



Appeal Decision

Site visit made on 12 January 2024

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd February 2024

Appeal Ref: APP/A1910/W/23/3324042

The Maple, Roe End Lane, Markyate, St Albans, AL3 8AQ

- 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 Larry McGrane against the decision of Dacorum Borough Council.
 - The application Ref 23/00364/FUL dated 10 February 2023, was refused by notice dated 6 April 2023.
 - The development proposed is described on the application form as "Construction of an equipment and machinery storage building."
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Decision

1. The appeal is dismissed.

Procedural matter

2. The revised National Planning Policy Framework ('the Framework') was published on 19 December 2023. Having reviewed this document, I am satisfied that the policy applicable to the scheme before me remains unchanged from the previous Framework documents published in 2021¹ and 2023². As a consequence, I did not consider there to be a need to reconsult the parties and have determined the appeal in light of the new Framework document, which is a material consideration that should be taken into account.

Main issues

3. The main issues are:
 - whether the development is in an appropriate location;
 - the effect of the development on the character and appearance of the area and Chilterns Area of Outstanding Natural Beauty (AONB).

Reasons

Appeal site context

4. The appeal site is broadly rectangular in shape and consists of an attractive detached dwellinghouse ('the host dwelling') with separate paddock/field that wraps around its curtilage. It falls within the Chilterns AONB and open

¹ National Planning Policy Framework, Ministry of Housing, Communities and Local Government, 20 July 2021.

² National Planning Policy Framework, Department for Levelling Up, Housing & Communities, 5 September 2023.

countryside (the latter being designated as a 'rural area' by the Local Plan Proposals Map³).

Whether the development is in an appropriate location

5. There is no dispute between the parties that the appeal site falls within the open countryside ('the rural area') and outside the curtilage of the host dwelling. The appellant has also clarified that the building would not be used for agricultural purposes, but to store high value machinery and equipment to enable the upkeep of the surrounding land.
6. Policy CS7 of the Core Strategy⁴ states that small scale development will be permitted in the rural area on the provision that it has no significant impact on the character & appearance of the countryside and supports the rural economy & maintenance of the wider countryside. The appellant states that small scale development is not defined by this policy and that the list of different types referred to is not definitive.
7. However, this policy uses the Latin abbreviation 'i.e.' to clarify what is meant by small scale development and refers to 5 different types at subsections (i) to (v). This abbreviation translates to English as 'that is to say' or 'in other words' and therefore provides specific clarification or elaboration on the subject that comes before it. This means that for the purposes of Policy CS7, small scale development should be taken to only mean the 5 types specified.
8. If, as the appellant asserts, that subsections (i) to (v) were merely examples of small scale development and that Policy CS7 allows a more flexible interpretation of what else may fall within this classification, the appropriate Latin abbreviation would have been 'e.g.', which means 'for the sake of example'. In so doing, this abbreviation would then introduce non-exclusive examples to support the sentence before it.
9. The use of i.e. as opposed to e.g. in Policy CS7 therefore makes it clear that a more open interpretation of small scale development was not permitted. In light of this, and by reason of there being no evidence before me that the scheme falls within any of the 5 different types at subsections (i) to (v), I conclude that it does not constitute small scale development for the purposes of Policy CS7 of the Core Strategy. The proposal would therefore be in conflict with this policy, which sets out the types of new development and uses that would be acceptable in the rural area.

The effect of the development on the character and appearance of the area and Chilterns AONB

10. I recognise that views of the proposed building would be filtered from Roe End Lane by a mature hedgerow and that it would be faced in timber cladding with a functional agricultural design. However, by reason of its scale and siting, it would be visible from outside the entrance to the site & surrounding landscape to the south and materially increase the amount of built form in an isolated part of the field/paddock and open countryside where no other buildings currently exist. It would as a consequence be harmful to the character and appearance of the countryside and Chilterns AONB.

³ Dacorum Borough Local Plan 1991-2011, adopted 21 April 2004.

⁴ Core Strategy 2006-2031, adopted 25 September 2013, Dacorum Borough Council.

11. The appellant has emphasized their attempts to address concerns relating to the previous scheme refused by the Council by reducing its scale and height and the extent of hardstanding. However, this does not alter the context of the current appeal or lead me to form a different conclusion.
12. My attention has also been drawn by the appellant to an outbuilding at Spring Cottage. However, I did not find this to be comparable in terms of location and landscape context and have therefore assessed the proposal on its own merits having regard to all of the evidence which is now before me. I also recognise that the Council's Conservation and Design Officer did not object to the scheme, but this does not remove the need for development to be sympathetic to its landscape context or justify the harm identified.
13. In view of the above, I conclude that the scheme would conflict with Policies CS12, CS24 and CS25 of the Core Strategy, which collectively seek, amongst other things, to ensure that development integrates with streetscape character and conserves landscape character & the special qualities of the Chilterns AONB.
14. The scheme also conflicts with Paragraphs 135 and 180 of the Framework which collectively seek, amongst other things; (a) development that is sympathetic to local landscape character; and (b) planning decisions that contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside.
15. I also find the scheme does not accord with Paragraph 3.9 of the Chilterns Buildings Design Guide⁵, which seeks, amongst other things, to ensure that new buildings are in harmony with the landscape when considered from all views.

Planning balance

16. Despite the Core Strategy being over 5 years old, Paragraph 225 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework and that due weight should be given to them according to their degree of consistency with the Framework.
17. Policies CS12, CS24 and CS25 of the Core Strategy are generally compliant with the Framework insofar as they relate to the main issues of this case. However, Policy CS7 of the Core Strategy adopts a more restrictive approach to development in the countryside which does not fully accord with the more balanced and open position of the Framework. I have as a consequence attached only moderate weight to the scheme's conflict with this policy.
18. I have concluded that the proposal does not accord with the development plan and that the most important policies for determining the appeal, namely Policies CS12, CS24 and CS25, are not out of date or inconsistent with the Framework. In view of this, the presumption in favour of sustainable development as outlined in Paragraph 11 of the Framework is not engaged.
19. The scheme would result in a range of public benefits, namely, assisting in the maintenance of the landscape and local employment during construction.

⁵ Chilterns Buildings Design Guide, The Chilterns Conservation Board, Published February 2010.

However, it is my view that when considered collectively, these would be of limited value and outweighed by the harm I have identified.

20. In view of the above, I conclude that the proposal does not accord with the development plan and that other material considerations do not indicate that the proposal should be determined other than in accordance with this.

Conclusion

21. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR