



Appeal Decision

Site visit made on 21 January 2025

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 FEBRUARY 2025

Appeal Ref: APP/J1915/W/24/3351940

Springle House, Springle Lane, Hailey, Hertfordshire SG13 7NZ

- 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 Bradgate Developments Ltd against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/0096/FUL.
 - The development proposed is the demolition of existing barn with the erection of replacement 2 bedroom dwelling in new position with associated parking and soft landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. As the changes to the Framework affect the main issues in the case, the parties were invited to make further comments in this regard. I have considered those additional comments made. This however is only insofar as they relate to the changes to the Framework. Where reference is made to paragraph numbers of the Framework in this decision, these are those in the most recent version.

Main Issues

3. The main issues are:
 - 1) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies, and the effect of the proposal on the openness of the Green Belt,
 - 2) the effect of the proposal on the character and appearance of the site and surrounding rural area, and
 - 3) 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 required to justify the proposal.

Reasons

Whether inappropriate development and effect on openness

4. The appeal site is located within the Metropolitan Green Belt as defined by policy GBR1 of the East Herts Local Plan 2018 (EHLP). This policy states that, within the Green Belt, planning applications will be considered in line with the provisions of

the Framework. I have taken this to mean Chapter 13 of the Framework.

Paragraph 142 sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The Framework sets out at paragraph 154 that development in the Green Belt is inappropriate unless one of certain exceptions apply. The construction of new dwellings is not one of those limited exceptions within that paragraph.

5. Paragraph 155 details that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate in certain circumstances. Paragraph 155 a. explains that this is where development would utilise Green Belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
6. In this context, Green Belt is defined at Annex 2 as comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. The land in question is not previously developed as it forms an open piece of grassland with no indication of previous buildings or other development upon it and no evidence has been presented to suggest otherwise. The site is in a sensitive rural location and is set between the settlements of Hoddesdon, Hertford and Ware. These, both individually and cumulatively, amount to large built-up areas. The development of the site would therefore not check the unrestricted sprawl of large built-up areas or prevent them from merging into one another and would thus conflict with paragraph 143 a) and b) of the Framework insofar as it does not strongly contribute to those purposes.
7. Even if the site were found to accord with paragraph 155 a. it would also be a requirement to show a demonstrable unmet need for the type of development proposed under paragraph 155 b. I have noted the appellant's submissions regarding the Council's five-year land supply position in this regard being mindful of the provisions of footnote 56. However, this proposal is put forward as an alternative to the approved Class Q¹ scheme². Were the appeal to be allowed, it would be a condition that the existing barn would be removed. It would not be able to be converted under the provisions of Class Q and therefore there would be no net increase in the number of dwellings provided. As such, the development would not assist in increasing the overall housing land supply. Accordingly, whether the Council can, or cannot, demonstrate a five-year supply of housing land is not determinative here.
8. In any case, the site does not comply with paragraph 155 c. insofar as it is not in a sustainable location. The site is set down a long drive at the end of a single-track road which features no pedestrian footpaths or street lighting. I am unaware of public transport accessibility from near to the site and despite relative proximity to a number of built-up areas, there is no safe and suitable access to the site that can be achieved for all users and this conflicts with paragraph 115 b) of the Framework.
9. The proposed dwelling therefore constitutes inappropriate development in the Green Belt. The introduction of additional built form in this location would cause harm to the openness of the Green Belt due to the proposed building occupying an

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 3, Class Q

² Council Ref 3/23/0172/ARPN

area of what is presently an open field in a relatively exposed location. It would result in the creation of a new dwelling where one did not exist previously. Thus, in both a visual and spatial dimension it would cause harm to openness. The proposal is therefore in conflict with policy GBR1 of the EHLP and the Framework.

Character and appearance

10. The site is set towards the brow of a hill and, whilst there are distinct elements of screening in the form of lines of trees and hedgerows bounding the site and in slightly longer-range contexts, it still remains a fairly open site. Many boundaries are delineated only by low post and rail fences and/or limited patches of hedgerow. The proposal would be set towards the cluster of buildings comprising Springle House and surrounding structures. Nevertheless, the proposed development would still be quite prominent in longer views and mark a very distinct change in the nature and character of the area from being an open piece of land to becoming a developed parcel.
11. This would be detrimental to the character and appearance of the area and detract from its rural charm. The harm would be emphasised by the introduction of hard surfacing around the building for driveways and footpaths, domestication of the surroundings and introduction of residential paraphernalia. I do not regard this as being the best use of available land as it is merely exchanging the siting of one building for another. I therefore conclude that the proposal would be detrimental to the locality and in conflict with policies DES2 and DES4 of the EHLP in that it would not be of a high standard of design or enhance or strengthen the character and distinctive features of the district's landscape.

Other considerations

12. Paragraph 153 of 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 state that substantial weight is given to any harm to the Green Belt and 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 proposal, is clearly outweighed by other considerations.
13. The approved Class Q scheme allows for the change of use of the existing building into a dwelling. In the absence of evidence to the contrary, there is a greater than theoretical possibility that the Class Q scheme might take place as a fallback position should this appeal fail. As such, the Class Q scheme is a realistic prospect and constitutes a fallback position. However, for weight to be afforded to this as a fallback position it would also need to be equally or more harmful than the appeal scheme.
14. The existing barn is characteristic of other buildings within a rural setting. The Class Q scheme would be a conversion of the building because the restrictions on prior approval prevent material changes to the external appearance of the building. In particular, many of the existing materials will be retained as part of the Class Q scheme and the building would remain as a simple, unassuming structure. The external spaces around the building would also be largely unchanged and there would be minimal domestication of the site due to restrictions on the amount of land immediately beside or around the building being no larger than the land area occupied by that building.

15. The proposed dwelling would be of a very similar design to the existing barn. Its footprint and overall volume being virtually identical. Its height and general dimensions to each elevation would also be the same with the main exceptions being to the fenestration having a more muted colour with wood facing walls and a zinc metal roof. In this regard the differences between the two schemes would effectively be neutral.
16. The area around the proposed dwelling would, invariably, take on a residential appearance. General domestic paraphernalia, fencing and hardstanding would no doubt be apparent. However, this would also be the case with the Class Q scheme and therefore, again, the effects would be neutral.
17. The position of the proposed dwelling would be in a slightly more discrete location, and this is shown in the Landscape and Visual Impact Assessment. It would be closer to the cluster of buildings around Springle House and adjacent to a line of trees. Further, it would be set in a field that is already bisected by an existing track and away from the most exposed part of the brow of this hill. Its position would be away from the adjacent footpath and allow for a more open aspect from this public right of way. This relocation would therefore represent a minor benefit to the proposal, however, the weight I can attach to this is limited.
18. Additional landscaping is proposed including trees and a wildflower meadow. These would be both around the proposed dwelling and on the site of the existing barn. This would complement the line of trees that already runs along part of the field boundary. It would further screen the site of the proposed dwelling. These benefits are slim but can attract some limited weight.
19. I have further considered that the proposed dwelling could be of an energy efficient design and incorporate sustainable features. However, no evidence has been presented to me that suggests that this would be any different to the Class Q scheme, particularly being mindful of current Building Regulation requirements, and accordingly I am unable to assign this any meaningful weight.
20. I acknowledge that there are no concerns regarding flood risk, highway safety, parking provision, the effect on neighbouring occupiers or the effect on ecology and biodiversity. However, these are requirements of planning policy and carry neutral weight. Equally the arguments in favour of achieving sustainable development set out in Chapter 2 of the Framework apply to this proposal to a similar extent as they do to the Class Q scheme.
21. The appellant has cited in evidence two other schemes which were allowed and these are located at Oaklands Farm³ and Garden Cottage Farm⁴, although a copy of the decision was only provided for the latter. A legal opinion was also provided, and this also relates to the Garden Cottage proposal. In either case, as far as can be determined, these did not relate to sites in the Green Belt and bear limited comparison to this proposal. References to the fallback position in both cases are fair however, I have already accepted that the Class Q scheme constitutes a legitimate fallback position in this instance.

³ APP/Z3825/W/16/3147410

⁴ APP/R3650/W/15/3133244

Green Belt Balance and Conclusion

22. The proposal would be inappropriate development in the Green Belt which, in line with Paragraph 153 of the Framework, is harmful by definition. I have also found that the appeal proposal would have a detrimental effect on the openness of the Green Belt and these harms carry substantial weight. The proposal would also be harmful to the character and appearance of the area. There is therefore conflict with policies GBR1, DES2 and DES4 of the EHLP and provisions of the Framework.
23. I am also mindful of the existence of the fallback position. This proposal offers a very limited benefit to the character and appearance of the area and openness of the Green Belt. Therefore, whilst the benefits of this proposal are finely balanced and marginal by comparison to the Class Q scheme, it remains beneficial overall.
24. However, paragraph 153 states that 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 proposal, is clearly outweighed by other considerations. In this case, whilst there would be benefits, these are marginal and can only carry limited weight when considered individually and cumulatively. Substantial weight must be given to any harm to the Green Belt and the limited benefits do not clearly outweigh this harm to the Green Belt by reason of inappropriateness.
25. As such, the proposed development would amount to inappropriate development in the Green Belt and would conflict with the development plan. The material considerations, including the fallback position, do not indicate that a decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

N Bowden

INSPECTOR