



Appeal Decision

Site visit made on 05 December 2023

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2023

Appeal Ref: APP/A1910/D/23/3320339

Flinton, Lady Meadow, Kings Langley, Hertfordshire WD4 9NF

- 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 David Tuffin against the decision of Dacorum Borough Council.
 - The application Ref 22/02533/FHA, dated 11 August 2022, was refused by notice dated 20 January 2023.
 - The development proposed is demolition of existing garage and storage building and erection of replacement garage, with home office within roof space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether or not the proposal is inappropriate development in the Green Belt;
 - the effect on the openness of the Green Belt; and
 - if the development is inappropriate, its effect on openness and 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

3. The appeal site comprises a dwelling which is situated in the Green Belt. 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 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. Policy CS5 of the Dacorum Borough Council Core Strategy (CS) (2013) states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt.
4. Paragraph 149 of the Framework establishes that, within Green Belts, the construction of new buildings is inappropriate, subject to a number of exceptions. One exception, at paragraph 149 (d), relates to the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. There is no suggestion that any other exception applies.

5. CS Policy CS5 explains that small-scale development will be permitted in certain circumstances. This includes at (b) the replacement of existing buildings for the same use provided that it has no significant impact on the character and appearance of the countryside, and it supports the rural economy and maintenance of the wider countryside.
6. The Framework does not define what it means by 'materially larger'. Therefore, an assessment of whether a proposed building would be materially larger than the one it replaces is a matter of planning judgement.
7. The appeal site comprises a large, detached dwelling set within a substantial plot in a predominantly residential area. To the front of the site is a modest single storey detached garage and storage building which incorporates a log shed and log store. It is proposed to replace the existing garage and storage building with a larger building which would incorporate accommodation in the roof space. An external staircase and dormer door is proposed to gain access to the first-floor accommodation.
8. There is agreement between the parties that the new building is in the same use as the one it replaced, and that it has, approximately, a 25% larger floor area than that building. The appellant indicates that a 25% increase in floor area would not be materially larger than the building it replaces, a view supported by Inspectors in other Local Authority areas.¹
9. The proposed 25% addition to the floorspace would not be a significant increase in and of itself. The building would replace an existing structure, would be seen in the context of existing residential built form and would not have an adverse impact on the character and appearance of the countryside.
10. However, the appeal proposal would also entail a significant increase in height relative to the modest existing building and would have a substantially larger volume than the building it would replace. When viewed in conjunction with the increase in floorspace, this increase in volume would result in a noticeable increase in the scale of the building. There is no indication that the proposals subject of the decisions to which my attention has been drawn also resulted in a comparable increase in volume. Therefore, these decisions do not appear to be directly comparable to the appeal proposal.
11. In light of the above I can only conclude that the proposed building is materially larger than the one it would replace. Accordingly, the proposal would not meet an exception listed in Paragraph 149 of the Framework. It would therefore be inappropriate development in the Green Belt.

Openness

12. The Framework, at Paragraph 137, sets out that 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. Green Belt openness, as a matter of planning judgement, is capable of having both spatial and visual aspects.
13. At my site visit I observed that there was limited vegetation in the northeast corner of the site. This, coupled with sparse vegetation along the eastern site boundary, allows direct and open views of the existing garage and wider appeal

¹ Appeal references APP/X0415/W/15/3129897 and APP/Y3615/W/15/3066092

site from the public footpath to the east. I also observed that the existing garage and wider appeal site were visible from the public footpath to the north through gaps in the boundary vegetation.

14. The increase in footprint of the replacement building would result in more of the Green Belt being built upon than at present, reducing the spatial aspect of its openness. The increased footprint, volume and height of the building would also have a greater visual impact on the openness of the Green Belt when compared with the more modest proportions of the existing building. This would be particularly perceptible in views from Lady Meadow and from nearby public footpaths to the north and east of the site.
15. Therefore, the proposal would result in a loss of openness of the Green Belt, in conflict with paragraph 137 of the Framework. I give significant weight to that harm.

Other considerations

16. The proposal follows the withdrawal of a previous application for a similar form of development, and it is stated that the height and massing of the replacement building have been reduced. However, this does not overcome the conflict I have identified in relation to the main issues and carries no weight in the Green Belt balance.

Planning Balance and Conclusion

17. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. I have also found harm to openness. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework goes on to indicate, at Paragraph 148, that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, are clearly outweighed by other considerations.
18. For the reasons set out above, the harm to the Green Belt would not be clearly outweighed by the other considerations. Therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated.
19. Consequently, for the reasons given above, it is concluded that the appeal should be dismissed.

N Robinson

INSPECTOR