

Appeal Decision

Site visit made on 1 May 2018

by R A Exton Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th June 2018

Appeal Ref: APP/X1925/W/17/3192338
Old Bakery, Maiden Street, Weston SG4 7BG

- 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 Miss Katherine Barnett against the decision of North Hertfordshire District Council.
 - The application Ref 17/01750/1, dated 8 July 2017, was refused by notice dated 19 October 2017.
 - The development proposed is described as the construction of a new four bedroom detached part single-storey/part two-storey house, together with detached double garage, shared access from School Lane, and realigned driveway for the adjoining property ('The Old Bakery').
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Decision

1. The appeal is dismissed.

Procedural matter

2. The planning application form describes the development proposed as erection of a 3 bedroom detached house and associated parking. However, the appeal form describes the development proposed as set out in the banner heading above. I have used this description as it more accurately describes the appeal proposal.
3. I note the Council's and appellant's reference to the emerging Local Plan¹ and the North Hertfordshire Green Belt Review 2016. However, I have limited information regarding the current status of these documents and the degree of any unresolved objections. Consequently I can afford them only very limited weight.

Main Issues

4. The main issues are:
 - whether or not the appeal proposal would be inappropriate development in the Green Belt, having regard to the development plan and the Framework²;
 - whether or not there would be any other harm to the Green Belt by virtue of urban sprawl, encroachment into the countryside or impact on openness;

¹ The North Hertfordshire District Council Local Plan 2011-2031 Proposed Submission (October 2016).

² The National Planning Policy Framework.

- the effect of the appeal proposal on the character or appearance of the Weston Conservation Area ('the WCA') having special regard to its preservation;
- if there are any other considerations; and,
- if the appeal proposal would be inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify it.

Reasons

Green Belt

5. The appeal site lies in the Green Belt where Policy 2 of the DLP³ seeks to preserve the openness of the Green Belt. Policy 3 of the DLP sets out the forms of development that are acceptable. However, these policies were adopted before the Framework and the forms of development identified as acceptable in Policy 3 are more restrictive than the forms of development identified as not inappropriate in the Framework. Of particular relevance to this appeal is the fifth bullet point of paragraph 89 of the Framework. This identifies limited infilling in villages under policies set out in local plans as not inappropriate development.
6. Point (iv) of Policy 3 is more restrictive regarding the amount of development. It allows for a single dwelling on a small plot located within the built core of the settlement, which will not result in the outward expansion of the settlement or have any other adverse impact on the local environment or other policy aims within the Green Belt. Despite the inconsistency with the Framework on the amount of development, it is clear that Policy 3 otherwise reflects the fundamental aim of the Green Belt to prevent urban sprawl by keeping land permanently open. I therefore afford it significant weight in this respect.
7. When travelling eastwards along Maiden Street the density of development gradually reduces. The appeal site forms an open break between School Lane and the pocket of development including The Old Bakery and Old Cottage. There is an absence of development on the opposite side of Maiden Street as well. Due to this arrangement, and notwithstanding the proximity of other buildings, I consider that the appeal site is not within the built core of the settlement and contributes significantly the openness of the Green Belt in this area.
8. The proposed dwelling would be set back from Maiden Street to the south of the existing access to The Old Bakery. The appeal site sits at an elevated level relative to Maiden Street. School Lane rises up from Maiden Street to a similar level to the appeal site. One limb of the proposed dwelling would be sited parallel to School Lane and the other approximately parallel to Maiden Street.
9. There would be views of the proposed dwelling from both Maiden Street and School Lane. It would also be visible through the proposed access off School Lane. The limb of the proposed dwelling parallel to Maiden Street would fill a significant proportion of the open break currently formed by the appeal site. As such it would not represent limited infilling and would be inappropriate

³ The North Hertfordshire District Local Plan No.2 with Alterations Saved Policies September 2009.

development in the Green Belt. Consequently the appeal proposal would conflict with Policy 3 of the DLP.

Urban sprawl, encroachment into the countryside and openness

10. By filling a significant proportion of the open break described above I consider that the appeal proposal would contribute to the outward expansion of the settlement, leading to urban sprawl and encroachment into the countryside. These are 2 of the 5 purposes of the Green Belt set out in the Framework. Although the visual impact of the proposed dwelling may not be significant, there would be a significant loss of openness in spatial terms. Openness is one of the essential characteristics of Green Belts.

Conservation area

11. The character and appearance of the WCA in the vicinity of the appeal site appears to derive from mainly dwellings set in spacious plots giving rise to a loose pattern of development. This provides a gradual transition from the built up area of the village to the countryside.
12. The appeal site forms a break in development that significantly contributes to the transitional appearance of the area. The appeal proposal would infill a significant proportion of the break and be visible from a number of viewpoints as described above. This would consolidate the loose pattern of development and erode the transitional appearance of the area. In doing so it would have a harmful effect on the appearance of the WCA. Section 72 of the Act⁴ requires special attention be paid the preservation of this.
13. I consider that the harm to the WCA would be less than substantial. In this instance paragraph 134 of the Framework requires that harm to a designated heritage asset should be weighed against the public benefits of the proposal. I have taken account of the contribution the appeal proposal would make to unmet housing need. However, the very limited nature of this public benefit means that it does not outweigh the harm to the appearance of the WCA, to which I attach great weight in accordance with paragraph 132 of the Framework.
14. In light of the above, I conclude that the appeal proposal would conflict with the Framework and my statutory duty under the Act insofar as they relate to conserving the historic environment.

Other considerations

15. I note the appellant's personal reasons for the proposed dwelling. However, development generally long outlasts any personal justification and therefore this carries very limited weight.
16. The appellant refers to other planning permissions and development proposals in support of the appeal proposal. As I have limited details of these schemes I cannot be sure that they are comparable to the appeal proposal and consequently they carry minimal weight.
17. I note the appellant's comment on the possibility of amending the appeal proposal and the Council's handling of the planning application. However, it is important that the scheme considered at appeal is essentially the same as that

⁴ The Planning (Listed Buildings and Conservation Areas) Act 1990.

considered by the Council at the application stage and upon which interested parties commented. The Council's handling of the planning application is not a matter for this appeal. Other routes exist to pursue such matters. These matters therefore carry minimal weight.

Conclusion

18. I have concluded above that the appeal proposal would represent inappropriate development in the Green Belt. This is, by definition harmful, and should only be approved in very special circumstances. It would also cause harm to the appearance of the WCA. Collectively, these harms carry significant weight.
19. The limited weight of the other considerations does not clearly outweigh these harms. Consequently, very special circumstances do not exist. I therefore conclude that the appeal proposal would conflict with Policy 2 of the DLP and chapter 9 of the Framework which seek to control inappropriate development in the Green Belt.
20. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Richard Exton

INSPECTOR