



Appeal Decision

Site visit made on 17 October 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 21st November 2023

Appeal Ref: APP/C1950/W/23/3315097

The Cottage, Foxes Lane, Hatfield AL9 7BA

- 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 & Mrs Rowe against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2022/0195/FULL, dated 27 January 2022, was refused by notice dated 23 August 2022.
 - The development proposed is the replacement of existing lawful outbuilding with residential dwelling, including basement extension and ancillary development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Welwyn Hatfield Borough Council Local Plan 2016-2036 (WHLP) was adopted by the Council on 12th October 2023. This has replaced the Welwyn Hatfield District Plan 2005 (April 2005). The relevant policies for the appeal are SP1, SP3, SP9, SP10, SP11, SADM1, SADM3, SADM11, SADM12, SADM16 and SADM34. The parties were given the opportunity to comment and therefore, I have determined the appeal having regard to these policies.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, including its effect on the openness of the Green Belt, having regard to local and national policy;
 - whether the appeal site would be a suitable location for the proposed development, in respect of local and national policy;
 - the effect of the proposal on the character and appearance of the area; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, including the fallback so as to amount to the very special circumstances necessary to justify development.

Reasons

4. The appeal site falls within land defined as Green Belt. It comprises an area of land adjacent to The Cottage and is partially enclosed by mature hedges and fencing. There are several outbuildings of varying scale. A lawful development

certificate has been provided for a substantial outbuilding¹ and is shown on the existing site plan. Whilst the construction has commenced, it is not substantially built or apparent on the site. The appeal site fronts the highway with a narrow field gate as well as access onto an area of hardstanding.

5. The Cottage and surrounding land are indicated as being within the ownership or control of the appellant and are not separated from the appeal site by any boundary treatment. The proposal would subdivide the wider site into two distinct curtilages. A large bungalow with basement would be constructed with associated areas of garden and hardstanding.

Whether inappropriate development

6. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
7. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions as set out in paragraphs 149 and 150 of the Framework. One such exception, at paragraph 149 g), is the 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.
8. The parties agree that the appeal site forms part of the garden of The Cottage and that it is not located within a built-up area. Having visited the site, I would agree with this assessment and therefore I conclude that the appeal site comprises previously developed land as defined by the Framework.
9. In respect of openness, the appeal proposal would result in the removal of several of the outbuildings and their replacement with a bungalow, including a basement. Although single storey above ground level, the footprint of the bungalow would be substantial, and it would spatially and visually fill a large proportion of the appeal site.
10. The proposal would result in a more intensive use of the site. Although already in domestic use, the proposal would introduce a second dwelling, with additional occupiers and increased numbers of comings and goings, spatially altering. There would be a large area of hardstanding, external stairs and retaining walls, additional fencing, electric vehicle charging points, bin storage and a vehicle lift. Despite the modest scale of the curtilage, due to the increased number of households, there would also be greater pressure for domestic paraphernalia. Consequently, the proposal would cause a moderate loss to the openness of the Green Belt when compared to the existing situation.
11. Overall, I conclude that the proposal would be inappropriate development in the Green Belt, including its effect on the openness of the Green Belt, having regard to local and national policy. It would conflict with Policies SADM1, SADM16, SADM34 and SP9 of the Welwyn Hatfield Borough Council Local Plan 2016-2036 (October 2023) (WHLPP) where collectively they seek to control development in the Green Belt and ensure the borough's landscape is conserved and enhanced. Further, the proposal would not accord with the

¹ Application Reference: 6/2021/1926/LAWP

Framework where it requires development within the Green Belt to not be inappropriate and preserve the openness.

Location

12. WHLP Policies SP1 and SP3 outline the spatial strategy for the distribution of housing development within the Borough, with development largely focussed on the towns of Welwyn Garden City and Hatfield. WHLP Policy SADM1 supports windfall development subject to a number of criteria, including that the site is previously developed and accords with WHLP Policy SADM34 and that the proposed site is accessible to a range of services and facilities by transport modes other than car. Further, WHLP Policies SADM3 and SP9 seek to ensure that places are environmentally sustainable, accessible and provide safe, direct, and convenient routes that are pleasant to use.
13. As I have concluded above, the appeal site constitutes previously developed land, however as described above, the proposal would not accord with WHLP Policy SADM 34 and as such is not a location where development would be permitted. In addition, although the proposal would not be isolated, it would not be accessible via public transport and would be located a significant distance away from any services or facilities required for day-to-day living.
14. The appellant contends that a number of services and facilities would be within walking or cycling distance, however there are no dedicated footpaths, cycle lanes or streetlights for a substantial portion of the routes into Welham Green or Bell Bar. Further, Bulls Lane is primarily at the national speed limit and is unlikely to be a particularly desirable route for pedestrians and cyclists. Accordingly, I am not persuaded that a range of services and facilities would be accessible by transport modes other than private car or that the routes on offer would be safe or appropriate to use.
15. I acknowledge that car journeys to Hatfield would be limited in length and that home delivery services and home working would reduce the number of journeys taken. However, as the appeal site is itself a location where a dwelling would not normally be permitted, any number of journeys, of any length would constitute an increase, irrespective of any potential carbon offsetting, due to the proposed energy efficiency measures, and use of renewable technologies. Hence, there would be an increase in energy demand and carbon emissions on the site beyond the existing levels of just one dwelling.
16. Therefore, I conclude that the appeal site would not be a suitable location for the proposed development, in respect of local and national policy. The proposal would conflict with Policies SP1, SP3, SP9, SADM1 and SADM3 of the WHLP in this regard. The proposal would also fail to accord with the objectives of the Framework to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.
17. Hertfordshire's Local Transport Plan 2018-2031 (May 2018) has been referred to in the Council's reasons for refusal. However, my attention has not been drawn to any specific area of the plan with which the proposal conflicts.

