

A1475



Appeal Decision

Site visit made on 21 January 2009

by **Peter Willows BA DipUED MRTPI**

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

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Decision date:
17 March 2009

Appeal Ref: APP/C1950/A/08/2086613

Bedwell Park, Cucumber Lane, Essendon, Hatfield, Hertfordshire AL9 6GH

- 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 Millgate Homes against the decision of Welwyn Hatfield District Council.
- The application Ref S6/2008/1203/FP, dated 11 July 2008, was refused by notice dated 2 September 2008.
- The development proposed is metal entrance gates, posts and railings.

Decision

1. I allow the appeal, and grant planning permission for metal entrance gates, posts and railings at Bedwell Park, Cucumber Lane, Essendon, Hatfield, Hertfordshire AL9 6GH in accordance with the terms of the application, Ref S6/2008/1203/FP, dated 11 July 2008, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.

Main issues

2. The site lies within Green Belt within the grounds of Bedwell Park, a Grade II listed building with gardens within an extensive parkland setting. Accordingly, I consider that the main issues are:
 - whether or not the proposal constitutes inappropriate development that would cause material harm to the openness of the Green Belt, and if so, whether there are any very special circumstances that would outweigh such harm; and
 - the effect of the development on the quality and character of the gardens and parkland at Bedwell Park and the setting of the listed Bedwell Park building.

Reasons

Whether the proposal would be inappropriate development

3. Planning Policy Guidance Note 2 *Green Belts* (PPG2) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Accordingly, apart from certain specified exceptions, which includes, amongst other things, limited extensions and alterations to existing dwellings, there is a presumption against development that would

harm this function. Inappropriate development is, by definition, harmful to the function of the Green Belt, and it is for the appellant to show why permission should be granted for such development. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriate development and any other harm is clearly outweighed by other considerations.

4. This development proposes the erection of metal gates, posts and railings. The main pair of gates would be 1.8m high at their highest point, with a combined width of 4.5m. There would also be a smaller gate for pedestrians and a short section of railing. The structure would be linked to the wall of an existing large garage block that serves apartments and houses created within the grounds of the Bedwell Park country house estate through conversion and new building.
5. Due to their siting within the curtilage of Bedwell Park, their relationship to the existing buildings, and their relative size and scale, I consider that, as a matter of fact and degree, the gates, posts and railings can be treated as a minor adjunct to the main buildings and thus regarded as an extension to them. As such, I do not regard the proposal as being inappropriate development within the Green Belt. Any effect of such minor additions to the existing substantial built development at the site on the openness of the Green Belt would be negligible. Consequently, there would be no material harm to the Green Belt, and there is no need to consider the question of very special circumstances.

The gardens and the setting of the listed building

6. Bedwell Park is a Grade II listed building. Its grounds are included within a list of historic parks and gardens in the adopted Welwyn Hatfield District Local Plan, although they do not appear on the National Register. The gates would be situated to the front of the listed building, but set to one side and positioned at right-angles to the front elevation, so that they would not be prominent on the main approach to the building. I consider the design of the gates and railings to be satisfactory, and new planting would help assimilate them into their surroundings. Consequently, they would appear as a minor and appropriate addition to the existing structures.
7. Bearing these points in mind, I conclude that the effect of the development on the gardens and parkland would be minimal and that the setting of the listing building would be preserved. I find no conflict with the aims of Planning Policy Guidance Note 15 *Planning and the Historic Environment* (PPG15) or with Local Plan Policy R28, which considers proposals affecting unregistered historic parks and gardens in terms of their contribution to the quality and character of the historic environment.

Other Matters

8. I have been referred to a number of previous appeal decisions relating to proposals for walls, gates and piers within the Green Belt. However, those have little bearing on the determination of the question of inappropriateness in relation to this development, which is dependent on the particular characteristics of this site and the proposal. The Council comments that the site does not form part of any defined residential curtilage approved as part of the original planning permission for the creation of residential units at Bedwell Park. However, in my opinion the relationship of the appeal site to the

residential buildings and spaces within Bedwell Park is so marked that it may be considered as forming part of its curtilage for the purposes of the application of PPG2.

Conclusion

9. For the reasons set out above I conclude that the proposal would not be inappropriate development in the Green Belt. No harm would arise either in relation to the setting of the listed building, the gardens or parkland. I conclude, therefore, that the appeal should be allowed.
10. I do not consider a condition relating to materials to be necessary in this instance, since the nature of the materials is clear from the details already provided.

Peter Willows

INSPECTOR