



## Appeal Decision

Site visit made on 7 January 2020

by **M Heron BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24<sup>th</sup> February 2020

---

**Appeal Ref: APP/X1925/W/19/3237363**

**24 Charlton Road, Charlton, Hitchin, Hertfordshire SG5 2AE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Philip and Helen Jarvis against the decision of North Hertfordshire District Council.
  - The application Ref 19/01561/FP, dated 1 July 2019, was refused by notice dated 22 August 2019.
  - The development proposed is a new 2 storey 3 bedroom dwelling with driveway, parking and turning area.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issues are:
  - whether the proposal would be inappropriate development within the Green Belt;
  - the effect of the proposal on the openness of the Green Belt; and
  - if the proposal is inappropriate, whether any 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

#### ***Whether the proposal would be inappropriate within the Green Belt***

3. The appeal site accommodates an outbuilding and associated hard surfacing used in conjunction with No 22 Charlton Road. This proposal seeks permission to construct a new two-storey property at the site following the removal of the existing outbuilding.
4. The National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt should be regarded as inappropriate, unless for one of a limited number of specified exceptions. One such exception is at paragraph 145(e) of the Framework which is for limited infilling in villages. Saved Policy 2 of the North Hertfordshire District Council District Local Plan No.2 with Alterations (LP) is consistent with the Framework insofar as it seeks to resist inappropriate development within the Green Belt.

5. The appeal site is located within a small collection of development known as Charlton. Charlton is not identified as a village within the adopted development plan or within Policy SP2 of the North Hertfordshire Local Plan Proposed Submission Incorporating the Proposed Main Modifications (ELP). The appeal site is therefore within the countryside for the purposes of planning policy. However, there is no definition of a village within the Framework or the Council's development plan. I accept that this would not necessarily exclude a hamlet or cluster of dwellings without a shop or post office of its own. There are also no specified minimum number of dwellings or population required to constitute a village. To my mind, whether or not Charlton is a village is a matter of judgment for the decision-maker based on observations made on the ground.
6. On my site visit I observed pockets of loosely knit linear residential and commercial/agricultural buildings set along Charlton Road. There are also some scattered residential and agricultural developments along Brick Kiln Lane. In my view, the small agglomeration of buildings at Charlton appeared as dispersed development in an agrarian landscape. In addition, the only facility it has is a public house which has recently closed and is now in a state of disrepair.
7. Taking all of the above into account, as a matter of fact on the ground, I am not persuaded that the collection of built form at Charlton constitutes a village of any kind. Part of the exception at paragraph 145(e) of the Framework is therefore not met. In reaching this view, I am aware that there is some street lighting in Charlton and that it is subject to 30mph and 20mph speed limits. I am also aware that it is identified as a village elsewhere, such as on street signs and on some parts of the Council's website.
8. Furthermore, the term 'infilling' is again not defined by the Framework. However, a commonly held and widely used definition of infilling is to fill a gap between buildings in an otherwise built up frontage. The proposal would be set behind No 22 and there would be no built form to its rear or immediately to its side. I therefore do not consider that it would fill a gap within a built up frontage. Consequently, notwithstanding the view of the Council on this matter, the proposal could not be reasonably described as 'infill development'. Thus, even if Charlton was a village, I find that the proposal would still fail the exception at 145(e) of the Framework.
9. Taking everything together, the proposed development would not constitute limited infilling within a village. It would therefore not meet the exception identified at paragraph 145(e) of the Framework.
10. For the reasons given, the proposal would not fall within any of the exceptions outlined in the Framework and would be inappropriate development in the Green Belt, which is by definition, harmful. In accordance with Paragraph 144 of the Framework, I attach substantial weight to this harm. The proposal would also conflict with Policy 2 of the LP insofar as it seeks to only permit new buildings which are not inappropriate within the Green Belt.

### ***Openness of the Green Belt***

11. The Framework states that the most important characteristics of Green Belts are their openness and their permanence. Openness has both spatial and visual aspects. In the context of the nearby buildings, the openness of this area has

already been affected to a degree. Nevertheless, surrounding this built form are large, predominately undeveloped, fields which can be appreciated from the appeal site. This gives the area a distinctly rural and open feel. The scale of the existing outbuilding at the appeal site is relatively unobtrusive in this landscape.

12. Given the topography of the land and the presence of boundary treatments and existing trees, the proposed dwelling would not be overly conspicuous within the wider landscape. However, it would occupy a significant proportion of the appeal site and would have a larger footprint compared to the existing outbuilding. In addition, it would be markedly taller than this outbuilding. Consequently, the scheme would increase the physical presence of built development at the site which would be perceptible from the rear of No 22 and the adjacent footpath. This would give rise to a modest loss of openness to the Green Belt in both a spatial and a visual sense. The proposal would therefore conflict with Policy 2 of the LP insofar as it seeks to keep the Green Belt open in character.

### ***Other Material Considerations***

#### *Heritage*

13. The appeal site is within the Charlton Conservation Area (CA) and the nearby No 25 Charlton Road is a Grade II listed building. The Council raise no objection to the scheme's impact on the historic environment. Nonetheless, I have statutory duties to pay special attention to the desirability of preserving or enhancing the character or appearance of this CA and to have special regard to preserving the setting of listed buildings. The significance of the CA appears to derive from the architectural qualities and historic use of the buildings it contains. The setting of No 25 arises from the surroundings in which it is experienced, which in this case is rural.
14. The proposal would be a sufficient distance away from No 25 and would be separated from this dwelling by established vegetation. Consequently, it would not impact upon the setting of this listed building. Turning to the CA, it would appear that there was historically a dwelling located at the appeal site, which has had a separate address for a considerable length of time. The proposal would also be constructed using suitable materials and its more modern appearance would relate appropriately to No 22. In my view, although the scheme would not notably enhance the character or appearance of the CA, it would not result in any material harm to this designated heritage asset.
15. Taking the above into account, I find that the proposal would preserve the character or appearance of the CA and the setting of No 25. It would therefore accord with the Framework insofar as it seeks to conserve heritage assets in a manner appropriate to their significance. However, the absence of harm in this regard is a neutral factor in the overall planning balance.

#### *Social and Economic Factors*

16. Given the presence of built form close to the appeal site, the proposal would not represent a truly 'isolated home in the countryside' with regard to paragraph 79 of the Framework. It would also be positioned within a fairly accessible location. However, the proposal for one dwelling would make only a minimal contribution to the Council's housing stock. The associated economic

benefits would also be minimal and would primarily relate to the construction period. In addition, I have no substantive evidence to show that the scheme would contribute significantly towards supporting the vitality of Charlton's public house. Neither am I persuaded that it is required to maintain or enhance the vitality of the services and facilities within surrounding settlements. Under these circumstances, I give moderate weight to these social and economic benefits.

### *Other Considerations*

17. The Framework seeks to make efficient use of land by encouraging the redevelopment of previously developed land. It also states that small and medium sites can make an important contribution to meeting the housing requirement of an area. However, this should not be at the expense of Green Belt Policy, which I have found that the proposal would not accord with.
18. I appreciate that the scheme would not result in harm to the living conditions of the occupants of surrounding properties. It would also be acceptable in other respects. For example, it would utilise renewable energy and would not prejudice highway safety. However, these are requirements of the Council's adopted and emerging development plans as well as national planning policy. They are therefore neutral factors in the overall balance.
19. The proposal would be a self-build project. I acknowledge that the Government is generally supportive of this type of development. However, it would not be possible to bind this requirement to successors in title (should the proposed dwelling be sold in the future) through the imposition of an appropriately worded condition. I am therefore not persuaded that there is a suitable mechanism before me to ensure that the proposal would indeed be carried out as a self-build project. This therefore carries limited weight in my assessment.
20. I have had regard to the comments received from neighbours in support of this scheme. None of the matters raised alter my conclusions on the main issues above. My attention has also been drawn to a development at Ivy Cottage. However, in the absence of details about how this was assessed, it carries little weight in my assessment of the appeal scheme, which I have performed based on its own individual planning merits.

### **Planning Balance and Conclusion**

21. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that 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.
22. The other considerations put forward do not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness and harm to openness. Consequently, the very special circumstances necessary to justify the development do not exist. The scheme would therefore conflict with Policy SP5 of the ELP, which only permits developments in the Green Belt where they would not result in inappropriate development or where very special circumstances can be demonstrated.

23. The Council cannot demonstrate a five year supply of deliverable housing land. In addition, it states that Policy 2 of the LP is out-of-date. However, the application of policies in the Framework that protect assets of particular importance (in this case land designated as Green Belt) provides a clear reason for refusing the development proposed. As such, the presumption in favour of sustainable development identified at paragraph 11 of the Framework does not apply.
24. For the reasons set out above, the proposal would conflict with the development plan when read as a whole and the Framework. Material considerations do not indicate that a decision should be taken otherwise. Having considered all other relevant matters raised, I therefore conclude that the appeal should be dismissed.

*M Heron*

INSPECTOR