



Appeal Decision

Site visit made on 12 February 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2024

Appeal Ref: APP/P1940/W/23/3327431

1 Gade Bank, Croxley Green, Hertfordshire WD3 3GD

- 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 Grigor Ziu against the decision of Three Rivers District Council.
 - The application Ref 23/0256/FUL, dated 7 February 2023, was refused by notice dated 17 April 2023.
 - The development proposed is a two-storey dwelling with associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In December 2023 the Government published a revised National Planning Policy Framework (the Framework) accompanied by a written ministerial statement. The revised Framework is a material consideration which should be taken into account from the day of publication. Whilst the revisions have resulted in changes to paragraph numbers, the substance of the Framework in terms of the Green Belt has not. Having considered the revisions and in light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of development plan policy and the Framework;
 - the effect of the proposal on the openness of the Green Belt;
 - if it is inappropriate, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development; and
 - whether the proposal includes adequate provision for affordable housing.

Reasons

Whether the proposal is inappropriate development

4. The Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
5. The appeal site is located to the side of No 1 Gade Bank (No 1), a semi-detached two-storey dwelling. The site extends to the rear parallel to Rousebarn Lane. The proposal is for a two-storey dwelling attached to No 1. Paragraph 154 of the Framework regards the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include limited infilling in villages. The Framework and the Planning Practice Guidance (PPG) do not define, collectively or individually, 'limited infilling in villages', but to meet this exception development must be limited, must represent infilling and must be in a village. The parties agree that the proposal would be "limited".
6. Policy CP11 of the Core Strategy (2011) (CS) sets out the general presumption against inappropriate development that would not preserve the openness of the Green Belt and Policy DM2 of the Development Management Policies Local Development Document (2013) (LDD) states that development proposals for new buildings within the Green Belt will be assessed in accordance with government guidance in the Framework and other relevant guidance.
7. Croxley Green is designated as one of the 'key centres' in the CS, which are identified as medium sized settlements providing a range of services and facilities. There is no definition within the Framework that requires a village to be of a particular size or allocated as such in a development plan. The settlement is distinct given its separation from the outer parts of Watford by the Grand Union Canal and the River Gade and other settlements by the surrounding countryside. Notwithstanding its size, the settlement has facilities, services and features, including public houses, schools, shops and a village green.
8. The extent of the settlement is identified within the Policies Map. While this is a useful indication of its extent, it is not necessarily determinative. Nonetheless, the site is detached from the built-up area of Croxley Green and is accessed by the narrow Rousebarn Lane. Although the site is adjacent to a row of development at Gade Bank, the area has a distinctly rural character, which sets it apart from the urban feel of Croxley Green. Although settlements could include elements of the countryside, the significant detachment of the site from the urban confines of Croxley Green means that it is not within the settlement.
9. Land to the rear of the site has been allocated for education use. However, the built form of the school is located a significant distance from the site and is adjacent to the built-up area of Croxley Green. Furthermore, there is no substantive evidence before me to suggest that the entire parcel of the allocated land would be developed.
10. The site is adjacent to No 1, which is the first in a row of semi-detached dwellings. The site includes land to the rear, which rises significantly, adjacent to Rousebarn Lane. The land on the opposite side of Rousebarn Lane is undeveloped and is largely covered by mature trees. Although the dwelling would adjoin No 1, the other boundaries are not adjacent or close to any other

development. Therefore, even if I were to accept that the site was in a village, the proposal would not comprise an infill.

11. For these reasons, I find that the proposal would not fall within the exceptions specified within the Framework. The proposal would therefore be inappropriate development which is, by definition, harmful to the Green Belt. The Framework requires that substantial weight is given to any harm to the Green Belt. The proposal would therefore conflict with Policy CP11 of the CS, Policy DM2 of the LDD, which collectively seek to protect the Green Belt from harm and the Framework, in this regard.

Openness

12. The Framework identifies the essential characteristics of Green Belts as being their openness and their permanence. Other than the existing block paving, the site is largely undeveloped. The existing trees to the rear of the site would partially reduce the visual effect of the proposal on the surrounding area. However, given that the site is open to the front and side there would be a significant reduction in the visual openness of the site. The scale and massing of the proposed dwelling would therefore result in a harmful reduction in both the visual and spatial aspects of openness.
13. For these reasons, I find that the proposal would harm the openness of the Green Belt. The development would therefore conflict with Policy CP11 of the CS, Policy DM2 of the LDD and the Framework in this regard.

Other considerations

14. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to harm to the Green Belt and "very special circumstances" will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
15. My attention is drawn to a development at Abbots Langley. From the limited details presented, I am unable to draw any firm comparison. However, I note that that site is closer to the settlement than would be the case in this instance, and the Council report that it lies within the settlement boundary. Furthermore, the development at Abbots Langley is positioned between what was existing development on two sides of the site. As such, the scheme, and the specific circumstances at that site, are materially different to the one now before me. Each proposal should be considered on its individual merits and with appropriate regard to the development plan and any material considerations. Consequently, this consideration carries neutral weight.
16. I have also considered the appellant's reference to an earlier appeal where an Inspector is reported to have found that being outside of the village boundary was not a preclusion to being considered under the limited infilling exemption. I am satisfied that I have carried out a similar analysis in my own assessment of the main issue
17. The scheme would provide one dwelling, making a positive contribution to housing supply within the District. The Framework explains that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. There would

also be associated social and economic benefits during the period of construction and once the dwelling is occupied. However, the contribution of one dwelling to meeting housing need in the District and the associated benefits would be limited by the scale of the development proposed. I therefore attribute limited weight to this.

18. For these reasons, I find that the other considerations in this case, as set out above, do not clearly outweigh the totality of the harm to the Green Belt that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist. The proposal would therefore conflict with Policy CP11 of the CS, Policy DM2 of the LDD and with Paragraph 154 of the Framework.

Affordable housing

19. Policy CP4 of the CS requires commuted payments towards the provision of off-site affordable housing. A completed planning obligation has not been submitted to provide the necessary commuted payments, and I note the appellant's statement in their final comments that one would not be provided at this stage.
20. I conclude that the proposal does not make adequate provision for affordable housing. The proposal would therefore conflict with Policy CP4 of the CS and the Framework, which seek to increase the provision of affordable homes in the District.

Planning Balance and Conclusion

21. The Council concedes that it is unable to demonstrate a five year supply of deliverable housing land. Paragraph 11 d) i) of the Framework states that in these circumstances permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development. Footnote 7 clarifies that this applies, amongst other things, to policies in the Framework relating to land designated as Green Belt.
22. The proposed development would be inappropriate development, which is by definition harmful to the Green Belt. The Framework requires that substantial weight is given to any harm to the Green Belt and this would not be clearly outweighed by other considerations. Therefore, the application of the policies in the Framework provide a clear reason for refusing planning permission. Consequently, the proposed development does not benefit from the test set out in paragraph 11 d) ii) of the Framework.
23. The proposal would conflict with the development plan as a whole. The other considerations in this case do not indicate that a decision should be made otherwise than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR