
Appeal Decision

Site visit made on 23 May 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 31 May 2017

Appeal Ref: APP/B1930/W/17/3166542

Astwood, Land on North Side of Drop Lane (Hansteadfield), Drop Lane, Bricket Wood, Herts AL2 3TX

- 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 Miss Jennifer Gray against the decision of St Albans City & District Council.
 - The application Ref 5/2016/0418, dated 4 February 2016, was refused by notice dated 6 July 2016.
 - The development proposed is change of use of land from agricultural to equestrian and to build a stable block including six stable, a grooming area, rug and feed storage and hay shed.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. It was evident from my site visit that the appeal site was already being used for the purpose applied for. Although there were a number of structures in place, the proposed buildings were not. I have determined the appeal on this basis.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development within the Green Belt and the effect on openness;
 - whether the development of agricultural land is justified;
 - if the development is inappropriate, whether the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so would this amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development

4. Paragraph 89 of the National Planning Policy Framework (the Framework) indicates that except for a small number of exceptions, the construction of new buildings within the Green Belt should be regarded as inappropriate.
-

Exceptions to this include the provision of appropriate facilities for outdoor sport and outdoor recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. This is broadly consistent with the aims of saved Policy 1 of the City and District of St Albans District Local Plan Review (1994) (LPR) insofar as it is applicable to the appeal proposal.

5. There are extensive other equestrian facilities nearby such that the Council are of the view that the appeal proposal cannot be considered appropriate within the terms of the second bullet of paragraph 89 of the Framework. However, to consider whether the buildings are appropriate it is necessary to consider whether they are commensurate in size to the reasonable requirements of the use to which they are proposed to be put.
6. I note that horses will be kept in the stable building. However, I do not know how many or whether any other animals will be kept. It is also unknown whether animals would be domestic pets for private use or not and how much feed, hay and other paraphernalia would reasonably be required. That said, on the basis of the limited information before me, I am unable to make an assessment as to whether the large stable and hay store buildings are commensurate to the proposed use.
7. The proposal would involve the introduction of two large permanent structures into an area of agricultural land. The proposed stable would be of considerable width and combined with the bulk of the hay store would result in a considerable incursion of built form within an undeveloped part of the Green Belt. This would harm Green Belt openness.
8. I acknowledge the buildings would be positioned in the corner of a field, adjacent to trees and hedging, close to a wooded area and would sit in a shallow valley in a gently undulating landscape. I also note they would be relatively close to buildings on neighbouring land to the north east. However, whilst these factors would lessen the visual impact of the buildings, they would not significantly reduce the overall harm to the openness of the Green Belt arising from the introduction of permanent buildings of a significant bulk into a location which is free from any permanent structures.
9. I therefore conclude that the proposal would constitute inappropriate development which is by definition harmful to the Green Belt, contrary to paragraph 89 of the Framework and saved Policy 1 of the LPR. I attach substantial weight to this harm.

Agricultural Land

10. Paragraph 112 of the Framework states that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
11. Saved Policy 102 of the LPR is broadly consistent with the Framework in that it makes clear that development proposals which result in the loss of high quality agricultural land will normally be refused unless there is an overriding need for the proposed development and there is no alternative lower quality land which could be used. Furthermore, it states that such proposals must be accompanied by an assessment of the agricultural grading of the land.

12. I acknowledge the appellant's comments that the land is grade 3 agricultural land and this has not changed since the 1970s. However, even if I were to accept this there is no assessment as to whether any alternative lower grade land could be used.
13. In the absence of such I must conclude that the proposal would result in the loss of agricultural land without appropriately considering whether any poorer quality land is available. Thus, the proposal would be in conflict with saved Policy 102 of the LPR which seeks to avoid the loss of agricultural land without appropriate justification.

Other considerations

14. I have noted the proposed buildings would not be visible from any public rights of way and positioned sensitively in the landscape. I also note that the positioning of the proposed buildings close to existing buildings on neighbouring land would have security benefits.

Conclusion

15. I have found the proposed development would be harmful to the openness of the Green Belt and therefore would amount to inappropriate development in the Green Belt and would be contrary to the Green Belt purpose of safeguarding the countryside from encroachment. I have also found harm arising from the development of agricultural land without appropriate justification.
16. I give some weight to the security benefits of the proposals and that the buildings would be positioned sensitively in the landscape. However, the substantial weight to be given to the Green Belt harm I have identified is not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances. Thus, for the reasons set out above and with regard to all other matters, I therefore conclude that the appeal should be dismissed.

L Fleming

INSPECTOR