



Appeal Decision

Site visit made on 24 June 2025

by **R Gee BA (Hons) Dip TP PGCert UD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th August 2025

Appeal Ref: APP/A1910/W/25/3363288

Oak Cottage, 20 Bourne End Lane, Bourne End HP1 2RL

- 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 T Horsfall against the decision of Dacorum Borough Council.
 - The application Ref is 24/01987/OUT.
 - The development proposed is outline planning application (all matters reserved other than access) for 3 serviced plots for self-build and custom housebuilding.
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Decision

1. The appeal is allowed and planning permission is granted for outline planning application (all matters reserved other than access) for 3 serviced plots for self-build and custom housebuilding at Oak Cottage 20 Bourne End Lane, Bourne End, HP1 2RL in accordance with the terms of the application, Ref 24/01987/OUT, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal scheme relates to an outline proposal, with access to be considered at this stage, with all other matters reserved for future consideration. I have considered the appeal accordingly. A plan has been submitted which indicates how three dwellings could be accommodated on the site. I have taken this plan into account for indicative purposes only.
3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 and the PPG on Green Belt was updated in February 2025. The main parties have commented on the relevance of the revised Framework to the proposal, and I have taken their comments into account.
4. During the course of the appeal signed and dated planning obligations have been submitted to secure the provision of self-build/custom housing (hereafter 'SBCH) and in respect of mitigation in relation to the Chilterns Beechwoods Special Area of Conservation (SAC). I will return to these matters later in my decision.
5. The appeal site was the subject of a recent appeal decision¹, which was dismissed. The current appeal scheme relates to a reduced quantum of development. The national policy for development in the Green Belt has since changed, and therefore the context in which that appeal was determined is not directly comparable to that before me.

¹ APP/A1919/W/23/3324939 issued 4 March 2024

Main Issues

6. The main issues are:
 - i) the effect of the proposed development on the character and appearance of the area;
 - ii) the integrity of habitats sites;
 - iii) whether the proposal is inappropriate development in the Green Belt or grey belt land having regard to the Framework and any relevant development plan policies; and
 - iv) if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Character and appearance

7. Bourne End is a rural village, surrounded by open countryside. The appeal site comprises an irregular shaped parcel of land located to the rear of existing dwellings that front Bourne End Lane. Access would be taken utilising the existing driveway that serves Oak Cottage. The site is relatively flat and laid to grass. I observed a single storey wooden outbuilding within the confines of the appeal site along with some domestic paraphernalia.
8. There is dispute between the parties as to whether or not the appeal site respects countryside borders and the landscape character surrounding the village, as by Policy CS10 of the Dacorum Borough Council Core Strategy (CS) 2006-2031.
9. The appellant has drawn my attention to the Council's intention to introduce a settlement boundary at Bourne End during the production of the new local plan, which they submit was informed by the findings of the Council's Green Belt Review. However, it is understood that the proposed alteration to the proposals map has not been taken forward to the submission local plan.
10. There would be a degree of harm to character and appearance by reason of introducing built form onto the verdant parcel of land. However, whilst I concur that the appeal site is countryside, I observed it to be under the influence of existing built form, noting that Roseneath and Wayside, both of which front the A4251 and extend north of the appeal site, results in a degree of containment of the appeal site. Furthermore, the presence of existing substantial boundary treatments, leads me to the view that the proposal would result in a limited degree of harm, and not to the extent as advanced by the Council.
11. Dense, road-fronting linear development is prevalent in Bourne End. However, I also observed development at Lauries Close whereby properties do not have a road frontage, set back within the site, in a similar manner to that proposed. The appeal site would abut these properties and therefore I do not concur that the appeal proposal would be unacceptably discordant with the pattern of development in the locality. Furthermore, whilst the siting design and layout of the proposed dwellings is reserved for subsequent approval, based on the evidence

before me, I am satisfied that the development of the site could be designed in a manner such that its density and form of development would be reflective of its immediate environs.

12. Property types vary in the locality, particularly in terms of their scale and architectural style. I therefore do not consider there to be a strong local identity to existing built form. Whilst the application is made in outline only, I consider that the proposed development could be designed in a manner which meets the aims of the CS such that the development would assimilate well into its surroundings.
13. For the reasons stated above, I therefore conclude that the proposal would result in harm, albeit limited, to the character and appearance of the area. Accordingly, this draws the proposal into conflict with Policies CS10, C11 and CS12 of the CS insofar as they require development to respect defined countryside borders and landscape character surrounding villages as well as integrate with the existing streetscape character.

Habitats Sites

14. The information indicates that the site lies within the Zone of Influence (Zoi) for the Chilterns Beechwoods SAC. The SAC is an internationally recognised habitat with protected features in its beech forests, semi-natural dry grasslands and scrub on chalk, and its population of stag beetles. It is an attractive and accessible site of regional significance for recreation. Residential development within the Zoi is expected to result in further recreational pressure from the increased number of people using it.
15. As the competent authority it is necessary for me to conduct an Appropriate Assessment in relation to the effect of the proposed development on its integrity.
16. The proposed development is for three dwellings and as such the number of additional recreational visitors would be limited. However, in combination with other developments, likely significant effects cannot be ruled out.
17. The Council imposes a tariff on development proposals to mitigate the effects of recreational disturbance and protect the integrity of European sites. As part of the appeal submission the appellant has submitted a signed unilateral undertaking (UU) to secure mitigation in accordance with the Strategic Access Management and Monitoring (SAMM) and the Suitable Alternative Natural Greenspace (SANG).
18. Natural England have confirmed that where appropriate contributions are secured the development will not affect the integrity of the SAC.
19. The Council raises concerns that the proposal would utilise SAMM and SANG credits that might otherwise be utilised by development on brownfield site thereby undermining the Council's ability to support the regeneration of such sites in the future. However, I have no substantive evidence before me that the proposal would jeopardise other developments coming forward.
20. I am therefore satisfied that the contributions secured by the UU would ensure that the development would not adversely affect the integrity of the SAC. It would therefore accord with Policies CS25 and CS26 of the CS and the aims of the Framework, insofar as conserving and enhancing the natural environment.

Whether inappropriate development or grey belt

21. The appeal site is located within the designated Green Belt. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions as set out in paragraph 154 of the Framework.
22. Policies CS1, CS2 and CS5 of the CS reflect the list of exceptions set out at Paragraph 154. However, Paragraph 155 of the revised Framework also provides for an exception on grey belt land. Consequently, as the CS predates the recent changes to national Green Belt policy the CS is only partially consistent with the Framework in this regard.
23. I recognise that there is a disagreement over whether or not the appeal site lies within the village. This is a matter of judgement having regard to the location of the application site and its relationship to other existing development adjoining and adjacent to it. The appellant submits that the appeal site forms part of the village and suggests that it represents an infill plot, which in their view establishes that the proposal would accord with the development plan and Framework. However, I concur with the previous Inspector that, owing to its physical and visual attributes, the appeal site lies outside of the village Bourne End.
24. I have also had regard to whether or not the proposal would constitute infill development. Even if I were to accept the appellants assertion that the appeal site is within the village, for the reasons previously concluded by Inspector Allen I concur that the proposal would not constitute infill.
25. My attention has been drawn to nearby approved schemes which the appellant considers to be comparable. However, from the limited information available to me, and as observed at my site visit, I do not consider the developments to be comparable as there are fundamental differences in respect of location, surrounding built form and pattern of development. These other decisions do not lead me to a different conclusion on the main issues in this appeal. In any event, I have assessed the appeal on its own merits.

Grey Belt

26. The appellant advances that the land in question is grey belt land. Paragraph 155 of the Framework establishes that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where, amongst other things, it would utilise grey belt land.
27. Whilst the parties dispute the extent to which the site might comprise previously developed land Annex 2 of the Framework states that for the purposes of plan-making and decision-making, 'grey belt' is defined 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. These are (a) to check the unrestricted sprawl of large built-up areas; (b) to

- prevent neighbouring towns merging into one another; and (d) to preserve the setting and special character of historic towns.
28. The PPG sets out considerations to inform judgements about the strength of contribution areas of land make to these purposes, to which I have had regard. None of the criteria relating to grey belt land are concerned with openness. Therefore, this does not form a consideration in determining whether proposals are inappropriate development or not. Whether or not the site strongly contributes to the particular purposes listed will be a matter of planning judgement.
 29. Although the site has a verdant appearance it is not wholly open due to the presence of existing residential development and the substantial vegetation, including trees and hedgerows to its boundaries.
 30. Development of the site would encroach into the countryside to a degree, but this would be largely screened by vegetation and built form from several perspectives. There is scope for further visual mitigation through the design and materials of construction of the proposed dwellings, and additional soft landscaping that could be secured at the reserved matters stage. I therefore find the appeal proposal would not provide a strong reason for refusing in respect of unrestricted sprawl therefore satisfying criterion (a).
 31. The appeal site is within a relatively substantial gap between Bourne End and the next nearest town of Berkhamstead. However, the appeal site is only a very small part of this gap. Consequently, development of the site would not result in a material loss of separation between them. As a result, I find the appeal site does not make a strong contribution to purpose (b).
 32. It is agreed between the parties that the appeal site does not strongly contribute to purpose (d), and I have no reason to disagree.
 33. The tests for development on grey belt land at Framework paragraph 155 are that: (a) it would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; (b) there is a demonstrable unmet need for the type of development proposed, which in the context of this appeal means the lack of a five year supply of deliverable housing supply and (c) the development would be in a sustainable location. The 'Golden Rules' in the fourth test do not apply in this case given the scale of the development proposed.
 34. Having regard to the site-specific contextual factors set out above, leads me to find that development of the site would not fundamentally undermine the ability of the remaining Green Belt in Dacorum to serve its five purposes in a meaningful way. I have not been presented with any robust evidence to persuade me otherwise.
 35. In respect of criteria b) it is not disputed that the Council cannot demonstrate a Framework compliant deliverable 5-year housing land supply, with there being a significant shortfall, circa a 1-year supply. The provision of 3no dwellings would make a positive contribution towards housing land supply. Whilst the scale of the proposal is limited given the Council's woeful position in respect of housing land supply, I attribute significant weight to this provision.
 36. Furthermore, the Council accepts there is an unmet need for SBCH sites within the Borough and that the site would support the delivery of such homes in

accordance with the Framework. I am satisfied that the signed UU would appropriately secure SBCH on the site and would meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations (2010) as amended and the guidance in paragraph 57 of the Framework. I therefore attribute this significant favourable weight in the planning balance.

37. In terms of whether a sustainable location paragraphs 110 and 115 of the Framework promote sustainable transport in terms of managing pattern of growth to support this objective. The appeal site is located adjacent to Bourne End village which contains a number of facilities including public house, petrol station with convenience store, church, children's nursery and a village hall. I am mindful that there are no paved footpaths or street lighting along this part of Bourne End Lane proximate to the appeal site, which is likely to discourage walking. However, the appeal site lies adjacent to a group of existing houses and is not in any less of a sustainable location than them.
38. Whilst future occupants may be highly likely to rely on the private motor vehicle to travel beyond the village the evidence before me indicates that there is a regular bus service to neighbouring towns, including Hemel Hempstead and Berkamstead, whereby future occupants would be able to access a wider array of services and facilities and connections to other destinations. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. Having regard to these considerations, for the purpose of this appeal, there is no compelling evidence before me that the appeal site is not within a sustainable location in terms of criteria c).
39. Accordingly, as set out above, all the relevant tests at Framework paragraph 155 are satisfied and I conclude the development is not inappropriate in the Green Belt.

Whether very special circumstances exist

40. I have found that the appeal development is not inappropriate development in the Green Belt, in line with the revised Framework, it is therefore not necessary to consider whether very special circumstances exist.

Conclusion on Green Belt issues

41. The appeal proposal would utilise grey belt land, would be in a sustainable location and would not fundamentally undermine the purposes of the Green Belt. Furthermore, there is a demonstrable unmet need for housing in the district, including custom and self-build properties which is not disputed between the parties.
42. Whilst the appeal proposal would conflict with the CS, the proposal would accord with the approach to development in the Green Belt, as set out in the updated Framework.

Other Matters

43. The appellant has set out a series of benefits which are argued in support of the case for approval, and I have considered and taken them all into account.

44. In particular, the appellant advances the need for new homes and securing SBCH, which I have considered above and attribute significant weight to. Furthermore, the Framework is supportive of small and medium sized sites, such as this, which can make an important contribution to meeting the housing requirements of an area and are often built out relatively quickly.
45. The proposed development would offer social and economic benefits including the provision of 3no new dwellings. I acknowledge that the proposal would make a direct and indirect contribution to the local economy through an increase in spending power, and through increased employment opportunities and the purchase of materials during construction. These are matters to which I attach moderate weight.
46. I have had regard to the concerns of interested parties including, but not limited to impact on living conditions, lack of infrastructure, loss of trees, increased traffic, reduced parking and impact on wildlife. The Council did not conclude that these concerns would amount to reasons to justify withholding planning permission. I have been provided with no substantive evidence which would prompt me to disagree with the Council. I am, therefore, satisfied that these matters could be appropriately considered and controlled at reserved matters stage and/or through the imposition of planning conditions.
47. For the reasons set out earlier in my decision, I have found no harm in respect of the SAC. Accordingly, having regard to Footnote 7 of the Framework, the policies relating to areas or assets other than Green Belt would not provide a strong reason for refusing or restricting development on the appeal site.
48. I note the evolution of the proposal from a previously refused scheme. However, I have considered the appeal proposal on its own merits based on the evidence before me, including an updated national policy context.
49. Taking all these considerations into account, I conclude that cumulatively the benefits and arguments in favour of approval merit significant weight in favour of the appeal proposal.

