The Planning Inspectorate

Appeal Decision

Site visit made on 28 March 2017

by J Dowling BA(Hons) MPhil MRTPI

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

Decision date: 25 April 2017

Appeal Ref: APP/C1950/W/16/3163765
50 Reynards Road, Welwyn AL6 9TP

- 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 John O'Connor (Grounds Maintenance) Limited against the decision of Welwyn Hatfield Borough Council.
- The application Ref 6/2016/1250/FULL, dated 22 June 2016, was refused by notice dated 15 September 2016.
- The development proposed is laying of new permeable hardstanding surface (planings) to open storage area (lawful use).

Decision

1. This appeal is allowed and planning permission is granted for the laying of new permeable hardstanding surface (planings) to open storage area (lawful use) at 50 Reynards Road, Welwyn AL6 9TP in accordance with the terms of the application, Ref 6/2016/1250/FULL, dated 22 June 2106 subject to the following condition:

    1) The hardstanding hereby approved shall only be used in conjunction with the lawful use of the land, as an uncovered storage area for storage of plant and machinery as approved under Certificate reference N6/2011/1621/LUE, approved on 13 January 2011.

Application for costs

2. An application for costs was made by John O'Connor (Grounds Maintenance) Limited against Welwyn Hatfield Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. When I visited the site I observed that the buildings on the site are in a different location and layout to those shown on the submitted plans. As a consequence whilst the plans are incorrect, as the proposal relates to the lower part of the site where none of the buildings are located, I do not consider that this drafting error affects my ability to determine this appeal and I have therefore assessed the proposal on the basis of what I observed on site.

4. I observed at my site visit that the development has been implemented. I have therefore considered the appeal on the basis that retrospective planning permission is sought for the proposal.

Main Issues

5. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- whether any 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

6. Both parties consider that the laying of a hardstanding is an engineering operation. Paragraph 90 of the Framework provides a list of five forms of development that are considered to be 'not inappropriate' development in the Green Belt. This second item on this list is engineering operations. However, in order to be considered 'not inappropriate' the Framework requires that the engineering operation preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt

7. The proposal has resulted in the introduction of hardstanding into what was previously an open area of grass. However, as the use of the site for the storage of plant and machinery is established [1] it is the effect on the Green Belt of changing the surface from grass to hard standing and not the use that falls to be considered.

8. From the information submitted with the appeal it would appear that the use of the land for the storage of plant and equipment is unrestricted. Whilst I acknowledge that the introduction of a hardstanding would make the storage of equipment easier, the amount of space available has remained the same and therefore the amount of equipment that can be stored at the site remains unaltered. As a result I do not consider that the proposal would lead to an intensification of the use.

9. While I acknowledge that the area of hardstanding is not insubstantial, given that the land can already be used for the storage of plant and materials, I consider that the change of surfacing from grass to hardstanding would not result in any additional loss of countryside. Furthermore, I observed at my site visit that that the site is relatively well screened and the closest residential properties are some distance from the site. As a result whilst there may be views of the equipment stored on the site, views of the hardstanding itself are very limited. As a consequence I consider that the introduction of hardstanding at the site does not harm visual amenity or the rural appearance of the wider area.

10. Although the change in surface from grass to an engineered surface has resulted in a limited increase in the ground levels, the land remains free from built form and as a consequence I consider that the effect on the openness of the Green Belt is marginal.

11. Therefore I consider that the proposal would not harm the openness of the Green Belt nor would it contravene the purposes of including land within it and as a result the proposal would not be inappropriate development in the Green Belt and would accord with the requirements of the Framework.

[1] LPA reference: N6/2011/1621/LUE

12. Having found that the proposal would not be inappropriate or harmful a case of very special circumstances is not required to justify the appeal.

Other matters

13. A number of local residents have raised concerns that the introduction of a hardstanding has enabled the site to be used more intensively which they advocate has resulted in an increase in traffic, noise and light pollution. The appellant has made it is clear in their evidence, that they are not seeking to intensify the use or to vary or remove existing conditions which restrict vehicle movements to and from the site and as a result I am satisfied that the proposal would not result in an increase in traffic, noise or light pollution.

14. Concerns have been raised that activities at the site are not being conducted in accordance with the conditions of the various planning permissions. In particular it has been advocated that the site is being used for the parking and maintenance of vehicles and that the number of vehicles accessing the site is in excess of the limits allowed by planning condition. I have considered the appeal on the basis of the established use of the site. Enforcement of planning restrictions is a matter for the Council.

15. It has been advocated that the site should be relatively well drained as it is located at the top of a hill and as a consequence a number of people have questioned the need for the scheme. However, I am satisfied on the basis of the evidence provided by the appellant that the scheme is necessary.

Conditions

16. Paragraph 206 of the Framework sets out a number of tests that conditions need to meet. I have considered the condition suggested by the Council against the Framework and judge that it meets these tests in that it provides clarity regarding how the area can be used.

Conclusion

17. I conclude that the proposal would not be inappropriate development in the Green Belt as defined by the Framework nor would it erode the openness of the Green Belt. Views of the hard surfaced area are very limited and as a consequence do not adversely affect visual amenity or affect the rural character of the area. As the site can already be used for the storage of plant and machinery the proposal would not result in loss of countryside. As a consequence the proposal would be in accordance with the requirements of the Framework and for these reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jo Dowling

INSPECTOR