



Appeal Decision

Site visit made on 17 February 2026

by **I A Dyer BSc (Eng) FCIHT**

an Inspector appointed by the Secretary of State

Decision date: 6th March 2026

Appeal Ref: APP/A1910/W/25/3373146

Shafford Knoll Farm, Lower Road, Nash Mills, Hemel Hempstead HP3 8RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Clovercourt (Sarratt) Ltd, Ivy Kennealy, Sheree Kennealy & Lucy Kennaely against the decision of Dacorum Borough Council.
 - The application Ref is 24/01424/MOA.
 - The development proposed is outline planning application for construction of 30 dwellings (Use Class C3) and (up to) a 70 bed care home (Use Class C2), with new access to Lower Road and pedestrian links to canal towpath (Landscaping Reserved).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal was submitted in outline form with only the matter of landscaping reserved to be determined at a later date. During the course of the application the proposal was amended, reducing the proposed number of dwellings from 33 to 30. I have, therefore, used the amended description in my banner heading as this now reflects what is being proposed by the appellants. I have considered this appeal on that basis.
3. The parties have entered into a planning obligation in the form of an agreement under Section 106 of the Town and Country Planning Act 1990 (the Agreement) that makes provision for the delivery of affordable housing, various infrastructure, a travel plan, biodiversity net gain (BNG) and mitigation for impact on a European Protected Site. I have taken this obligation into account in my decision.
4. In determining this appeal I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. From the evidence, my decision has the potential to affect persons with a protected characteristic for the purposes of the PSED.

Main Issues

5. Through the Agreement the parties have reached a mutual position in regard to the provision of affordable housing and infrastructure such that the concerns of the Council are addressed and thus Reason for Refusal 3, as set out in the Council's Decision Letter dated 9 July 2025 no longer identifies a matter in dispute.

6. Thus, the main issues in this appeal as they now stand are: -

- Whether the proposal would be inappropriate development in the Green Belt having regard to the relevant development plan policies and the National Planning Policy Framework (the Framework);
- The effect of the proposal on the openness of the Green Belt;
- Whether the proposal would be of a suitable quality of design; and : -
- Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

7. The appeal site (the site) is an open field fronting onto Lower Road. To the rear, the site backs onto the Grand Union Canal. The site lies between a row of residential dwellings with commercial uses to the rear and a small compound operated by a groundworker business. Beyond this a village hall and a car park front Lower Road, with an open field to the rear which extends alongside the canal to Red Lion Lane.
8. Notwithstanding the presence of the village hall, groundworkers compound and the car park, the space occupied by the site and the land to the north remains largely open.
9. The site steps down in two stages from the road to the canal. Aggregate has been laid to provide rough trackways into the upper part of the site and this is understood to have been used to facilitate car boot sales within the site. At the time of my site visit this had been augmented by steel matting, and a number of cars were parked on this. A marquee had also been erected close to the road. There was also, at that time, a storage container and some materials standing behind the groundworker's compound adjacent to the field boundary on the northern side of the site. This notwithstanding, the majority of the site is laid to grass.
10. There are mature hedgerows on the boundaries to the site fronting the road and the canal. The other boundaries are a mix of fencing and hedging, with that to the north being much more open, with clear views into the adjacent open field to the rear of the village hall and car park.
11. There is no dispute between the parties that the land lies within the Metropolitan Green Belt, where development is strictly controlled. Policies CS1, CS2, CS5 and CS10 of the Dacorum Borough Council Core Strategy (the CS) seek, amongst other things, to ensure that new development is compatible with policies, including national policies, protecting the Green Belt, and that new development has full regard to environmental assets and constraints.
12. The National Planning Policy Framework (the Framework) establishes that development is inappropriate except where it fulfils certain exceptions as set out within the Framework, or there are very special circumstances that justify the development. However, the appellants are of the view that the site constitutes grey

belt. To this end I have considered its characteristics against the criteria and requirements for such as set out in the Framework.

13. The appellants have provided a Green Belt Technical Note and a Legal Opinion in support of their assertion that the site is grey belt land. I have considered these in my assessment, together with the assertions of the Council to the contrary.
14. The appellants do not identify any of the exceptions set out in Paragraph 154 of the Framework as applicable to the proposal before me, but that the proposal is on Grey belt land and not inappropriate development when applying Paragraph 155 of the Framework. Paragraph 155 of the Framework sets out four basic criteria for housing that must be satisfied to establish that a development site would not be inappropriate.
15. The first of these requires that the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
16. Grey belt land is defined in the glossary of the Framework as “land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.”
17. Considering firstly whether the site is previously developed land, and having reference to the definition of such in the Framework, the land does have a limited amount of infrastructure, in the form of the trackways, installed. However, these cover only a limited part of the site and there is doubt that the tracks have been lawfully developed. There were no permanent structures on the site at the time of my visit. Further there is no planning history to demonstrate that a material change of use has occurred or that the lawful use of the site is anything other than agricultural. The proposal thus fails to fulfil the first part of the criterion, but, in the alternative, needs to be considered against the second part.
18. Paragraph 143 of the Framework identifies that there are five purposes to the Green Belt, namely:
 - a) to check the unrestricted sprawl of large built up areas;
 - b) to prevent neighbouring towns merging into one another,
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

For the purposes of the assessment, it is necessary that the land must make no strong contribution to purposes a), b) or d).

19. The application site forms part of a large parcel of land that was assessed as part of the Stage 2 Green Belt Review by Arup in 2016 (the GBR) to determine its contribution to the Green Belt against the purposes of the Green Belt. Overall the

parcel of land containing the site was found within the GBR to make a moderate contribution to purposes a), b) and c) of the Green Belt.

20. However, having regard to purpose a) I find that, on the basis of the evidence before me and my observations on site, Hemel Hempstead has developed to appoint where it is a large built up area. The National Planning Policy Guidance (NPPG) identifies in its section on assessing the contribution that land makes to the relevant Green Belt purposes¹ that “sprawl” occurs where development results in an incongruous pattern of development (such as an extended “finger” of development) and that sites which would, if developed, result in such sprawl can make a strong contribution to purpose a).
21. The NPPG further identifies sites that make a strong contribution to purpose a) are likely to be free of existing development and lack physical features in close proximity that could constrain development.
22. Notwithstanding the conclusions of the GBR, which considered a larger parcel of land, of which this site forms only a part, the site itself provides an important open space separating the hard built edge of Hemel Hempstead from the settlement of Kings Langley, to the south. Were this land to be developed, that would make a very significant contribution towards the formation of such a “finger” of development as is specifically identified within the Framework south between Lower Road and the Grand Union Canal. Thus, this site and the neighbouring field are crucial in preventing sprawl and maintaining a gap between the site and neighbouring settlements.
23. Further, whilst the Grand Union Canal and Lower Road are strong physical features that provide bulwarks against further development, the boundary between the site and the adjacent open field is a weak feature, consisting of a simple post and wire fence. For these reasons I find that the site strongly contributes to Green Belt purpose a) and this, in itself, disqualifies it from being “grey belt” land as defined in the Framework. For the reasons set out above I find that I do not agree on this matter with the conclusions of the appellants’ Green Belt Technical Note and Legal Opinion.
24. The appellants have drawn my attention to a recent appeal decision² relating to a site at Leighton Buzzard Road. Whether, or not, a parcel of land constitutes grey belt, depends on the individual characteristics of the site itself and its locality. The Leighton Buzzard Road site does not inform the context of the site that I am considering. I have determined this appeal on its own, individual, merits and so that the decision does not carry much weight in my deliberations.
25. I therefore find that the proposal constitutes inappropriate development in the Green Belt. I will, therefore, consider later, whether there are ‘very special circumstances’ that justify the development.

Effect on openness

26. The proposal would introduce a substantial amount of built form into the site, extending urbanisation up Lower Road. The Framework identifies the fundamental aim of the Green Belt as “to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their

¹ NPPG Paragraph: 005 Reference ID: 64-005-20250225

² PINS REF: APP/A1910/W/24/3345435

permanence". The openness of the Green Belt has both a visual and spatial dimension.

27. The new built form within the site would be plainly visible from Lower Road and in views across from the edge of Hemel Hempstead. Whilst the towpath running along the Grand Union Canal is separated by a bank topped by a hedge, there would remain views from the towpath into the site where the buildings, due to their height, would be apparent, particularly during the winter months when the hedge is more visually permeable. The proposal would be apparent, and therefore obvious, to observers and there would thus be a considerable reduction in both visual and spatial openness of the Green Belt resulting from the proposal.
28. Whilst landscaping is a matter to be determined at a later date there is potential to increase screening of the development, but this is limited by the layout of the site. Whilst landscaping may, to a degree, mitigate the effect of the visual reduction in openness, the spatial reduction of openness would remain. Planting would take some time to establish and I cannot be certain of the degree of screening that could be achieved.
29. Given the degree to which the proposal would be visible from outside and within the site, and the bulk of the proposed built form, the level of both visual and spatial harm to openness would be substantial.

Design

30. The site is subject to a number of constraints that affect the layout. These are principally the need to accommodate a pipeline easement and a sewer easement whilst providing an attenuation ditch to enable the site to be sustainably drained. This has resulted in development being set back from the canal and from the southern boundary and the built form restricted to either side of a diagonal corridor.
31. Further, the surrounding context is challenging, as the site lies between a road and a canal, with adjacent commercial premises on two corners. The canal is an important green corridor. However, the frontage onto the canal is dominated by the attenuation ditch and a paved driveway. The set back of the built form of the development from the canal and the development to the south would produce an incongruous layout of built form of differing scale and massing which provides a weak edge to the canal frontage.
32. The largest building, the care home, has its shorter wing set at one end of the canal frontage facing towards the canal. Some of the residents of those properties would thus have a view towards the canal corridor and the proposal has taken the opportunity to place the principal communal social areas for each of the three floors on the corner with views towards the canal and a small play area, providing visual interest for the residents. Whilst this is a positive feature of the internal layout, this is undermined by the outlook of other residents of the care home having an outlook over a car park with limited visual interest.
33. The layout provides pedestrian linkage between Lower Road and the canal. However, due to the winding nature of the main through route as it passes down through the site, this would not be legible from outside the site. The proposal provides an informal path through the flower meadow to supplement the hardened path, but this has limited natural surveillance over much of its length and would be

an unappealing route during wet weather or during the hours of darkness. Thus, the wildflower meadow and its informal pathway provides limited benefit in terms of permeability of the site, resulting in the site being a series of dead-ends off the main spine.

34. The overall layout positions housing in two groups, with the care home in the corner of the site. These groupings are surrounded by open spaces dictated by the service corridors that provide open space. However, the bulk of that open space lacks any clear purpose that would support the future occupiers or meaningfully enhance their experience of the development.
35. Within these open spaces the proposal provides two small play areas, and these are overlooked by housing. The lounges of the care home overlook them and the activity associated with them would provide visual interest for the residents. They are both, however, close to areas where motor vehicles would be anticipated to be manoeuvring.
36. During the course of the application the appellants provided a schedule of accommodation setting out the number of bedrooms for each of the dwellings and the care home.
37. The Dacorum Borough Council Parking Standards Supplementary Planning Document (2020) (the Car Parking SPD) states that a 70-bed residential care home would require 0.25 car parking spaces per resident's bed space as well as parking for resident staff based on a general needs standard. This would equate to 17.5 spaces for residents of the development.
38. The appellants provided a Transport Assessment which identifies that the level of additional parking for staff is not clearly stated in the Car Parking SPD (2020) and the Council agrees that this is the case.
39. On this basis the appellants have relied on the provision for similar schemes and identifies a need for 20 spaces for staff. This would indicate that there would be a need for 38 spaces. The plans make provision for 25 spaces within the car parking court for the care home, a shortfall against the calculated figure of 13 spaces. Whilst an aging demographic occupying the care home would be likely to result in lower levels of car ownership, the car parking provision would also need to make provision for visitors and servicing.
40. Whilst the site lies in an area of moderate public transport accessibility and the Travel Plan secured within the Agreement would act to encourage sustainable transport for suitable trips, it is still likely that residents would seek to keep a car for trips for which it would provide greatest convenience. Further, visitors to the site would still be likely to seek to travel to the site, particularly the care home, and so, despite such measures, it is still likely that there will be significant demand for parking associated with the development.
41. It is likely that any shortfall in parking provision would appear on street. Given the layout, it is unlikely that this would result in significant delays on the network, or issues of highway safety.
42. Much of the car parking are provided in the form of parking courts. Such provision is often problematic if not subject to natural surveillance or inconveniently located, leading to disuse and parking closer to car owners' dwellings, where provision may

be under direct surveillance by the owner. However, in this case the parking courts would be directly overlooked from nearby dwellings and relatively close to their owner's property. Under these circumstances, it is likely that the provision would be used. However, taking manoeuvring areas into consideration the areas involved are substantial and create large areas dominated by car parking which, together with likely on-street parking demand, act to further exasperate the layout issues that I have found above.

43. The Council, in its Officer's Report, identifies that, in a number of cases, the residential units do not meet the standards set out in Saved Appendix 3 of the Dacorum Borough Local Plan (2004) (the LP) in regard to the provision of amenity space. However, the Council has not elaborated on this statement or identified the plots that are deficient. Whilst most dwellings are laid out obliquely to one another, there are some back-to-back plots. I have not been provided with back-to-back distances or garden lengths but the gardens themselves appear to have moderate lengths and provide usable amenity spaces and, given the urban context of the layout, this would not result in any material harm in terms of loss of privacy or overlooking.
44. The appellants identify that they had taken into consideration comments made by the Council, including its Community Review Panel, in revising the design of the proposal. However, such amendments cannot be guaranteed to make a scheme acceptable.
45. Bringing these matters together, I find that the proposal is poorly laid out and does not respond well to its context. It does not, therefore, achieve a suitable quality of design and would be contrary to the aims of Policies CS8, CS10, CS11, CS12 and CS26 of the CS, and Saved Policies 76 and 106 and Saved Appendix C of the LP in as much as these, together, seek, amongst other things, to achieve successful design, avoid large areas dominated by car parking and prioritise pedestrians and cyclists to create better access to green space and provide sufficient parking in accordance with car parking standards.
46. For similar reasons the proposal would be contrary to the advice provided within the Strategic Site Design Guide Supplementary Planning Document, which seeks to achieve high-quality design in new development that provides future occupiers with a high standard of amenity for all users.

Other Considerations and Green Belt Balance

47. There is no dispute between the parties that the proposal site lies within the Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (SAC), which is a Protected Site, in particular Ashridge Commons and Woods Site of Special Scientific Interest (SSSI).
48. Whilst the Agreement also makes provision for mitigation in regard to SAC, in the form of a Suitable Alternative Natural Greenspace (SANG) contribution, and the parties are in agreement that this addresses the Council's concerns, the Habitats Regulations require the Competent Authority to consider whether or not the development could adversely affect the integrity of a protected site, either alone or in combination with other plans and projects. This responsibility falls to me in the context of this appeal.

49. Had I been minded to allow the appeal, it would have been necessary for me to undertake an Appropriate Assessment (AA). The AA is required on a case-by-case basis to determine whether or not the project would, alone or in combination with other development, adversely affect the integrity of the Protected Site. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter further as it would not change the outcome of this appeal and, whilst the issue of the effect of the development on Protected Sites remains unresolved, the outcome could only be, at best, neutral in my considerations.
50. The Council has a significant shortfall in land available for future housing, standing at a mere 1.03 years. This is contrary to the expectations of the Government, which seeks to significantly increase the delivery of new homes. Whilst this shortfall will, going forward, be addressed by the forthcoming new Local Plan, the provision of an additional 30 homes, 50% of which would be secured for affordable homes, for which there is a demonstrated unmet need, would, given the desperate current lack of housing land in the borough, make a meaningful contribution to addressing the current shortfall, to which I attach substantial weight.
51. The proposal would provide up to 70 bed spaces for older people in Dacorum and this provision may free up some existing family homes, further contributing to local family housing supply. However, the Council have identified a surplus in bedspace provision for the elderly and so, overall, this is a benefit that carries only moderate weight.
52. The proposal would provide Biodiversity Net Gain in excess of current requirements. Even though the provision of biodiversity net gain is a requirement of policy, both locally and nationally, there would, nevertheless, be a public benefit from the support to biodiversity provided, and, given the scale of the gain, this counts moderately in favour of the proposal gaining planning permission.
53. The proposal would provide a route for the general public through the site from Lower Road to the canal. Similarly, the proposal would provide play areas and public open space within the site that the wider public could use. There would be health and wellbeing benefits associated with both. However, this would be tempered by the lack of legibility of access routes which would be likely to undermine use as the public would lack awareness of them and so I give both of these benefits limited weight in my considerations.
54. The proposal would result in short-term economic benefits through increased activity in the construction sector, and longer term benefits as the future occupiers would be likely to use local shops and facilities. However, given the scale of the development, such benefits would only carry modest weight.
55. The Agreement secures contributions towards the provision of an Ambulance Hub and highway improvements, and to mitigate harm to a Protected Site. The parties are agreed to such provisions as set out in the Agreement.
56. The highway improvements and mitigation of harm to the protected site are directly proportional in scale to the identified harm and so do no more than address them. Thus I give these matters no weight in my balance of benefits against harm.
57. There is, however, dispute as to whether the ambulance contribution is justified. The Officers Report concluded that it was not. I have no information before me to determine the basis for the calculation of the contribution. The appellants have,

however, undertaken to pay it. Thus, the contribution may be seen as “betterment” and a benefit provided altruistically by the appellants. Even were this the case, the proposal would impose additional demands on local health service provision, which would reduce the overall altruistic benefit to the general public. I have, therefore, given the lack of evidence to demonstrate the overall benefit of that altruism, allocated a precautionary moderate weight to the contribution as a public benefit.

58. Whilst there is some support for the proposal locally, I note that there was also opposition. Whilst objectors have not re-stated their objections as part of the appeal process, that does not justify dismissing their input at application stage. Whilst the adjacent local planning authority, Three Rivers District Council (TRDC) stated no objection to the proposal, this was subject to the Council ensuring that the proposal complies with all relevant policies contained in the adopted Development Plan and guidance contained within the Framework. TRDC also note that “the area of proposed for development would seem to comprise of land that is predominantly free from built form, which currently acts as a separation between the settlement boundaries”.
59. The Government attaches great importance to Green Belts. The Framework, at Paragraph 153 states that substantial weight should be given to any harm to the Green Belt, including harm to its openness and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 further advises that ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
60. I have found that the proposal would constitute inappropriate development and would be harmful to the Green Belt, not only in terms of openness, but by undermining one of the fundamental reasons for the Green Belt.
61. I have further found that the proposal would not achieve the high standards of design to which the Government aspires and to which they attach great importance within the Framework. This is another factor weighing significantly against the proposal.
62. The benefits identified would not clearly outweigh the harm to the Green Belt and other harms that I have identified and I therefore find that the very special circumstances that are necessary to justify inappropriate development have not been demonstrated.
63. Paragraph 156 of the Framework states that any major development involving the provision of housing on sites in the Green Belt subject to a planning application, should make the contributions set out in the ‘Golden Rules’. Section 158 states that developments which comply with the Golden Rules should be given significant weight in favour of the grant of permission. However, even were I to find that the proposal satisfies the Golden Rules, the significant weight in support of the proposal would remain insufficient to demonstrate the existence of very special circumstances.
64. The proposal is, therefore, contrary to the aims of the Framework and, thereby, Policies CS1, CS2, CS5 and CS10 of the CS in as much as together these seek, amongst other things, to ensure that new development is compatible with policies,

including national policies, protecting the Green Belt, and that new development has full regard to environmental assets and constraints.

65. There is no dispute between the parties that the Council is unable to demonstrate a five-year supply of housing land in line with government expectations. However, I have found that the proposal would be inappropriate development in the Green Belt and this provides a strong reason for refusing the development proposed. Thus, the presumption set out in Paragraph 11d) of the Framework does not apply.
66. I have had due regard to the PSED and found that the development could provide the opportunity to advance its aims by meeting the needs of elderly persons. However, set against the well-established and legitimate aim of the protection of the Green Belt dismissing this appeal is a proportionate response in this case.

Conclusion

67. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is, therefore, dismissed.

I A Dyer

INSPECTOR