



Appeal Decision

Site visit made on 4 January 2024 by T Bennett BA (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th April 2024

Appeal Ref: APP/A1910/D/23/3329414

Everglades, Old Watling Street, Flamstead, St. Albans AL3 8HJ

- 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 Gary Burton against the decision of Dacorum Borough Council.
 - The application Ref 23/00149/FHA, dated 16 January 2023, was refused by notice dated 29 June 2023.
 - The development proposed is side extension of existing office.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are a) whether the proposal would be inappropriate development in the Green Belt; b) its effect on the openness of the Green Belt; and c) if the development is 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 it.

Reasons for the Recommendation

Whether Inappropriate Development

4. The construction of new buildings should be regarded as inappropriate in the Green Belt. One exception, set out at Paragraph 154 c) of the National Planning Policy Framework 2023 (the Framework), is for the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. In this context, the original building means as it was built or as it existed on 1 July 1948 (whichever is the later). The Framework does not define disproportionate. It is therefore a matter of planning judgement. Policy CS5 of the Dacorum Borough Core Strategy 2013 (CS) explains that the Council will apply national Green Belt policy in order to protect it and that small scale development will be permitted, i.e. the limited extension to existing buildings.
5. The appellant does not debate that the proposed extension would result in an increase in floorspace of over 60% compared to the original. This would

represent a significant increase in built form which would include mass, volume and height. It is patently clear therefore that the scheme would represent disproportionate additions over and above the size of the original building and thus not fall within the above exception. I agree that the appeal scheme could be considered small scale for the purposes of Policy CS5 but, for the reasons set out, it would not be a limited extension to an existing building.

6. I have not considered the proposed increase to the outbuilding alongside previous extensions to the main dwelling. If I were, considering the stated 200% increase in size of the original dwelling due to previous additions, the proposal would still result in disproportionate additions for the purposes of the Framework. The proposal would therefore be inappropriate development in the Green Belt, conflicting with the Green Belt protection aims of the Framework and Policy CS5 of the CS. Inappropriate development is, by definition, harmful to the Green Belt.

Openness

7. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is an essential characteristic of the Green Belt. It is epitomised by the lack of buildings or development and has, consequently, both a visual and spatial aspect.
8. The existing outbuilding is sited forward of the front elevation of the main dwelling, close to the site boundary and is largely screened from public vantage points by mature planting. The proposed increase in the size of the outbuilding would result in it being closer to the entrance of the site. Visually this would be more prominent but, because of the screening, the effect of the proposed development on the Green Belt's visual openness would be limited.
9. There would however be a harmful reduction in the spatial openness of the Green Belt because of the increase in size of the outbuilding, establishing development where there was previously none. In that regard, the extension would not preserve the openness of the Green Belt, thereby conflicting with the aims of including land within the Green Belt when assessed against the Framework. This harm would be in addition to the inappropriateness of the scheme.

Other Considerations

10. The extension would utilise matching materials and retain key architectural features, harmonising with the surrounding built form. It would also not have an adverse effect on neighbouring occupiers. The absence of harm is however a neutral factor, weighing neither for nor against the appeal. The proposal may make efficient use of the land. The site is however in the Green Belt where one of the key functions is to keep land permanently open. Thus, there is no imperative to develop the land in planning terms and this is not a matter that attracts weight in favour of the proposal. There would be small economic benefits associated with the employment of builders and trades people which would support the rural economy. However, owing to the scale of the proposal those benefits would be limited.

Other Matter

11. The Council refer to the appeal site being in the Chilterns Area of Outstanding Natural Beauty. Whilst these have since been renamed as National Landscapes,

the scale, location and nature of the proposed development are such that it would unlikely have a noticeable effect on its special characteristics.

Conclusions and Recommendation

12. The proposal would be inappropriate development in the Green Belt. It would also reduce its openness. I attach substantial weight to these matters. The appeal scheme should only be approved in very special circumstances. Such will not exist unless any harm to the Green Belt is clearly outweighed by other considerations. This is a high bar. Given my findings on the other considerations as they are set out above, it is clear that they would not be sufficient to clearly outweigh the harms I have found. The very special circumstances needed to justify the proposal do not therefore exist. The proposed development would conflict with the development plan and the Framework, and material considerations presented are not sufficient to lead me to determine otherwise. I thus recommend the appeal should be dismissed.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

13. The appeal site is within the zone of influence of the Chilterns Beechwoods Special Area of Conservation (SAC). As the competent authority in this case, I have a duty under the Conservation of Habitats and Species Regulations 2017 to consider, in the interests of the protection from harm, whether a given development would have likely significant effects on the integrity and/or special interest of the SAC either in isolation or in combination with other plans/projects. In this particular case, such harm can arise from recreational pressures brought about as a result of new occupiers of a development using a given area.
14. The Council's evidence suggests that they have screened the appeal scheme and determined that no likely significant effects would occur. I am mindful of the fact that the proposal would be the extension of an outbuilding within an established residential curtilage and that, consequently, it is unlikely to represent an uplift in population to the effect of bringing about greater recreational pressure for the use of the SAC. That said, I have not conducted my own appropriate assessment under the regulations or taken this matter further as I am dismissing the appeal for other reasons, having considered my representative's report and the submitted evidence.

John Morrison

INSPECTOR