



Appeal Decision

Site visit made on 19 June 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 1st August 2017

Appeal Ref: APP/J1915/W/3169678

Van Hage Garden Centre, Amwell Hill, Great Amwell, Ware, Hertfordshire SG12 9RP

- 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 Ashley Palmier of Ventura Wildlife's Zoological Gardens against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/2364/FUL, dated 14 October 2016, was refused by notice dated 30 December 2016.
 - The development proposed is described on the application from as retrospective planning application for the retention of the recently constructed new zoo facility.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) whether the proposal would be inappropriate development in the Green Belt;
 - (ii) the effect on the openness of the Green Belt;
 - (iii) the effect of the development on the character and appearance of the area; and
 - (iv) if the proposal would be 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

Whether the proposal would be inappropriate development in the Green Belt

3. Paragraph 79 of the National Planning Policy Framework (the Framework) outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
4. The site includes a number of buildings and fencing to enclosures and around the perimeter of the site. According to s336 of the 1990 Act, the term 'building' refers to any structure or erection. Therefore, this would apply to the fencing in and around the site and therefore the not inappropriate development

exemption for engineering operations (at paragraph 90 of the Framework) does not apply.

5. The Framework, at paragraph 89, sets out the categories of development which may be regarded as not inappropriate in the Green Belt. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent outdoor recreation use which preserves the openness of the Green Belt (and does not conflict with the purposes of including land within it) or it represents the partial or complete re-development of previously developed sites (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt, and the purpose of including land within it, than the existing development ¹.
6. The Appellant has stated that the site was previously used as a general rubbish dump and was unsightly. From the photographs submitted with the appeal, it would appear that at least some of the site had been previously used land. However, this area appears to be limited to the area in the vicinity of the current zoo entrance. Furthermore, from the evidence before me a large part of the zoo site was previously an undeveloped field.
7. Given that the zoo could be considered to be an outdoor recreational use, and that part of the site may be previously developed land, it follows that in order to determine whether it would be inappropriate development it is necessary to consider whether or not the proposal would have a greater impact on openness than what was at the site prior to the development taking place.

Openness of the Green Belt

8. The zoo site has been developed to include a number of animal enclosures and structures including some self-contained buildings. From the evidence before me in relation to the previous condition of the land and built form, the amount of structures and fencing associated with the zoo has had an urbanising effect on the area, despite the presence of the adjoining garden centre and associated structures.
9. Given the extent of the structures, including the height and bulk of some of the enclosures (including those housing the tropical wader birds, lorikeets, Cuban hutia, lemurs and fossa), the development has had a significant impact on the openness of the Green Belt by introducing many additional structures and much fencing.
10. For the above reasons, given the loss of openness to the Green Belt, it follows that in accordance with paragraph 89 of the Framework the proposal would be inappropriate development and would impact on the Green Belt purpose of safeguarding the countryside from encroachment.

Character and appearance

11. The character of the area is dominated by the adjoining garden centre and associated structures and parking, including the large canopies. However, beyond the confines of the centre to the south and east there is little development and the land has a rural feel and aspect.

¹ Second and sixth bullet points of paragraph 89 of the Framework

12. The development has extended the built form further into the rural aspect of the area with the resultant loss of greenery despite the presence of some landscape screening. This, combined with the structures in the former field area of the site, has led to some harm to the overall character and appearance of the area through the loss of open undeveloped countryside.
13. In respect of the area of the zoo around the entrance, these buildings are physically seen in the context of the adjoining garden centre buildings and as such are less harmful to the overall character and appearance of the area. However, this does not outweigh the harm I have already identified.
14. For the above reasons, the development has had some harm to the character and appearance of the area contrary to Policy ENV1 of the East Herts Local Plan Second Review (2007) (LP) which amongst other matters seeks to ensure that development is compatible with the surrounding area and the character and appearance of the locality.

Other matters

15. The Appellant has provided supporting information which outlines the support of several organisations including the International Zoo Veterinary Group, Zoo Duisburg, the Zoological Society of Hertfordshire, the University of Hertfordshire, Oaklands College, and Visit Herts. Other letters of support have also been provided. From this information it is clear that the zoo does provide some benefits to the area and to zoology and conservation, including education programmes. It is also noted that the zoo employs the equivalent of seven full time workers as well as 15 volunteers and that all the new buildings and structures have been created from FSC sustainable timber. All of these matters are in favour of the development.

Green Belt balance

16. Paragraph 87 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
17. I have concluded that the proposal would be inappropriate development (as a result of the adverse effect on openness) and would therefore, by definition, be harmful to the Green Belt. There would also be some harm to the character and appearance of the area as a result of further development into the countryside.
18. In considering the substantial weight given to Green Belt, the benefits outlined by the Appellant do not clearly outweigh the harm to the Green Belt. Therefore there are no very special circumstances to justify the proposal and the development would conflict with the Framework and Policies GBC1 and GBC 4 of the LP.

Conclusion

19. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR