



Appeal Decision

Site visit made on 18 July 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2023

Appeal Ref: APP/C1950/D/22/3309524

Digswell Bridge, Digswell Lane, Welwyn, Hertfordshire AL6 0SW

- 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 John Bergman of A D Practice Ltd against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2022/1735/HOUSE, dated 23 July 2022, was refused by notice dated 17 September 2022.
 - The development proposed is described as erection of garden / hobbies shed and garden room.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has referred to policies within the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission 2016 (draft LP). I understand that this plan has not yet reached the adoption stage and the extent to which there are unresolved objections to the relevant policies is unknown. Therefore, these policies cannot, at this stage, be afforded substantial weight as material considerations.

Main Issues

3. The main issues are:
 - i) whether the development would constitute inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - ii) the effect on the openness of the Green Belt;
 - iii) the effect on the character and appearance of the surrounding area; and
 - iv) if it 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 required to justify the proposal.

Reasons

Whether inappropriate development

4. The Framework sets out that the Green Belt serves 5 purposes with its fundamental aim to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and

- permanence. The Framework states that the construction of new buildings should be regarded as inappropriate development in the Green Belt, save for certain exceptions.
5. Policies GBSP1 and GBSP2 of the Welwyn Hatfield District Plan 2005 (DP) broadly comply with the Framework and collectively state that the Green Belt in the district will be maintained and new development in the district directed towards towns and specified settlements for the purposes of achieving sustainable development.
 6. Paragraph 149 c) of the Framework allows the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. The River Mimram runs through the garden of the host property and the proposed development would be positioned on an island. On account of its position and distance from the host property I do not consider it is reasonable to regard the proposed building as an extension to the host property. The proposed development would not conform with any of the other exceptions set out in paragraph 149 of the Framework.
 7. Accordingly, the proposal would comprise inappropriate development in the Green Belt, contrary to Policies GBSP1 and RA3 of the DP, Policy SADM34 of the draft LP and the Framework.

Openness

8. The Framework defines one of the essential characteristics of the Green Belt to be its openness. There is no formal definition of openness but, in the context of the Green Belt, it is generally held to refer to an absence of development. Openness has both a spatial (physical) dimension, and a visual aspect.
9. The proposal would introduce built form where presently there is none. Therefore, in spatial terms the proposed development would lead to a loss of openness.
10. I appreciate that available views of the development would be very localised and limited due to heavily landscaped boundaries. Nevertheless, the development would cause some, albeit very limited, harm to the openness of the Green Belt in both spatial and visual terms.

Character and appearance

11. The appeal site is positioned between residential dwellings to the south-east and tennis courts to the north-west. The proposed development would be positioned on a relatively level part of the garden which is heavily landscaped to its boundaries. The proposed structure would be single storey in height and be of a size proportionate to the overall appeal site. The design and proposed external finish of the structure would have the appearance of an ancillary garden building compatible with its surroundings. As the appeal proposal would be set in from the boundaries of the site and largely screened from view by extensive landscaping the proposed development would not be visually intrusive to the semi-rural character of the surrounding area.
12. Accordingly, I find no conflict with Policies D1 and D2 of the DP and Policy SP9 of the draft LP. Collectively, these policies require that all new development provides a good standard of design which respects and relates to the character and context of the area in which it is to be sited. The proposal would accord

with the Supplementary Design Guidance 2005 and the Framework which have an emphasis on good design.

Other Considerations

13. The appeal site lies within the curtilage of a Grade II listed building, Digswell Bridge. The appeal site also forms part of the setting of three other listed structures: Quartermans to the south-east, Mill Cottage to the south-west and Welwyn Railway Viaduct to the west. Digswell Bridge is a two-storey cottage dating back to the eighteenth century, surrounded by the River Mimram, that runs through the rear garden. It is an attractive property and derives its special interest and significance through its historical and architectural merit. The site makes a positive contribution to the setting of the heritage significance of the listed buildings and structure. Given the scheme's size and design, and its distance from the listed buildings, I share the Council's view that the proposal would not be harmful to the setting of the listed buildings. Accordingly, I find no conflict with S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, this is a neutral factor rather than one that weighs positively in favour of the proposal.
14. The appellant suggests that the proposed building could be constructed under permitted development had the site not been within the setting of a Listed Building. Whilst at a different site the proposal may have been permitted development those circumstances do not apply in this instance. As planning permission is required in this case, I have assessed the proposal on its planning merits and have found that the proposal would be inappropriate development and harmful to the openness of the Green Belt. I therefore give this matter very limited weight.
15. Whilst I have found no harm to the character and appearance of the area this is a neutral matter in the determination of the appeal.
16. I note the evolution of the proposal from a previously refused scheme. However, I have considered the appeal proposal on its own merits based on the evidence before me.

Green Belt Balance and Conclusion

17. I have found that the development proposed would result in harm to the Green Belt by reason of inappropriateness. The proposal would also result in a reduction in openness.
18. The Framework states that substantial weight should be given to any harm in the Green Belt. I have given only very limited weight to other considerations in favour of the proposal and conclude that they do not clearly outweigh the harm that the proposal would cause.
19. For the reasons set out above, the very special circumstances required to justify the grant of planning permission have not been demonstrated. Consequently, I conclude that the appeal is dismissed.

R Gee

INSPECTOR