



Appeal Decision

Site visit made on 17 October 2022

by C Harding BA(Hons) PGDipTRP PGCert MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2023

Appeal Ref: APP/X1925/W/22/3294232

Slip Cottage, Slip Lane, Old Knebworth SG3 6QG

- 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 Brian Major against the decision of North Hertfordshire District Council.
 - The application Ref 21/02684/FP, dated 16 September 2021, was refused by notice dated 16 February 2022.
 - The development proposed is erection of a detached dwelling-house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. It has been brought to my attention that the North Hertfordshire Local Plan 2011-2031 (NHLP) was adopted on 08 November 2022. This plan replaces the saved policies of the North Hertfordshire District Local Plan Second Review with Alterations, and I have therefore dealt with the appeal on this basis. The parties have been afforded opportunity to comment on the adoption of the NHLP, and as a result would not be prejudiced.

Main Issues

3. The main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
 - whether the proposed development would be situated in an appropriate location having regards to the local development strategy.

Reasons

Whether inappropriate development

4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. One of the exceptions set out at Paragraph 149(e) is where development comprises limited infilling in villages.

5. Policy SP5 of the NHLP states that development proposals in the Green Belt will only be permitted where they would not result in inappropriate development or where very special circumstances have been demonstrated. This approach conforms with the provisions of the Framework in this respect.
6. In order to benefit from the exception set out at Paragraph 149(e) of the Framework, the proposed development must comprise "limited infilling", a term which is not defined within the Framework. It must also be located in a "village", which is again not defined within the Framework. Accordingly, each case must be considered on its individual circumstances.
7. Both parties acknowledge that there is no established settlement boundary to Old Knebworth. Therefore, in establishing whether the site lies within a village, consideration of the physical location of the site and its visual relationship to its surroundings is necessary.
8. Old Knebworth is a scattered linear settlement, with houses located on both sides of the main road (Park Lane). Intermittent gaps are evident which leads to development appearing clustered in form. The appeal site lies on Slip Lane, a smaller road which branches away from Park Lane, which, along with the appeal site, contains other residential properties and a horticultural nursery.
9. My attention has been brought to the approval of a residential dwelling¹ at a site at the junction of Slip Lane and Park Lane, where the Council acknowledged that the site was located within Old Knebworth village for the purposes of Paragraph 149(e) of the Framework. I have also been provided with details of a previous appeal decision² at Nup End, located to the southwest of the appeal site, where the Inspector reached a similar conclusion with regard to that particular site. I afford these decisions considerable weight as material considerations.
10. The circumstances of both of the sites in the examples presented differ to an extent from the appeal site in that they are both located closer to the main road, and thus the greatest concentration of development. However, the positions taken by both the Council and the Inspector in those cases indicates that the extent of Old Knebworth, taking account of its character of smaller clusters of development, can be considered to be wide and not restricted to the main area only. Whilst the appeal site does not lie within the main area of the settlement and is at the fringe of development, I nevertheless consider it to be within the extent of the village.
11. Turning to the matter of whether the proposed development would comprise limited infilling, the appeal site lies between Slip Cottage and a horticultural nursery to the west. A large, open agricultural field lies beyond Slip Lane to the north, and to the south of the appeal site is open countryside. Buildings within the neighbouring nursery are focussed towards the west of that site, and as a result, there is a substantial break in development between built development at the neighbouring property and the appeal site.
12. Open countryside exists to the north and south of the appeal site, and the proposed development would not expand the built envelope of the settlement beyond its current extent in these directions. However, the appeal site and neighbouring properties to the east are clearly separated from the horticultural

¹ 20/02474/FP

² APP/X1925/W/21/3274409

nursery to the west, and a large part of this gap in built development would remain following the construction of the proposed dwelling. Therefore, the proposed development would only be closely related to existing built development on its eastern edge. Accordingly, it would not constitute infilling.

13. I am aware that the Council, in approving³ a new dwelling in the locality, considered that that proposal amounted to infill development. However, the circumstances of that instance differed from those now before me, particularly in relation to the relationship of that site to surrounding development, where the site is sits between built development on two boundaries, as well as immediately opposite further development across a road on a third boundary.
14. As I consider that the proposed development would not comprise limited infilling within a village, and no other exception identified in Paragraph 149 of the Framework would apply, I consider that the proposal would comprise inappropriate development in the Green Belt which is, by definition, harmful.

Openness

15. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The site is previously developed in that it currently partially comprises a tennis court surrounded by link fencing. Although the existing structure has some effect on the openness of the Green Belt at present, the nature of this development is relatively lightweight. The proposed dwelling would represent a development of increased size and massing.
16. Accordingly, it would have a significantly greater harmful effect upon the openness of the Green Belt in this location, eroding the visual separation of the existing dwelling from others, and the openness of its surroundings. I afford substantial weight to this harm.

Appropriate location for housing

17. NHLP Policy SP2 makes provision for new housing development in category B villages, such as Old Knebworth, where it comprises infill and does not extend the built core of the village. I have concluded that the proposed development would not comprise limited infilling amounting to a single dwelling, and although it would be located within the village, it would not be within the main area of the settlement. Accordingly, the proposed development would be contrary to the approach to the location of new development set out in LP Policy SP2.

Other Considerations

18. The main parties agree that the proposed development would not result in harm to the significance of Old Knebworth Conservation Area (OKCA) or the setting of other heritage assets in the local area, and I have been presented with no evidence which would lead me to disagree with this assessment.
19. The proposed development would represent a new dwelling of appropriate scale and design and sited such that it would reflect the general character of traditionally designed and proportioned dwellings which forms the significance of the OKCA. In reaching this conclusion, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the

³ 20/02474/FP

conservation area, and other heritage assets in accordance with the relevant duties in the Planning (Listed Buildings and Conservation Areas) Act 1990.

20. Although the character or appearance of the OKCA would be preserved, this is a neutral factor, and does not weigh in favour of the proposal.

Conclusion

21. In summary, the proposal would be inappropriate development in the Green Belt in the terms set out by the Framework and would result in a harmful loss of openness to the Green Belt. Therefore, it should not be approved except in very special circumstances. The Framework requires that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
22. I give moderate weight to the contribution that the proposal would make to rural housing in an area where there is currently a shortfall, and the contribution it would make to the viability of local services. I also afford modest weight to the short-term economic benefits that would result during the construction process. However, for the reasons set out above, the harm to the Green Belt would not be clearly outweighed by the other considerations and, therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated.
23. The proposed development would be contrary to NHLP Policies SP2 and SP5, and there are no material considerations that indicate a decision should be taken other than in accordance with the development plan. For the reasons given above, the appeal is dismissed.

C Harding

INSPECTOR