



Appeal Decision

Site visit made on 29 October 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2024

Appeal Ref: APP/P1940/W/24/3339164

Keepers Cottage, Solesbridge Lane, Chorleywood, Hertfordshire WD3 5SU

- 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 T Murphy against the decision of Three Rivers District Council.
 - The application Ref is 23/1949/FUL.
 - The development proposed is demolition of existing dwelling and shed and construction of two storey detached dwelling with associated bike and binstore, EV charging points, parking and landscaping works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the proposed development from the decision notice, as this more accurately describes the proposal.
3. In November 2023, the National Landscapes Association reported that all designated Areas of Outstanding Natural Beauty (AONBs) had become National Landscapes. However, the National Planning Policy Framework (the Framework) continues to refer to them as AONBs. In this decision I have used the term AONB, consistent with the evidence and the Framework. The legal designation and policy status of such areas is unaffected, whichever term is used.

Main Issues

4. The main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; and
 - the effect of the development on the openness of the Green Belt; and
 - the effect of the development on the character and appearance of the area, having particular regard to the location of the site within the Chilterns AONB; and
 - 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 necessary to justify the development.

Reasons

Whether inappropriate development

5. The appeal site is a substantial plot which is located within the Metropolitan Green Belt, adjacent to the M25 motorway. The proposal seeks to demolish the existing dwelling and shed and replace it with a new two storey dwelling.
6. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of the Green Belt being their openness and permanence. The Framework goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 154. One such exception, criterion (d), being the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
8. Policy CP11 of the Three Rivers District Core Strategy (2011) (CS) predates the Framework. It states that there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it. Policy DM2 of the Development Management Policies Local Development Document (2013) (LDD) states that replacement dwellings in the Green Belt will only be permitted where the replacement does not materially exceed the size of the original dwelling and would not be more harmful to the visual amenity and openness of the Green Belt by reason of its siting than the original dwelling. As such CS Policy CP11 and LDD Policy DM2 are consistent with the Framework.
9. There is no dispute between the parties that the proposed dwelling would be materially larger than the existing building. Whilst, as a result of the removal of the existing outbuildings, the proposed dwelling would be of a smaller width than the current situation, the evidence before me indicates that the floorspace, height, depth and volume of the replacement dwelling would be larger than that existing.
10. Consequently, as the replacement dwelling would be materially larger than the existing dwelling, the proposal is therefore not in the list of exclusions within paragraph 154 of the Framework, and conflicts with Policy DM2 of the LDD where it requires the replacement building to not materially exceed the size of the original dwelling. Therefore, when judged against the wording of both local and national policy, the proposal is inappropriate development in the Green Belt which is by definition, harmful.

Openness

11. The Framework emphasises that the essential characteristics of Green Belts are their openness and their permanence. Openness has spatial as well as visual aspects.
12. The proposed replacement dwelling would have a larger volume and floorspace than the existing house. The proposal would therefore have more of an impact

on the openness of the Green Belt in spatial terms than the existing circumstances.

13. The proposal would fit well within the large site, but, even taking into account the removal of the existing outbuildings and the resultant reduced width and spread of development, the increased floorspace, height and bulk would make the replacement dwelling more prominent in comparison to the existing dwelling.
14. The proposal is in an isolated location, and mature trees and vegetation along the boundary of the site would largely screen the development. Nevertheless, the proposal would still be visible, at least in part from vantage points along Solesbridge Lane. Consequently, the proposal would have greater visual impacts on the Green Belt than the existing circumstances.
15. As such, in both spatial and visual terms the proposal would have a greater impact on openness than the existing dwelling. The harm would, however, be both very localised and limited. Nonetheless, it would be contrary to the Framework which states that an essential characteristic of Green Belts is their openness.

