



Appeal Decisions

Site visit made on 27 February 2024

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 April 2024

Appeal A Ref: APP/X1925/W/23/3331750

Land at Longmeadow, Hitchin Road, Weston SG4 7AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Fursland against the decision of North Hertfordshire District Council.
 - The application Ref is 23/00949/FP.
 - The development proposed is the erection of one dwelling with partial basement off new access.
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Appeal B Ref: APP/X1925/W/23/3331751

Land at Longmeadow, Hitchin Road, Weston SG4 7AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Fursland against the decision of North Hertfordshire District Council.
 - The application Ref is 23/01698/FP.
 - The development proposed is the erection of one, four-bed dwelling with partial basement off new access.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Main Issues

3. The main issues relevant to these appeals are:
 - whether the proposed developments are inappropriate in the Green Belt, and the effect upon the openness of the Green Belt;
 - the effect of the development upon the character and appearance of the area; and
 - if the developments are inappropriate, 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 necessary to justify the developments.

Reasons

Whether inappropriate development in the Green Belt and the effect on openness

4. The appeal site straddles the boundary of the Metropolitan Green Belt. Policy SP5 of the North Hertfordshire Local Plan (the Local Plan) supports the

principles of the Green Belt and states that proposals should not result in inappropriate development. Furthermore, Paragraph 152 of the National Planning Policy Framework (the Framework) identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. As Policy SP5 does not provide examples of inappropriate development, I have had regard to the Framework, at Paragraph 154. This regards the erection of such new buildings as generally being inappropriate in the Green Belt but lists some exceptions. This list includes limited infilling in villages.

5. The site is located on land between 48 Hitchin Road and Longmeadow. However, there would be a relatively large distance between the proposed house and Longmeadow when considering the local context, which means the site has an open character. Moreover, Longmeadow and the house proposed in Appeal A would not be readily viewed alongside one another. This means that even though the new house would be in a garden, it would not be part of a continuous and consistent line of built development owing to the separation from neighbouring buildings and its proximity to the road. In consequence, irrespective of whether the site is in a village, the house proposed through Appeal A would not be a limited infill.
6. Although the house proposed in Appeal B is of smaller construction, the fact that it would not be sited as part of a continuous line of built-up development means that even though this house could be in a village, it cannot be regarded as being a limited infill.
7. In terms of openness, the site consists of a gently undulating garden, lacking in significant permanent structures, or areas of hard standing. Although the front boundary is marked by a fence, the site has a verdant appearance and therefore does not appear as being part of a built-up area. The developments would result in a notable increase in the overall level of buildings in the Green Belt, particularly recognising the lack of buildings currently on the site. This would result in an erosion of the spatial sense of openness. In addition, this increase in built form would be viewed from the road, where currently there are limited views of nearby buildings. This means that there would be an erosion of the visual sense of openness in the Green Belt.
8. Paragraph 155 of the Framework identifies some types of development that might not be considered inappropriate in the Green Belt. This includes engineering operations, providing that they preserve the Green Belt's openness; and do not conflict with the purposes of including land within it. The development in Appeal B includes a car parking area. Owing to the scope of activities that would be required to facilitate its construction, such as groundworks, it would be an engineering operation.
9. In terms of openness, the site consists of a gently undulating garden, lacking in significant permanent structures, or areas of hard standing. Although the front boundary is marked by a fence, the site has a verdant appearance and therefore does not appear as being part of a built-up area, even if a house were to be constructed at the site, due to its prominence.
10. The car parking would require the removal of a section of the bank adjacent to Hitchin Road. The appellant's Statement of Case estimates that this has a height of 2m, which means that the bank is a prominent defining feature in the vicinity. In addition, the car parking spaces require some levelling works and

the installation of hard surfacing. These operations, taken cumulatively, would result in an increase in the overall level of built form at the site. Therefore, the car parking would erode the Green Belt's spatial sense of openness.

11. The inclusion of a retaining wall near the car parking, combined with the presence of parked vehicles means additional and permanent physical features would be present. These would be readily visible from Hitchin Road. This element of the development in Appeal B would result in a loss of the Green Belt's visual sense of openness.
12. Paragraph 143 of the Framework sets out the purposes of including land in the Green Belt. The proposed developments would be of an engineered appearance due to the removal of features such as the bank, the providing of level hard standing and the presence of parked vehicles. As the site currently features few elements of built form, the proposals would result in the encroachment into the countryside by an urban form of development. In consequence, both proposed developments would conflict with the purposes of including land in the Green Belt.
13. The land on the opposite side of Hitchin Road has been allocated for a residential development of up to 40 houses, with some existing houses nearby. Whilst these sites are not in the Green Belt, part of the appeal site is within it. The Framework, at Paragraph 145, is unambiguous that changes to the Green Belt's boundaries should be made only through the plan-making process. Policy SP5 confirms that, as part of the evolution of the Local Plan, a thorough review of the Green Belt's boundaries took place. In result, I must consider whether the schemes before me are inappropriate and their effect upon the Green Belt's openness, irrespective of the form of forthcoming and existing developments.
14. My attention has been drawn to previous appeal decisions. These appeal decisions relate to sites a significant distance from the appeal site, where the proposals were assessed against different development plan policies. Nonetheless, it is apparent from the submitted documents that the previous houses that were allowed were typically located parallel with existing homes or sited further back from a front boundary. Additionally, these previous developments have a notably different layout from the appeal schemes before me and do not have the same effects upon the openness of the Green Belt. In result, they do not lead me to forego my previous findings.
15. I therefore conclude that both developments proposed in Appeals A and B would be inappropriate in the Green Belt and would erode its sense of openness. The developments, in this regard, would conflict with the requirements of Policy SP5 and the Framework.

