



Appeal Decision

Site visit made on 17 June 2025 by Elizabeth Davies BSc (Hons) MIEMA, CEnv

Decision by Kenneth Stone BSc (Hons), Dip TP, MRTPI.

an Inspector appointed by the Secretary of State

Decision date: 02 September 2025.

Appeal Ref: APP/P1940/D/24/3351933

Riverside, Old Mill Road, Hunton Bridge WD4 8QT

- 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 Victor Gutsul against the decision of Three Rivers District Council.
 - The application Ref is 24/0745/FUL.
 - The development proposed is erection of two detached outbuildings.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. On 12 December 2024 the Government published a revised National Planning Policy Framework (the Framework). Both parties have had the opportunity to comment on any implications for the appeal, and I have taken comments received into account.
4. I have used the Council's description of development as it more clearly and concisely describes the proposals. The description on the application form also only refers to one outbuilding, when two are proposed.

Main Issues

5. The main issues in the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposed development on flood risk, flood defences and maintenance of the adjacent River Gade and Grand Union Canal River Gade watercourse; and
 - If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly

outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether it would be inappropriate development

6. The appeal property contains a large, detached dwelling, with a spacious rear garden intersected by small branches of the River Gade. It features a patio area and swimming pool, areas laid to lawn, footbridge river crossings and a number of outbuildings and structures. The main branch of the Grand Union Canal River Gade is located outside, but immediately adjacent to the appeal site.
7. The proposal is for the construction of two detached outbuildings. Paragraph 154 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. Policy CP11 of the Local Development Framework Core Strategy (adopted 17 October 2011) (the 'Core Strategy') is generally consistent with the Framework relating to the Green Belt. It refers to the pressure on the Green Belt within the District, emphasising the general presumption against inappropriate development. Policy DM2 of the Three Rivers Development Management Policies Local Development Document (adopted July 2013) (the 'LDD') states that proposals for new buildings in the Green Belt will be assessed in accordance with the Framework. However, it also supports the provision of ancillary buildings in the Green Belt subject to demonstrating, amongst other things, that the proposal would not adversely affect the openness of the Green Belt and the landscape.
8. One of the exceptions in the Framework 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. As the proposed outbuildings are set away from the main dwelling, I consider that the substantial physical separation means that the proposal should not be considered as an extension to the existing building. The Council have come to the same conclusion and the appellant does not dispute this.
9. The appellant has however stated that the outbuildings have been designed to store garden equipment and should therefore be classified as buildings for agriculture. Buildings for agriculture is another exception listed in the Framework where development would not be inappropriate in the Green Belt. However, the appeal property is a residential dwelling and on this basis I cannot accept the proposed buildings are for agricultural use.
10. The updated Framework has introduced the concept of grey belt land. This establishes that development would not be regarded as inappropriate where it would utilise grey belt land and would not fundamentally undermine the purposes of the remaining Green Belt; where it would meet a demonstrable need; would be in a sustainable location; and (where applicable) meets the 'Golden Rules'.
11. The appeal site does not strongly contribute to the purposes of the Green Belt. The appeal site is located close to Abbots Langley and appears to me to be a reasonably sustainable location. However, there is no demonstrable unmet need for this type of development according to the Council, albeit I note the appellant claims a personal need, and the 'Golden Rules' are not applicable.

12. The proposed development is therefore inappropriate development in the Green Belt and is contrary to the Framework, Policy CP11 of the Core Strategy and Policy DM2 of the LDD.

Openness

13. 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”. Openness can be determined by visual and spatial aspects.
14. Whilst of a fairly modest size in the context of the appeal site, spatially, the proposed outbuildings would add structures in a previously undeveloped part of the appeal site, within the Green Belt. It would therefore reduce its openness.
15. The two outbuildings would be located in a relatively discreet corner of the appeal property, away from the main dwelling. The proposed outbuildings would be screened from view by mature landscaping and a high boundary wall. The proposed outbuildings would therefore not be highly visible from within or outside the appeal site and would have a very limited impact on visual openness.
16. Overall, therefore, the proposal would have a harmful, albeit limited, effect on openness. This harmful impact on openness, and the inappropriateness of the proposal in principle, both carry substantial weight.

Flood Risk and Watercourse Maintenance

17. The proposed outbuildings are located on a section of garden that has a branch of the River Gade running adjacent to it on one side (within the site boundary) and the River Gade Grand Union Canal on the other, just outside the site boundary.
18. The appellant has stated that the appeal site is located in Flood Zone 1, however, the evidence provided by the Council and the Environment Agency indicate the proposed outbuildings would be located within Flood Zone 3b (functional flood plain). As an ancillary building to a residential dwelling, the proposed building would fall within the ‘more vulnerable’ flood risk classification.
19. The appellant’s view is that the outbuildings would have a minimum impact on flooding. The appellant has stated that the floor slab of the outbuildings would be set 300mm above the design flood level (although this has not been shown on the planning drawings). Whilst the evidence from the Environment Agency refers to a flood risk assessment prepared by the appellant, this has not been provided to me as part of the appeal. I therefore do not have the evidence before me that demonstrates that the proposed development would not be at risk from flooding and not increase flood risk.
20. The Environment Agency have also objected to the proposals on the basis that the outbuildings would potentially restrict essential maintenance and emergency access to the watercourse, adversely impact the stability of the flood bank, interfere with natural geomorphological processes and be placed at risk of damage arising from channel migration and erosion. The Environment Agency also state that the applicant has not considered the space required (8m) for future flood defence maintenance or replacement, including the use of vehicles and heavy-duty machinery.

21. The appellant has highlighted to me that the proposed outbuildings would be separated from the Grand Union Canal River Gade by a tall fence and mature vegetation and there would be a minimal impact on maintenance of the watercourse. I do not agree this would be the case as if future maintenance is needed it would be impeded by the location of the proposed outbuildings.
22. On the basis of the above, it has not been demonstrated that the proposal would not increase the risk of flooding and prevent other potential adverse impacts on the River Gade and the River Gade Grand Union Canal. The proposal would be contrary to the Framework and Policy CP1 of the Core Strategy and Policy DM8 of the LDD, that seek, amongst other things, to avoid development in areas at risk of flooding, provide appropriate flood protection and mitigation measures and ensure development is normally set back from a main river with a minimum 8m wide buffer zone to prevent any significant impact from flooding.

Other Considerations

23. Paragraph 153 of the Framework states that inappropriate development is, by definition, harmful. Paragraph 153 requires substantial weight to be given to any harm to the Green Belt and requires very special circumstances to be demonstrated to clearly outweigh any harm to the Green Belt by way of inappropriateness, or any other harm.
24. The proposed outbuildings would enable the appellant to store garden and household equipment. I also note that there will be no change to road access arrangements and landscaping. These matters in favour of the development are weighed in the planning balance below.

Planning Balance and Conclusion

25. The development is inappropriate development in the Green Belt, and harms its openness, to which I must attribute substantial weight against the development. Added to which is the harm relating to flood risk and adverse impacts on the River Gade and Grand Union Canal. Balanced against that are the other considerations identified above. The appellants need for the proposed development attracts only limited weight, the lack of harm to access arrangements and landscaping carries neutral weight. I conclude that the other considerations do not clearly outweigh the harm to the Green Belt and therefore there are no very special circumstances to justify the proposal.
26. Therefore the proposed development would be contrary to the Framework and Policies CP1 and CP11 of the Core Strategy and Policies DM2 and DM8 of the LDD as described above.
27. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

28. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Kenneth Stone

INSPECTOR