Character and appearance

16. The site is within the Chilterns AONB. The Framework requires great weight to be given to conserving and enhancing landscape and scenic beauty of AONBs, which have the highest status of protection in relation to these issues. The AONB is characterised by its rolling hillsides, broad-leafed woodland and verdant fields divided by hedgerows.
17. Policy DM7 of the LDD supports development in the AONB unless it would detract from its setting, have an adverse impact on views in and out of the area, or fail to conserve and/or enhance its special landscape character and distinctiveness.
18. The Chilterns Building Design Guide (2010) provides guidance on the design of buildings within the AONB. It highlights the need to consider how the scale and form of a building will affect its visibility in the landscape and its relationship to nearby buildings, and states that the building should be designed to fit the site.
19. The Council consider that whilst the existing dwelling contains features which reflect the general character of the AONB, the proposed replacement dwelling's deep elevations, bulk and mass, along with its roof pitch, would be unsympathetic to the character of the AONB.
20. However, the proposal would sit comfortably within a large plot, with the same orientation as the existing dwelling. The nearest building, a residential dwelling, is some distance away, and the neighbouring properties along Solesbridge Lane are themselves large, detached dwellings which have no distinct character or uniformity of design. Given this context, the proposal would not be out of character with the wider area. Moreover, the proposed replacement dwelling would be located adjacent to the M25 motorway and the mature trees along the boundary with Solesbridge Lane would only allow for limited visibility of the replacement dwelling, ensuring that it would not be prominent within the landscape.

21. As the site is within the AONB, I attach great weight to conserving or enhancing the special landscape character and distinctiveness. However, for the reasons given above I consider that the proposal would not cause harm to the character and appearance of the area, having regard to the site's location within the Chilterns AONB. As such, it would accord with Policy DM7 of the LLD which supports development in the AONB unless it would fail to conserve or enhance its special landscape character and distinctiveness. Furthermore, it would not conflict with the Framework which highlights that development should be located and designed to minimise adverse impacts on the designated area.

Other considerations

22. The appellant has drawn my attention to neighbouring properties where permission has been granted for replacement dwellings. I recognise that this may appear as frustrating to the appellant and indicate a lack of consistency in decision making. However, each application must be determined on its own merits and site-specific circumstances.
23. I note, for example, that the replacement dwelling at Beechen Hill House resulted in a reduction in height and depth in comparison to the building which it replaced. With regard to Loudwater House, the design of the proposed replacement dwelling was not considered to be of significantly greater bulk and mass than the existing property. In both cases, unlike the appeal proposal, it was considered that the proposed replacement dwellings would not be materially larger than the buildings that they were to replace.
24. As such, unlike the appeal proposal, the neighbouring properties were not considered to be inappropriate development in the Green Belt, and I do not find them to be directly comparable to that which is before me. In any case, I have exercised my planning judgment having regard to the individual details of the proposal, and I afford minimal weight to the fact that planning permission has been granted for replacement dwellings at neighbouring properties.
25. The proposed replacement dwelling would provide improved, sustainable living space for the appellant and his family. It would be more spacious, have appropriate ceiling heights and be better insulated and more energy efficient than the existing dwelling. I recognise the benefits of the improved accommodation for the appellant and his family, and I give these benefits moderate weight.
26. I note that the appellant did not appreciate the planning implications of owning a property in the Green Belt and AONB. However, I must consider the appeal in the context of these designations, and as such I give this matter no weight.
27. The appellant has sought to address the Council's concerns in respect of the proposal, and reduced the proposed size of the replacement dwelling following pre-application advice and the refusal of an earlier application. However, this matter carries neutral weight in my consideration of this case.

Other Matters

28. The site lies outside of the boundary of the Outer Loudwater Conservation Area (CA). From my site visit, I consider that due to the proposal's location

across Solesbridge Lane and the fact that it would be screened behind mature trees and vegetation would ensure that the proposed development would have a neutral effect on the setting of the CA.

Green Belt Balance and Conclusion

29. The Framework requires that substantial weight is given to any harm to the Green Belt and states that very special circumstances will not exist unless harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
30. I have found harm to the Green Belt by reason of the proposed development's inappropriateness, and harm to the openness of the Green Belt. This harm carries substantial weight.
31. I have found that the proposal would not harm the character and appearance of the area, with particular regard to its location within the Chilterns AONB. However, this lack of harm is a neutral factor in this balance. The amendments made to the proposed scheme are also of neutral weight in the balance.
32. Turning to the other considerations that have been advanced, for the reasons given I have afforded no weight to the appellant's lack of awareness regarding the planning implications of his property being located within the Green Belt and AONB, and minimal weight to the permissions granted for replacement dwellings at neighbouring properties. I have given moderate weight to the benefits that the proposed accommodation would bring to the appellant and his family.
33. Consequently, those other considerations would not, in their totality, clearly outweigh the harm to the Green Belt that I have identified. Therefore, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The development would thus conflict with the Green Belt protection aims of the Framework, CS Policy CP11 and LDD Policy DM2.
34. 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.
35. For the reasons given above the appeal should be dismissed.

L C Hughes

INSPECTOR