



Appeal Decision

Site visit made on Monday 11 February

by R Perrins MA MCM

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

Decision date: 21 February 2013

Appeal Ref: APP/C1950/D/13/2190944

63 The Ridgeway, Cuffley, Potters Bar, Hertfordshire, EN6 4BD

- 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 I Ganney against the decision of Welwyn Hatfield Council.
 - The application Ref S6/2012/1775/FP was refused by notice dated 29 October 2012.
 - The development proposed is retrospective application for the retention of the existing front boundary wall, railings and gates.
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Decision

1. The appeal is dismissed.

Main issues

2. There is no dispute that the development as constructed would be inappropriate development in the Green Belt for the purposes of paragraph 89 of the National Planning Policy Framework (the Framework). As such, the main issues are; the effect of the development upon the openness of the Green Belt and character and appearance of the locality; and 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 necessary to justify the development.

Reasons

3. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. I attach substantial weight to the harm arising due to the inappropriate nature of the development.
4. The Framework is also clear that one of the essential characteristics of Green Belts is their openness. I accept that the railings in the wall allow for views through it and it is not uncommon for residential properties to have boundary treatments spanning the width of the residential plot. However, I do not accept that the structure is not overly excessive. It appears higher than any other boundary treatment in view and is a robust structure with significant pillars. It has significantly diminished the openness of the Green Belt because of its height and length.
5. The Ridgeway runs through an area which is rural in character and appearance, with extensive deciduous woodland bordering both sides of the road in places and opposite the appeal site and neighbouring properties. Along this stretch of

The Ridgeway detached dwellings of individual styles are generally set back from the main road with a variety of front boundary treatments predominantly at low level. There are other walls and railings in the area, but none apparently as high as this development. When travelling along the road, the overall appearance of the area, to the south, is an open one with low level boundary treatments with little impact upon the character of the road. A number of mature individual trees such as that outside the appeal property line the non-wooded side of the road. The wall and railings are a surprising development when set against the rural surrounds. They draw the eye and appear as an incongruous addition to the locality forming a visually intrusive feature along a significant stretch of the road.

6. I conclude that the effect of the proposal on openness would cause additional harm to the Green Belt, contrary to the Framework. It would also harm the semi-rural character and appearance of the area, contrary to Policy RA10 of the Welwyn Hatfield District Local Plan (DLP) which expects developments in rural areas to, amongst other things, contribute to the local landscape character. Also, it would be at conflict with Policies D1 and D2 which seek high standards of design and that developments respect the character and context of the local area, and it would not satisfy the design principles set out in the *Supplementary Design Guidance* document.
7. In addition Paragraph 80 of The Framework sets out the five purposes of including land in the Green Belt. These include safeguarding the countryside from encroachment. I accept the development has been constructed within an existing residential curtilage. Nevertheless the wall, pillars and railings, have increased the built urban form within this area resulting in significant encroachment of development into the countryside.
8. I now turn to other considerations. Paragraph 87 of The Framework sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development 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.
9. The appellant states that the wall, railings and gates, are of small scale and are compatible with the surrounding development and that the fallback position should be taken into account. Given my findings above I do not consider the development to be of a small scale. Whilst it may be subordinate to the existing residential property it is not comparable to other boundary treatments in the locality. In addition there is no dispute that the wall at No 65 does not benefit from planning permission and that at 59 does not have railings or gates and is of a smaller scale with fewer and smaller pillars. Furthermore low level front boundary treatments are the predominant feature in the locality and the materials used, including a yellow brick, (which I accept reflects that used in the dwelling), do not reflect the rural setting or the general character of other boundary treatments nearby. For these reasons I give arguments regarding the scale and appearance of the development minimal weight.

10. Turning to the fallback position there is no dispute that Under Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 1995¹ that a fence or wall could be erected up to one metre in height. I accept that the wall could be retained at 0.9 metres in height and the railings allow views through them above that height. However, as I have found, the pillars and gates are an obtrusive feature which have a significant harmful impact upon the openness of the Green Belt and appearance of the area. A boundary treatment 0.9 metre high would not be comparable. I therefore give the fallback position little weight. I also accept that there are no objections from nearby residents but I must consider the impact of the wall on all future residents and users of the road.
11. I have determined the appeal on the basis of the information before me. The harm caused by the inappropriateness of the development and its effect on openness and the character and appearance of the area carry substantial weight. In contrast, the other considerations carry minimal weight. For the reasons given above, and having regard to all other matters raised, I conclude that there are no considerations sufficient to clearly outweigh the harm to the Green Belt. There are, therefore, no very special circumstances to justify the fence. It conflicts with the aforementioned policies of the DLP and the Framework and I dismiss the appeal.

RJ Perrins

INSPECTOR

¹ Development is not permitted by Class A if- (a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed one metre above ground level.