



Appeal Decision

Site visit made on 8 April 2025

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 May 2025

Appeal Ref: APP/J1915/D/24/3352520

58 Ermine Street, Thundridge, Hertfordshire SG12 0SY

- 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 Ryan Davis against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/1012/HH.
 - The development proposed is single rear conservatory.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be 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

3. The appeal site lies within the Green Belt. Policy GBR1 of the East Hertfordshire District Plan (DP) states that planning applications within the Green Belt will be considered in line with the provisions of the Framework.
4. The Framework indicates that development in the Green Belt is inappropriate unless it falls within one of the identified exceptions. 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.
5. Neither the Framework nor DP Policy GBR1 define what is meant by a disproportionate addition. However, paragraph 154(c) of the Framework refers to 'size' and, unlike other exceptions, does not refer to conflict with the purposes of including land within the Green Belt. Accordingly, a quantitative, not a qualitative,

assessment is required to establish whether the appeal proposal meets the paragraph 154(c) exception.

6. The Council calculates that the proposed extension, in combination with an existing two storey rear addition to the dwelling, would more than double the footprint and floor area 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 an assessment.
7. It is apparent from the plans that the proposal would, in combination with the existing extensions, represent a significant increase in the footprint and volume of the original dwelling. Therefore, although the proposal by itself would be a modest addition, it would, nevertheless, result in disproportionate additions over and above the size of the original building.
8. Accordingly, the proposal would be inappropriate development and would conflict with DP Policy GBR1.

Openness and purposes

9. 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. The five purposes served by the Green Belt are set out at paragraph 143 of the Framework.
10. The proposal would replace a small canopy but, nonetheless, would introduce additional built form to the site. As such, there is an inevitable effect on openness in both spatial and visual terms despite the location of the site within a built-up area and settlement boundary. It would be, however, a discrete addition at the rear of the dwelling which is hidden from all but very close views from within the appeal site garden and adjoining properties. Therefore, whilst it would result in a limited reduction in openness it would not result in encroachment into the countryside, or otherwise harm the five purposes of the Green Belt.

Other considerations

11. The modest scale of the proposed extension in a position that would not be prominent in public views would ensure that it would preserve the character and appearance of the Thundridge and Wadesmill Conservation Area (CA). For that reason, I agree with the Council that the development would not lead to harm to the CA and would accord with DP Policy HA4. Furthermore, for similar reasons there would be no conflict with DP Policies DES4 and HOU11. Nonetheless, these are neutral factors that do not weigh in favour of, or against, the proposal.
12. The appellant refers to other developments that have been carried out within the Green Belt in Thundridge. However, no details have been presented as to the circumstances that led to the granting of permission and I cannot, therefore, be certain that such developments were found to be not inappropriate in the Green Belt, or there may have been other considerations that weighed in their favour. As such, it has not been demonstrated that the circumstances which led to their approval are the same as the proposal before me. Accordingly, I have determined this appeal on its merits, based on the site-specific circumstances of the case, and have afforded limited weight to such developments when determining this appeal.

13. DP Policy VILL2 indicates that within Group 2 Villages, such as Thundridge and Wadesmill, limited infill development together with small-scale employment, leisure, recreation and community development will be permitted. In the absence of a definition, it is a matter of judgement for the decision maker to decide what amounts to 'limited infilling'. In my view, infill development is generally the filling of a small gap in an otherwise built-up frontage. In this case, as the proposal would be to the rear of the dwelling, and not in a gap between buildings, I do not consider that it constitutes infill development, limited or otherwise. Thus, unlike small-scale employment, leisure, recreation and community development which satisfy the identified criteria, the proposal is not supported by Policy VILL2.
14. Furthermore, there is nothing within the wording of that policy to suggest development within Group 2 Villages are not also subject to the requirements of DP Policy GBR1. As such, even if I were to find that the proposal complies with Policy VILL2, it is reasonable to conclude this would not override the conflict with Policy GBR1 that I have identified.

Green Belt balance and conclusions

15. 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.
16. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. I have also found harm, albeit limited, to its openness.
17. The other considerations I have identified do not weigh 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.
18. 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.
19. Accordingly, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR