



Appeal Decision

Site visit made on 18 June 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th July 2024

Appeal Ref: APP/W1905/W/23/3330031

Elmhurst, Appleby Street, Cheshunt, Hertfordshire EN7 6PT

- 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 Steve Pearce against the decision of Broxbourne Borough Council.
 - The application Ref is 07/23/0049/F.
 - The development proposed is a single residential dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt; and
 - 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

Inappropriate development

3. The Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate. Policy GB1 of the Broxbourne Local Plan 2018-2033 (LP), states that planning applications within the Green Belt will be considered in line with the provisions of the Framework. Paragraph 154 of the Framework indicates that, other than in connection with a closed list of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt.
4. There is no dispute between the parties that the proposal constitutes inappropriate development in the Green Belt and there is nothing before me to conclude otherwise. This is because the proposal seeks to construct a new building in the Green Belt.

5. Therefore, the proposed scheme would constitute inappropriate development within the Green Belt which is, by definition, harmful. It would therefore conflict with LP Policy GB1 and with the Framework.
6. The Council's reason for refusal refers to Policy DSC1 of the LP. This policy concerns design principles. Based on the information before me I do not find this policy to be relevant in the context of this appeal.

Openness

7. The appeal relates to a residential plot located on the northern side of Appleby Street, within land designated as Green Belt, which lies opposite a housing estate and abuts farmland. Development along Appleby Street is sporadic and interspersed with fields.
8. The Framework notes that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of the Green Belt are their openness and permanence.
9. The openness of the Green Belt has a spatial aspect as well as a visual aspect. The proposal would introduce a significant amount of built form within a residential garden that is mostly devoid from built form. Due to its scale, volume and associated residential paraphernalia, the proposal would inevitably impact on the spatial dimension of openness of this part of the Green Belt.
10. Visually, the dwelling would be very exposed as it would be sited within a relatively spacious plot, and the distances separating it from the nearest built form would be generous. As such, the scale and siting of the proposal would cause it to stand out as separate from the donor property and nearby housing estate, thereby resulting in a prominent form of development that would harm the visual aspect of the openness of the Green Belt. Consequently, there would be harm to openness, to which, as set out in the Framework, I give substantial weight.

Other considerations

11. It has been put forward that outbuildings could be constructed under permitted development rights and represent a fallback position. The appellant asserts that future outbuildings would lead to untidy haphazard development in the Green Belt and permitted development rights for the erection of outbuildings removed could be removed, were I minded allowing the appeal.
12. The appellant has sought to exercise their permitted development rights and a certificate of lawful development has been granted for a detached outbuilding within the property. However, in its approved form, it would be impractical to construct both the outbuilding and the new dwelling, as the outbuilding would span across both plots. Moreover, there is no other certificate of lawful development to this effect and no plans of such schemes before me. I am therefore unable to be certain that any future outbuildings would be equally or more harmful than the proposal. Given this uncertainty the fallback attracts limited weight.
13. The appellant sets out that the proposed development would be an opportunity to improve landscaping and secure biodiversity gains through conditions. Furthermore, the proposal would incorporate air source pumps and solar panels, so it would be less costly to run. However, I am not persuaded that the

appeal scheme is the only means of doing so. As such, I afford these matters very limited weight.

14. The proposed development would deliver a family home to contribute to the Council's housing stock and would meet the Framework's objective of boosting the supply of housing. However, given that the scheme relates to a single dwelling, these benefits attract limited weight in favour of the proposal.
15. Owing to the Green Belt harm I have identified above, the proposal would fail to make an efficient use of land. As such, I afford this matter little weight.

Green Belt Balance

16. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that very special circumstances 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.
17. Taken together, the other considerations referred to above would not clearly outweigh the harm to the Green Belt by reason of inappropriateness and harm to openness. Consequently, the very special circumstances that are necessary to justify the development in the Green Belt do not exist.

Planning Balance and Conclusion

18. In reaching my decision I have considered the situation of the appellant. However, the Planning Practice Guidance advises that, in general, planning is concerned with land use in the public interest. Furthermore, the new dwelling is likely to remain long after those personal circumstances cease to be material. I have given careful consideration to the appellant's advancing age but can only attribute limited weight to their personal circumstances.
19. 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. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR