



Appeal Decision

Site visit made on 23 March 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th March 2021

Appeal Ref: APP/A1910/W/20/3264515

**Plot 17 Land South East of Church Road, Little Gaddesden, Hertfordshire
HP4 1NZ**

- 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 Steven Kinson against the decision of Dacorum Borough Council.
 - The application Ref 20/01927/FUL, dated 14 July 2020, was refused by notice dated 14 September 2020.
 - The development proposed was described as 'replacement and extension of fence (same style as existing)/hedge, movement of access gate to the field and movement of starting point of public right of way (end point to remain the same)'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the site address as it appears on the Council's decision notice and appeal form as I consider this more accurately describes the location of the site than that entered on the planning application form.
3. The description of development in the banner heading above is taken from the application form. However, the main parties confirm that prior to the Council's decision, the proposal was amended to omit alterations suggested to the public right of way through the site. Consistent with the amended proposal, the Council's decision notice and the appeal form provide a revised description of the proposal as 'replace existing damaged fencing/hedge with post and rail fencing. Relocate existing access gate to the field'. I have determined the appeal on this basis.
4. The Council has confirmed that the appeal site is within an area which is subject to an Article 4 Direction made on 14 November 2019 and confirmed on 6 May 2020 which removes permitted development rights from land located to the south east of Church Road. As a result, planning permission is required for development including for means of enclosure and formation of new accesses.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area having particular regard to the site's location in the Chilterns Area of Outstanding Natural Beauty (AONB) and partly within the Little Gaddesden Conservation Area (CA), and the nearby listed building known as the Church of St Peter and St Paul.

Reasons

6. The landscape of this part of the AONB is generally wide and open, characterised by parcels of woodland and typically large fields with some scattered individual buildings and villages providing for an attractive rural scenic and landscape quality. Much of the village of Little Gaddesden is designated as a CA. The significance of the CA derives in part from the attractive openness and distinctive rural character resulting from the loose overall arrangement of the buildings of mostly traditional appearance, as well as the close relationship of this village with its surrounding rural context. The position of the parish Church of St Peter and St Paul somewhat isolated from buildings within the village by intervening fields and paddocks similarly means that it is perceived as part of the rural landscape, and I consider that the open character of its surroundings forms an important part of the setting of this listed building which contributes to its significance.
7. The appeal relates to an irregularly shaped parcel of open land opposite the Church. Post and rail or post and wire fencing in varying states of repair marks some of the boundaries of the site and there is a metal gate to the west boundary close to the frontage with Church Road. However, boundaries to the south east and south west of the rear part of the site are unmarked, and the western boundary to the front part of the site is also partly open. These factors result in a significantly open quality to the site in keeping with the rural landscape character and qualities of this part of the AONB, and which contributes positively to the significance of the Little Gaddesden CA and to the immediate and wider landscape setting of the Church.
8. Where used in place of existing sections of fencing, the proposed post and rail fencing to the site boundaries would not lead to additional enclosure of the land, and it would reflect existing boundary treatment that I observed in the vicinity of the site and commonly found within rural locations. The Council has not raised an objection to the replacement of the sections of existing fencing on the site, and given these factors I see no reason to reach a different conclusion.
9. However, the siting of the new vehicular access gate onto the site would be more prominent than the existing gate, positioned along Church Road and immediately opposite the Church. Its proposed design and timber materials would also give it a more solid appearance in comparison to the relatively insubstantial form of the metal bars to the current gate. In addition, while there may historically have been fencing along a greater extent of the west boundary, the remaining sections comprise post and wire fencing with a resulting lightweight appearance that is relatively discreet in visual terms. The proposed post and rail fencing would be much more substantial in nature, and with the additional enclosure along the extent of the boundary would have a much greater visual impact overall. These features would be readily apparent in views from the surrounding landscape, including towards the Church from Little Gaddesden along Church Road and from the public right of way across the site which connects the Church to the village, and would encroach on the existing openness of the area.
10. Moreover, the introduction of new fencing to the currently open portions of the boundaries furthest from Church Road would result in sectioning off of the rear part of the site, forming an anomalous incursion into the wider large field that it is currently part of and disrupting the historic field pattern. The fencing itself

- would be widely visible across the surrounding landscape, and together with the additional enclosure of this land, would result in a conspicuous and intrusive loss of openness.
11. For the reasons given above, I find that the proposal taken as a whole would diminish the open and rural character and appearance of the site, detracting from the natural beauty and rural character of the landscape that it forms part of. This would be harmful to the character and scenic landscape qualities of the Chilterns AONB. The character and the appearance of the Little Gaddesden CA and the setting of the Church of St Peter and St Paul would also be harmed, adversely affecting the significance of these designated heritage assets. Given the scale of the development, I consider that the harm to the significance of the CA and the listed building would be less than substantial in the terms of the National Planning Policy Framework (the Framework). The Framework therefore outlines that this harm should be weighed against the public benefits of development.
 12. I am sympathetic to the appellant's desire to make use of the site and to enable vehicular access to it without reliance on adjacent landowners. However, I have not been provided with compelling evidence demonstrating that this could only be achieved by development of the form proposed, or that the site would fall into poor condition in the absence of the appeal scheme. There is also no firm evidence before me to substantiate the appellant's suggestions that existing barbed wire on the site presents a danger, nor that the proposal would offer benefits to wildlife.
 13. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 impose statutory duties to have special regard to the desirability of preserving the Church as a listed building, and to pay special attention to the desirability of preserving or enhancing the character or appearance of the Little Gaddesden CA. Having regard to these duties and the Framework, I give considerable importance and weight to the harm that would be caused to the significance of the CA and to the setting and significance of the listed building. In this context, I do not find that there are public benefits sufficient to outweigh the harm that I have identified.
 14. Section 85 of the Countryside and Rights of Way Act 2000 further requires relevant authorities to have regard to the purposes of conserving and enhancing the natural beauty of AONBs when performing their functions. With regard to this duty and the provisions of the Framework, I also attach great weight to the harm that would be caused to the landscape and scenic beauty of the AONB, and find that this harm would clearly outweigh the benefits of the proposal.
 15. I conclude that the development would result in unacceptable harm to the character and the appearance of the AONB and the Little Gaddesden CA, and to the setting of the Church of St Peter and St Paul. Accordingly, the proposal would conflict with policies CS12, CS24 and CS27 of the Core Strategy 2013 which require, amongst other things, that the special qualities of the AONB are conserved and that designated heritage assets are protected, conserved and if appropriate enhanced. It would also be contrary to similar requirements within the Framework seeking conservation and enhancement of AONBs and the historic environment.

Other Matters

16. I note the appellant has made efforts to reach agreement with the Council over proposals for the site, as well as concerns raised relating to difficulties in arranging a site meeting with the Council and the level of communication. However, these are not factors which alter my consideration of the planning merits of the appeal.

Conclusion

17. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR