



Appeal Decision

Site visit made on 20 May 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 JUNE 2025

Appeal Ref: APP/A1910/D/24/3357472

Roseheath Wood, Bullbeggars Lane, Potten End, Berkhamsted HP4 2RS

- 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 Mrs Caroline Smales against the decision of Dacorum Borough Council.
 - The application Ref is 24/01958/RET.
 - The development proposed is for new electric gates and pillars.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application form confirms that the development proposed has already been started. I saw on my site visit that the electric gates and pillars subject of the appeal proposal have been erected on the appeal site. I have determined the appeal on this basis and the plans before me.

Main Issues

3. The main issues are:
 - whether the appeal proposal is inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (the Framework) including the effect on the openness of the Green Belt;
 - the effect of the development on the character and appearance of the area with particular regard to the location of the appeal site within the Chilterns National Landscape; and
 - if the development is inappropriate, whether the harm, by reason of inappropriateness, and any other harm, would clearly be outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

4. Policy CS5 of the Dacorum Borough Council Core Strategy 2006-2031 (2013) (CS) states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt. Whilst not referring explicitly to the erection of means of enclosure, this policy further specifies that small scale development

within the Green Belt will be permitted in certain circumstances, including considerations relating to the character and appearance of the countryside which I go on to assess under the second main issue.

5. The Framework advises that the essential characteristics of Green Belts are their openness and their permanence, and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Development in the Green Belt is inappropriate unless one of the specified exceptions applies. The erection of gates and pillars do not fall within any of the exceptions listed. The proposal is therefore inappropriate development which is, by definition, harmful to the Green Belt.
6. The appeal development comprises red brick pillars and flanking walls incorporating black electric iron gates on the driveway entrance to Roseheath Wood. Whilst there are gaps between the railings which retain a degree of openness, the walls comprise solid brick. Even though the development is set back slightly from the main road and the walls are partially screened by shrub planting, the development as a whole is visible from public vantage points along Bullbeggars Lane including the public right of way located opposite the site. Spatially the development has resulted in the introduction of built form where previously there was none. When the spatial and visual effects are taken together, there is a modest loss to openness. This adds to the harm to the Green Belt identified by reason of inappropriateness.
7. I conclude that the appeal proposal is inappropriate development in the Green Belt having regard to the development plan and the Framework and would not preserve the openness of the Green Belt. This conflicts with Policy CS5 of the CS which seeks to apply national Green Belt policy to protect the openness and character of the Green Belt.

Character and appearance

8. Bullbeggars Lane is a narrow rural route. The boundaries of this route are defined either by woodland or by mature hedgerow boundaries, over which glimpses towards open agricultural fields beyond are evident. Mature trees are also prevalent along the route. Combined with the lack of footway and street lighting, this green edge to the route positively contributes to the country-lane character which assimilates into the wider rural setting.
9. Roseheath Wood comprises a large, detached dwelling set in spacious grounds within a wooded area. It is set back from the main road, accessed via a long private driveway and positioned close to a bend in Bullbeggars Lane. The woodland and soft landscaping that surrounds Roseheath Wood means that it is unassuming in the landscape and sits comfortably within the rural character and appearance of the locality.
10. The appeal site is located within the Chilterns Area of Outstanding Natural Beauty (now known as the Chilterns National Landscape (NL)). I am conscious of my duty under Section 245 of the Levelling-up and Regeneration Act 2023 to seek to further the purpose of conserving and enhancing the natural beauty of the area. The Framework requires great weight to be given to conserving and enhancing the landscape and scenic beauty of the area. The Chilterns Buildings Design Guide (2010) (DG) refers to the NL as a belt of high ground including an escarpment

divided by a series of valleys resulting in a varied landscape. Woodlands are identified as featuring strongly within the DG.

