

Appeal Decision

Site visit made on 1 September 2016

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 20th October 2016

Appeal Ref: APP/J1915/W/16/3152109

**Youngs Little Acre, The Mount, Medcalf Hill, Widford, Hertfordshire
SG12 8TD**

- 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 Melvyn James against the decision of East Hertfordshire District Council.
 - The application Ref: 3/15/2104/FUL, dated 15 October 2015, was refused by notice dated 10 December 2015.
 - The development proposed is the siting of two refrigerated units 3.5 metres long, 2 metres wide and 2 metres high, sited next to each other, abutting the rear boundary fence.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The development has already been carried out and I was able to see the refrigerated storage units in situ when I undertook my site visit. I have removed the location of the appeal site from the description of the development given on the planning application form as it is not necessary to include this.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposed development is an appropriate form of development in a rural area; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Background

4. The appeal site is an area of largely open land, approximately 0.3 hectares in area, located to the east of the B1004 road, north of the village of Widford. It is accessed by a narrow, unmade track from the main road which also provides access to Coombe Villas. In addition to the refrigerated storage units, there were three timber sheds and a touring caravan on the site at the time of my site visit, together with a flatbed van, a car and miscellaneous items of
-

furniture and building materials. The site is largely grassland with an established hedgerow to the east boundary containing some large trees.

5. Saved Policies GBC2 and GBC3 of the East Hertfordshire Local Plan Second Review 2007 (EHLP), taken together, seek to generally protect countryside areas from development and new building other than that which is required for the purposes of, amongst others, agriculture or forestry, essential small scale facilities for outdoor sport and other essential small scale facilities that meet a local need. EHLP Policy ENV1 seeks a high standard of design in new development which is compatible with its context. Although the EHLP predates the publication of the National Planning Policy Framework (the Framework), I am satisfied that these policies are consistent with the requirements of the Framework when taken as a whole and, as such significant weight can be given to them.

Whether the development is an appropriate form of development in a rural area

6. It is not in dispute between the parties that the appeal site is in a rural area and that Saved Policies GBC2 and GBC3 apply. Policy GBC3 defines development that will be appropriate within a rural area and allows for the construction of new buildings and changes of use that are for the purposes of agriculture. It also for other essential small scale facilities, services or uses of land which meet a local need, are appropriate to a rural area, and which assist rural diversification.
7. The definition of agriculture in the Town and Country Planning Act 1990 (as amended) includes the keeping of livestock for the production of food. The appellant states that their business involves the keeping of turkeys for the Christmas trade and also the keeping of pigs for a hog roast business. However, no substantive evidence has been submitted that would indicate that this business is established and operating, or that the land is being used for agricultural purposes. At the time of my site visit, there were no birds or animals on the site. Although one of the timber sheds has a small enclosed run attached to it, this building did not appear to be in use and only occupied a very small part of the site. Overall, there is no compelling indication that the site is being used for agricultural purposes.
8. Whilst I am mindful that land can be used for the purposes of agriculture without the need for planning permission, from the evidence before me and from what I saw during my site visit, I am not persuaded that there is currently any significant form of agricultural operation or business use of the site. The refrigerated units have been present on the site since January 2015, however, the appellant states that they have not been connected to a power supply during that time which is inconsistent with the suggestion that they are a vital component of any business use of the site.
9. Similarly, there is no compelling evidence that the refrigeration units are for a purpose which assist in rural diversification. The development therefore fails to meet the tests set out in Policy GBC3 in order to amount to appropriate development in a rural area.
10. I therefore conclude that the development is not an appropriate form of development in a rural area and is contrary to the relevant requirements of EHLP Policies GBC2 and GBC3 which seek to protect countryside areas from

development that is not appropriate to, or is required to be sited in a rural area.

Character and appearance

11. The countryside around the appeal site consists of small to medium scale agricultural fields with hedgerow boundaries, and is interspersed with scattered blocks of woodland. The land immediately around the appeal site rises gently to the east, away from the road, and is made up of a number of small parcels of land that are enclosed by strong hedgerows and treelines and includes a small group of residential properties to the west.
12. The white coloured industrial style refrigeration units are in stark contrast to the other buildings on the site and the nearby residential properties. However, they are located adjacent to other structures and against a strong hedge line containing a number of mature trees. The appeal site and the adjoining land parcels are not widely visible as a result of the surrounding trees and hedgerows. Consequently, the visual impact of the units is limited to the immediate surroundings.
13. Due to the small size of the units and their proximity to other buildings, their effect on the openness of the area is not significant despite the more enclosed and secluded nature of the surroundings. I also note that the appellant has stated that the units could be clad in timber to match their appearance more closely to the other buildings on the site. Whilst this is not part of the proposal before me, nevertheless, it would improve the appearance of the development and could be required by way of a planning condition.
14. I therefore find that the development does not cause harm to the character and appearance of the area and complies with the relevant requirements of EHLP Policy ENV1 which seeks to ensure a high standard of design in new development and that new development does not harm the character and appearance of the locality.

Other matters

15. Whilst there has been concern expressed regarding the effect of the development on the living conditions of the occupiers of neighbouring properties, I note that the Council's Environmental Health Officer has no objection to the development on noise grounds and that this did not form part of the reasons for refusal. On the basis of the evidence before me and from my site visit, I have no reason to come to a different conclusion. Similarly, I would agree with the Council's conclusion that traffic generated by the development is likely to be limited. However, neither of these factors, either, of itself, or cumulatively leads me to a different conclusion on the main issues.

Conclusion

16. I have found that the development does not cause harm to the character and appearance of the area. However, I have found that the development is not appropriate development in a rural area as there is insufficient evidence that it is necessary in connection with an agricultural use of the site to meet the tests in Policy GBC3 of the EHLP. Consequently planning permission should be refused.

17. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR