and public vantage points, but the proposal would nevertheless have a neutral impact on openness. The scope of the assessment is limited however, and I am not persuaded by its findings that the gaps in the support structure do not contribute to openness.
20. In view of the above, I find that the proposed development would have a greater impact on openness in both visual and spatial terms than the existing development and so would not preserve the openness of the Green Belt. It would also conflict with the purposes of including land within the Green Belt, including to assist in safeguarding the countryside from encroachment. The proposal therefore does not benefit from the exceptions set out in paragraph 149(g) or 150(d) of the Framework and would be inappropriate development in the Green Belt when assessed against these criteria.

#### *Character and Appearance*

21. The site sits close to a small collection of dwellings to the north, while the village of Aston is to the south. Immediately to the west of the site is a farm with a farm shop. The surrounding area is otherwise characterised by narrow country lanes and rolling fields bounded by hedgerows and trees in places.
22. I recognise the water tower may be of limited architectural merit, however such structures are not an incongruous sight in this type of setting. As above, the water tower sits relatively unassumingly in the landscape, despite its size and visibility. The appeal proposal would however result in loss of many of the features of the existing structure through a large extension around its base, the complete infilling of the space between the support structure and the cladding of the tank in aluminium. Its character and appearance would fundamentally change from one of a functional structure to that of a large contemporary building. This would overtly introduce urbanising development into what is otherwise a largely rural setting and would fail to respect or improve upon the character of the site and surrounding area.

23. I conclude that the proposal would harm the character and appearance of the site and surrounding area. It is as a result contrary to Policies DES2, DES3 and DES4 of the District Plan. These policies, amongst other things, seek to ensure development proposals conserve, enhance or strengthen the character and distinctive features of the landscape, provide appropriate mitigation and be of a high standard of design and layout that reflects and promotes local distinctiveness.

*Water Use, Overheating, Heating in Winter and Carbon Dioxide Emissions*

24. Policy CC1 of the District Plan requires that all new development should demonstrate how the design, materials, construction and operation of the development would minimise overheating in summer and reduce the need for heating in winter. Policy CC2 of the District Plan states that new development should demonstrate how carbon dioxide emissions will be minimised. Policy WAT4 of the District Plan seeks to ensure development minimises the use of mains water, including through water saving measures and by meeting a water consumption target of 110 litres or less per head per day.
25. The appeal proposal would include a considerable amount of glazing around the exterior of the building. Southern and eastern elevations would be largely exposed and would benefit from solar gain thereby minimising heating requirements, though this has the potential to result in excessive gain in summer. The appellant indicates this could be prevented using suitable glazing. The internal spaces are somewhat cavernous with open plan layouts at lower levels and high floor-to-ceiling heights in places. Combined with the considerable glazing this may increase heating requirements in other areas, particularly for north facing rooms. Details of the carbon dioxide emissions and water usage of the development have not been provided. However, the appellant indicates measures could be incorporated into the scheme such as electric vehicle charging points, local sourcing and reuse of materials, water efficient fixtures and fittings, and grey water recycling.
26. The evidence before me and my own observations lead me to conclude that ensuring the proposal minimises overheating in summer, the need for heating in winter, carbon dioxide emissions and mains water use would be feasible without fundamental changes. The Council have suggested conditions to secure further information and mitigation measures in respect of these matters were the appeal to be successful. Likewise, I am satisfied it could have been demonstrated how the proposed development would address these matters and comply with the relevant policies of the District Plan using planning conditions.
27. I therefore find that, subject to appropriate planning conditions, the proposal could be designed to minimise water use, overheating, the need for heating in winter and carbon dioxide emissions. It would therefore be in accordance with Policies CC1, CC2 and WAT4 of the District Plan.

*Other Considerations*

28. The proposal would secure the re-development of previously developed land, including re-use of an existing building. The existing structure is somewhat tired in appearance and would benefit from additional cleaning and maintenance. Existing telecommunications masts at the top of the water tower would be removed, as would several ground-based cabinets and palisade fences which do not contribute to the character of the area.

29. The appellant comments that a 2-metre-high means of enclosure could be installed on the site by virtue of the permitted development rights. This is a relevant consideration and would reduce the weight given to any perceived harm that could arise from domestic fencing. Allowing the proposal could also enable greater control of such boundary treatments using planning conditions.
30. There is also potential that the scheme could deliver a biodiversity net gain, and the appellant has indicated they would welcome a condition to secure this. However, very little information on how this would be achieved has been provided and so I can attribute only limited weight to this. Overall, these would be modest benefits of the proposed development.
31. I recognise that the appellant may have evolved the scheme having taken account of the previous refusal of planning permission on this site. However, that does not alter my conclusions on the merits of what is before me. Furthermore, while the proposal may comply with other parts of the development plan or national policy, the absence of harm or development plan conflict with respect to other relevant matters is neutral and weighs neither for nor against the proposal.

## **Conclusion**

32. While I am satisfied that the proposal could be designed to minimise water use, overheating, the need for heating in winter and carbon dioxide emissions, subject to appropriate planning conditions, it would have a greater impact on the openness of the Green Belt than the existing structure and thereby would fail to preserve its openness. It would therefore be inappropriate development that would be harmful to the Green Belt. I give this harm substantial weight as required by paragraph 148 of the Framework. The proposal would also harm the character and appearance of the site and surrounding area.
33. I have considered the matters put before me in favour of the scheme. However, I conclude that these other considerations taken together do not clearly outweigh the substantial weight I have afforded to the Green Belt harm and the other harm arising from the proposal. Consequently, the very special circumstances necessary to justify the development do not exist.
34. The proposed development conflicts with the development plan, taken as a whole, and I have found no material considerations that indicate the proposal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal should be dismissed.

*Ryan Cowley*

INSPECTOR