Character and appearance

18. The area is rural, characterised by scattered, detached two-storey dwellings within substantial verdant, plots that are spacious and open. Although the surrounding dwellings have a large volume, they have compact footprints with

traditional detailing. Unobtrusive boundary treatments and numerous outbuildings, that are subservient in scale to the main dwellings, are apparent within the area and contribute to the rural character.

19. The subdivision of the existing curtilage of The Cottage would result in an uncharacteristically small plot. Notwithstanding tree planting, the development of the site with a bungalow and associated features, including areas of hardstanding would urbanise the plot and would significantly diminish the contribution that it makes to its rural setting. Despite the use of natural materials and the proposal's low-profile, due to the large footprint, shallow roof and ad-hoc openings, the house would appear incongruous when viewed against the traditional residential dwellings and outbuildings in the area and would appear overbearing on the existing open space.
20. Consequently, I conclude that the proposal would harm the character and appearance of the area. It would conflict with WHLP Policies SP9, SP11, SADM11 and SADM16. Collectively these policies seek to ensure that development relates well to its surroundings and local distinctiveness, including open spaces and landscape character. They require development to be of a high-quality architectural design that create coherent and attractive elevations.
21. In addition, the proposal would conflict with the provisions of the Framework which seek to ensure that development is visually attractive as a result of good architecture and is sympathetic to local character, including the surrounding built environment and landscape setting.
22. In this case I find no conflict with WHLP Policies SP10 or SADM12. These Policies seek to ensure that development adopts sustainable design and construction principles and that adequate parking, servicing and refuse storage facilities are provided.

Other Considerations

Fallback

23. My attention has been drawn to a proposed outbuilding which has been put forward as a fallback position and which is supported by a Lawful Development Certificate². Although the outbuilding and the appeal scheme have similar footprints, due to the proposed change in levels the height of the appeal proposal would be greater. In addition, to accommodate the level changes, stairs and/or ramps would be required. In contrast, the outbuilding would have a simpler design, with minimal eaves overhangs and a limited number of openings. It would appear ancillary in nature to the main dwelling and would not result in the subdivision of the wider plot.
24. Whilst a similar landscaping scheme could be implemented around the outbuilding, it would not introduce additional occupiers or vehicle movements to the area and would not increase pressure for domestic paraphernalia. Although both schemes would be able to accommodate a large number of vehicles, the appeal proposal would introduce an external car lift with safety rails increasing the footprint and volume of development.
25. Consequently, due to the increased volume of development, the ad-hoc elevational detailing and the intensification in the use of the site, I find that the

² Application Reference: 6/2021/1926/LAWP

appeal proposal would have a significantly greater effect on the openness of the Green Belt and the character and appearance of the area than the fallback position. I therefore afford this very limited weight.

5-Year Housing Land Supply

26. The appellant asserts that the Council can only demonstrate a 2.6-year housing land supply and the Council do not disagree. The shortfall in supply is substantial.
27. The proposal would provide an additional dwelling and would contribute to the districts housing supply. Whilst the Framework seeks to boost the housing supply, one additional dwelling would make little difference to the overall supply of housing even given the substantial shortfall. Therefore, this benefit attracts moderate weight.

Other Matters

28. The proposal would utilise energy efficient design and technologies. While this is commendable and would accord with the Framework where it supports the reduction of greenhouse gas emissions, minimal details have been provided and I have limited evidence to indicate how the proposed design and technologies would be implemented. Several trees would be planted and ecological enhancements such as bird boxes would be installed. Although the Framework seeks to conserve and enhance the natural environment, due to the limited scale of the proposed enhancements there would be a negligible effect on air quality and wildlife in the area. Therefore, these benefits attract limited weight.
29. Short term employment would be provided during the construction and in the long term the future occupiers would benefit the local economy and community by helping to sustain the vitality and viability of the surrounding settlements as well as contributing to Council tax. However, the social and economic benefits of a single dwelling would be modest and would have limited weight.

Green Belt Balance

30. The proposed development would be inappropriate development in the Green Belt, which is by definition, harmful. It would also result in a moderate loss of openness to the Green Belt. Furthermore, it would also conflict with the spatial strategy and be harmful to the character and appearance of the area. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
31. I have determined that the appeal proposal would have a greater effect on the openness of the Green Belt and the character and appearance of the area than the fallback position. Notwithstanding this, I attach moderate positive weight to the contribution the appeal site would make to boosting the supply of housing and providing housing where a 5-year housing land supply cannot be demonstrated. I also attach limited positive weight to the other benefits of the scheme. However, these other considerations would not clearly outweigh the harm to the Green Belt arising from inappropriateness, loss of openness and other harm. Therefore, the very special circumstances required to justify the proposal do not exist.

32. The fact that the Council cannot demonstrate a 5-year housing land supply triggers the circumstances in paragraph 11 d) of the Framework. However, in this case, the application of policies in the Framework that protect land designated as Green Belt provide a clear reason for refusing the proposed development in accordance with paragraph 11d)(i). As such, the presumption in favour of sustainable development does not apply.

Conclusion

33. Overall, for the reasons given above, I conclude that the proposal would conflict with the development plan as a whole, and there are no other considerations, including the provisions in the Framework, the fallback position and the benefits of the proposal, which indicate that the development should be determined other than in accordance with it. Therefore, the appeal is dismissed.

K Allen

INSPECTOR