

Appeal Decision

Site visit made on 7 August 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2024

Appeal Ref: APP/N1920/D/23/3329727

Wild Farm, Harper Lane, Shenley, Radlett, Hertfordshire WD7 9HJ

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 David Wright against the decision of Hertsmere Borough Council.
 - The application Ref is 23/0878/HSE.
 - The development proposed is the erection of two-storey side and single-storey rear and basement extensions with internal alterations. Rebuilding of a side wall and restoration of existing outbuilding.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, some construction work was underway.
Regardless of what has been constructed to date, my assessment is based on the plans before me.
3. The appeal relates to development to a listed building. In this respect I have had special regard to the requirements of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

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

Reasons

Whether inappropriate development and openness

5. The appeal site consists of an irregular-shaped parcel of land which accommodates a principal two-storey dwelling, a smaller residential property and gardens.
6. National Green Belt policy in the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved 'except in very special circumstances.' There are, however, certain exceptions. One of those, at paragraph 154, is the extension or alteration of a building, provided it does not result in disproportionate additions over and above the size of the original building. Policy CS13 of the Core Strategy (CS, 2013) conforms to the general thrust of national Green Belt policy.
7. Neither the Framework nor the CS provide a definition of 'disproportionate addition'. Therefore, an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement. However, Policy SADM26 of the Site Allocations and Development Management Policies Plan (DMPP, 2016) sets out that the Council will, in judging scale, make a comparison between the existing and proposed development having regard to floorspace, volume, site coverage, height and intensity of use.
8. The proposed scheme, insofar as the two-storey and single-storey extensions are concerned, is similar to a previously permitted scheme under 23/0880/HSE. From that perspective, there is no dispute between the Council and appellant. However, the current proposal seeks the construction of an enlarged basement level, together with the restoration of the existing historic outbuilding. The basement would occupy a significant proportion of the garden area behind the original house and would include a lightwell with step access and a subterranean elevation ('ha-ha'), together with several rooflights.
9. The Council estimates that the cumulative floorspace, including both approved (overlapping) and proposed additions, would increase by approximately 127%. The appellant, on the other hand, estimates that this would equal a 119% increase.
10. While floorspace cannot be used as the only measure of disproportionality, in part because proportionality is inherently context specific, I consider that it can be used as an approximation for disproportionality. The extent of physical built development is a question of fact and the proposed development would result in a significant uplift in floorspace overall. The extent to which the floorspace and volume of the building would increase is, in my view, such that the proposed development would form a disproportionate addition and would fail to meet the exception at paragraph 154(c).
11. I have also had regard to Framework paragraph 154(g), which allows for the partial or complete redevelopment of previously developed land, whether redundant or in continuing use. However, the Framework sets out, in its glossary, a definition of previously developed land. This specifically sets out that it should not be assumed that the whole of the curtilage should be developed, even where land is accepted as being previously developed. Even

were I to agree with the appellant that the proposed development met, in principle, the exception under paragraph 154(g), its impact on the openness of the Green Belt must also be considered. This is a matter I consider subsequently.

12. The Framework indicates that openness is an essential characteristic of the Green Belt, and a fundamental aim of Green Belt policy is to keep land permanently open. The openness of the Green Belt has both a physical and visual dimension. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
13. I saw during my site visit how intervening features in the landscape, including mature vegetation, mean there is fairly limited visibility of the site from the surrounding area. Nevertheless, the openness of the Green Belt is readily apparent beyond the appeal site.
14. The basement itself would not be readily visible, however the lightwell, 'ha-ha', external steps and rooflights would be. These features would inevitably lead to a loss of openness, both physically and visually. This is in addition to the introduction of additional built volume where this does not currently exist.
15. Overall, I conclude that the proposed development is inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. Substantial weight should be given to this harm. Harm to the openness of the Green Belt has also been identified. The proposed development would be contrary to the relevant provisions of CS Policy CS13 and DMPP Policy SADM26, which, in summary, seek to protect the Green Belt from inappropriate development.

Other considerations

16. The Framework is clear that substantial weight should be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
17. I accept that the scheme would meet some other planning policy requirements, including in respect of parking provision, the protection of trees and the living conditions of neighbouring properties. However, those matters are not in dispute between the Council and appellant and are neutral in my determination of the appeal. I therefore afford them very limited weight.
18. My attention is drawn to previous planning permissions on the site for extensions to the property. The appellant considers these permissions to form their fallback position. However, the degree of weight to be given to any fallback position depends on whether it would be equally or more harmful than the scheme proposed.
19. Based on the information before me, the fallback schemes differ from the appeal scheme in that they do not feature basements of the size currently proposed or include the currently proposed associated lightwells, external staircases or rooflights. Moreover, there is no evidence before me to substantiate claims that the fallback schemes achieved a scale or volume

equally or more harmful as that now before me. I afford this consideration limited weight.

20. My attention is also drawn to previous planning decisions at Folly Farm and Edgehill Manor. In respect of Folly Farm, this related to a basement entirely under the original property which did not increase its footprint and without any external elements. In respect of the case of Edgehill Manor, this related to a basement extension which resulted in an approximate floorspace increase of 25% compared with the established dwelling. This differs markedly from the scheme before me, which would increase floorspace by over 100%. Accordingly, the circumstances that applied to those other cases, and the planning balance there, are not directly comparable to those before me. I afford this consideration limited weight.

21. Wild Farm is a Grade II listed building¹. It is listed as 'Farmhouse at Wild Farm, known as White House'. The internal and external works required to facilitate the proposed development are the subject of a separate application under reference 23/0879/LBC (granted). For this reason, and that this matter is not in dispute between the Council and appellant, I am satisfied, mindful of my duties under the Act, that the proposed development would preserve the significance of the Grade II listed building and any features of special architectural or historic interest which it possesses. Nevertheless, this lack of identified harm does not way in favour of the appeal.

Green Belt Balance and Conclusion

22. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be allowed except in very special circumstances. In addition, there are impacts on openness here. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

23. Cumulatively, I attach no more than limited weight to the benefits of the proposed development which make up the other considerations. As such, the other considerations do not clearly outweigh the harm to the Green Belt.

24. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. The proposed development would therefore not accord with the Green Belt aims of CS Policy CS13, DMPP Policy SADM26, or the Framework, as set out above.

25. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal should be dismissed.

A Price

INSPECTOR

¹ List Entry Number: 1436944