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## Appeal Decisions

Site visit made on 14 July 2025

by **C J Leigh BSc (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 September 2025

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### **Appeal A Ref: APP/P1940/W/25/3363615**

**Glenwood, Harthall Lane, Kings Langley, WD4 8JN**

- 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 'c/o FH Planning Services' against the decision of Three Rivers District Council.
  - The application reference is 24/1369/FUL.
  - The development proposed is demolition of existing dwelling, construction of two new detached dwellings.
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### **Appeal B Ref: APP/M3645/W/25/3363616**

**Glenwood, Harthall Lane, Kings Langley, WD4 8JN**

- 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 'c/o FH Planning Services' against the decision of Three Rivers District Council.
  - The application reference is 24/1368/FUL.
  - The development proposed is demolition of existing dwelling, construction of two new semi-detached dwellings.
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## Decisions

### **Appeal A Ref APP/P1940/W/25/3363615**

1. The appeal is dismissed.

### **Appeal B Ref APP/P1940/W/25/3363616**

2. The appeal is dismissed.

## Main issues

3. The main issues in both appeals are as follows:
  - whether the proposals would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework, including consideration of openness effects;
  - the effect on character and appearance; and
  - whether any harm by reason 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 the proposal in the Green Belt.

## Reasons

### *Green Belt*

4. The appeal site lies within the Metropolitan Green Belt, the boundaries of which are drawn in accordance with Policy CP2 of the Three Rivers Core Strategy (2011) ('the CS'). Policy DM2 of the Three Rivers Development Management Policies Local Development Document (2013) ('the DMPLDD') states that, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance. Paragraph 154 of the National Planning Policy Framework ('the Framework') states that development in the Green Belt is inappropriate unless one of certain specified exceptions applies.
5. The development proposed in both appeals would see the demolition of an existing single storey property and the erection of two dwellings. In each appeal the replacement building would be very substantially bigger than the one it replaces in terms of floorspace, volume, height and massing. Hence in both appeals the proposals would clearly not satisfy paragraph 154d) of the Framework, which allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
6. Paragraph 154e) of the Framework allows for limited infilling in villages. I concur with the findings of a previous Inspector who considered an appeal for 5 dwellings on the same site (ref. APP/P1940/W/19/3229189). Harthall Lane has linear development along it with a semi-rural and verdant character when travelling away from the centre of Kings Langley. The appeal site is accessed via a lane from Harthall Lane, and whilst there are residential properties on this lane the character becomes more spacious and open travelling along it. This gives a clear impression of the appeal site lying beyond the village edge and not in the village itself. Consequently, it is my judgement that the site is not located within a village and therefore the proposals in both appeals do not fall within the exception set out in paragraph 154e).
7. Paragraph 154g) of the Framework allows for the limited infilling or the partial or complete redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt. The appeal site constitutes previously developed land. The openness of the Green Belt has a visual aspect as well as a spatial aspect. In this regard, the appeal site is characterised by a single storey dwelling that has limited impact on the openness of the area as there is space around the property and views across the building and the site.
8. The proposals in both appeals would see two dwellings with an additional storey, creating a substantially greater massing than the amount of development on the site. This additional storey would be seen at depth in the site, and would add to the bulk of buildings which would be visible from the track and wider vantage points. The form and layout of the proposals in both appeals would thus see new built development introduced to the site, which would have a substantially greater spatial impact than the existing development.
9. In addition to the increased built form, the proposal in both appeals would see two curtilages created, with associated parking and access arrangements. The two residential curtilages created by both proposals is likely to increase the amount of domestic paraphernalia across the appeal site through a more intensive use of the

land and wider area. From my reading of the plans for both appeals, and from my observations at the site visit, it is also evident the two schemes would result in parking along the front of the appeal site and to the side of the houses. In my judgement this would lead to increased circulation and parking of vehicles in a prominent area of the site, visible from public views. This would further increase the spread of development and activity which, together with the two curtilages, would reduce the openness of the site both visually and spatially.

10. In my judgement there would thus be an adverse spatial and visual impact in both proposals due to the scale and layout of development in this location, leading to significant harm to the openness of the Green Belt. The proposals in both appeals would not satisfy the exception set out at paragraph 154g).
11. Paragraph 155 of the Framework further states that the development of homes in the Green Belt should also not be regarded as inappropriate where all of four criteria apply.
12. The site comprises previously developed land and so constitutes 'grey belt' in accordance with criterion a. of paragraph 155. Development on the site would not undermine the purposes of the remaining Green Belt across the area of the plan. There is a deficiency in five-year housing land supply in the District and so the proposals in both appeals would satisfy the requirement of criterion b. requiring there to be a demonstrable unmet need for the type of development proposed.
13. Criterion c. of paragraph 155 requires a site to be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. These paragraphs seek to ensure that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location. Planning decision must take into account objectives for sustainable transport, including ensuring safe and suitable access can be achieved for all users, whilst recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
14. The facilities and services within Kings Langley are some distance away. Whilst these could be reached by foot, the information from the appellant shows distances to various facilities utilising an unmade public right of way. That route is unlit and narrow, and runs beneath a low tunnel. An alternative route would be via the lane to Harthall Lane, which has no footway and hence pedestrians must walk some distance on the road and underneath the railway before reaching an easier walking route.
15. In my view, both routes from the appeal site to the facilities of Kings Langley are not attractive to pedestrians, and would be particularly unattractive in poor weather or when dark. I accept that existing residents in the wider area may use these routes at some times of the day or year, but the objective of the Framework is to seek to ensure sustainable transport modes are prioritised, and there is safe and suitable access for all users. Although solutions will vary from urban to rural areas, I consider the site does not represent an opportunity to provide a good choice in alternative forms of transport. Hence, occupiers of the proposed dwellings would be reliant on private motor vehicles, and so the site does not lie in a sustainable location. My findings on this matter are consistent with the previous Inspector. Criterion c. of paragraph 155 of the Framework is therefore not satisfied.

16. The proposals are not major development and so Criterion d. of paragraph 155 is not applicable.
17. The proposed development in both appeals thus do not satisfy any of the exceptions set out in paragraph 154 of the Framework. Nor do they satisfy the criteria set out in paragraph 155. Thus, the proposals in both appeals would be inappropriate development that would, by definition, be harmful to the Green Belt. In accordance with the terms of the Framework, I attach substantial weight to this harm.

#### *Character and appearance*

18. The appeal site has an open, rural feel due to the size of the plot and the low form of the existing property. The wider area is rural in character, with properties also set in large plots that contribute to this open appearance. The land slopes down to the west.
19. The proposed development in both appeals would result in a very sizeable increase in built form on the site, with the height and depth of the houses in each instance representing a significant change from the generally open and rural appearance of the area to a more built-up and urbanising visual effect. This urbanising impact would be greater again with Appeal A, where the separation of the proposed houses and contrasting roof forms would create a discordant element to the form of the development. The areas of parking and vehicular circulation around the proposed properties in both appeals would heighten this urbanising effect.
20. The development in both appeals would change the character of the locality from a rural appearance on the edge of the settlement to one which has an urban appearance that is incongruous to the locality. The change in landform means this would be visible to the wider area, including from public viewpoints. Thus, harm would be caused to the character and appearance of the countryside area. This would conflict with Policies CP1 and CP12 of the CS and Policy DM1 of the DMPLDD which seek to ensure that, amongst other matters, development is of a high design quality. It would also conflict with Section 12 of the Framework seeks to secure well-designed places. I attach moderate weight to this harm.

#### *Other considerations*

21. Planning permission exists at the property for the construction of a single storey rear extension including creation of annexe, and erection of first floor to create a two storey dwelling with associated parking (ref. 24/0807/FUL). Permission also exists for demolition of the existing property and construction of a replacement two storey detached dwelling with annexe (ref. 24/1959/FUL). I have also been referred to certificates of lawfulness that have been granted by the Council regarding extensions to the dwelling. I consider there is a more than theoretical potential for either of these permissions, or for the lawful extensions, to be carried out and so they comprise fallback schemes.
22. Any of the extant permissions would have an impact on the openness of the Green Belt due to an increase in the scale and size of building on the site compared to the existing building. However, a single dwelling would remain on the site in the extant schemes. I have found earlier that part of the harm to the openness of the Green Belt would arise from the layout of both schemes in these appeals in relation to there being two curtilages created for two dwellings and their associated parking

areas. In my judgement, from my reading of the plans and observations at the site visit, those adverse effects on the Green Belt would not arise with the extant schemes. Thus, whilst there are fallback schemes, these are not sufficient justification for the appeal proposals, which I have found to be harmful to the Green Belt and to cause substantial harm to openness, along with harm to the character of the area. I therefore attach limited weight to the fallback positions as a matter in favour of the appeal scheme.

23. The Council has a deficiency in five-year housing land supply. The proposal in both appeals would lead to one additional dwelling. Whilst an additional dwelling is welcome in light of the shortfall in supply, the contribution of one house to that shortfall is small, and hence I attach limited weight to this matter.
24. The appellant states that the proposed dwellings in both appeals would incorporate measures for energy efficiency. Whilst such measures are to be supported, it has not been demonstrated that any such measures would be particularly outstanding or innovative to promote particularly high levels of sustainability, nor beyond what might be achieved through works to the existing building or with any fallback schemes. I attach little weight to this matter.

#### *Green belt balance*

25. The Framework advises that 'very special circumstances' to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations
26. The development in both appeals would result in harm to the Green Belt by virtue of inappropriateness and loss of openness. In accordance with the Framework, substantial weight is attributed to any harm to the Green Belt. In addition, I attach moderate weight to the harm I have separately identified in the contexts of character and appearance.
27. In this case it is my judgement that, when taken together, the other considerations outlined above would not clearly outweigh the totality of harm identified. Consequently, the very special circumstances necessary to justify the development in both appeals do not exist. This provides a clear reason for refusing planning permission. Footnote 7 of the Framework includes Green Belt as an asset of particular importance. As such, for the avoidance of doubt, the proposals in both appeals do not benefit from the presumption in favour of sustainable development.
28. Moreover, the proposals conflict with the development plan when read as a whole and material considerations, including the Framework, do not lead me to a decision otherwise.

#### *Conclusion*

29. For the reasons given the appeals are dismissed.

*C J Leigh*

INSPECTOR