



Appeal Decision

Site visit made on 16 September 2025

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd October 2025

Appeal Ref: APP/P1940/D/25/3368051

Old Farm, Harthall Lane, Kings Langley, Hertfordshire WD4 8JW

- 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 Shabaz Khaliq against the decision of Three Rivers District Council.
 - The application Ref is 25/0093/RSP.
 - The development is a proposed two storey extension, new swimming pool and patio area, new single storey detached annexe, conversion and extension of existing detached garage into office, gym, study area and pool room with shower, new 1.8 metre high entrance gates, new hard surface access point in rear garden to provide access to new detached single storey chicken coop.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - 1) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies including the effect of the proposal on the openness and purposes of the Green Belt,
 - 2) the effect of the proposed development on the character and appearance of the existing host dwelling and the area including whether the existing dwelling may be regarded as a Non-Designated Heritage Asset (NDHA),
 - 3) the effect of the proposed development on trees, and
 - 4) 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 required to justify the proposal.

Reasons

3. The proposal comprises multiple elements including extension and alterations to the existing host dwelling, a swimming pool, residential annexe, conversion/replacement of an outbuilding, new gates to accesses and chicken coop with access track thereto. These elements are reasonably distinct, and I have approached them both individually and cumulatively where it is relevant to do so.

Effect on the Green Belt

4. The site is located within the Metropolitan Green Belt wherein paragraph 142 of the Framework sets out 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. Most development in the Green Belt is inappropriate unless one of certain exceptions apply. One exception is at paragraph 154 c), specifically 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. The provisions of Framework paragraph 154 c) 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 extension.

5. Policy DM2 of the Three Rivers Development Management Policies Local Development Document 2013 (TRDMP) is, despite its age, not inconsistent with the approach set out in the Framework in this regard. Policy DM2 b) refers to extensions to buildings in the Green Belt and sets out that proposals which are disproportionate in size (individually or cumulatively) to the original building will not be permitted. The building's proximity and relationship to other buildings and whether it is already, or would become, prominent in the setting and whether it preserves the openness of the Green Belt will be taken into account.
6. The Council does refer to the Extensions to Dwellings in the Green Belt Supplementary Planning Guidance (GBSPG), and this is further noted in the supporting text to policy DM2 of the TRDMP, albeit that the Council concedes that this guidance has been superseded. This references a cumulative increase in floor space of more than 40% compared with the original dwelling and that this may be disproportionate. As it has been cited by the Council, I have therefore used this figure as a starting point in my assessment here although as the guidance has been superseded, I cannot rely upon it.
7. Policy DM2 also refers to ancillary buildings and 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: i) 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, ii) be sited in an appropriate location that would not be prominent in the landscape and would not result in the spread of urbanising development and, iii) avoid features normally associated with the use of a building as a dwelling such as dormer windows.
8. The appeal site is set along Harthall Lane, a fairly long single track lane which along this part features numerous detached and semi-detached homes to either side. The site forms the last home along this side of the road before the lane gives way to fields and more sporadic development to the east. The existing dwelling on the site is a largely single storey building in character albeit with rooms contained within the roof space. It is adjoined by the neighbouring Flint Cottage to the west meaning that the home has a long and partly single aspect vantage towards the east.
9. The proposed extension is an appreciable size compared to the original building. The parties agree that it represents an increase in floor space over and above the original dwelling by 55% and this takes into account previous extensions. As the parties are aligned on this matter, I have no reason to disagree. This figure does exceed the 40% mandated by the GBSPG but this is not the sole or defining issue here, and as I have set out above, can only be used as a guide given the status of the GBSPG. I am mindful that the proposed extension is large in terms of its

overall volume, visual appearance and scale. It fills a substantial proportion of the front elevation of the dwelling, reaches the main roof ridge of the existing dwelling at its highest point and the large dormer windows are set only just below the ridge line. Its level of forward projection and distinctly different style almost completely eclipse the front elevation of the dwelling and dramatically extend the built form of the building into the garden area.

10. The extension does not present any degree of subordinacy to the existing dwelling and the distinctly different vernacular used for the extension does not assist the proposal in this regard. The extension does not read as a subordinate addition to the existing dwelling in terms of its floorspace, volume, scale and appearance and therefore would represent a disproportionate addition to the dwelling. Whilst the tree cover on the site and the location of the extension means it would not be readily prominent in the street scene, it would still be visible from certain aspects owing to its size. For these reasons, it would harm the openness of the Green Belt in both a visual and spatial dimension.
11. This lack of subordinacy is not assisted by the proposal to further elongate the built form by associating the extension with the proposed swimming pool and then the detached annexe building. The resultant effect of this would be to further expand the built form to the east and encroaching on open areas of the site towards a sensitive area on the edge of the settlement. I therefore further conclude that the proposed swimming pool, associated hardstanding and the detached annexe would further represent a disproportionate addition that results in the spread of urbanising development. This would further erode the openness of the Green Belt in a spatial and visual dimension.
12. I have noted the appellants arguments relating to the swimming pool comprising an engineering operation. Whilst I accept that the swimming pool may be an engineering operation, having regard to its manner of construction and the definition of development at s55(1) of the Town and Country Planning Act 1990 (as amended) (the Act) it is nevertheless part of the domestic works at the property and therefore falls within the ambit of policy DM2 of the TRDMP and I have considered it in this context. Likewise, I have been mindful that the swimming pool introduces no additional floorspace and therefore my assessment has been confined to the visual impacts of the proposal which, as set out, I have found to be objectionable as it is an integrated element of the overall works to main dwelling and the proposed annexe. Even if I were to accept this as an engineering operation under paragraph 154 (h) ii. of the Framework, the proposed pool would still be subject to the criteria of preserving the openness of the Green Belt and I have found it would offend this. Indeed, along a similar theme, I do not accept the appellant's suggestion that the annexe is a distinct and separate element to the extension and pool as these works would clearly read as part of the overall built envelope at this part of the site.
13. Reference has been made to the alternative location for an annexe to the rear of Old Farm and a lawful development certificate has been granted for this structure¹. This has been nominated as a fall back position. In order for me to regard this alternative siting for the outbuilding as a fall back position, there must be a greater than theoretical possibility that the development might take place. As a lawful development certificate has been granted and there is clearly an intent to

¹ Council ref: 23/2010/CLPD

undertake works to the property, notwithstanding the outcome of this decision, I am satisfied there is a real prospect that this development may take place.

14. However, there is nothing preventing this development from taking place in addition to the annexe proposed here. Whilst it does seem to be unlikely that both annexes would be built, there is the possibility that this could take place. Cumulatively this would result in a greater impact on the Green Belt. Moreover, I find the location of the annexe to the rear would have a lesser impact on the Green Belt due to its location amongst the existing buildings at Flint Cottage and Old Farm. It may well be more visible in the street scene, but from a Green Belt perspective, it would be less harmful and thus preferential in this regard.
15. The appellant has suggested that a Unilateral Undertaking (UU) could be provided that would, in effect, revoke rights to construct this alternative annexe building to the rear. Whilst this would result in a lesser impact on the Green Belt than both structures, but, were the appeal to be allowed for the annexe, it would still result in the most harmful one being approved. Accordingly, as the fall back position is less harmful and unlikely to be constructed in addition to the proposed annexe, I cannot afford this a significant degree of weight. In any case, no certified and executed UU has been provided with the appeal and therefore, there is no mechanism that would allow to me rescind this lawful development certificate or other permitted development rights. This is because imposing a condition would likely be unreasonable and would not accord with paragraph 56 of the Framework and the Planning Practice Guidance (PPG).
16. Turning to the outbuilding which is set at the far east of the site near entrance 2. This building is also a large structure, incorporating a gym, office and indoor pool. It is suggested that this is an extension and alteration of existing buildings on the site. However, their present condition which is somewhat dilapidated, fairly simple manner of construction and arrangement compared to the proposed new building leads me to conclude that it seems unlikely that they would be reasonably altered and extended. Whilst I acknowledge that there are existing buildings here and therefore have balanced the proposed new building against these, it does to all intents and purposes appear to represent a new building.
17. The outbuilding is separated from the cluster of the extension, annexe and pool, but it is still large and its position extends the built form towards the open countryside. This is particularly the case when considered in cumulation with the other proposed buildings at the property. Indeed, the footprint of the outbuilding is comparable to the original dwelling. This building is likely to be the most prominent in the public realm due to the open driveway, although I do recognise the proposed gates would screen this to a certain extent. Even so, I conclude that the proposed outbuilding would represent a further disproportionate addition to the property that would be detrimental to the openness of the Green Belt. The building is clearly much larger than the buildings it replaces contrary to paragraph 154 d) of the Framework.
18. I have noted the Council's concerns, where it is expressed that this building falls outside the established residential curtilage at Old Farm. The condition of the site and degree of unmanaged vegetation means it is difficult to establish the full extent of the grounds and garden area of the site. However, I am mindful that there are these existing domestic outbuildings on this part of the site, despite their separation. There is no other obvious meaningful reason why these would have

been constructed here in the past were it not in association with Old Farm in some manner. It seems that these serve the purpose of the house in some necessary or reasonably useful way, notwithstanding that they are somewhat dilapidated at present. These buildings and the land around them have a physical layout connected with the host dwelling, they are within the same ownership and their function appears reasonably domestic. As such, I am unable to find that this part of the site is not part of the garden or grounds to Old Farm.

19. The plans further indicate two pairs of gates to be constructed around the existing entrances (although I note the Council's allegations of some unauthorised works around entrance 2). The plans imply, but this is not annotated or included in the description of development, a fence or wall between the two sets of gates but permission for this has not been sought and therefore I have only considered the gates here. These are fairly modest by comparison to the full frontage of the site and I am unable to conclude that they would be harmful to the openness of the Green Belt on their own.
20. Finally, turning to the chicken coop at the north of the site. The Council has not expressed objections to this structure and I have no reason to disagree with this assessment. As a form of small-scale hobby farming or the like, it would not be inappropriate development in the Green Belt. Equally, I find that the track that leads to this would fall within the same ambit, especially as this is as the slightly softer appearance as type 1 hardcore as opposed to hardstanding that the Council has regarded it as.
21. In conclusion, I have found that the proposed extension, annexe and outbuilding would amount to significantly disproportionate additions to the site and both individually and cumulatively they would not be subordinate to the original dwelling. Whilst I am unable to ascribe any significant harm caused by the swimming pool in and of itself, it's clear interlinked nature to the surrounding extension and annexe does mean it represents part of the overall urbanising effect created by the proposals.
22. The proposed development would therefore amount to inappropriate development in the Green Belt which would be harmful to openness in both a visual and spatial way. As such, the development conflicts with policy CP11 of the Three Rivers Core Strategy 2011 (TRCS), policy DM2 of the TRDMP and provisions of the Framework insofar as it does not prevent urban sprawl by keeping land permanently open.

Character and appearance including NDHA

23. The Council consider the building to be a NDHA although it does not feature on its list of Locally Important Buildings. This however, having regard to the advice in the PPG², does not disqualify the building from being a NDHA. The PPG does note that it is important that decisions to identify non-designated heritage assets are based on sound evidence. In this regard, the Council has identified that the building appears on 19th century historic mapping and is the only house in the local area on older maps. Moreover, the distinctive usage of flint with brick surrounds has also been highlighted together with steeply pitched roof and prominent chimneys. Whilst the building has been subject to various alterations over the

² Paragraph: 040 Reference ID: 18a-040-20190723

years, these elements are still clearly visible and a noteworthy defining feature of the building.

