



Appeal Decision

Site visit made on 10 October 2023

by S M Watson BA(Hons) MCD MRTPI

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

Decision date: 09 November 2023

Appeal Ref: APP/C1950/W/22/3296366

Garden Cottage, Danesbury Park Road, Welwyn, AL6 9SE

- 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 and Mrs Sewell against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2021/1644/HOUSE, dated 21 May 2021, was refused by notice dated 14 January 2022.
 - The development proposed is the demolition of an existing one-bedroom annex; partial demolition of existing stables building; removal of shipping containers, builders' yard, equipment and materials; reduction in area of existing hardstanding and erection of a replacement one-bedroom residential annex.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Welwyn Hatfield Borough Council Local Plan 2016-2036 (the 'LP') was adopted on 12 October 2023 which is after the appeal was submitted. The Council has provided me with its adopted policies in respect of this appeal and I have given the appellant an opportunity to make comments. The policies relevant to this appeal were before the appellant in draft form before they were formally adopted and there have been no changes to them which are material to this appeal.
3. I have determined two other appeals on this site in relation to lawful development certificates:
 - APP/C1950/X/22/3296178 for the stables: A lawful development certificate was issued in respect of the lawfulness of the stable building but it was dismissed in relation to the residential use of the land.
 - APP/C1950/X/22/3296181 for the annex: A lawful development certificate was issued in respect of the lawfulness of the annex building but it was dismissed in relation to the residential use of the building.

Main Issues

4. The appeal site is within the Green Belt so the main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework), including the effect upon openness;

- The effect of the development upon the character and appearance of the area; and
- If the proposal is found to be 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 development.

Reasons

Whether or not the development would be inappropriate

5. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
6. Development within the Green Belt is inappropriate with the exceptions of the types of development listed in Paragraphs 149 and 150 of the Framework. The parties have considered the appeal proposal under paragraph 149 (c), (d) and (g).
7. The proposal does not fall to be considered under paragraph 149(c) because it is not an extension or alteration to an existing building. Neither does it fall under paragraph 149(d) because the building would not be in the same use as the replaced buildings because neither of the existing buildings has a lawful residential use.
8. Nevertheless, I have found that both buildings are lawful in respect of operational development. The Framework defines previously developed land as: *"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure."* As the land is occupied by permanent structures I consider the land to be previously developed.
9. Therefore, the proposal falls to be considered under paragraph 149(g) of the Framework which is *"limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development..."*
10. The site, although previously developed in the vicinity of the proposed buildings, is mainly open and it is situated alongside other open land. It therefore makes a significant contribution to the openness of the Green Belt. Whilst I appreciate that the floorspace of the demolished buildings would be similar to that of the proposed annex, the amount of floorspace is not the only consideration when assessing whether or not there would be a greater impact on the openness of the Green Belt.
11. The proposed building would be taller with a more bulky form than both of the existing buildings, therefore, it would have a greater volume than the buildings to be demolished. Overall, it would be materially larger than the demolished buildings. A pergola and summer house are also proposed which would further add to the amount of built development.

12. Although the shipping containers would be removed, I have nothing substantive before me to suggest that they are lawful. Furthermore, they do not constitute built development and therefore, I do not consider that they have the same degree of permanency as the proposed building. Their removal, therefore, carries limited weight in my considerations in respect of openness.
13. The appellants have referred to a "recently demolished store" of some 14 SqM but I cannot take this into consideration as it no longer exists.
14. Some of the stable building, which is next to the boundary with the road, would be demolished. The appellants consider that this would make the development less visible from the highway but even if it did, this would not overcome the overall increase in built development on the site. Furthermore, the proposed annex would extend further towards the site entrance than the existing buildings and therefore, when the gates are open, the building would be likely to be visible from the road. Currently, the entrance opens on to what looks like a paddock. I do not find any material reduction in visibility overall.
15. I do not accept the appellants' argument that the development would be compressed to a smaller area. The annex would spread into land that is currently not built upon, the resultant stable building would still be detached from the annex and a pergola and summerhouse would be erected in the vicinity of the demolished stables. Therefore, I do not accept that the proposed development would have a more compressed footprint than the existing structures.
16. For the above reasons, the proposal would have a greater impact on the openness of the Green Belt than the existing development and therefore, it would not meet the criteria under paragraph 149(g). The proposal is therefore inappropriate in the Green Belt. Paragraph 148 indicates that substantial weight should be given to any harm to the Green Belt.

Character and appearance

17. The site is located in the Danesbury Settled Slopes Landscape Character Area (LCA) which is characterised by an undulating slope with localised deep depressions and dry valleys creating an enclosed character in places. There is no suggestion from the Council that the proposal would have an adverse effect on any important views associated with this LCA. Danesbury Park Road itself has a semi-rural, domestic character. I have found that the site is already developed and the existing annex building is already domestic in its appearance. The proposed annex would not adversely change the existing character of the area.
18. For these reasons I consider that the proposal would not harm the character and appearance of the countryside. I therefore find no conflict with Policies SP9 or SADM16 of the LP which seeks to protect the landscape character and the appearance of the area. Neither do I find conflict with paragraph 174 of the Framework which seeks to protect valued landscapes and to recognise the intrinsic character and beauty of the countryside.

Other Matters

19. Danesbury Hospital is a Grade II listed building which was formerly a country house dating from about 1775 and externally rebuilt in the late 1820s. It is a three-story block with full height bow windows and a slate roof. Its significance

derives from its age, architectural detailing and community value. The proposed annex would be a substantial distance from this listed building and would be visually separated by other buildings and vegetation. I consider that the proposal would not affect the setting of the listed building.

Other Considerations

20. Some hard surfacing would be replaced by meadow. However, I noted at my visit that some mature vegetation would be lost as a result of the development. Therefore, I find no overall ecological benefit to the scheme.

The Green Belt Balance

21. The proposal would constitute inappropriate development in the Green Belt. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
22. I have found no harm in relation to character and appearance and I have found no harm in relation to the setting of the listed building but these are neutral factors in the balance. In addition, I have found no ecological benefit to the scheme.
23. There are no considerations which clearly outweigh the totality of the substantial harm that arises as a result of the development's inappropriateness. The very special circumstances necessary to justify the proposal do not therefore exist. The development is contrary to the Framework and to LP Policy SADM34 which seeks to protect the Green Belt.

Conclusion

24. For the reasons set out above, I dismiss the appeal.

Siobhan Watson

INSPECTOR