
Appeal Decision

Site visit made on 23 September 2024

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2024

Appeal Ref: APP/C1950/D/24/3343852

Garden Cottage, Danesbury Park Road, Welwyn, Hertfordshire AL6 9SE

- 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 and Mrs Adam Sewell against the decision of Welwyn Hatfield Borough Council.
 - The application reference is 6/2024/0152/HOUSE.
 - The development proposed is the demolition of an existing one bedroom annex; partial demolition of existing stables building; removal of shipping containers; reduction in area of existing hard standing; and erection of a replacement residential annex.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would amount to inappropriate development within the Green Belt; whether there would be any other harm to 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 necessary to justify the development.

Reasons

3. Two recent appeal decisions relate to the lawfulness of the existing stables and annex (references APP/C1950/X/22/3296178 and APP/C1950/X/22/3296181). These appeals determined that the two structures had become lawful due to the passage of time. However, it was not accepted that the stables or the annex were part of the same planning unit as the dwelling. There was insufficient evidence to demonstrate that a lawful residential use of the stable land or the annex had been established. The purpose of this appeal is not to consider lawfulness and in any event, there is nothing before me to suggest that a conclusion other than that reached in the above appeals should be reached with regard to lawfulness at this time.
 4. With regard to the planning merits, although the details have changed, a replacement annex was also the subject of an appeal, reference APP/C1950/W/22/3296366, which was dismissed on 9 November 2023. That appeal is referred to as the annex appeal.
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5. The proposal would result in a new dwelling and a change of use of land. Although described as being associated with the main dwelling and at times sharing the access rather than using the existing separate access, the proposal cannot be considered as being ancillary or incidental to the existing dwelling as it is clearly distinct and has all the characteristics and facilities of an independent dwelling. It also lies in an area of land that does not currently benefit from a lawful residential use. The proposal therefore, would result in a change of use of the land, although the land to be associated with the new dwelling is not specifically defined. The red line of the application site includes a considerable area including the existing dwelling and areas not found to have a lawful residential use.
6. Although submitted as a householder application and appeal, it is evident that the proposal does not fall within the scope of those procedures. However, given my conclusions, the information before me is sufficient to determine the appeal without prejudice to any party.

Whether inappropriate development

7. The proposal would represent development in the Green Belt. The *National Planning Policy Framework 2023* advises that new buildings should be regarded as inappropriate unless they fall within a specified exception.
8. It was determined in the annex appeal that the proposal was not an extension or alteration; or within the same use, so it did not fall within the *Framework's* exemptions that are now repeated in the updated paragraphs 154 (c) and (d). It was however found that as the land is occupied by permanent structures, it represents previously developed land. As there have been no material changes since the annex appeal, the land that includes the annex and the stables remains to be considered under paragraph 154(g) which allows for ... the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings). Of relevance to this proposal, this is subject to the development not having a greater impact on the openness of the Green Belt than the existing development.
9. Policy SADM 34 of the Welwyn Hatfield Local Plan 2016 (2023)(LP) generally reflects the requirements of the *Framework*. It advises that development on previously developed sites will need to demonstrate that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
10. The proposal would result in a new building at ground floor level of a similar scale to the existing annex building to be replaced. However, it would also include a significant area of subterranean development. To achieve light at the lower level, there would be significant excavation to form a lower terrace which is shown to have stepped retaining walls on two sides. Although landscaped, the works associated with the lower terrace would add significantly to the scale of development overall, as would the below ground accommodation. The resulting two storey building and associated built lower terrace would substantially increase the scale of development compared to the existing annex.
11. The proposal would include the removal of one of the stables from the stable building. The two remaining stables would continue to represent a separate

free standing structure but the reduction in scale would increase openness to some extent. This would not however compensate for the significantly greater scale of works associated with the new two storey building and its subterranean terrace. Shipping containers and a historic building have already been removed and as with the annex appeal, these do not offer significant weight in favour of the proposal. The removal of part of the area of hardstanding outside the stables is also proposed. This is not permanently surfaced and plants are already growing through it. Returning it to meadow would not add significantly to the openness of the area.

12. The appellants have made much of the limited visual changes that would be experienced from outside the site. The boundaries ensure that there is little public visibility of any of the referenced elements. The loss of part of the stable block may be perceptible from outside the site but generally, the visual changes would not be significant. However, changes in openness are not restricted to the public's visual perception.
13. Reference has also been made to floor areas but openness is a matter relative to the scale of development overall and to some extent, the relationships between buildings. Retaining the general position of the annex close to existing buildings and retaining much of the separate stable building, would generally replicate the existing above ground relationships. However, creating the subterranean terrace would increase the spread of development. As the proposal would result in a greater scale of development overall, it would reduce the openness of the Green Belt. The works would not therefore satisfy paragraph 154(g) of the *Framework* and would represent inappropriate development in the Green Belt. It would also conflict with LP policy SADM 34 as it would reduce the physical openness of the Green Belt and compromise the purpose of safeguarding the countryside from encroachment.

Other harm, other considerations and conclusions

14. The *Framework* is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.
15. Aside from the harm from inappropriateness and the reduction in openness, I am satisfied that subject to a tightly defined residential curtilage, hard and soft landscaping proposals, biodiversity enhancement measures and the removal of permitted development rights for new surfacing, fencing and buildings, the proposal would not result in any other harm to the Green Belt.
16. The appellants have made references to other considerations. Improved landscaping may restrict views of the site further and improve biodiversity. The additional dwelling would provide benefits to the family members of the appellants in addition to the economic and social benefits that would result from the works; and the activities of the additional residents. It would improve the quality of the accommodation in terms of design, thermal efficiency and materials. It would also add to the local housing stock. Reference has also been made to other developments close by although, given the particular circumstances of this case, these do not appear to be directly comparable.

These weight afforded to these benefits must be considered on the basis that the proposal represents a single dwelling in a location that is not highly accessible.

17. Overall, whilst there are a number of matters that weigh in favour of the proposal, these considerations do not clearly outweigh the harm from inappropriateness. The considerations do not therefore represent the very special circumstances that are necessary to justify the development.
18. In conclusion, the proposal would not gain support from the main Green Belt policy of the LP, policy SADM 34. It would also conflict with the specific policies of the *Framework*, relating to the Green Belt. The *Framework* identifies Green Belt as an area of particular importance and its policies provide a clear reason for refusing the development. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR