
Appeal Decision

Site visit made on 8 July 2025

by **N Bowden BA(Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 July 2025

Appeal Ref: APP/P1940/D/24/3358218

Oak House, Loudwater Lane, Loudwater, Hertfordshire, WD3 4AW

- 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 Manish Chotai against the decision of Three Rivers District Council.
 - The application Ref is 24/1299/FUL.
 - The development proposed is new out building granny annex single bed accommodation to allow for separate facilities for care of frail elderly family member.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted and determined prior to the most recent revisions to the National Planning Policy Framework (the Framework) in December 2024. However, the appeal post-dates this most recent version and this is recognised in the appellants statement. I have therefore taken account of the revised Framework here and references to it in this decision relate to the most recent version.
3. The appeal was submitted with revised plans which corrected references to an approved, but unimplemented, planning permission. As these are minor corrections which do not represent a substantial difference or a fundamental change to the appeal and were highlighted by the Council in its decision notice, there is no prejudice or procedural unfairness to any party in my accepting these revisions.
4. The appeal documents further included a completed Unilateral Undertaking (UU) which is discussed further below. As the appeal is to be dismissed, the Council were not consulted on this UU.
5. During the appeal it became apparent that an appendix of the appellant's statement was included in error. This was revised during the course of the appeal and, again, I have taken account of it here as it has not altered my findings.

Main Issues

6. The main issues are:
 - 1) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies including the effect of the proposal on the openness and purposes of the Green Belt,

- 2) whether the proposed development would preserve or enhance the character or appearance of the Outer Loudwater Conservation Area (OLCA), and
- 3) whether other considerations clearly outweigh the harm to the Green Belt and any other harm so as to amount to very special circumstances.

Reasons

Effect on the Green Belt

7. The appeal site is located within the Metropolitan Green Belt wherein the approach to development is subject to the provisions of policy CP11 of the Three Rivers Core Strategy 2011 (TRCS) and policy DM2 of the Three Rivers Development Management Policies Local Development Document 2013 (TRDMP). The latter policy specifically refers to new buildings in the Green Belt and sets out (in summary) at policy DM2 b) that extensions to buildings in the Green Belt that are disproportionate in size (individually or cumulatively) to the original building will not be permitted. Ancillary buildings are referenced specifically at DM2 d) which explains that the Council will only support the provision of ancillary buildings in the Green Belt where it can be demonstrated that the development would be of a scale and design clearly subordinate to the dwelling and of a height and bulk such that the building would not adversely affect the openness of the Green Belt.
8. Paragraph 154 of the Framework explains that development in the Green Belt is inappropriate unless one of certain exceptions apply. These include 154 c), 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. This paragraph does refer to extensions and alterations. However, the provisions of this paragraph should not be interpreted as being confined to physically attached structures. An extension for the purposes of that provision can include structures which are physically detached from the building of which they are an extension¹. Therefore, whilst recognising the separation of the proposed annexe from the main dwelling, it is reasonable to regard it as an extension under paragraph 154 c).
9. Despite the age of the development plan documents, they are not inconsistent with the Framework. There are differences in wording but, fundamentally, the policies all seek to prevent disproportionate additions over and above the size of the original building².
10. The proposed annexe building is a relatively large outbuilding albeit that it is not an unreasonable size for its intended purpose. The parties agree that the original dwelling has been enlarged on multiple occasions in the past and this includes extensions constructed following the grant of planning permission in 1972, 1992 and 2004. The Council considers that the proposal would represent a cumulative increase of 80.6% in floorspace over and above the size of the original dwelling. The appellant suggests the annexe is 28% the size of the original dwelling (but whether this is a volumetric or floorspace calculation is unclear) without taking into account the previously built enlargements. Neither party has provided evidence of the appearance of the original building prior to the extensions to it, and moreover the true extent of the original building was not readily apparent at the time of my

¹ Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe [2022] EWHC 2145 (Admin)

² Having regard to the definition given at Annex 2 of the Framework

site visit although, based on the information provided, I was able to surmise its original extent.

11. Regardless, in any interpretation, it appears to me that the proposal, when considered in cumulation with previous extensions to the property, must represent a disproportionate addition to it as it has had approximately half its original floorspace added to it already and it is evident that some of this was formed in a two storey extension. Therefore, in cumulation with those previous additions, the proposed annexe would represent a disproportionate addition to the original dwelling. This would have an adverse effect on the openness of the Green Belt in both a spatial and visual dimension due to the erosion of visual space and the increased prevalence of built form in this sensitive near edge of settlement location that sits between built up areas. The proposed development therefore conflicts with policy CP11 of the TRCS, policy DM2 of the TRDMP and provisions of the Framework.

Effect on the OLCA

12. The site is set within the OLCA and the significance of this area is the prevalence of large detached houses, many of local note in their own right, set within large plots with ample space around them, including to the sides. These houses benefit from a sylvan backdrop with mature planting lining the historic narrow lanes that wind around the area. Despite the area's proximity to large built-up areas and the M25 it retains a tranquil character.
13. The appeal site is characteristic of this overall impression, comprising a large, detached house set within landscaped grounds. This having been said, it is somewhat removed from the main cluster of homes set towards the west as it is abutted by open fields to all sides. Even so, its contribution to the overall setting of the OLCA is in no way diluted because of this.
14. The proposed annexe would introduce built form to the side of the existing building. It would be a relatively large outbuilding and result in the impression of extending the built form towards the side boundary. This, in cumulation with outbuildings to the opposing side of the house, would result in it filling much of the width of its plot and this would undermine the open and spacious impression that is characteristic of the OLCA. Whilst I do accept that the open fields to the side of the house and screening landscaping would ameliorate this, it does not alter the impression of the built form filling the width of the plot. Likewise, I further appreciate that the use of materials and roof form would align with that of the host dwelling, but this does not outweigh the harm created by the buildings size and position.
15. I therefore conclude that there would be a moderate adverse impact and less than substantial harm to the character and appearance of the area. This would therefore fail to preserve or enhance the character or appearance of the OLCA. The proposal therefore conflicts with policies CP1 and CP11 of the TRCS and policies DM1 and DM3 of the TRDMP including guidance at Appendix 2 insofar as it is not of a design and scale that preserves or enhances the character or appearance of the area.
16. In reaching my conclusions here I have considered the statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires me to pay special attention to the desirability of preserving or enhancing

the character or appearance of the area. I am also mindful of the provisions of paragraph 215 of the Framework which sets out that any less than substantial harm to a heritage asset should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

17. I recognise that there is a public benefit in providing accommodation for elderly family members in terms of ensuring the cohesion of a family unit and potentially releasing another dwelling elsewhere to general needs housing. However, I am unable to conclude that the harm to the OLCA is outweighed by these benefits. Moreover, this decision to refuse planning permission would have no significant effect on the optimum viable use of the much wider conservation area.

Other considerations

18. I am mindful of the fallback position that has been nominated by the appellant. Namely, this is the swimming pool building that was previously shown to be lawful³. Whilst this decision is now somewhat dated, I have no reason to conclude that this structure, or indeed a similar one, could not be constructed with deemed planning permission using permitted development rights granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order) to the rear. I must recognise that this building, or even a similar one, could and likely would, have a greater impact upon the openness of the Green Belt than the current proposal. For this reason, I must give this fallback position substantial weight.
19. I have also had regard to the signed and engrossed UU that the appellant has provided. This waives rights to construct further outbuildings exercising Class E, Part 1, Schedule 2 rights under the Order. This, in effect, would preclude any ability to construct the abovementioned fallback position or a similar building. This would have longer term benefits to the openness of the Green Belt as it would place control at the discretion of the planning authority.
20. However, it does not ameliorate the harm to the Green Belt created by this proposed annexe. Were permission to be granted and subject to the provisions of the UU, the harm to the Green Belt would still occur. Moreover, I have also highlighted that the harm created by the proposed annexe also relates to the effect on the character and appearance of the OLCA by reason of its size and position to the side of the house. Whilst the UU would prevent further additions at the property, it would only restrict them at the rear, in a location that would likely have less of an impact on the OLCA. Moreover, in light of the substantial age of the lawful development certificate, I have no reason to believe that an outbuilding of this ilk is intended to be built. For these reasons, I can only attach moderate weight to the benefits of this UU.
21. I have had regard to the appeal decision referenced by the appellant at Hunterswood House, Penmans Green, Sarratt⁴, however I do not find that my conclusions here differ from those of this other Inspector. I have attached substantial weight to the potential fallback position in this case. Conversely, the case at Hunterswood House was found to be less harmful than the fallback position whereas that is not the case here as the proposed development would, in

³ Council ref: 15/0521/CLPD

⁴ APP/P1940/D/23/3319397

addition to the Green Belt harm, also be harmful to the character and appearance of the OLCA.

22. I have already referenced the appellant's desire to use the annexe as ancillary accommodation for elderly family members and recognise that this carries some weight under the heritage balance. I must also give this some moderate weight as a consideration in this Green Belt context. Nevertheless, I must also be mindful that there could well be other ways to ensure elderly family members could be cared for at the property.
23. Other neutral considerations have also factored into my reasoning here and these include a sustainable manner of construction, effects on biodiversity along with other matters. However, as neutral considerations, they weigh neither for, nor against, the proposal.

Planning Balance and Conclusion

24. The proposed development would represent a disproportionate addition to the original dwelling and would be harmful to the openness of the Green Belt, spatially and visually. Moreover, the proposal would fail to preserve or enhance the character or appearance of the OCLA.
25. I recognise there are some benefits to the scheme, having regard to the elements of potentially greater harm from the fallback position in addition to the advantages of caring for elderly family members at the property. However, the Framework highlights, at paragraph 153, that 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 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.
26. Whilst I have attached weight to the other considerations, I am unable to conclude that they, individually or cumulatively, clearly outweigh the harm to the Green Belt. Equally, the public benefits of the proposal do not outweigh the harm to the designated heritage asset.
27. It follows that 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. Therefore, for the reasons given above the appeal should be dismissed.

N Bowden

INSPECTOR