



Appeal Decision

Site visit made on 13 June 2025

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2025

Appeal Ref: APP/A1910/W/24/3358069

40 Tower Hill, Chipperfield, Kings Langley, Hertfordshire WD4 9LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs McNamee (Revamp Home Improvements Ltd) against the decision of Dacorum Borough Council.
 - The application Ref is 24/00747/OUT.
 - The development proposed is outline planning application, with all matters reserved aside from access, for the construction of three dwellings, and conversion of the existing building from two flats into a single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is submitted in outline with all matters reserved other than access. I have therefore treated the submitted block plan, elevations, floor plans, and landscaping details as indicative.
3. The site has been the subject of previous planning application and appeal decisions. Not all of these decisions are before me in the evidence. Nonetheless, the evidence indicates the other appeal decisions were either issued many years ago, in a different planning policy context, or relate to proposals that were significantly different from this appeal scheme. Therefore, whilst I have had regard to the planning application and appeals history of the site, it has not been determinative to my decision.
4. The National Planning Policy Framework (the Framework) was revised in December 2024, after the application was determined. The revised Framework made changes to national Green Belt policy and introduced the concept of the 'grey belt'. The parties have had an opportunity to comment on the revised Framework as part of the appeal process, and I have taken the comments received into account.
5. The Council has submitted the emerging Dacorum Local Plan to 2041 (LP2041) for examination and it is therefore at an advanced stage. However, the examination hearings have not yet commenced, and therefore is uncertainty as to the status of unresolved objections, and the degree to which the emerging policies may change. I have not been directed to any emerging policies that would indicate a fundamental change in the approach to the appeal scheme. Consequently, I have considered the proposal with regard to the statutory development plan.

Main Issues

6. The main issues are:

- the effect of the proposal on the integrity of the Chiltern Beechwoods Special Area of Conservation (SAC);
- 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 proposal on the character and appearance of the area; and
- the effect of the proposal on the living conditions of neighbouring residents, with particular regard to noise.

Reasons

Chiltern Beechwoods SAC

7. The site lies within the zone of influence of the Chiltern Beechwoods SAC, which is designated for its beech forests on neutral to rich soils, its dry grasslands and scrublands on chalk or limestone, and its population of Stag Beetles. The conservation objectives of the SAC are to ensure the integrity of the site is maintained and restored.
8. The integrity of the SAC is under threat from recreational disturbance, which would be exacerbated by the increase in population associated with the growth in population through additional housing. Consequently, this development, which would lead to an uplift in the number of households in the area, would increase the recreational pressure on the SAC both alone and in-combination with other plans and projects. Therefore, if the appeal were to be allowed, I would be required to undertake an Appropriate Assessment of the implications of the proposal on the conservation objectives of the SAC in accordance with my duty under the Conservation of Habitats and Species Regulations 2017 (as amended).
9. In support of the appeal, I have been provided with a Unilateral Undertaking (UU) which provides for financial contributions towards Suitable Alternative Natural Greenspace (SANG), Strategic Access Management and Monitoring (SAMM), and the Council's monitoring costs. These contributions are advanced on the basis that they would mitigate the effects of the proposal on the integrity of the SAC.
10. The Council has raised some concerns about the format and detailed wording of the UU. However, there is no standard format for a planning obligation. Based on the information before me I have no reason to conclude the UU would not be enforceable or that it would not bind successors in title; and there is limited evidence to justify financial contributions being secured towards the Council's legal costs in this instance.
11. The Council has not raised any substantive objection to the amount or nature of the mitigation proposed in respect of the effects of the proposal on the integrity of the SAC. Indeed, I have seen correspondence between the parties in which the financial contributions that would be required towards SANG, SAMM, and monitoring costs were agreed prior to the UU being prepared.

12. Consequently, I am satisfied that mitigation could be secured so as to safeguard the integrity of the SAC. It follows that there would be no conflict with Policy CS26 of the Core Strategy 2006-2031 (Adopted 25 September 2013) (CS), which seeks to ensure that development and management action will contribute towards the conservation and restoration of habitats and species.

Whether inappropriate development

13. The appeal site lies within the Green Belt, where Policy CS5 of the CS states that national Green Belt policy will be applied. In that regard, the Framework states that development in the Green Belt is inappropriate, other than in a few exceptions which are set out in paragraphs 154 and 155.
14. The Council initially considered the application against the exceptions now set out in paragraphs 154 d) and 154 e) of the Framework. These paragraphs relate to replacement buildings and limited infilling in villages respectively. However, the appeal is advanced on the basis that the proposal would also fall within the exception listed in paragraph 155 of the revised Framework, which relates to the grey belt.
15. The grey belt is defined in the Framework as land in the Green Belt 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. Given its rural location and siting to the rear of buildings on Tower Hill and Stoney Lane, the site does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. The definition of grey belt excludes land where the application of policies relating to areas or assets in Footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. I have found the proposal would safeguard the integrity of the SAC and there is no evidence to indicate that Footnote 7 would apply for any other reason. Therefore, the site is grey belt for decision making purposes.
16. To be regarded as not inappropriate, development in the grey belt must meet all of the criteria in paragraph 155 of the Framework, save for criteria d. which is relevant to major development only.
17. Due to its scale and siting, the proposal would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. Furthermore, the absence of a five-year supply of deliverable housing sites evidences a demonstrable unmet need for the type of development proposed. Therefore, criteria a. and b. of paragraph 155 of the Framework would be met.
18. Criteria c. requires grey belt development to be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. Those paragraphs, taken together and amongst other things, seek to safeguard the transport network and to focus development on locations which are or can be made sustainable, through prioritising sustainable transport modes and limiting the need to travel.
19. The site is connected to Chipperfield by a footpath, which provides some services and facilities including public houses and restaurants, a primary school, a village hall, and a church. Furthermore, there are bus stops on Tower Hill, near to the site, which provide connectivity by bus to higher order settlements where a wider range of services and facilities could be accessed. I am therefore satisfied that the site

would offer a genuine choice of sustainable travel modes to future residents such that it would meet the criteria in paragraph 155 c. of the Framework.

20. Given these findings, the proposal would not be inappropriate development in the Green Belt, and there would be no conflict with Policy CS5 of the CS or the Framework which seek to protect the Green Belt from inappropriate development.
21. I have been provided with numerous other planning application and appeal decisions which consider whether proposals would fall within the Green Belt exception listed in paragraph 154 e) of the Framework. However, because I have found the proposal would not be inappropriate development in the Green Belt by virtue of paragraph 155 of the Framework, it is not necessary for me to consider whether it would comprise limited infilling in a village. Therefore, I do not find those appeal decisions¹ to be pertinent to the outcome of the appeal. It is also not necessary for me to consider the effect of the proposal on the openness of the Green Belt.

Character and appearance

22. Tower Hill has a distinctive character, comprised predominantly of dwellings in a close-knit linear formation. Whilst there is a degree of variety in the size and type of buildings on the street, the majority of them are sited on characteristically narrow plots with deep gardens, and they share a reasonably consistent building line fronting the road.
23. The dwellings on Stoney Lane and New Road, whilst looser in grain, share this linear format and have a strong road-facing presence albeit perpendicular to Tower Hill. Moreover, whilst the properties on the private access track near to the public house are less visible from Tower Hill, I observed the track also serves as a footpath thus they are not concealed from publicly accessible vantage points. Overall, whilst it is not universally the case, linear development with a direct relationship to the public realm forms a key part of the prevailing pattern of development in this area.
24. The application was submitted in outline, save for access. Therefore, matters relating to the detailed design of the proposal are not before me for consideration at this stage. Nonetheless, in any potential detailed design iteration, the proposed dwellings would be located to the rear of the host property with no direct presence on the road. Indeed, due to the narrow width of the private driveway, and the height and depth of the adjacent buildings, there would be very limited opportunities for a visual connection to be provided between the proposed development and the street at all. Whilst this would safeguard views into and out of the village, it would nonetheless give the proposal the character of a backland scheme, which would be at odds with the prevailing pattern of development in the Tower Hill area.
25. I acknowledge that the cul-de-sac of dwellings that has been established off Stoney Lane is sited to the rear of other buildings. However, the evidence indicates this development comprised the redevelopment of a former nursery where the relevant considerations would inevitably have differed from the appeal

¹ Appeal Decisions References: APP/B1930/W/19/3225543, dated 26 July 2019 & APP/A1910/W/19/3233263, dated 31 October 2019, APP/Y3615/W/16/3150853, dated 9 December 2016, APP/P1940/W/22/3305196, dated 24 August 2023, APP/B1930/W/20/3249093, dated 2 October 2020, and APP/A1910/W/20/3251407, dated 14 September 2020; and planning application references: 21/02260/FUL, 19/03033/FUL, 21/02688/FUL, and 21/00138/FUL.

scheme. Furthermore, its design has allowed for the dwellings to be grouped around, and orientated towards, a road. Indeed, the wide access to the cul-de-sac provides a visual link and a degree of continuity from the Stoney Lane frontage, notwithstanding that it is gated. Therefore, the cul-de-sac does not harmfully detract from the established pattern of development in the locality in the way the appeal scheme would.

26. There is no indication that the proposed dwellings, or their gardens, would fall short of local standards in terms of their size or quality, and the Council has not advanced any objection to the indicative density of the proposal as a matter of principle. However, at this outline stage, and even if the new dwellings would be modest in scale, the size and shape of the site would preclude the provision of the number of dwellings proposed whilst also providing gardens that would reflect the generous size of those around it. Rather, and in all reasonable likelihood, the gardens would be uncharacteristically small, representing a further departure from local character. This would conflict with Saved Appendix 3 of the Dacorum Local Plan 1991-2011 Written Statement (Adopted 21 April 2004), which expects proposals to respect the character of the surrounding area.
27. I do not have sufficient information before me to be certain as to the circumstances that led to the developments at Kings Mews, Garden Scene, and Chipperfield Garage from being accepted. However, the evidence before me suggests these schemes, like the Stoney Lane nursery development, are redevelopment schemes where the relevant considerations would have been different from the appeal proposal. Furthermore, the approved site plans for these developments show they would entail a group of dwellings orientated to face a road which would connect visually with other nearby streets. This could not be achieved on the appeal site due to the narrow width of the access and the absence of public views through to the site due to intervening buildings.
28. The Council has permitted other developments on sites that lie to the rear of properties, including at Flaunden², The Orchard³, Flamstead⁴, and Potten End⁵. I am not beholden to the decisions made by the Council on other sites. Nonetheless, I do not find any of the examples cited to be directly comparable to the appeal scheme. Specifically, the site at Flaunden differs in that it lies adjacent to a caravan park access with likely associated passing traffic; The Orchard lies at the end of a linear row of buildings that front onto Alexandra Road; and the Flamstead site is some distance from Tower Hill, where the Council noted the dwellings would relate well to surrounding development. Finally, and unlike the appeal scheme, the Potten End development comprises dwellings formed around a new road. Therefore, that these schemes have been accepted by the Council does not alter my view on the appeal proposal.
29. The indicative plans show a parking court arrangement could be provided for 8 vehicles. However, the scale of the dwellings and the layout of the site are reserved matters. Therefore, there is no definitive information before me to establish the number of parking spaces that would be required and how they would be laid out within the site. These matters would fall to be considered at a

² Planning Application Reference 21/02260/FUL

³ Planning Application Reference 19/03033/FUL

⁴ Planning Application Reference 21/02688/FUL

⁵ Planning Application Reference 21/00138/FUL

later stage of the planning process and would not, in and of themselves, justify the dismissal of this appeal which has been submitted in outline form.

30. Overall, and taking all of the above into account, I conclude the proposal would cause harm to the character and appearance of the area. Therefore, there would be conflict with Policies CS11 and CS12 of the CS which, taken together, expect proposals to enhance and integrate with local streetscape character.

Living conditions

31. The proposal would result in a net increase in the number of households residing in the area. This would inevitably increase the comings and goings to the site, some of which could generate noise, including from manoeuvring vehicles. However, the number of additional homes would be small, and this is an established residential area where it is common to overhear noise arising from the domestic use of nearby properties, gardens and private vehicles. Moreover, I have been referred to the presence of an extant planning permission at the site⁶ which, if implemented, could lead to an increase in the movements of people and vehicles to domestic parking spaces at the rear of 40 Tower Hill even if the appeal is dismissed.
32. There is no substantive evidence before me to indicate that the noise that would arise from this modest increase in dwellings would be significant or unusual in its nature or volume, particularly when considered in context with the surrounding development. Consequently, the development would not give rise to adverse noise effects that would cause harm to the living conditions of neighbours, including when using their gardens. It follows that there would be no conflict with Policies CS12 and CS32 of the CS, or the Framework, insofar as they seek to avoid noise pollution and disturbance to surrounding properties.

Planning Balance

33. The proposal would not be inappropriate development in the Green Belt, and it would not cause harm to the living conditions of neighbours through adverse noise effects. However, it would cause harm to the character and appearance of the area. The associated conflict with Policies CS11 and CS12 of the CS is sufficient to bring the proposal into conflict with the development plan when read as a whole. Development that conflicts with the development plan should normally be refused unless material considerations indicate otherwise.
34. However, the Council is unable to demonstrate a five-year supply of deliverable housing sites as is required by the Framework. The appellant has stated that the existing supply is less than 2.5 years, and this has not been disputed by the Council. This is a significant shortfall that triggers the engagement of paragraph 11 d) ii of the Framework.
35. There would be some social, economic, and environmental benefits arising from the proposal. The delivery of additional dwellings would contribute towards the under-supply of housing; and the scheme would make more efficient use of this currently under-utilised site. Given its small-scale, the development could be built out relatively quickly thus bringing new homes to the market efficiently. Although the proposal would deliver only a modest net increase in homes, I attach

⁶ Planning application reference: 21/02296/FUL

significant positive weight to this housing delivery given the housing land supply position, the housing delivery provisions in the Framework, and the Written Ministerial Statement entitled 'Building the homes we need' that preceded the most recent revisions to the Framework. This approach is broadly consistent with the appeal decision to which I have been referred at Long Marston⁷.

36. Some jobs would be created during the construction period, and future occupants would be likely to increase expenditure in the local area thus supporting the viability and vitality of rural communities. The homes could also be built to high environmental standards, and it could include landscaping and biodiversity enhancements. These benefits carry moderate positive weight due to the small-scale of the proposal.
37. No harm has been identified in the reasons for refusal in respect of the access arrangements and I see no reason to take a different view based on the evidence before me, including the consultation response from the highway authority. The site would also provide reasonable access to services and facilities by sustainable modes. These are neutral matters that weigh neither for nor against the proposal. Other issues, such as the standard of accommodation, privacy, and landscaping would be considered at the reserved matters stage should the appeal be allowed and are not pertinent to this appeal.
38. Overall, and notwithstanding the significant weight I have attached to housing delivery, the cumulative weight of the benefits in this case does not outweigh the harm that would be caused to the character and appearance of the area. Consequently, in the specific circumstances of this case, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework, when taken as a whole.

Conclusion

39. The proposal conflicts with the development plan and the material considerations do not indicate that a decision should be made otherwise than in accordance with it. Therefore, for the reasons given above, the appeal should be dismissed.

E Catcheside

INSPECTOR

⁷ Appeal Decision Reference: APP/A1910/W/24/3343381, dated 28 November 2024