



# Appeal Decision

Site visit made on 5 June 2023

**by R Bartlett PGDip URP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 July 2023**

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**Appeal Ref: APP/X1925/W/22/3309506**

**Churchfields, Hitchin Road, Codicote, Hertfordshire SG4 8TH**

- 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 Hawkins against the decision of North Herts Council.
  - The application Ref 22/00912/FP, dated 30 March 2022, was refused by notice dated 13 July 2022.
  - The development proposed is construction of new dwelling following demolition of existing outbuildings and tennis court enclosure.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The North Hertfordshire Local Plan 2011-2031 (NHLP) was adopted on 8 November 2022, replacing the saved policies of the District Plan Second Review with Alterations 1996 (DP). I have determined this appeal on the basis of the development plan and national policy in place at the time of making my decision.

## Main Issue

3. There is no dispute that the proposal lies within the Green Belt and would constitute inappropriate development in the Green Belt, as defined by the National Planning Policy Framework (the Framework), because it would have a greater impact on the openness of the Green Belt than the existing development on the site (paragraph 149(g) of the Framework). I concur with that position.
4. As no other harms have been identified, the main issue is whether the harm to the Green Belt by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

## Reasons

### *Other considerations*

5. The development would be located within the area of the tennis court enclosure to be removed. The appellant also proposes to remove numerous small timber outbuildings from around the wider site. The tennis court comprises a hard surface, bound primarily by green plastic-coated wire mesh fencing, and has a concrete wall on part of its southwestern boundary. The wall forms a very small part of the overall boundary and the fencing, which is transparent, retains the

visual openness of the site. The outbuildings to be removed comprise a series of sporadically located small timber sheds that are hidden amongst the mature landscaping and have minimal impact on the openness of the Green Belt. As these buildings appear to be within the curtilage of the two existing dwellings, they could easily be replaced in the future under permitted development rights. Moreover, the proposed dwelling would be very different in scale, appearance, height and dominance to the existing buildings and structures. As such I afford limited weight to the removal of these.

6. I acknowledge that the site is well screened from the adjacent highway (the B656) by dense mature landscaping and that this would reduce the visual impact of the proposal on the openness of the Green Belt and from public views. I afford this modest weight.
7. The proposal would add a single dwelling to the Council's supply of housing land and would be on previously developed land, served by an existing access. I afford these benefits moderate weight. Although the site is not within or immediately adjoining a built-up settlement, it is not remote and there are no concerns before me regarding access to services and facilities for future occupiers. As this absence of harm is of negligible benefit, I afford it minimal weight.
8. The proposal would also support the local economy in the short term through utilising locally sourced materials and employing local tradespersons in relation to its construction. In the longer term, future occupiers would contribute to the local economy by utilising local facilities. These benefits, from a single dwelling, would be limited and accordingly I afford them only modest weight. As council tax is essentially a means for the Council to cover its costs arising from an increased local population, and/or to mitigate development impacts upon local infrastructure, it attracts very little weight.

### **Other Matters**

9. My attention has been drawn to the planning permission granted for Pear Tree House, a substantially completed new dwelling elsewhere on the site, which replaced a former swimming pool building. Whilst I have not been provided with plans or photographs of the building that was replaced in that case, the evidence before me suggests that the Council was satisfied that the dwelling would not have a materially greater impact on the openness of the Green Belt than the building it replaced. As such it is not comparable to this case.
10. The proposal would be of appropriate design, would not result in harm to the living conditions of any neighbouring occupiers or to highway safety, and biodiversity net gains are offered. As these are general policy requirements of all new dwellings these are neutral matters in this Green Belt location.
11. The need to release Green Belt land in order to meet housing delivery targets is a matter that would have been addressed in the recently adopted NHLP and is not a matter for this appeal for a single dwelling.

### **Balance and Conclusion**

12. 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.

13. The other considerations that weigh in favour of the development, do not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness, because of its greater impact on openness. Consequently, the very special circumstances necessary to justify the development do not exist. As such the proposal would be contrary to Policy SP5 of the NHLP, which 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.
14. The Council has not disputed that it is unable to demonstrate a five-year housing land supply, and that relevant policies, which are most important for determining the application are therefore out-of-date. However, there are no very special circumstances and the application of policies in the Framework that protect areas of particular importance, including the Green Belt, provide a clear reason for refusing the development proposed.
15. For the reasons given above, the proposal would conflict with the development plan and the Framework, when taken as a whole. Having considered all other matters raised, I conclude that the appeal should be dismissed.

*R Bartlett*

INSPECTOR