



Appeal Decision

Site visit made on 7 April 2025

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th May 2025

Appeal Ref: APP/A1910/D/24/3351247

21 Hedgeside, Potten End, Berkamsted, Hertfordshire HP4 2RE

- 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 Daniel Thomas against the decision of Dacorum Borough Council.
 - The application Ref is 24/00655/RET.
 - The development proposed is retention of front extension and front canopy with relocation of front entrance way.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my visit both the front extension and canopy, forming the appeal scheme, were in situ. I have determined the appeal on that basis.
3. The description of development given above is taken from the Council's Decision Notice and the appeal form, rather than the planning application form, as these provide a more concise description of the appeal scheme.

Main Issues

4. The main issues are:
 - Whether the appeal scheme is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the development on the openness of the Green Belt; 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 required to justify the proposal.

Reasons

Inappropriate development

5. The appeal site is located within Potten End which is a selected small village in the Green Belt as defined by Policy CS6 of the Core Strategy (CS), adopted September 2013.
6. CS Policy CS5 relates to the Green Belt and is therefore relevant to the determination of this appeal. It indicates that the Council will apply national Green

Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements and that small scale development will be permitted, including limited extensions to existing buildings. It also indicates that development within selected small villages in the Green Belt will be permitted in accordance with Policy CS6.

7. The Framework indicates that development in the Green Belt is inappropriate unless it falls within identified exceptions set out at paragraph 154. One such exception, at paragraph 154(c), is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
8. Insofar as it relates to the appeal scheme, CS Policy CS5 is broadly consistent with the Framework. However, the same cannot be said for CS Policy CS6, as it imposes no limitation on the scale of house extensions within the Green Belt. Consequently, in accordance with paragraph 232 of the Framework, I attach more weight within my decision to CS Policy CS5.
9. My attention has been drawn to saved Policy 22 of the Dacorum Borough Local Plan (LP), adopted 2004, which allows for a 30% increase in floor area to the original building. However, it does not relate to extensions to dwellings in the selected small villages in the Green Belt and, consequently, in the absence of evidence to the contrary, it does not appear to be relevant to the determination of this appeal. Therefore, as neither the Framework nor the CS define what is meant by a disproportionate addition, this is a matter of judgement for the decision maker.
10. The Council calculates that the previous extensions represent an increase of approximately 66.7% to the footprint of the original dwelling. This is not disputed by the appellant and there is nothing before me that would lead me to disagree with such a calculation.
11. The appeal scheme introduces only 12.45 square metres of additional floorspace. Nonetheless, it is apparent that, in combination with the previous extensions, it has resulted in a significant increase in the footprint and volume of the original dwelling. Therefore, although modest, the proposed extension results in disproportionate additions over and above the size of the original building and, as such, does not meet the exception at Framework paragraph 154(c). Furthermore, in combination with the previous extensions, the appeal scheme does not amount to limited extensions and would, therefore, be contrary to CS Policy CS5 in this regard.
12. CS Policy CS6 states that house extensions in selected small villages in the Green Belt, including Potten End, will be permitted where the development is sympathetic to their surroundings. I agree with the Council that the proposal would not harm the character and appearance of the host dwelling or the wider area due to its limited scale and use of materials that respect and relate to the dwelling. Thus, I consider that the proposal accords with CS Policy CS6.
13. I acknowledge that CS Policy CS5 indicates that development within selected small villages will be permitted in accordance with CS Policy CS6. However, there is nothing within the wording of either policy that supports the appellant's view that Policy CS5 is not relevant to the appeal scheme, or that its location within a selected small village means that it should only be considered against Policy CS6.

14. I have had regard to the case studies identified by the appellant where proposed extensions in selected small villages were assessed by the Council against CS Policy CS6 only. Whilst I agree with the appellant that it is correct to assess such proposals against that policy, I do not accept that CS Policy CS5 should be disregarded for the reasons I have identified. Whilst such cases suggest inconsistency in decision making, and acknowledging the importance of consistency, I have not found that the comparison of the case studies to the matter before me alters my findings.
15. The appellant has also referred to one of the other exceptions identified in the Framework, at paragraph 154(e), which relates to limited infilling in villages. The Framework does not define 'limited infilling' and no such definition in the development plan has been brought to my attention. This is therefore also a matter of judgement for the decision maker.
16. In my view, infill development is generally the filling of a small gap in an otherwise built-up frontage. In this case, the appeal scheme is an extension positioned at the front of the dwelling and is not in a gap between buildings. Therefore, whilst the development is limited in terms of its scale, and fills the front corner of the property, it does not represent limited infilling in a village. As such, it does not meet the exception at Framework paragraph 154(e).
17. Accordingly, the proposal would be inappropriate development.

Openness

18. Paragraph 142 of the Framework, states 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.
19. The appeal scheme is single storey and seen against the backdrop of the front elevation of the dwelling. In addition, it is not prominent in views from the public highway due to a tall front boundary hedge. Nevertheless, it increases the scale and massing of the dwelling and introduces built form where there was previously none. Consequently, the proposal would result in a modest loss of the spatial openness of the Green Belt.

Other considerations

20. The appellant sets out a possible fall-back position, namely the construction of domestic outbuildings under permitted development (PD) rights. I acknowledge that a sizeable outbuilding could be constructed without the need for planning permission. Nevertheless, I am unconvinced that a single storey outbuilding which would be separate and detached from the house, would provide similar accommodation to that of the appeal scheme. It has not, therefore, been demonstrated that a comparable development to the appeal scheme, could be brought forward under PD rights should planning permission be refused. Consequently, such PD rights have limited weight in favour of the appeal proposal.
21. The site is in an accessible location that is not in a Conservation Area or in a National Landscape (formerly known as Areas of Outstanding Natural Beauty). It would not harm the significance of Grim's Ditch, a Scheduled Ancient Monument, and the Area of Archaeological Significance to the rear of the site, given its position at the front of the house. As set out above the appeal scheme does not

harm the character and appearance of the host property or the area and therefore accords with CS Policy CS6. Furthermore, there have been no objections from consultees, including the Parish Council. Nonetheless, these are neutral factors that do not weigh in favour of, or against, the proposal.

Green Belt balance and conclusions

22. Paragraph 153 of the Framework advises that substantial weight should be given to any harm to the Green Belt, including harm to its openness. 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 that harm resulting from the proposal, and any other harm, are clearly outweighed by other considerations.
23. I have concluded that the appeal scheme is inappropriate development and does, by definition, harm the Green Belt. I have also found harm, albeit limited, to its openness.
24. The other considerations I have identified are of no or limited weight in favour of the proposal. Consequently, these considerations, along with all other matters acknowledged in the evidence, do not clearly outweigh the identified harm to the Green Belt, either individually or collectively, so as to amount to the very special circumstances necessary to justify the development.
25. The proposed development therefore conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harms and associated development plan conflict.
26. Accordingly, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR