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# Appeal Decision

Site visit made on 23 April 2024

**by E Catcheside BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 June 2024**

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**Appeal Ref: APP/W1905/W/23/3331159**

**Land at White Gates Cottage, St James Road, Goffs Oak, Hertfordshire EN7 6TR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
  - The appeal is made by Mr D Stylianides against the decision of the Borough of Broxbourne Council.
  - The application Ref is 07/23/0664/PIP.
  - The development proposed is erection of two new dwellings and one replacement dwelling.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or 'permission in principle' stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The PPG also sets out that the scope of the considerations of permission in principle is limited to location, land use, and the amount of development proposed. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. In addition to the location plan, the appeal documents show an indicative elevation and site plan. The elevation shows three two-storey detached dwellings laid out in a linear form along St James Road. It was this size and layout of the development that was considered by the Council. I have therefore considered the appeal in the same manner.

## Main Issue

5. The Council has stated in its Officer's Report that a residential use in the proposed location is acceptable in principle. However, the Framework states that the construction of new buildings, such as is proposed, should be regarded as inappropriate development in the Green Belt, other than in a few exceptions.

6. Therefore, the main issue in this appeal is whether the site is suitable for residential development, having regard to its location, land use, and the amount of development proposed, with particular consideration to:
- (a) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
  - (b) the effect of the proposal on the openness of the Green Belt; and
  - (c) 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*

7. The appeal site lies within the Metropolitan 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. Policy GB1 of The Broxbourne Local Plan: A Framework for the Future Development of the Borough (June 2020) (LP) is consistent with national policy in that it requires planning applications within the Green Belt to be considered in line with the provisions of the Framework.
8. Paragraph 154 of the Framework sets out that the construction of new buildings should be regarded as inappropriate in the Green Belt, other than in a few exceptions, including (e) limited infilling in villages.
9. The Framework does not define 'village' or 'limited infilling'. It is therefore ultimately a matter of planning judgement as to whether the proposed development falls within these definitions.
10. I have not been directed to any development plan policies that seek to identify the village boundary for the purposes of considering paragraph 154(e) of the Framework. However, in any event, case law<sup>1</sup> has established that the formal boundary of a village may not be determinative for this purpose. Therefore, it is necessary to have regard to the situation on the ground when determining whether or not a site lies within a village.
11. On my site visit, I observed that Goffs Oak village is centred around Cuffley Hill and Newgatestreet Road which, from my observations, are busy roads connecting Cuffley with Cheshunt and Waltham Cross, as well as settlements to the north. Development within the village has a relatively tight grain compared to the surrounding rural area with dwellings, facilities and services grouped together along the roads. The existing group of dwellings on Godfrey Crescent and Evergreen Gardens provide a clear edge to Goffs Oak village at the junction between Newgatestreet Road and St James Road.
12. In contrast, the properties in St James have a distinctly rural character, due in part to the looser grain of dwellings and farms, positioned along a quiet lane. White Gates Cottage and the development to its rear marks the completion of built form within the settlement of St James on the south side of the road. Consequently, the absence of buildings on a large part of the appeal site clearly

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<sup>1</sup> *Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195*

separates St James from Goffs Oak and allows them to be experienced as individual settlements.

13. Taking these factors together, and in the absence of any substantive evidence to the contrary, a large part of the appeal site comprises land in-between Goffs Oak to the west and St James to the east. Therefore, the appeal site does not lie within a village for the purposes of applying paragraph 154(e) of the Framework. Because the appeal site does not lie within a village, the proposed development is not "limited infilling in a village" and the exception listed in paragraph 154(e) of the Framework does not apply.
14. Moreover, even if I had determined that the appeal site is within a village, the proposed development does not have the character of an infill plot. This is because the nearest properties on Evergreen Gardens do not have a presence on the St James Road frontage due to their orientation, set back, and the existing dense hedging along that part of the lane. Moreover, the appeal site is separated from the Evergreen Gardens dwellings by a balancing pond and mast. Therefore, the proposed development would not occupy a gap between existing buildings and would not be "limited infilling" for the purposes of applying paragraph 154(e) of the Framework.
15. It has been put to me that the replacement of the existing building with a new dwelling would fall within the exception listed at paragraph 154(d) of the Framework, which states that the replacement of a building is not inappropriate development in the Green Belt provided the new building is in the same use and is not materially larger than the one it replaces. However, the proposed development is for three dwellings, only one of which would be a replacement dwelling. Therefore, paragraph 154(d) of the Framework does not apply to the appeal proposal.
16. I conclude that the proposed development would be inappropriate development in the Green Belt, having regard to the Framework and Policy GB1 of the LP which, taken together, seek to resist inappropriate development in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to any harm to the Green Belt.

### *Openness*

17. Openness can be perceived visually and spatially. The appeal site lies close to other residential and commercial developments, and the evidence indicates planning permission has been granted for dwellings to the south and east of the appeal site. I do not have sufficient evidence before me to be certain of the full circumstances that led to those developments being accepted. However, notwithstanding those developments, the absence of buildings within a large part of the appeal site allows it to make a positive contribution to openness in this part of the countryside. Therefore, the erection of two additional dwellings would inevitably reduce the spatial openness of the site both vertically and horizontally.
18. Moreover, given the narrow depth of the appeal site, it is reasonably likely that the dwellings could only feasibly be delivered in a linear format along the road as indicated on the submitted drawings. Consequently, the development would significantly reduce the existing undeveloped space that separates the buildings in Goffs Oak from those in St James.

19. Even if the dwellings were to be single storey in height, the proposed buildings would be prominent in views from St James Road due to their proximity and the absence of robust screening. Therefore, there would be a loss of openness in visual terms. Whilst the proposed dwellings could be partially screened by additional landscaping, it would not reduce the harm to spatial openness that would be caused by the development.
20. Therefore, whilst there would not be direct conflict with the key purposes of the Green Belt listed in paragraph 143 of the Framework, the development would undermine the fundamental aim of Green Belt policy, which is to keep land permanently open.
21. Overall, there would be moderate harm to openness in both spatial and visual terms, albeit at a localised level.

#### *Other considerations*

22. There would be some social and economic benefits arising from the proposed development, including the delivery of homes, which would contribute towards local housing supply. Increased expenditure in the local area would also support the viability of nearby rural communities, shops and services. Some construction jobs would also be generated by the proposal. However, the benefits arising from two additional dwellings and a replacement dwelling would be modest and, therefore, when considered cumulatively they carry moderate weight in support of the proposal.
23. No harm has been identified in respect of highway matters, and I have no reason to conclude that the development could not be designed to accord with the character and appearance of the area. It could also feasibly incorporate biodiversity enhancements and low-carbon technologies. However, these matters fall outside of the scope of this application, which is for permission in principle.
24. My attention has been drawn to the lack of public objection to the proposal. However, the absence of public objection does not in itself mean the scheme is acceptable in planning terms.
25. Whilst I do not have the full details of other developments that have been permitted in St James and Goffs Oak, I acknowledge that the area is reasonably likely to undergo change. However, the appeal site continues to be designated as Green Belt where associated national and local policies apply, and it plays an important role in maintaining openness between the buildings in Goffs Oak and St James. Therefore, that other dwellings have been permitted in the local area does not, in itself, justify the erection of additional dwellings on the appeal site.

#### **Green Belt balance**

26. The development would cause harm to the Green Belt by way of its inappropriateness and loss of openness. I attach substantial weight to this harm in accordance with the Framework. Whilst there would be some benefits arising from the proposal, the other considerations in this case do not clearly outweigh the harm I have identified.

27. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal is therefore in conflict with Policy GB1 of the LP and the Framework.

### **Conclusion**

28. Taking all of the above into account, I conclude that the appeal site is not suitable for the residential development proposed, having regard to its location, land use, and the amount of development proposed, with particular regard to the main issues identified above.
29. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, the appeal should be dismissed.

*E Catcheside*

INSPECTOR