

6. APPEALS UPDATE

APPEALS LODGED

Appeals received by Dacorum Borough Council between 01-06-2020 and 23/06/2020

Our reference: 19/02925/MFA

PINS Reference: APP/A1910/W/20/3251407

Land R/O 38 Rambling Way

Potten End

Hertfordshire

HP4 2SF

Procedure: Written Representations

Our reference: 4/01828/19/MFA

PINS Reference: APP/A1910/W/20/3250417

Nash Mills Methodist Church

Barnacres Road

Hemel Hempstead

HP3 8JS

Procedure: Written Representations

Our reference: 19/03276/FHA

PINS Reference: APP/A1910/W/20/3249405

6 Highcroft Road

Felden

HEMEL HEMPSTEAD

HP3 0BU

Procedure: Written Representations

Our reference: 19/03228/OUT

PINS Reference: APP/A1910/W/20/3249252

Land Between Bremhill and South Winds

The Common

Potten End

HP4 2QF

Procedure: Written Representations

Our reference: 4/02335/19/FUL

PINS Reference: APP/A1910/W/20/3247825

Land Adj 1 Laurel Bank

Laurel Bank

Felden

Hemel Hempstead

HP3 0NX

Procedure: Written Representations

APPEALS DISMISSED

Our reference: 4/01853/19/FUL

PINS Reference: APP/A1910/W/20/3246014

Sharlowes Farmhouse,

Flaunden HP3 0PP

Procedure: Written Representations

Main Issues

The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
- The effect of the proposal on the openness of the Green Belt and the purposes of including land within it; and
- If the development would be inappropriate, whether the 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.

Reasons

Whether inappropriate development

4. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework makes it clear that new buildings are inappropriate in the Green Belt, subject to a number of exceptions. One exception, set out in paragraph 145(e), concerns 'limited infilling in villages.' There is no dispute between the main parties that Flaunden comprises a village; but there is disagreement as to whether or not the appeal site is within the village.

5. The appeal site comprises an area of grassland which is well screened from Birch Lane by a substantial hedgerow. It lies in between a row of modest sized dwellings to the south, and a larger detached dwelling to the north. On the opposite side of Birch Lane is a detached dwelling alongside a property with an ecclesiastical style and appearance, intimating a historic religious use. Further to the south along Birch Lane the pattern of buildings is generally more concentrated around the convergence of several streets.

6. My attention has been drawn to a fairly recent appeal decision² concerning a proposal at 'Hogpits Bottom', an area which is physically separated from the historic core of Flaunden, lying an appreciable distance from the appeal site to the north. In that case the Inspector concluded that the appeal site was within

the village of Flaunden, and he also remarked that a village may comprise of more than one built-up area separated by an undeveloped gap. I concur with the previous Inspector's view. As far as this appeal is concerned, whilst I appreciate that the built form close to the appeal site is loose-knit in comparison with the compact arrangement of housing which lies to the south along Birch Lane, and accepting that the appeal site falls within an open area of countryside, I nevertheless find that it is functionally and visually related to the historic core of the village. The appeal site's rural aspect is one of the characteristics of Flaunden, and its relationship with several properties and the historic core of the village, along with its street facing position, reinforces its affinity with the village. Consequently, I am satisfied that the appeal site is located in a village.

7. Notwithstanding the Council's contention relating to the proposal's location in relation to the village, paragraph 145(e) also requires that development constitutes 'limited infilling'. Whilst the Council are satisfied that the number of units proposed would accord with the term 'limited infill', the number of units is just one factor to consider. To my mind, regard should also be had to the size of the gap as it exists now, along with its prevailing characteristics, as well as the extent to which the proposed development would affect the gap, taking into account scale, appearance and context.

8. There is no definition of 'limited' or 'infilling' in the Framework. However, I have had regard to the definition provided by the appellant, which is reflected in the supporting text of Policy CS5 of the Dacorum Core Strategy 2006 – 2031 (2013) (Core Strategy), which states that 'infilling' will be taken to mean the infilling of small gaps between existing development. Whilst I appreciate that this definition appears to relate to 'major developed sites' in the borough's Green Belt, I am satisfied that the definition is encompassing and can be applied to the appeal scheme. Moreover, the inclusion of the word 'limited' immediately before 'infilling' implies that the amount of infilling should be curtailed or restricted in some way.

9. In this regard, the appeal site occupies a substantial gap in between an existing row of properties to the south, and a large detached property to the north. On my site visit I was able to ascertain that, when stood centrally within the plot, properties on either side were an appreciable distance away, with the appeal site and the surroundings to the west being eminently open. When viewed from within the site itself, and when travelling along Birch Lane in a northerly direction, the appeal site has a rural character. This is exhibited by the lack of built form beyond the neighbouring detached dwelling to the north, which means that there is not a continuous run of buildings present along this side of Birch Lane. Consequently, the appeal site comprises a large gap set in an area with a verdant and rural character and appearance.

10. The proposed dwellings would be large, bespoke buildings, built in a traditional style. I acknowledge that they would be set back from the road, partly screened from the road by vegetation, and would not project beyond the front and rear elevations of existing properties on either side. However, the dwellings taken together would occupy a large proportion of the plot's width

and have an appreciable overall scale and mass, being visible from the immediate surrounding countryside and the street. Whilst there are other comparably large residential plots and buildings nearby, the plot as it stands is a substantial width, and this width would be significantly diminished by the proposal. The gap that exists is not limited in size, and neither would the proposal be limited, taking into account its overall scale and visual intrusion. Consequently, even though the appeal site is within a village, I find that the proposal would not constitute limited infilling.

11. I conclude that the proposed development would not meet any of the exception criteria for new buildings in the Green Belt. Therefore, it would be inappropriate development in the Green Belt. It would conflict with paragraph 145 of the Framework and Policy CS5 of the Core Strategy which seeks to protect the Green Belt from inappropriate development.

Openness and purposes

12. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. The term 'openness' is essentially a three-dimensional concept which effectively denotes an absence of buildings and development above the ground.

13. The appeal site comprises existing open grass land which, aside from the presence of a telegraph pole and several overhead lines, is devoid of built form. Each of the dwellings would occupy approximately 10% of their respective plots, but they would be considerable in terms of their overall scale and mass. Proposed 'Plot A' would involve a building with an elongated form and notable depth. 'Plot B' would be more consolidated in its form but would nevertheless be readily apparent due to its height and overall mass. Both dwellings taken together would be visible from the surroundings and would markedly diminish the appeal site's openness. The sizeable footprint of the development means that it would also result in the encroachment of built form into an area of open countryside. As a result, I conclude that the development would lead to a significant loss of openness and would conflict with the purposes of including land in the Green Belt.

Other considerations

14. The Framework requires me to come to a view as to whether or not, in Green Belt terms, there are other considerations that clearly outweigh the totality of the identified harm so as to amount to very special circumstances. In this regard, the proposed development would provide two large family homes, thus contributing towards the Council's housing targets. The development would deliver rural employment opportunities through construction with indirect benefits to the local economy from future occupiers of the dwellings. Furthermore, the scheme would constitute housing with a high standard of architecture and efficiency. In connection with the limited number of dwellings proposed, these matters carry moderate weight in favour of the proposal.

15. The Council has not raised concerns, subject to planning conditions, to various other matters including with regard to the general character and appearance of

the Flaunden Conservation Area, the living conditions of the occupiers of nearby properties, highway safety, and ecology. Whilst I have no reason to take a different view, these are essentially neutral considerations that do not affect the overall planning balance.

Other Matters

16. The appellant has drawn my attention to a number of other appeal cases in different parts of the country which deal with 'limited infilling in villages'. Whilst some similarities may be drawn between those schemes and the proposal before me, the circumstances of each differ and, in any event, I do not have the full details of each case. As set out in my decision, it falls to me as the decision maker to make a determination based on the specific circumstances of the scheme having regard to the Core Strategy and the site's context. Consequently, the referenced appeals do not warrant me reaching a different conclusion on the main issues, and I have assessed the proposal on its planning merits.

Conclusion and planning balance

17. The proposal would be inappropriate development in the Green Belt which is harmful by definition. According to the Framework, substantial weight should be attributed to any harm to the Green Belt. In addition, I have found that the development would lead to significant harm to the openness of the Green Belt and would conflict with the purposes of including land in the Green Belt by reason of encroachment.

18. In terms of benefits, I attach modest weight to the contribution the scheme would make to local housing supply, in line with the aim of significantly boosting the supply of homes, as advocated by the Framework. Other material factors that weigh in favour of the proposal include modest economic, social, and environmental benefits. However, in combination, these benefits are not sufficient to clearly outweigh the harm I have identified.

19. Therefore, the material considerations do not indicate that this case should be determined other than in accordance with the development plan and the Framework.

20. I therefore conclude that the harm by reason of inappropriateness, and any other harm, is not clearly outweighed by other considerations, such that the very special circumstances necessary to justify the development do not exist. Thus, the appeal should be dismissed.

APPEALS ALLOWED

None

APPEALS WITHDRAWN

None