11. Whilst the DG states that walls and railings can be appropriate in the NL, this is only where it is a prevalent part of the areas characteristics. It also advises that elaborate entrances are usually more suburban in appearance and should be avoided and recommends the use of simple timber gates on drives and entrances.
12. In this case, the siting of the development combined with its ornate appearance represents a stark contrast to the prevailing green edge along Bullbeggars Lane. Its enclosing effect, which is emphasised by the domestic materials, draws the eye. Whilst the brick piers and walls match materials used on the main dwelling, this is not visibly evident since the woodland located adjacent to the driveway forms the primary backdrop to the development. It is acknowledged that the brickwork may weather, and shrubs could continue to grow to increase the screening of the brickwork. However, this would take a significant period of time to occur and even then, would not sufficiently mitigate the discordant effect that the appeal proposal has on the country lane. Even though such effects would be localised, the appeal proposal would fail to conserve and enhance the special landscape qualities and scenic beauty of the NL on this basis.
13. I conclude that the development has a harmful effect on the character and appearance of the area with particular regard to the location of the appeal site within the NL. In this regard, it would conflict with Policies CS5, CS12 and CS24 of the CS and Saved Policy 97 of the Dacorum Borough Local Plan 1991 – 2011 (2004) which requires small scale development in the Green Belt to have no significant impact on the character and appearance of the countryside, for development to integrate with the streetscape character, to be sympathetically sited and designed and for the special qualities of the Chilterns Area of Outstanding Natural Beauty to be conserved including support for the principles set out within the DG.
14. The Council's decision also refers to Policy CS11 of the CS. However, I find no particular conflict with this policy which relates to the quality of Neighbourhood Design in towns and large villages as opposed to rural locations such as the appeal site. Even so, this does not overcome the conflict with the other policies of the development plan set out above.

Other considerations

15. A crime breakdown for the Nettleleden and Potten End area has been submitted by the appellant which confirms that there have been 7 burglaries, and 21 violent crimes reported in the area between April 2023 and March 2024. The appellant also confirms that Roseheath Wood was subject of an attempted burglary in 2023. However, there is no substantive evidence to suggest that there is an ongoing security issue or that the development subject of the appeal proposal is the only security measure available to the appellant. Therefore, I only attach moderate weight to the need for the appeal proposal for security reasons.
16. It is acknowledged that my decision has the potential to affect the enjoyment of the home of the appellant and their intention to make it more secure. I have, therefore had regard to human rights of the appellant under Article 8 of the Human Rights Act 1998 (HRA98).

17. The appellant indicates that permitted development would allow for a one-metre-high boundary treatment located closer to the road than the appeal proposal. I have no substantive evidence before me, such as a lawful development certificate, to indicate that there is a more than theoretical prospect of an alternative fallback such as this being implemented or that a lower boundary treatment would be likely to meet the appellant's specific aspirations in respect of security.
18. My attention has also been drawn to a number of nearby properties which have varying metal gates with brick piers including at Parkways, Little Heath House, Little Heath Great Farm and I saw some of these examples during my site visit. The appellant's statement also refers to a number of appeal decisions relating to gates¹. However, in all of these cases, I have limited information before me on the planning circumstances of the examples given. Furthermore, they are not located on the same part of Bullbeggars Lane as the appeal site. As such, I am not certain that these examples are directly comparable to the appeal proposal. I have, in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me and the unmet requirements of the development plan and the Framework.
19. The Council state that the appeal proposal represents an improvement to alternative solid timber gates and pillars it previously refused planning permission for (Council ref: 24/01321/RET). Even if this is the case, this does not overcome the specific harm I have identified with regards to the appeal proposal.
20. The effect of the appeal proposal upon the living conditions of neighbouring occupiers, highway safety or parking is also not a matter in dispute between the main parties and I find no reason to disagree. However, an absence of harm in these respects, is a neutral factor that weighs neither for nor against the development.

Green Belt Balance

21. The appeal proposal constitutes inappropriate development in the Green Belt to which I attach substantial weight. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The development also results in a modest effect on the openness of the Green Belt. Other harm to the character and appearance of the area with particular regard to the location of the appeal site within the NL has also been identified.
22. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The appellants' need for the development for security reasons and other considerations put forward by the appellant carry no more than moderate weight. On balance, the substantial weight to be given to Green Belt harm, is not clearly outweighed by other considerations in this case and therefore the very special circumstances required to justify the development do not exist.
23. Furthermore, having regard to the HRA98, the dismissal of the appeal is a proportionate and necessary approach as the harm caused by the appeal proposal outweighs its benefits.

¹ APP/A1910/D/10/2139104 and APP/N1920/D/20/3248268

Conclusion

24. 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. For the reasons given above the appeal should be dismissed.

H Marriott

INSPECTOR