



Appeal Decision

Site visit made on 13 February 2024

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 04 March 2024

Appeal Ref: APP/A1910/W/23/3324939

Oak Cottage, Bourne End Lane, Bourne End HP1 2RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs T Horsfall against the decision of Dacorum Borough Council.
 - The application Ref is 22/02115/OUT.
 - The development proposed is described as an 'outline planning application for construction of 4 dwellings on infill plot within the village'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised version of the National Planning Policy Framework (the Framework) on 19 December 2023. Both main parties have had the opportunity to comment on the implications of this for the appeal and I have taken it into account in coming to my decision.
3. The appeal scheme relates to an outline proposal, with access to be considered at this stage, and with all other matters reserved for future consideration. I have considered the appeal accordingly. A plan has been submitted as part of the appeal which indicates how four dwellings could be accommodated on the site. I have taken this plan into account for indicative purposes only.
4. The appellant has submitted a signed planning obligation in relation to the Chilterns Beechwoods Special Area of Conservation (SAC) with this appeal. I will return to this matter later in my decision.

Main Issues

5. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to local and national policy;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area;
 - whether safe and suitable access to the site could be provided; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

6. The appeal site is located at the edge of Bourne End within land defined as Green Belt. 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 further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 154. These include limited infilling in villages. Policies CS1, CS2 and CS5 of the Core Strategy 2006-2031 (September 2013) (CS) accord with the Framework in this regard.
7. The CS creates a distinction between hamlets and villages made based on the settlement's size and function. Whilst I acknowledge that the CS designates Bourne End as a hamlet, the settlement is substantial in scale, with development not only concentrated along the A4251 but stretching to the north and south, along streets such as Bourne End Lane.
8. Further, despite the closure of The Watermill Hotel, there are a number of services and facilities, including several pubs, a petrol station with convenience store, a church, a children's nursery and a village hall. The village also benefits from a frequent bus route into larger nearby towns. Consequently, due to the physical spread and density of development in the area, combined with the number of local services, I consider Bourne End to be a village.
9. The appeal site comprises a large area of land associated with Oak Cottage, enclosed by a mixture of mature hedges and trees as well as boundary fences. Despite the surrounding built development and the presence of a small amount of domestic paraphernalia, the majority of the appeal site, beyond the existing stable block, has an open, verdant character. Whilst the mature trees to the northwest, separate the appeal site from the surrounding agricultural fields, it most closely relates to the open countryside and contributes significantly to the open, rural setting of the village. As such, regardless of its association with Oak Cottage and its proximity to Bourne End, I do not consider it to be within the village.
10. The preamble to Policy CS5 defines infilling as the filling of small gaps between existing development. I agree with the appellant that it is possible for limited infill to comprise more than two dwellings. However, in this case, the appeal site is in a backland position and the built development to the southwest is some distance away, such that I do not consider it to form a small gap between existing development but an open area of land to the rear of the linear development fronting Bourne End Lane and Lauries Close. Consequently, the proposal would not constitute an infill development.
11. My attention has been drawn to a number of other approved schemes which the appellant considers to be comparable. However, there are fundamental differences to the appeal proposal, these include the location, the surrounding built form and pattern of development. As such, the context would differ significantly to that of the scheme before me, and so it does not lead me to a different view in this case.
12. Considering the above, the proposal would not meet the exception outlined in paragraph 154 e) of the Framework. Therefore, I conclude that the proposal

would be inappropriate development in the Green Belt. It would conflict with Policies CS1, CS2 and CS5 of the CS and the associated policies of the Framework which collectively seek to control development within the Green Belt.

Openness

13. The parties agree that only part of the appeal site is in residential use with the remainder of the land designated as paddock with an associated stable block. Although the wider site appears to be maintained as an extended residential garden with mown lawns, a vegetable patch and a small amount of domestic paraphernalia, as described above, it maintains an open verdant character that most closely relates to the surrounding countryside.
14. Although the appeal site would be largely screened from public views it would be readily visible from the surrounding properties. The proposal would introduce four dwellings and would urbanise the site. Whilst appearance, landscaping, layout, and scale have been reserved for future consideration, the built mass of four dwellings would be significantly greater than existing and would visually and spatially fill a much larger proportion of the site than the existing stable block and domestic paraphernalia.
15. The proposal would result in a more intensive use of the site, with additional occupiers and increased numbers of comings and goings. There would be areas of hardstanding, additional fencing and a greater pressure for domestic paraphernalia. Consequently, I conclude that the proposal would encroach into and result in a moderate loss to the openness of the Green Belt when compared to the existing situation.

Character and appearance

16. The area is rural, surrounded by open countryside. Whilst the modern estate at Horseshoe Close increases the depth of development in this area of Bourne End, the area surrounding the appeal site is predominantly characterised by dense, road-fronting linear development.
17. Whilst the majority of details have been reserved for future consideration. The proposal would introduce four dwellings in a backland position which would encroach into the surrounding countryside. As such, regardless of the detailed design, the proposal would appear incongruous when viewed amongst the surrounding dense, road fronting development. Notwithstanding this, I am satisfied that subject to details regarding layout, suitable provision could be made to promote a pedestrian friendly environment.
18. Nevertheless, overall, I conclude that the proposal would harm the character and appearance of the area. It would conflict with Policies CS10, CS11 and CS12 of the CS, which collectively require development to respect defined countryside borders and landscape character surrounding villages as well as typical density and integrate with the existing streetscape character.
19. In this case I do not find conflict with Policy CS13 of the CS where amongst other things it seeks to ensure that development promotes pedestrian friendly shared spaces.

Access

20. Bourne End Lane is a narrow road limited to 20 mph, without pedestrian footways. There is a substantial amount of on street parking as well as a large number of private drives.
21. Whilst a drawing has been submitted to indicate the proposed visibility splays, no dimensions have been provided and the splay has been cropped to prevent a scaled measurement from being taken from the drawing itself. Consequently, I am unable to determine if the required visibility in order to maintain highway safety, would be possible. I note the Council's concerns regarding vehicle tracking within the site, however layout has been reserved for future consideration and given the size of the appeal site, I am satisfied that a suitable internal road layout could be provided.
22. Notwithstanding the above, the splay does not dissect the boundary shared with No 18 and would not require any agreement with neighbouring owners to be implemented. No separate pedestrian access has been indicated, however given the limited number of proposed dwellings and the lack of pedestrian footpath along this portion of Bourne End Road this would not be an unusual solution. Moreover, vehicles would be travelling at low speeds along the highway and within the appeal site and there are numerous places where pedestrians could safely wait for passing traffic.
23. Overall, I am unable to determine whether safe and suitable access could be provided. As such, I must take a precautionary approach and conclude that the proposal would conflict with Policies CS8 and CS12 of the CS and Saved Policies 51 and 54 of the Local Plan 1991-2011. These policies seek to ensure that development provides safe and satisfactory means of access for all users, giving priority to the needs of other road and passenger transport users over the private car.

Other Considerations

Five-year housing land supply

24. The appellant asserts that the Council has between a 1.76-2.52 year housing land supply and the Council do not disagree. The shortfall in supply is substantial and based on the information provided, is persistent.
25. The proposal would provide four additional dwellings in an accessible location that would contribute to the boroughs housing supply. Moreover, as a small site the proposal could be delivered in the short term. Whilst the Framework seeks to boost the housing supply and recognises the important contribution small sites can make, four dwellings would make little difference to the overall supply of housing even given the substantial shortfall. Therefore, this benefit only attracts considerable weight.
26. 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 four dwellings would be modest and would have limited weight.
27. The appellant asserts that the proposal would be implemented as a self/custom build development. Whilst the Framework supports the provision of self/custom

build housing, I have no mechanism before me which would secure this. As such I attach negligible weight to this matter.

Chilterns Beechwoods SAC

28. The parties agree that the development would likely generate additional recreational impact on the Chilterns Beechwoods SAC and is therefore subject to provide a financial contribution towards the management of the Ashridge Estate and to provide alternative natural green space as described in the Chilterns Beechwoods SAC Mitigation Strategy.
29. However, as I have already identified harm in respect of the main issues, it is not necessary for me to undertake an appropriate assessment, as even if no harm was identified or any harm successfully mitigated, these would be neutral considerations at best and therefore would not alter the outcome of the appeal. Although, the appellant has provided a signed planning obligation, there is disagreement between the parties regarding its implementation in terms alternative natural green space. Notwithstanding the above, in these circumstances, it is not necessary to consider these matters further for the purposes of my decision.

Green Belt Balance and Conclusion

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 be harmful to the character and appearance of the area with an undetermined impact on highway safety. 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 attach considerable 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.
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 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