Conditions

50. I have assessed the conditions recommended by the Council against the tests set out in paragraph 55 of the Framework.
51. Conditions relating to the timing of reserved matters applications, implementation of the development, phasing, the relevant approved plans and floor levels, are all necessary to provide certainty.
52. A condition requiring the approved access to be constructed prior to occupation the development is required in the interest of highway safety as are conditions regarding the provision of visibility splays and car parking. The provision of access for fire tenders is reasonable and necessary having regard to policy CS12 of the CS which, amongst other things, requires adequate provision for service vehicles.
53. A condition is required for the submission, approval and implementation of a Construction Environmental Management Plan, to include in particular details of reasonable avoidance measures to be employed during the construction phase to protect the living conditions of existing occupants of nearby dwellings.

54. Having regard to the tests for conditions as set out in the Framework and PPG, the Council's suggested condition for details of hard and soft landscaping are unnecessary as landscaping is a reserved matter.

Planning Balance and Conclusion

55. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise².
56. Whilst I have identified some degree of harm to character and appearance overall, I find this would be localised. Amongst other things, the proposal would make a positive contribution towards housing land supply, including securing SBCH, to which I attribute significant weight. Given the limited conflict with the CS I find that it would not be sufficient to conclude that the adverse impacts arising from the appeal proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
57. Moreover, as set out above, the updated Framework, in respect of national Green Belt policy, is a material consideration which in this instance indicates that a decision should be made other than in accordance with the development plan. Therefore, for the reasons set out above, the appeal is allowed.

R. Gee

INSPECTOR

Schedule of Conditions

1. Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development within any phase of development takes place and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
2. The development hereby permitted shall begin no later than 2 years from the date of approval of the last of the reserved matters to be approved.
3. The development hereby approved shall not commence until details of a phasing plan for the development of the site have been submitted to and approved in writing by the local planning authority. The phasing plan shall set out how the construction of the key elements of infrastructure necessary to provide serviced plots will be provided and thereafter how delivery of the housing permitted may be delivered.
4. For each phase of development, the details of appearance to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include:
 - a) A complete set of elevations for the proposed buildings including any ancillary

² Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

buildings thereto,

- b) Full details of the proposed floor plans to the dwellings hereby approved,
- c) Samples of the materials to be used in the construction of the external surfaces of the development,
- d) Details of bin storage provision including recycling facilities; and
- e) Details of secure cycle storage;

No dwelling within a phase of development shall be occupied until the development has been carried out in accordance with the approved details.

5. The details of scale of each phase of development to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include details of the proposed slab, finished floor and roof levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land and buildings. The development shall be constructed in accordance with the approved levels.
6. The development hereby approved shall not be occupied until the arrangements for access to the site as shown in drawing OC/24/96/03 have been provided. The access arrangements shall thereafter be retained in accordance with the approved plan.
7. The visibility splays shown on drawing C/24/06/03 shall be provided prior to the construction of any phase of development to the scheme hereby approved and shall thereafter be maintained free from obstruction exceeding a height of 0.6m.
8. No phase of the development hereby approved shall be occupied until adequate provision for the parking of vehicles has been made in accordance with the Car Parking Standards SPD (2020). The approved car parking spaces shall thereafter be retained for the parking of vehicles.
9. The development hereby approved shall not be occupied a plan demonstrating that fire tenders can access and egress the site in a forward gear have been submitted and approved by writing by the local planning authority. The access road shall be provided fully in accordance with the approved details prior to the occupation of any dwelling hereby approved.
10. No phase of the development hereby approved shall be occupied until adequate provision for the parking of vehicles has been made in accordance with the Car Parking Standards SPD (2020). The approved car parking spaces shall thereafter be retained for the parking of vehicles.
11. No development, including any works of demolition or preparation works prior to building operations shall take place on site until a Construction Transport Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall include details of:
 - a) Parking and turning areas for vehicles of site personnel, operatives and deliveries.
 - b) Loading and unloading of plant and materials;
 - c) Storage of plant and materials used in constructing the development

- d) Timing of deliveries
- e) Provision of wheel washing facilities
- f) Measures to control the emissions of dust and dirt during construction;
- g) A scheme for the recycling/disposing of waste resulting from demolition and construction works;
- h) Routing of construction and delivery vehicles to / from the site;
- i) Temporary traffic management / signage and
- i) Hours of operations.

*****End of Schedule*****