



Appeal Decision

Site visit made on 13 January 2026

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 JANUARY 2026

Appeal Ref: APP/A1910/D/25/3375280

Brambles, The Common, Chipperfield, Kings Langley, Hertfordshire WD4 9BY

- 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 Daniel Thomas against the decision of Dacorum Borough Council.
 - The application Ref is 25/01612/FHA.
 - The development proposed is removal of existing garage and construction of replacement garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt, 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 required to justify the proposal.

Reasons

Whether inappropriate development

3. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open as the essential characteristics of Green Belts are their openness and their permanence. Development within the Green Belt is inappropriate with the exceptions of the types of development listed in Paragraphs 154 and 155 of the Framework.
4. Policy CS5 of the Dacorum Borough Council Core Strategy (2013) (CS) indicates that national Green Belt policy will be applied to protect the openness of the Green Belt. The policy goes on to outline examples of small-scale development which may be permissible, but the wording is not entirely consistent with the Framework. Given that this policy pre-dates the Framework I have attached limited weight to these elements of Policy CS5 of the CS.

5. Paragraph 154 d) of the Framework is potentially permissible of the replacement of buildings, provided that the new building is in the same use and is not materially larger than the one it replaces.
6. The existing building within the appeal site is a single garage of modest scale and footprint. To the contrary, the proposed building would be comprised of a double garage as well as a studio area to the rear.
7. The size of the building would be notably larger in its footprint. Consequently, the roof volume would be far more substantial than the existing building. Taking these factors together, despite being in the same use, the proposed new building would be materially larger and therefore would not be an exception to inappropriate development through paragraph 154 d) of the Framework.
8. Paragraph 154 c) of the Framework relates to the extension or alteration of a building if it does not result in disproportionate additions over and above the size of the original building. Without a specific metric outlined in policy to determine what would be considered disproportionate, the assessment falls to be a subjective one on a case-by-case basis.
9. It may be possible to consider an outbuilding such as the proposed garage as a domestic adjunct. However, the Council states that the host dwelling has already been previously extended to a degree that the proposal would be disproportionate in comparison to the original dwelling. The appellant has not sought to dispute this point, acknowledging that planning permission was granted for extensions to the property in 2008. Therefore, the proposal would also fail to meet the exception set out at paragraph 154 c) of the Framework.
10. Accordingly, the proposal would not fall within any of the exceptions listed in the Framework and would constitute inappropriate development in the Green Belt to which I must attach substantial weight.

Openness

11. The Planning Practice Guidance (PPG) provides advice on the factors that can be taken into account when considering the potential impact of development on the openness of the Green Belt, with openness being capable of having both spatial and visual aspects.
12. The appeal site is within part of the Green Belt with relatively sparse built form interspersed with areas of dense tree cover. Whilst the existing vegetation does provide an interruption to long open vistas, in my view, the area cannot reasonably be classified as urbanised noting the frequent gaps between built form which allow openness to be experienced.
13. The proposal would occupy a greater footprint than the existing garage which from a spatial perspective would be harmful to the openness of the Green Belt.
14. As discussed further below, it is acknowledged that the positioning and scale of the proposal would be appropriate in heritage terms. However, this does not automatically lead to the same conclusion in respect to a Green Belt impact. Indeed, the Council's conservation officer assessment refers to the revised proposal as being 'less visible from the Common'. The proposal would still be visible and when taking account of the additional scale and volume compared to the existing garage, it would hold a more prominent form of development, even

when taking account of the existing tree cover in the area. I therefore find that the proposal would be visually disruptive to the openness of the Green Belt.

15. Accordingly, the proposal would have an adverse spatial and visual impact on the openness of the Green Belt. In this respect it would be contrary to Policy CS5 of the CS which specifically seeks to protect the openness of the Green Belt. However, given the relatively minor scale of the proposal, the degree of harm would be limited.

Other considerations

16. The appellant has referred to various court cases¹ which have considered the concept of a fallback position as a material consideration. It is presented that permitted development rights remain intact at the property and the only reason that planning permission was required in this instance is due to the positioning of the proposal between the side of the property and the boundary of the appeal site. It is therefore inferred that an alternative proposal would need to be beyond the rear limit of the dwellinghouse in order to potentially comply with permitted development rights.
17. Notwithstanding the acknowledgement that a garage in this position would be a less practical solution, no specific alternative plans have been provided to show where the development could be sited. Moreover, noting my conclusions above in respect to the visibility of the proposal and its resultant effect on the visual aspect of Green Belt openness, I cannot be satisfied that a similar proposal sited beyond the rear limits of the dwellinghouse would be more harmful in Green Belt terms. I have therefore attached little weight to the alternative fallback position suggested.
18. The proposal would lead to some support to the rural economy albeit noting the scale of the development this would be modest in extent. I have therefore afforded the benefits with this associated limited weight.

Green Belt Balance

19. The proposal constitutes inappropriate development in the Green Belt which would also cause harm to the openness of the Green Belt. I attach substantial weight to the associated Green Belt harm. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
20. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Taken together, the other considerations put forward carry at most limited weight. It follows that the substantial weight to be given to Green Belt harm is not clearly outweighed by other considerations in this case. Therefore, the very special circumstances required to justify the proposed development do not exist. The proposed development would not accord with the Framework, or the Green Belt aims of Policy CS5 of the CS insofar as it relates to the application of national policy.

¹ *Mansell v Tonbridge and Malling BC & others* (2017) EWCA Civ 1314; *Gambone v SSCLG* [2014] EWHC 952 (Admin) & *Schneck v SSHCLG & West Berkshire DC* (2022) EWHC 3335 (Admin)

Other Matters

21. The appeal site is within the Chipperfield Conservation Area (CA). The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
22. The CA covers an extensive area around and including Chipperfield village, and its significance lies in part in the way the range of buildings and spaces it contains reflects the evolution of the village from agricultural farmsteads around Chipperfield Common.
23. I note that the scale of the garage was reduced during the application process. Based on the revised plans, the Council concluded that the scheme would preserve the character and appearance of the CA, in accordance with relevant policy. I see no reason to take a different judgement in relation to the heritage implications of the proposal.

Conclusion

24. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

L Gardner

INSPECTOR