

Appeal Decision

Site visit made on 2 September 2024

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 20 November 2024

Appeal Reference: APP/J1915/D/24/3342301

Land at 'Little Gobions', Stapleford, Hertfordshire SG14 2BF

- 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. D. Shipton against the decision of East Herts Council.
 - The application reference is 3/23/1557/HH.
 - The development proposed is described in the application form as "*the demolition of the existing stables and garage building and its replacement with a new studio, changing facilities, garage and garden store plus adjoining swimming pool*".
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr D. Shipton (the Appellant) against East Herts Council. This application is the subject of a separate Decision.

Preliminary points

3. A Written Ministerial Statement entitled "Building the homes we need" was published on 30 July 2024, together with a consultation on "Proposed reforms to the NPPF and other changes to the planning system". In this case, however, I am satisfied that they do not materially affect the considerations that have led me to my decision. I am convinced, therefore, that there is no requirement to seek further submissions on these publications and that no party would be disadvantaged by such a course of action.

Main issues

4. The first main issue to be determined in this appeal is whether the proposal is "inappropriate development" having regard to the 'National Planning Policy Framework' and any relevant development plan policies. If so, in this case, it is necessary to consider the effect of the proposed development on the openness of the Green Belt as well as the impact of the proposed development on the surroundings. It is then necessary to determine 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 that are required to justify inappropriate development in the Green Belt.

5. If the proposed development is to be categorised as “not inappropriate”, it is nonetheless necessary, in this case, to consider the impact of the proposed development on the character and appearance of the surroundings.

Reasons

Background

6. The appeal site is located in the countryside, some distance to the north of Hertford. It lies to the west of the A119, between the villages of Waterford and Stapleford, and is reached by way of a driveway from the main road through an area of woodland. The driveway serves two residential properties and provides access to adjoining farmland as well as to the woodland itself. ‘Little Gobions’ has a side boundary with another residential property at ‘Hubbards’ but is otherwise surrounded by agricultural land in a rural landscape. The area lies within the Green Belt.
7. The existing dwelling at ‘Little Gobions’ is a substantial bungalow with rendered walls under a slate roof. Prior approval has been granted for certain extensions and alterations to it, although these had not been carried out at the time of the site visit. The bungalow is located towards the rear of its large plot, with a garden that is mainly laid to grass, with trees and shrubs. The land rises gently towards the rear (southern) boundary, adjacent to which there is a separate single-storey outbuilding. This is constructed as a double garage together with stables for several horses but it is now in use primarily for domestic uses ancillary to the residential use of the site, including as a dance studio. The outbuilding is also largely rendered, with a pitched slate roof.
8. It is now proposed to demolish the existing stables and garage building and to clear away the building from this part of the site. A new detached outbuilding would be constructed elsewhere, to include a new studio, changing facilities, garage and garden store. The new building would be sited in front of the bungalow, alongside the western side boundary of the property and adjoining agricultural land. A new swimming pool would be created near to the front boundary. The site drawing included with the planning application also includes a garden landscaping design.

Policy context

9. The ‘National Planning Policy Framework’ makes it plain, at paragraphs 152-156, that the construction of new buildings is not normally acceptable in the Green Belt and that they should only be permitted in “very special circumstances”, subject to certain exceptions. Nevertheless, the replacement of an existing building in the Green Belt can be acceptable, as one such exception, “provided the new building is in the same use and not materially larger than the one it replaces”. Moreover, the partial or complete redevelopment of previously developed land may also be acceptable, if it would “not have a greater impact on the openness of the Green Belt than the existing development”.
10. More generally, the ‘National Planning Policy Framework’ also emphasises the aim of “achieving well designed places” in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, by adding to

the overall quality of the area and being visually attractive and sympathetic to local character and history (while not preventing or discouraging appropriate innovation or change).

11. The 'East Herts District Plan October 2018' confirms, at Policy GBR1 that planning applications within the Green Belt "will be considered in line with the provisions of the 'National Planning Policy Framework'". Other policies focus on broader design issues. Policy DES4 is concerned with "Design of Development" in broad terms, promoting a "high standard of design and layout", while Policy HOU11 specifically addresses "Extensions and Alterations to Dwellings, Residential Outbuildings and Works Within Residential Curtilages", with the aim that such development should be "appropriate to the character, appearance and setting of the existing dwelling and/or the surrounding area", among other things.

