
Appeal Decision

Site visit made on 21 June 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 13th July 2017

Appeal Ref: APP/Q5300/W/17/3172196

Part of Former Homestead Nursery, Cattlegate Road, Enfield EN2 9DR

- 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 Martin Newport against the decision of Council of the London Borough of Enfield.
 - The application Ref 16/05916/FUL, dated 21 December 2016, was refused by notice dated 16 February 2017.
 - The development proposed is formation of vehicle access and new access track to stables.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case 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.
 - The effect of the development on the character and appearance of the area.
 - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Background

3. The appeal site is an L-shaped plot of land that is comprised of three open and undeveloped paddocks, the existing stable block and associated outbuildings, turning area and yard. The stables are currently accessed through the curtilage of the neighbouring detached bungalow. When the bungalow was originally granted permission, it included an agricultural worker's condition relating to the operation of the appeal site as a nursery. A Lawful Development Certificate was recently issued which confirmed that the dwelling had not been occupied by an agricultural worker for over 10 years. There is therefore no functional link between the bungalow and stables.

4. The site is within the Green Belt and the Crews Hill Defined Area (CHDA). The Enfield Development Management Document (DMD) (2014) defines this as an area characterised by a strong horticultural tradition with a number of nurseries and garden centres. This is consistent with my observations of the area, which were of a semi-rural area with a number of large commercial enterprises and a significant amount of built development in the vicinity of the site.

Whether inappropriate development in the Green Belt

5. Paragraph 87 of the Framework states that inappropriate development in the Green Belt is by definition harmful and should not be approved except in very special circumstances. The suite of Green Belt related policies referenced by the main parties, as set out in the London Plan (2015), the Enfield Core Strategy (CS)(2010) and the DMD, are in broad conformity with the intentions of the Framework with regard to the importance and protection of the Green Belt. However, the only specific definition of what is, or is not, inappropriate development appears to be in the Framework itself and it is this I shall use.
6. Paragraph 89 of the Framework states that new buildings are inappropriate development unless they meet one of the exceptions listed within that paragraph. Whilst one of these relates to the provision of outdoor sport and recreation facilities, the exception relates only to new buildings and not ancillary development such as an access or track. As such, the development would not meet this exception.
7. However, Section 336 of the Town and Country Planning Act 1990 defines the formation or laying out of a means of access to a highway as an engineering operation. Paragraph 90 of the Framework states that engineering operations are not inappropriate in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
8. There is no definition of openness in the Framework but it is generally held to be freedom from, or the absence of, development. While the stables and associated hardstanding are already in place, the access and track constitute development and would exist where there are currently no signs of any existing or previous development or activity. The track would be around 4 metres wide and approximately 120 metres in length. While the majority of the track would be surfaced in shingle, it would nevertheless create a more engineered and urbanised appearance than at present, particularly adjacent to the road where the first 5 metres would be hardstanding.
9. Whilst I recognise that the area around the site is subject to a significant level of built development, including large parking areas and hardstanding, the site itself represents a pleasant open green gap that allows the countryside to penetrate into the built up frontage. There would be minimal screening of the track from the roadside and thus there would be a clear visible change to the open and undeveloped character of the site, stretching back for some distance. This would result in an inherent reduction in openness in the context of the Framework, which would be exacerbated by the associated activity of vehicles using the track.
10. In the above respects I conclude that the access and track would not preserve Green Belt openness and would impact on the purpose of safeguarding the

countryside from encroachment. While the effects would only be moderate, on the basis that paragraph 79 of the Framework states that the fundamental aim of Green Belt policy is to keep land permanently open, they would still be sufficient to result in the development being considered inappropriate in the Green Belt. As such, the development would not meet the exceptions set out in paragraph 90 of the Framework.

Character and appearance

11. By virtue of the loss of grassland and replacement with a combination of hardstanding and shingle, the development would have a clear impact on the existing appearance of the site. However, the creation of an additional access would have only a small effect on the character of the frontage, which already contains a number of access points along the main road. As such, this would not appear unacceptably incongruous. While the track would have something of an urbanising effect on the appearance of the site, it is not necessarily unusual to see access tracks in fields serving agricultural or other rural buildings. In this context, and taking the nature of the wider area into account, the overall effect on the character of the area would not be significant.
12. Moreover, while the field provides a green gap, the area as a whole is semi-rural in nature and there is a considerable level of built development in the vicinity of the site. The overall reduction in green space would not be large and the overall character of the site would remain that of an operational equine enterprise, which would not be out-of-keeping with the semi-rural area.
13. Notwithstanding my conclusions on the effect of the development on openness, I find that there would be no material harm to the character and appearance of the area. Accordingly, there would be no conflict with CS Policy CP30 which seeks to ensure development has regard to local character.

Other Considerations

14. The main benefit identified with the development is that it would provide a dedicated access to the stables without going through the grounds of the bungalow. I am mindful that DMD Policy DMD87 allows for equine related development in the Green Belt provided that hard surfaced areas are kept to a minimum. In the context of this appeal, the fact there is an existing access to the stables is an important material consideration in determining whether this requirement has been met.
15. It would be reasonable to assume that the current access arrangements have been in place for some time. Whilst the bungalow may not be tied to the use of the stable, there is nothing before me which indicates there would no longer be any legal or physical impediment to the continued use of the shared access. There is also nothing to suggest that in the event of my dismissal of the appeal, the stable business would not be able to continue to satisfactorily operate in the manner that it currently does.
16. Moreover, while the appellant has made reference to the shared access being an unsatisfactory situation for the bungalow, it is not clear what harm there currently is to the living conditions of any occupants or what harm there might be in the future. This is particularly the case when considering the long standing nature of the current situation. A shared access is not inherently unacceptable in principle. In light of the Framework's requirements and those

of Policy DMD87, the evidence provided does not convince me that there is a fundamental need for the development. Whilst I recognise the development would be likely to have some benefits, on the basis of the evidence before me I have given these only moderate weight.

17. I have also had regard to the relationship between the development and the provision of sport and recreational activities within the Green Belt in line with paragraph 81 of the Framework and CS Policy CP30, which recognises the potential need for business growth in the CHDA. However, as above, there is nothing substantive before me which suggests that if I were to dismiss the appeal the stable enterprise could not continue to operate. Thus it is not clear that the development would lead to the provision of any new or additional benefits in terms of access to sport and recreation in the area. I have therefore given this factor only limited weight in my decision.
18. I have already concluded that the development would not have an unacceptable impact on the character and appearance of the area. I am also satisfied that there would be no impact on highway safety or the living conditions of nearby residents. However, a lack of harm in these respects are neutral factors and do not weigh in favour of the proposal.

Conclusion

19. Although in this case the effects on openness and the Green Belt purpose of safeguarding the countryside from encroachment would be moderate, substantial weight must still be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
20. My analysis leads me to attach only moderate weight to the provision of a dedicated access to the stables and limited weight to any benefits to sport and recreation provision in the area. The substantial weight I have given to the Green Belt harm is therefore not clearly outweighed by other considerations. Consequently, the very special circumstances necessary to justify the development do not exist. Accordingly, there would be conflict with paragraph 87 of the Framework, London Plan Policy 7.16, CS Policy CP33 and DMD Policy DMD82 which seek to resist inappropriate development in the Green Belt where very special circumstances do not exist. It would also conflict with DMD policies DMD87 and DMD91 in that the equine related development would not keep hardstanding to a minimum and would not preserve the openness of the Green Belt within the CHDA.
21. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR