



Appeal Decision

Site visit made on 13 June 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2024

Appeal Ref: APP/J1915/W/23/3320496

236A North Road, Hertford, Hertfordshire SG14 2PW

- 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 Edward Pearce against the decision of East Hertfordshire District Council.
- The application Ref is 3/22/1870/FUL.
- The development proposed is new gates (vehicular and pedestrian), brick piers and railings at vehicular/pedestrian access to 5 No. new dwellings.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 2023, and since the Council made its decision on the application, a revised version of the National Planning Policy Framework (the Framework) has been published. I have had regard to the revised Framework insofar as it is relevant to this appeal.

Main Issues

3. The main issues are:
 - Whether the development would be inappropriate development in the Metropolitan Green Belt having regard to the Framework and any relevant development plan policies;
 - The effect of the development upon community cohesion and inclusion; and
 - If the development is inappropriate development in the Metropolitan Green Belt, whether the 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 the development would be inappropriate development

4. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, unless it constitutes one of the exceptions set out in paragraph 154. The appellant refers to the exception at paragraph 154 (g) which sets out that new buildings would not amount to inappropriate development where they would constitute the following:

“limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”
5. To determine whether a development amounts to inappropriate development, paragraph 154 (g) requires a comparison to be made between the openness of the Green Belt with and without the proposed development.
 6. The appeal site was formerly a reclamation yard and landscape nursery. It contained a variety of buildings, including means of enclosure and hard surfaced areas. In December 2020, planning permission was granted for the site’s redevelopment. This entailed the demolition of existing buildings and the erection of 5 dwellings and associated works. Applications to vary this original planning permission have arisen since.
 7. The redevelopment of the site is largely complete – there are 5 dwellings in situ, an access and road serving them, together with hard and soft landscaping. Therefore, the site is now a small residential development, and its former reclamation yard and landscape nursery character has been replaced. Given this, for the purposes of comparing effects upon openness, the site’s former use is not the appropriate baseline, but rather it is the existing development – the group of dwellings.
 8. As an existing small residential development, I acknowledge that the appeal site is located within a part of the Green Belt where built development already has an influence. The site does not have the same degree of openness as, for instance, some of the undeveloped fields and woodland in the surrounding area.
 9. Even so, spanning across the access road, reaching a maximum height of 2.1 metres (m) and constructed of a combination of brick and metal, the proposed development would form a quite significant built feature. As it would be positioned on one road and quite closely beside the heavily trafficked North Road, it would form a clearly visible addition to the area. It would create an enclosing effect upon the existing residential development when viewed from North Road. Therefore, the proposal would result in this particular part of the Green Belt becoming more built-up and having an increased sense of enclosure. This would be sufficient to result in a reduction in the openness of the Green Belt.
 10. This reduction in openness would be modest rather than significant, but it would nonetheless result, and it would be harmful. Consequently, the proposal would have a greater impact on the openness of the Green Belt than the existing development, and it thereby fails to meet the exception at paragraph 154 (g) of the Framework. Furthermore, given the nature of the proposal and all of the evidence put before me in its regard, I have no valid reasons to conclude that the proposal meets any of the remaining paragraph 154

exceptions. Therefore, the proposal constitutes inappropriate development in the Metropolitan Green Belt.

The effect of the development upon community cohesion and inclusion

11. The appellant has drawn to my attention examples of properties in the area which are served by gated accesses. During my visit, I was also able to appreciate that along North Road there are a variety of means of enclosure in place. However, I also noted that within Waterford, just a short distance to the north, there were properties with drives and gardens beside the street which had a more open and inviting character. Therefore, although it is a part of the character of the area for some properties to be situated behind gates, it is not dominant, and plenty of other properties do not address the street scene in this way.
12. Policy HBH2 of the Bengeo Neighbourhood Area Plan (NP) sets out that gated communities will not be supported on the grounds that they do not support the principles of community cohesion and inclusion. I am mindful that this content is very reflective of policies within the Framework which set out that development should promote social interaction, including through street layout, and ensure developments are welcoming places to live.
13. I accept that the site is between Waterford and Hertford rather than a part and parcel of either of them. Despite this, given the proximity of Waterford in particular, and the house just to the south of the site, the existing 5-dwelling development is not so cut-off that it is not part of a wider community. The provision of the gates, piers and railings would serve to separate and shut-in the 5-dwelling development from the land beyond its bounds. This would run counter to the promotion of cohesion and inclusion sought-after by the aforementioned policies.
14. The evidence before me that the proposal is necessary on the grounds of safety and security or to prevent problematic parking and vehicular movements from visitors of Waterford Nature Reserve is not substantive. Consequently, I afford these matters limited weight in my decision.
15. For the above reasons, I find that the proposal would fail to support community cohesion and inclusion, and it conflicts with Policy HBH2 of the NP and advice within the Framework as a result.

Other considerations

16. The appellant submits that gates and piers spanning the access road could be erected through the exercise of the permitted development rights afforded by the Town and Country Planning (General Permitted Development) (England) Order 2015. However, in order to constitute permitted development, those gates and piers could only be a maximum of 1m in height. This would be quite considerably lower than is proposed in the appeal scheme. As a result, there would be differences between the effects wrought upon the openness of the Green Belt. As the larger building, the appeal scheme would have a greater effect upon the openness of the Green Belt than that which could be undertaken as permitted development.
17. Consequently, the appeal scheme would be the more harmful development within the Green Belt. Therefore, even though an alternative form of

development could be undertaken, it would be a less harmful development, and it does not weigh strongly in favour of the appellant.

18. The proposal may not harm the landscape, the living conditions of neighbouring occupiers nor result in effects prejudicial to highway safety. However, the absence of harm in relation to these matters is a neutral factor and does not weigh in the proposal's favour.
19. I have already referred to the variety of means of enclosure in the area and that these form a part of the character of the area. In reaching my planning balance and conclusion below, I have had regard to their presence. However, I must determine this appeal on its own merits having regard to the evidence before me now, my own experience and the particular circumstances of the case.

Planning Balance

20. The proposal amounts to inappropriate development in the Green Belt. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt. I attach substantial weight to this harm. Further harm would result from the proposal's failure to support community cohesion and inclusion which conflicts with Policy HBH2 of the NP.
21. Against the harm I have identified, the other considerations in this case are not sufficient, either individually or cumulatively to clearly outweigh the totality of the harm that I have identified. Consequently, the very special circumstances necessary to justify the development referenced at paragraph 153 of the Framework, do not exist. As Policy GBR1 of the East Herts District Plan requires that proposals are considered in line with the Framework, it follows that the proposal also conflicts with this policy.

Conclusion

22. The proposal conflicts with the development plan as a whole and the material considerations in this case, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

H Jones

INSPECTOR