Green Belt considerations

12. The proposed new outbuilding would be clearly separate from the existing dwelling at 'Little Gobions', as is the existing outbuilding. I acknowledge that, in some cases, it may be appropriate to treat a domestic outbuilding as an extension to its host building, but in this case, bearing in mind the scale, nature and layout of the different buildings, I have treated the proposed new outbuilding in this case as a replacement building rather than as an extension to the dwelling.
13. The new outbuilding would be used for purposes ancillary to the residential use of the property as a whole, as is the existing outbuilding. Its gross external area ("GEA") is given as 161 square metres, whereas the gross external area of the existing stables and garages, "as currently built", is given as 127 square metres. The proposed and existing outbuildings would have similar ridge heights, however.
14. In this case, it is necessary to consider whether the proposed building would be materially larger than the existing building that it would replace. That assessment does not take account of potential additional construction which may already have been permitted, although the circumstances may well be important as a material consideration in the overall planning analysis. In this case, I have concluded that the proposed new outbuilding would be "materially larger" than the existing garage and stables and that, therefore, the exception relating to replacement buildings (referred to above) does not apply.
15. I have also considered whether the proposal could be considered to be a partial redevelopment scheme that would not have a greater impact on the openness of the Green Belt than the existing development. The new outbuilding would be larger than the existing building and it would be more prominent visually, being located on the front part of the site. The proposed new swimming pool would also have a visual impact on openness, by comparison with the existing appearance of the site. An assessment of openness, in the Green Belt context, includes both a spatial element and a visual element and I have concluded that the finished scheme would have a greater impact on openness than the existing development. Again, therefore, it cannot benefit from the relevant exception that I have cited above.

16. In short, I have formed the opinion that the proposed development must be described as “inappropriate development” within the Green Belt, in the terms of the policies that are expressed in the ‘National Planning Policy Framework’ and the ‘East Herts District Plan October 2018’ (notably Policy GBR1), and considered on that basis.
17. In addition, the scheme as a whole would reduce the openness of the Green Belt in both a spatial and a visual sense.

Character and appearance

18. It is necessary, then, to consider the impact of the proposed development on the character and appearance of the surroundings. The new construction would be simple in form and detailing, making use of traditional materials and having the character of an agricultural style building. I accept that it would be a well designed building and that it would replace an existing outbuilding that serves a similar ancillary domestic purpose.
19. Nevertheless, it would be located in a more prominent part of the site, even taking account of the potential for additional screen planting on the boundaries. It would be relatively bulky, by comparison with the bungalow. Moreover, the closeness of the proposed pool to the front boundary, and the associated extensive hard surfacing would combine to suburbanise the site and detract from the rural character of the location. Hence, the proposed development would have an adverse effect on the character and appearance of the surroundings and it would fail to accord with both local and national planning policies that are intended to promote good design and respect local character (including, specifically, Policies DES4 and HOU11 of the ‘East Herts District Plan October 2018’).

Very special circumstances

20. It has been argued that substantial additional construction could be undertaken on the appeal site, without the need for further planning permission. Such considerations do not alter my earlier conclusions on the question whether the proposed development is to be considered to be “inappropriate” or “not inappropriate” for the purposes of applying Green Belt policies, but they may be capable of amounting “very special circumstances”.
21. Particular attention has been drawn to the permission that was granted previously for a changing room and greenhouse with a swimming pool and stables extension (under reference 3/795-74, dated 19 June 1974). That grant of permission is a material consideration (whether implemented or not) but it is an old permission and the evidence for implementation is by no means clear-cut. No application has been made for a formal Certificate of Lawfulness, which might have clarified the position.
22. It is not the purpose of this Decision to formally determine the lawfulness of a proposal to complete that earlier scheme and, in the light of the evidence submitted, I attach only limited weight to the prospect of its completion. Notwithstanding the arguments that have been presented, I am not persuaded that very special circumstances apply in this case, to justify the grant of planning permission.

Conclusions

23. As the proposed development is to be considered as “inappropriate development” in the Green Belt, planning harm would arise by reason of that inappropriateness. Moreover, the scheme would have an adverse effect on the openness of the surroundings and it would dominate the front of the appeal site, unduly suburbanising the setting and causing additional harm to the character and appearance of the surroundings.
24. Evidently, the proposed development would make a useful addition to the existing house and it is submitted that the potential for alternative development to be carried out would justify the proposals. Even so, I am not persuaded that other planning considerations in this case clearly outweigh the harm that has been identified (in combination), so as to amount to the very special circumstances that are required to justify inappropriate development in the Green Belt.
25. I have therefore concluded that the appeal must fail and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C. Shrimplin

INSPECTOR