24. The appellant has suggested that in order to qualify as an NDHA, the building must display characteristics of being of architectural or historic interest and function in addition to having a landmark or streetscape and/or landscape quality. In this regard, it appears to me that the building has architectural interest due to its design and use of materials. Further, it has historical interest as it is an older building in this area. Its landmark, streetscape or landscape quality is somewhat curtailed by its modest size and lack of prominence in the wider area. This lack of prominence is in part due to the overgrown surrounds. Even so, weighing these issues together, the building does possess characteristics which are of some local note. This is especially the case when it is viewed as being adjacent to the, no doubt not coincidentally named, Flint Cottage and the prevailing nature of other homes along Harthall Lane that are largely of 20th century origin.
25. In the absence of evidence to conflict with these findings, I have therefore treated the existing building as a NDHA. While the PPG advises that only a minority of buildings have enough heritage significance to merit identification as a NDHA, this alone does not convince me that Old Farm should not be treated as one.
26. The proposed extension would be a distinctly modern addition to the front of the house. Its design and appearance, including contemporary building materials and glazing and use of flat roofs, would not harmonise with its defining features and would largely eliminate them from any external view at the front or remove them in their entirety. The scale of the proposed extension would dominate the front elevation of the building by occupying nearly the entire width of this aspect. It is not apparent how the retention of the original walls, once internalised as a result of the extension, could reasonably be secured. Indeed, the plans indicate a notable proportion of these would be demolished. For these reasons the extension cannot be described as subordinate, sympathetic or of an appropriate size or design to the host dwelling.
27. It follows that the proposal would cause harm to the significance of the NDHA due to its width and depth and consequent dominance of the front elevation. I find the level of harm to be significant, given the position of the proposed extension and the removal of its defining architectural features. As a consequence of the harm to the NDHA, I further find that the proposal would be detrimental to the character and appearance of the area. Whilst views of the extension would be limited due to tree and landscape screening and relationship with the road, it would still be visible in some contexts.
28. The further additions to the property in the form of the swimming pool and annexe would clearly have an additional adverse effect on the overall setting of the NDHA. However, in the context of the effect of the extension, these would be relatively minor by comparison. Even so they do not enhance the setting of the building and nor do they relate well to the character and appearance of the area.
29. Paragraph 216 of the Framework requires that, in weighing applications that directly or indirectly affect NDHAs, a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset. However, as a NDHA, a public benefit test is not required for this proposal.

30. In terms of benefits, none have been put forward by the appellant although I appreciate the proposal would provide a larger living space together with upgrades to the condition of the dwelling. However, these are of minimal weight and in any case are unlikely to be the only manner in which to improve the property. The proposal therefore conflicts with policy CP12 of the TRCS, policies DM1 and DM3 of the TRDMP and provisions of the Framework insofar as it results in a deterioration in quality of the built environment.

Effect on trees

31. The site is well vegetated and features numerous areas of substantial tree growth. Much of this appears to have been unmanaged. Despite the somewhat unkempt appearance, the trees on the site do have an element of group value as they contribute to the sylvan setting that is prevalent along Harthall Lane. Even so, the site is not within a conservation area, nor are any of the trees on site protected by a Tree Preservation Order. The Council does make reference to protected trees adjacent to the proposed outbuilding but has not elucidated on this. In the absence of any evidence to the contrary, I have therefore treated all the trees that could potentially be affected by the proposal to be unprotected.
32. The appellant states that no trees would be impacted by the proposals. I am, however, unpersuaded by this as these are plotted on the site plan and there are numerous instances where buildings are set under the crown spread of trees and thus potentially within their root protection areas. Moreover, even if the trees are not directly affected, it seems this proximity will give rise to a desire to prune and lop these in the interests of building maintenance and safety. In the absence of a Tree Survey, it is difficult for me to draw firm conclusions here.
33. Given the extent of tree coverage on the site, the contribution the trees make to the wider verdant character of the area and potential resultant changes in the overall character of the site, I find it important to have additional information on these. This would allow for proper planning of the site and allow the Council to make a judicious and informed assessment as to whether any of the trees would, or would not, be worthy of protection.
34. Therefore, in the absence of a tree survey I am unable to reach a firm conclusion here and cannot rule out that the proposals would not result in a loss of trees, and, whether such loss would be detrimental to the character and appearance of the area. Therefore, it follows that the proposal does not comply with policy CP1 of the TRCS and policy DM6 of the TRDMP insofar as it does not have due regard to natural assets.

Other considerations and very special circumstances

35. The Framework sets out 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.
36. The appellant has not identified any other considerations or very special circumstances that could outweigh the harm to the Green Belt. Equally, I have been unable to identify any matters that could be considered to outweigh these harms.

Conclusion

37. The proposed development represents disproportionate additions to the original dwelling that fail to preserve the openness of the Green Belt. The proposal would be detrimental to the NDHA and would have an indeterminate, and potentially harmful, effect on the trees on site and as such would be likely to cause harm to them and the character of the area. As such, 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.
38. The appeal is dismissed.

N Bowden

INSPECTOR