



Appeal Decision

Site visit made on 12 April 2023

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2023

Appeal Ref: APP/A1910/W/22/3303737

Flaunden Stables, Honeysuckle Barn, Birch Lane, Flaunden HP3 0PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Flaunden Construction Ltd against the decision of Dacorum Borough Council.
 - The application Ref 21/04607/PIP, dated 10 December 2021, was refused by notice dated 27 January 2022.
 - The development proposed is described as 'Construction of a detached dwelling on land adjacent to Honeysuckle Barn'.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Flaunden Construction Ltd against Dacorum Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Background and Main Issue

5. The appeal site is in the Metropolitan Green Belt, where the construction of new buildings is regarded as inappropriate development, in accordance with paragraph 149 of the National Planning Policy Framework (the Framework). However, it is common ground between the parties that the proposal would constitute limited infilling within the village and would therefore represent an

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

exception to this and as such would not be inappropriate development in the Green Belt.

6. The main issue is therefore whether the site is suitable for residential development having regard to its location, the proposed land use and the amount of development, in particular whether it would preserve or enhance the character and appearance of the Flaunden Conservation Area (the CA).

Reasons

7. The appeal site comprises an area of undeveloped land on the edge of the village, it forms part of a larger site which includes equestrian and residential uses. It lies within the CA, where Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
8. The significance of the CA is derived from the age and architectural interest of the buildings therein, which include smaller terraced and semi-detached dwellings together with larger detached properties set in generous plots. The built form is mainly arranged around the crossroads at the centre of the hamlet, extending along the roads out towards the open countryside, with intervening green spaces. The site forms part of a gap between the frontage buildings on this side of the lane, with the equestrian buildings behind it set back from the road. The undeveloped open nature of the appeal site contributes to a pleasant sense of spaciousness between the village and the Chapel and its graveyard and reflects the rural character of the area.
9. The scheme would be separated from The Chapel by the remaining part of the open space, which would be apparent in views from the lane. Furthermore, the quantum of development would be modest and sensitive siting of the dwelling to minimise its effect could be agreed at the technical details consent (TDC) stage. The proposed dwelling would reflect the residential nature of the surrounding development, and the plot size would not be dissimilar to others in the vicinity, which would ensure the development would not appear cramped. I also acknowledge that the proposal could be of a high quality design, which would reflect the architectural qualities of the CA, again this would be a consideration at the TDC stage.
10. However, the introduction of a residential unit as proposed would nevertheless be discordant with the otherwise open and verdant quality of the site. Moreover, despite the retention of an element of the open space immediately adjoining the appeal site, the existing gap would be greatly reduced. I find therefore that the development would result in a significant encroachment into the open area of greenspace, which would consequently erode its rural character. The forgoing considerations regarding the quantum and type of development would not outweigh the harm I have identified.
11. Accordingly, I conclude that the proposal would result in a form of development which would fail to preserve or enhance the character and appearance of the CA. As the harm that would arise would be localised, the proposal would cause less than substantial harm to the CA as a designated heritage asset. In accordance with the Framework, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

12. The appeal submissions indicate that the Council is unable to demonstrate a 5 year supply of deliverable housing sites. While public benefits would arise in terms of the delivery of a market housing unit, even if the opportunities for new residential development in the village are limited, the contribution of one unit to housing supply in the district would be limited. The proposal would also generate council tax and CIL receipts to the Council and would result in some benefits to the local economy both during and after construction, however given the scale of the development these would be limited.
13. As such the public benefits of the appeal scheme are of no more than limited weight and would therefore not outweigh the harm to the significance of the designated heritage asset that I have identified.
14. I conclude the proposal would fail to preserve the character and appearance of the CA and would cause less than substantial harm to its significance as a designated asset. In the absence of any public benefits to outweigh this harm it would fail to accord with Policy CS27 of the Dacorum Borough Council Core Strategy 2006-2031 adopted September 2013 which requires new development to positively conserve and enhance the appearance and character of conservation areas.

Other Matters

15. Given that the Council is not able to demonstrate a 5 year housing land supply, paragraph 11 of the Framework indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where there are specific policies in the Framework which indicate that development should be restricted, including policies that protect heritage assets of particular importance.
16. I have found that the public benefits of the proposal would not outweigh the harm to the significance of the heritage assets and, therefore, paragraph 202 of the Framework provides a clear reason for refusing the development. As such, the proposal does not benefit from the presumption in favour of sustainable development outlined at paragraph 11 of the Framework.
17. There is no substantive evidence that the appeal site is underutilised, or that it would constitute previously developed land. Furthermore, the absence of harm with regards to highway safety is a neutral factor.
18. Whilst reference has been made to a number of appeal decisions which were allowed, my attention has not been drawn by the appellant to the relevant parts of these decisions. However, from my reading these schemes differ from the appeal proposal in terms of scale, types of development and site context. Therefore, from the evidence before me, they do not appear to be directly comparable, as such the weight to be attached to these is limited.
19. The appellant has referred me to paragraphs 190 and 206 of the Framework. However, paragraph 190 refers to plan making and as such is not directly relevant to the determination of the appeal. In any event, in light of the above considerations, I have found that the proposal would fail to make a positive contribution to local character and distinctiveness and would not enhance or better reveal the significance of the heritage asset.

20. I note that the points raised by the Council in their Statement of Case regarding the loss of equestrian land and the accessibility of the site in relation to services and public transport. However, as I am dismissing the appeal on the main issue for the reasons given above, there is no need for me to pursue these matters further.
21. The appeal submissions indicate that as the proposal would result in a net gain in residential development, it would trigger a requirement for a financial contribution towards the maintenance of a Suitable Alternative Natural Greenspace (SANG), in accordance with the recently approved Chilterns Beechwoods Special Area of Conservation Mitigation Strategy. As the appeal is dismissed it is not necessary in this instance to undertake an appropriate assessment to consider the effect of the proposed development on the SAC. In light of my decision on the appeal overall, there would be no pathways to significant adverse effects on the SAC arising from my decision.

Conclusion

22. For the reasons set out above the proposal would conflict with the development plan as a whole. There are no material considerations which would indicate otherwise that permission should be granted. The appeal is, therefore, dismissed.

Emma Worley

INSPECTOR