

Appeal Decisions

Site visit made on 8 November 2016

by L Fleming BSc (Hons) MRTPI

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

Decision date: 02 December 2016

Appeal Ref: APP/C1950/W/16/3157876

Nyn Manor, Vineyards Road, Northaw, Potters Bar EN6 4PQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr A Newland against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2016/1070/PN3, dated 31 May 2016, was refused by notice dated 3 August 2016.
 - The development proposed is a portal frame structure, rollers shutters, personal doors, ventilation, cladding and tile type metal roof.
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Appeal Ref: APP/C1950/W/16/3157878

Nyn Manor, Vineyards Road, Northaw, Potters Bar EN6 4PQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr A Newland against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2016/0234/PN3, dated 10 February 2016 was refused by notice dated 3 May 2016.
 - The development proposed is a portal frame structure, rollers shutters, personal doors, ventilation, cladding and tile type metal roof.
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Decision

Appeal A: APP/C1950/W/16/3157876

1. The appeal is dismissed.

Appeal B: APP/C1950/W/16/3157878

2. The appeal is dismissed.

Applications for costs

3. Applications for costs have been made by Mr A Newland against Welwyn Hatfield Borough Council. These applications are the subject of separate Decisions.
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Procedural Matters

4. As set out above there are two appeals on this site both proposing an agricultural building of the same size, design and appearance but positioned in different locations on the appeal site. Whilst I have considered each proposal on its own merits, in order to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
5. Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) permits the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more, works for the erection of a building which is reasonably necessary for the purposes of agriculture, subject to exclusions set out in paragraph A.1. The Council have not suggested that either proposal would be excluded on the basis of any of the criteria listed in paragraph A.1 of the GPDO. I find no reason to question this and therefore under paragraph A.2(2) of Part 6 of the GPDO prior approval is required in relation to the siting, design and external appearance.

Main Issue

6. I therefore consider that the main issue in respect of both Appeal A and Appeal B is the effect of the siting, design and appearance of the proposed development on the character and appearance of the area bearing in mind it would be within the Green Belt.

Reasons

7. The appeal site is a wedge shaped area of land comprising some 44 hectares. A group of buildings are located to the east of the appeal site accessed from Vinyards Road. The remainder of the appeal site is relatively open fields scattered with trees and hedging. The northern boundary of the appeal site adjoins a ribbon of residential properties on The Ridgeway. On the opposite side of The Ridgeway and adjoining the south east boundary is relatively dense woodland.
8. Both Appeal A and Appeal B propose the erection of an agricultural building, turning area and access track which would be located close to the western corner of the appeal site and would be accessed from an existing farm track from The Ridgeway. The agricultural building would be timber clad with a pitched metal roof. In terms of design and appearance it would appear as an agricultural building and fit for purpose for the storage of hay and machinery. The access track and turning area proposed in both Appeal A and Appeal B would not be noticeable in the rural landscape.
9. However, the building proposed in both Appeal A and B would be some distance from the existing group of buildings on the appeal site in a part of the rural landscape which is largely free from any significant buildings other than the ribbon of dwellings on The Ridgeway. Even though mature trees and woodland would restrict views towards the proposals from the north and south east, both proposals would be widely visible from open fields to the east and through gaps in the trees along The Ridgeway.
10. I acknowledge that the buildings proposed in both appeal A and B have been sited to avoid any harm to the setting of the listed buildings within the group of buildings on the appeal site. However, it does not directly follow that an

agricultural building positioned close to the existing group of buildings would inevitably result in harm to the setting of the listed buildings. Thus, this is not a sufficient reason to justify the siting of the building proposed in both Appeal A and B on a plateau of a relatively open undulating rural landscape where it would be significantly larger than the majority of the dwellings on The Ridgeway. Furthermore, with its large metal roof and solid appearance would be in stark contrast to the surrounding woodland and nearby dwellings.

11. Whilst any approval could be subject to an appropriate planning condition which requires landscaping, such landscaping would need to be extensive and would take a considerable time to become established and thus effective as a screen. Therefore, overall I find that the building proposed in both appeal A and appeal B, through its siting would appear as an isolated and incongruous feature which would be highly prominent in the rural landscape.
12. For these reasons, whilst I find no harm in terms of design and external appearance, due to its siting the building proposed in both Appeal A and Appeal B would be harmful to the open rural character and appearance of the area and the Green Belt.
13. Thus the development proposed in both Appeal A and Appeal B would be in conflict with Policies GBSP1, RA10, RA18, D1 and D2 of the Welwyn Hatfield District Plan (2005), which taken together seek to achieve good design, maintain the Green Belt and ensure new development does not harm the character of the surrounding landscape.

Other Matters

14. I acknowledge the benefit of the appeal proposals to the long term sustainability of the rural enterprise and the wider economic benefits associated with the proposed developments. However, these matters do not outweigh the harm I have identified.
15. I also note that the National Planning Policy Framework regards agricultural buildings in the Green Belt as not inappropriate. Whilst this may be the case, the GDPO requires the consideration of matters relating to siting, design and external appearance and the fact that the development proposed in both Appeal A and Appeal B would be within the Green Belt is a relevant consideration.
16. The Council's decision notices refer to the inefficient development of land. However, as this does not directly relate to siting, design and external appearance I have not addressed this matter in detail.

Conclusion

17. For the reasons given above and with regard to all other matters, I conclude that both Appeal A and Appeal B should be dismissed.

L Fleming

INSPECTOR