



Appeal Decision

Site visit made on 2 May 2019

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15th May 2019

Appeal Ref: APP/X1925/D/19/3225744

Oakfields Farm, Stevenage Road, Hitchin SG4 7JX

- 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 S Foster against the decision of North Hertfordshire District Council.
 - The application Ref 18/03312/FPH, dated 19 December 2018, was refused by notice dated 1 March 2019.
 - The development proposed is the erection of a cartlodge.
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Decision

1. The appeal is dismissed.

Main Issues

2. It is considered that the main issues are:
 - (a) Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - (b) The effect of the proposal on the openness of the Green Belt;
 - (c) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development for the purposes of the Framework and development plan policy

3. The proposed development includes the erection of a single storey cartlodge which comprises a carport and store. The appeal scheme would be sited on an area of open and unkempt land which, although facing towards Oakfields Farm, would be separated from this host dwelling by a vehicular turning head. This turning head forms part of a private access road extending from Kingshott School to serve the host dwelling and a recent residential development of 8 dwellings and garages.
4. Although in the same ownership, no details about the historic association between the host dwelling and the use of the land comprising the appeal site have been provided. However, the Planning Officer's report refers to the site of the proposed development being within the curtilage of a residential building.

5. The appeal site is located within the Green Belt and the Framework refers to the construction of new buildings in the Green Belt as inappropriate development unless they accord with the identified exceptions. Policy 2 of the North Hertfordshire Local Plan 1996 with Alterations (LP) echoes national policy concerning inappropriate development in the Green Belt.
6. Neither national or local policy, including Policy SP5 in the North Hertfordshire Local Plan (2011-2031) (eLP) which has reached Main Modifications stage, make any specific reference to outbuildings or other ancillary domestic buildings as not being inappropriate development within the Green Belt. However, the appellant claims that the appeal scheme would comprise the erection of a domestic outbuilding within the curtilage of a dwelling house. Reflecting the approach identified in *Sevenoaks District Council v SSE and Dawe [1997]*, the appellant claims that the proposed cartlodge would not be inappropriate development within the Green Belt because it should be regarded as a normal domestic adjunct, or extension, to the host dwelling.
7. As identified in the appeal decisions provided by the appellant¹, whether the erection of a proposed cartlodge should be considered a normal domestic adjunct to Oakfields Farm is a matter of fact and degree for the decision maker to assess. How close the garage was to the dwelling in the *Sevenoaks* case has not been known. In my judgement, because of the physical and visual separation of the host dwelling from the appeal site by the turning head, this is not a case where the proposed development can be considered a normal domestic adjunct. Although the site is acknowledged by the Council to comprise residential curtilage, the appeal scheme would not be closely associated with the host dwelling. Instead, rather than being an extension to Oakfields Farm, the proposed development would comprise the erection of a freestanding building.
8. In reaching this judgement account has been taken of the appeal decision at Iver² where, in that case, a detached garage was assessed to be within a forecourt and, therefore, clearly part of a domestic curtilage. Again, although the detailed planning circumstances of appeal have not been provided, the garage approved by the Council at St Ippolyts (Ref 16/01854/1HH) was assessed to be closely associated with the dwelling which is different to the judgement reached for this appeal scheme.
9. Accordingly, it is concluded that the proposed development would involve the construction of a new building and, as such, it would be inappropriate development in the Green Belt thereby conflicting with the Framework and LP Policy 2. There would also be a conflict with eLP Policy SP5 but this is given only moderate weight in the determination of this appeal. Paragraphs 143 and 144 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that substantial weight should be attached to any harm to the Green Belt. 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. The question of any other harm and the other matters in this case are now considered.

¹ Refs APP/W0530/A/12/2188281 and APP/C3620/D/13/2191786

² Ref APP/N0410/D/17/3183471

The effect of the proposal on the openness of the Green Belt

10. The Framework identifies that the essential characteristics of Green Belts are their openness and their permanence. When viewed from the access road because of its siting the appeal scheme would be neither physically nor visually well related to the host dwelling and the recent residential development. The separation of the proposed cartlodge from the dwellings and their associated gardens would be accentuated by the turning head and an intervening area of open land.
11. For these reasons, and when taken together with its bulk and size, it is concluded that the appeal scheme would have a detrimental effect on the openness of the Green Belt and, as such, it would conflict with LP Policy 2 and the Framework. However, the degree of harm would be moderate because the principally be limited to views from the access road.

Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

12. The Council has not objected to the design and choice of external materials for the proposed cartlodge. However, and acknowledging the unkempt nature of the site, the size and siting of the proposed garage would detrimentally affect the open character of the immediate land around the site. For this reason, in determining this appeal only moderate weight is given to this matter.
13. Reference has been made by the appellant to the potential fallback position associated with the permitted development right to erect an outbuilding to provide alternative vehicle garaging elsewhere within the residential curtilage of Oakfields Farm. It is the appellant's claim that this fallback position could result in a more visually intrusive form of development when compared to the appeal scheme. However, although a general siting has been indicated, no details of such an outbuilding have been provided to enable a comparison to be made with the proposed cartlodge. For this reason, the fallback position has only been given limited weight in the determination of this appeal.
14. No details have been provided concerning the planning circumstances of the residential development adjacent to the appeal site. It is, therefore, unclear the basis upon which the Council assessed this other scheme against Green Belt policies. For this reason, limited weight has been given to this adjacent development in the determination of this appeal.

Conclusion

15. These other considerations, even when taken together, do not clearly outweigh the harm by reason of inappropriateness, the moderate harm to the openness of the Green Belt and the conflict with local and national policy. Accordingly, it is concluded that the very special circumstances required to justify the development do not exist and this appeal should be dismissed.

D J Barnes

INSPECTOR