



Appeal Decision

Site visit made on 23 September 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th November 2025

Appeal Ref: APP/C1950/D/25/3369703

5 Carbone Hill, Northaw, Potters Bar, Hertfordshire EN6 4PJ

- 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 & Mrs Philippou against the decision of Welwyn Hatfield Borough Council.
 - The application Ref is 6/2025/0824/HOUSE.
 - The development proposed is removal of existing timber entrance gates and replacement with new double gates between brick piers set back 6.5m with walling towards road to the existing entrances.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are
 - whether or not the proposed development would be inappropriate development in the Green Belt;
 - it's effect upon the openness of the Green Belt; and
 - if it 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

Inappropriate development

3. The National Planning Policy Framework (the Framework) (2024) establishes that development in the Green Belt is inappropriate unless a specified exception applies. These are listed in paragraphs 154 and 155 of the Framework. Paragraph 154(d) of the Framework allows for the replacement of a building provided that the new building is in the same use and not materially larger than the one it replaces. A building is development for these purposes and a building can be any structure or erection. Gates, fences and brick pillars can thus be reasonably considered as buildings and therefore development for the purposes of the Framework.
4. Policy SADM34 of the Welwyn Hatfield Borough Council Local Plan 2016-2036 (2023) (LP) states that development in the Green Belt will be determined in accordance with national policy. It also lists some of the exceptions within Framework paragraph 154, including replacement buildings, at which it lists the same requirement in respect of being not materially larger. It references attributes

of a building and criteria to which regard can be had in assessing a proposal. Though elaborating upon the exception, I am satisfied the policy is consistent with the Framework, and there is no alternative substantiating view put to me.

5. Though the Council appears to conclude only some limited harm to Green Belt openness, this is not determinative as to whether a scheme would be regarded as materially larger under the above exception. The proposal seeks to replace an existing timber gate with a taller metal gate between two 1.65-metre-high brick pillars, as well as close board fencing along either side of the driveway which would be terminated by two further 1.65-metre brick pillars. The new gate, pillars and fences would represent a proportionally significant increase in footprint, length, height, scale and overall built form compared to the existing development it proposes to replace. This would be such an increase that the proposed gate, pillars and fences would be materially larger than the timber gate that would be replaced.
6. Full details of the appeal scheme that was allowed, based upon the specific evidence and case advanced to that Inspector at Ayres End House¹ in a different local authority area, have not been provided. Therefore, there is little evidence that the attributes of that development and the specific context of the site and proposal is comparable to the appeal proposal before me. The heights and forms quoted are noted, however, the extent of that scheme is unclear and the details before me do not lead me to reach a view the appeal scheme before me is not inappropriate development, and do not justify allowing this appeal.
7. The appellant's appeal statement refers to several planning approvals for boundary treatments and entrance gates at properties in the vicinity of the appeal site. However, the full context and evidence that was before the Council in respect of those proposals is not before me, for example whether or not it was concluded they were inappropriate development and whether very special circumstances existed. Therefore, I am unable to make a fully reasoned comparison between these schemes and the appeal proposal.
8. Nevertheless, notwithstanding the change in boundary treatment and increased height at 8 Carbone Hill², it is not clear if there was any change in the extent of boundary treatment and any proportional increases or decreases. There is no indication of the extent of pre-existing development at 29 The Ridgeway³ for a meaningful comparison to be made. The degree of difference between the two schemes referenced at 37 The Ridgeway⁴ is unclear. The evidence suggests the changes to the height and extent of the development at 31 The Ridgeway⁵ are proportionally quite limited compared to that of this appeal scheme. The scheme at 1 Carbone Hill⁶ included a new dwelling so the changes highlighted may be proportionally small in that scheme as a whole.
9. The Design and Access Statement also refers to a planning approval at 36 The Ridgeway⁷ and a second planning application granted at 37 The Ridgeway⁸. However, substantive details of these approvals have not been submitted so I am

¹ Appeal ref. APP/B1930/W/19/3227817

² Planning application ref. 6/2018/3158/HOUSE

³ Planning application ref. 6/2018/2845/HOUSE

⁴ Planning application ref. 6/2020/1228/HOUSE

⁵ Planning application ref. 6/2021/1745/HOUSE

⁶ Planning application ref. 6/2024/1554/FULL

⁷ Planning application ref. 6/2022/1731/FULL/

⁸ Planning application ref. 6/2022/0158/HOUSE/

unable to make a meaningful comparison between the reasons for allowing the other examples and refusing the appeal proposal.

10. It has not been suggested that the proposal falls under any other exception in paragraphs 154 or 155 of the Framework, and based upon this and the substantive cases, I cannot conclude any others are of relevance to the appeal scheme. Given that the proposal would not constitute an exception under paragraph 154(d) or any other exception under paragraphs 154 or 155 of the Framework, the proposal would therefore be inappropriate development which is, by definition, harmful to the Green Belt.

Openness

11. Openness is an essential characteristic of the Green Belt. The Planning Practice Guidance states that openness is capable of having both spatial and visible aspects, so that both the visual impact of the proposal and its size may be relevant⁹. Framework paragraph 153 confirms that substantial weight should be given to any harm to the Green Belt.
12. The length and extent of new development would have an adverse effect upon the spatial openness of the Green Belt. The proposed gate would be of a lightweight metal design, which would ensure that the gate is not overly obtrusive and that views through the gate are not significantly impeded. However, the fences and pillars would be quite substantial and would only be set back a modest distance from the road. When viewed from the street, they would be seen against the existing landscaping and as such would be visually greater due to the height and extent of development, and therefore would have an adverse effect upon the visual openness of the Green Belt.
13. The proposal would therefore result in a reduction in the openness of the Green Belt. However, given the backdrop of the surrounding residential buildings, and the lightweight design of the metal gate, the harm would be limited. Nonetheless, one of the fundamental aims of Green Belt policy is to keep land permanently open.

Other considerations

14. The appellant states that the proposal would replace the existing dilapidated timber gate. However, it has not been demonstrated that this aim could not be achieved in a way that would not be inappropriate development and does not cause the degree of identified harm to the Green Belt. I therefore afford this matter limited weight. That the materials might be already present in the area, and that it would not be out of keeping with the surrounds or detrimental would be a neutral matter. Within the scope of this appeal scheme, it might be possible to secure some further landscaping by conditions, however, there is no evidence to suggest this would be anything other than a minor overall benefit at best. The details of other developments provided by the appellant, I have considered above, attract limited weight.

Green Belt Balance and Conclusion

15. The proposal would harm to the Green Belt by way of inappropriateness and adversely affecting openness. Substantial weight should be afforded to these matters. Development should not be approved unless the harm to the Green Belt,

⁹ Planning Practice Guidance, Paragraph: 013 Reference ID: 64-013-20250225

and any other harm, is clearly outweighed by other considerations. Those I have identified and advanced by the appellant do not attract sufficient weight to clearly outweigh the totality of the harm. Consequently, the very special circumstances necessary to justify the proposal do not exist. The proposal therefore does not accord with LP Policy SADM34, or paragraphs 153 and 154 of the Framework, the aims of which I have set out above

16. I conclude that the proposal conflicts with the development plan read as a whole and the material considerations, including the policies of the Framework, do not indicate that the appeal should be decided other than in accordance with the development plan. Therefore, for the reasons given, the appeal is dismissed.

D Ellis

INSPECTOR