Character and appearance

16. The appeal site consists of a large garden area. Although not an infill, the site is at the edge of the village. Existing houses are typically constructed to modest proportions, with low eaves heights and are recessed from the road. Dormer windows occur on an infrequent basis. Landscaping is often in front of houses, with much of the car parking being located to the side of buildings. These factors, when combined, mean that the surrounding area has an open and traditional built character.

17. To facilitate the installation of the proposed car parking, a section of the bank adjacent to Hitchin Road would need to be removed. This is a notable feature. Furthermore, the positioning of the car parking area directly in front of the house would create a more engineered appearance in contrast to the existing verdant and softer character.
18. The house proposed in Appeal B would have several notable differences between it and the existing homes in Hitchin Road. Firstly, although there would be some limited landscaping, the front wall of the basement would be readily viewable from the street, along with the rest of the front elevation. In addition, the presence of box dormers on the front roof slope creates the impression that the proposed house would be of three storeys in height. Moreover, to provide sufficient internal room for the users of the third storey, the eaves of the house would be immediately above the first-floor windows. Therefore, the roof of the house would be large. These factors, when combined, create a bulky design.
19. In consequence, the bulkier form of the houses proposed in Appeal B would erode the open and traditional character and would appear incongruous. This harmful impact would be compounded by the prominence of the building from local vantage points.
20. The house in Appeal A would feature the same jarring and discordant architectural features. However, the adverse effects would be greater due to the inclusion of a projecting gable element on the house's front elevation. In addition to creating a large house, it would also mean that not all the front roof slope would face the road like several nearby houses. Therefore, even though the ridge height of the proposed house would be slightly lower than neighbouring houses, the resultant development would have a greater bulk and would appear strident. The development would also be readily viewable from Hitchin Road.
21. Although the proposals would retain some of the site's landscaping and additional planting would take place, the positioning of the different proposed houses is such that it would be readily perceptible. Therefore, landscaping would not overcome my preceding findings.
22. I therefore conclude that both the proposed houses would have a significant adverse effect upon the character and appearance of the area. The developments, in this regard, would conflict with the requirements of Local Plan Policy D1. Amongst other matters, this seeks to ensure that developments respond positively to the site's local context and minimise the visual impact of parking provision.

Other considerations

23. The appellant has not advanced any further points in favour of the appeal scheme. However, both appeal proposals would result in an increase in the local housing supply, but there is no evidence before me that indicates that there is a notable shortfall of housing in the Council's area. Therefore, this is a matter of limited weight.
24. The construction of a dwelling and its occupation would generate some economic benefits. However, some of these would be time-limited in duration and there is no evidence before me that would demonstrate that existing

services and businesses are experiencing a diminished number of customers. Therefore, this matter carries a limited amount of weight.

Other Matters

25. The proposals could be constructed from appropriate materials and would feature items such as solar panels, electric car charging points and rainwater recycling. Furthermore, it is unlikely that the living conditions of the occupiers of neighbouring properties would be eroded or that there would be an adverse effect upon highway safety. However, such matters would ensure conformity with other development plan policies or building regulations and therefore do not outweigh my findings in respect of the main issues.

Planning Balance and Conclusion

26. Paragraphs 152 and 153 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
27. I have concluded that the appeal schemes would be inappropriate development and would, by definition, harm the Green Belt. In coming to this conclusion, I found that the appeal schemes would result in an adverse impact on the openness of the Green Belt. Paragraph 153 of the Framework requires substantial weight to be given to any harm to the Green Belt. In addition, the proposals would have a significant adverse impact upon the character and appearance of the area, to which I also attribute a significant amount of weight.
28. The other considerations I have identified, whilst carrying limited weight as matters in favour of the proposals, would not outweigh the cumulative harm I have identified. As such the harm to the Green Belt, and any other harm resulting from the proposals, would not be clearly outweighed by the other considerations. Thus, the very special circumstances necessary to justify either of the developments do not exist and therefore the proposals would fail to adhere to the local and national policies that I have already outlined. Therefore, for the preceding reasons, both the appeals should be dismissed.

Benjamin Clarke
INSPECTOR