



Appeal Decision

Site visit made on 2 July 2019

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th July 2019

Appeal Ref: APP/B1930/W/19/3227778

Hornbeam Wood, Common Lane, Batford, Harpenden AL5 5FF

- 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 Maylin against the decision of St Albans City & District Council.
 - The application Ref 5/18/1778, dated 28 June 2018, was refused by notice dated 30 October 2018.
 - The development proposed is construction of two separate stables and one hay barn.
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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 having regard to the National Planning Policy Framework and any relevant development plan policies;
 - (ii) The effect of the proposal on the openness of the Green Belt; and
 - (iii) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

3. The appeal site comprises of a predominantly open parcel of land with a number of small timber buildings and some woodland area. It is located on the western side of Common Lane surrounded by open countryside and woodland areas, with a single dwelling to the west of the site, which gives the area an open and rural character and appearance.
4. The proposal would involve the erection of two stable buildings on the front part of the site and a hay barn on the rear part of the site. The buildings are proposed to support the charitable work of the Hornbeam Wood hedgehog sanctuary that operates from the appeal site. The stables would be rented out for horses or other livestock to provide income to support the charity and as an overflow facility for hedgehogs; and the barn would be used for the storage of machinery, hay for sale and for use as hedgehog bedding.

Whether inappropriate development in the Green Belt

5. The appeal site is within the Green Belt and the National Planning Policy Framework February 2019 (the Framework) states at paragraph 143 that inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances.
6. Paragraph 145 of the Framework establishes that, within Green Belts, the construction of new buildings is inappropriate, subject to a number of exceptions. These exceptions include essential uses such as agriculture and forestry and the provision of appropriate facilities for 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.
7. Saved Policy 1 of the City and District of St Albans Local Plan Review (adopted November 1994) (LP) sets out the Green Belt Policy for the plan area. Whilst the aim of LP Saved Policy 1 to control development in the Green Belt remains consistent with the aims of the Framework, the policy is not as extensive in its coverage of the various types of development permitted as exceptions in such locations. For this reason, LP Saved Policy 1 does not reflect the positive approach in the Framework and would not be fully consistent with it.
8. Since there is no definition of agriculture in the Framework, the meaning of agriculture is defined in Section 336 (1) of the Town and Country Planning Act 1990. This includes horticulture and the breeding and keeping of livestock and use of land as grazing land. However, the breeding and keeping of livestock as an agricultural use does not include the stabling of horses as proposed nor the additional activities to support the charitable work as a hedgehog sanctuary. Given this situation and in the absence of any convincing evidence to the contrary, I consider that the proposal does not fall within the definition of agriculture and would not qualify under this exception.
9. I am not persuaded that the proposal would meet any of the other exceptions for development within the Green Belt as set out in the Framework. In particular, the proposal would not meet with paragraph 145(b) as the proposed buildings would not constitute the provision of appropriate facilities in connection with the existing use of land or change of use for outdoor sport and outdoor recreation use. However, even if my conclusion on this point is disputed, paragraph 145(b) sets out further qualifications. In this case, the existing outbuildings and structures on the site are small scale in nature and I consider the construction of two separate stables and a hay barn would impact on the openness of the Green Belt and the purpose of including land within it.
10. Consequently, the proposal would constitute inappropriate development in the Green Belt that is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. It conflicts with the aims of the Framework and LP Saved Policy 1 but for the reasons indicated above, the weight to be attached to the policy conflict with Policy 1 should be reduced. In accordance with the Framework, I attach substantial weight to the harm arising due to the inappropriate nature of the development in this location.

Openness of the Green Belt

11. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. The Framework advises at Paragraph 133

that openness and their permanence are essential characteristics of Green Belts. Openness is generally defined by an absence of built form and not necessarily to visibility.

12. The proposed stable buildings, measuring about 13m (length) by 8m (width), would be constructed with a dwarf red brick wall with horizontal timber boarding and a metal sheeting pitched roof with a ridge height of about 4.7m. The proposed barn, measuring about 15m (length) by 10m (width), would be constructed with a dwarf red brick wall with horizontal timber boarding and a tiled pitched roof with a ridge height of about 6.9m.
13. It is clear from the evidence provided and from my observations during my site visit that, given the screening provided by the mature landscaping around the site and topography of the site and immediate surroundings, the proposed buildings would not be highly visible in the wider landscape.
14. Nonetheless, on a more local level, the scale and form of the proposed buildings would not amount to a subservient form of development on the appeal site in its current largely open and undeveloped form. Whilst I recognise that the boundary treatment and vegetation provide some visual containment, the degree of visibility will vary according to the seasons. The shortcomings would be exacerbated by the proposal's position where it would be visible from Common Lane and from the public rights of way along the northern and southern boundaries of the site. The proposed buildings would result in an increase in the built form in the area which would compromise the sense of openness and would fail to keep the land permanently open.
15. Consequently, I conclude that the development would result in harm to the openness of the Green Belt and as such would conflict with the aims of the Framework which seek to preserve the openness of the Green Belt. I give substantial weight to that harm.

Other considerations

16. I have considered the appellant's statement and the letters of support from third parties regarding the work of the charity in the local community, the income generated by the proposal to help support the ongoing work of the sanctuary and protecting endangered species. I accept that there are benefits arising from the hedgehog sanctuary work in the local area as well as providing recreational and educational opportunities to support the social and economic wellbeing of the local communities. However, I have little evidence to support the appellant's need for the scale of the buildings proposed in this case.
17. I have considered the appellant's supporting statement that the proposed buildings have been carefully considered in order to minimise any impacts on the area and has been redesigned following the Council's previously refused application at the appeal site in March 2018¹. However, whilst the traditional design, use of materials and the retention and enhancement of the landscaping around the site would assist in integrating the proposed development with the area, these aspects do not overcome the adverse effects outlined above.
18. I note the appellant's comments regarding status of the appeal site as a registered smallholding. Whilst this maybe so, this is a not a material planning consideration to which I can attach significant weight in making my decision. I

¹ 5/2018/0039

have also taken into consideration the appellant's views regarding the historic use of the site for agricultural, wildlife preservation and animal husbandry and that the current use of the land extends to vegetation production, chicken and duck production all on a minimal scale. Whilst this maybe so, little substantive evidence been submitted to show how these uses would reasonably justify the proposed buildings. In addition, it is not for me, under a Section 78 Appeal to determine the lawful use of the land. To that end it is open to the appellant to apply for a determination under section 191/192 of the Town and Country Planning Act 1990.

19. I have noted the other development in the area drawn to my attention by the appellant. However, the agricultural buildings at Four Oaks Farm² and Dane Spring Farm³ relate to a different scale and form of development that have different development characteristics to the appeal scheme. In any event, each proposal falls to be assessed primarily on its own merits and I am unaware of the full circumstances associated with these developments. I therefore accord them limited weight as precedents in this case.
20. I have noted the issues raised by the appellant regarding the way in which the application was processed by the Council, determined by the Council's Planning Committee and the revised scheme produced. Whilst I appreciate the appellant's willingness to bring forward a workable solution for the development of the site, these are matters to which I can attach only limited weight in making my decision.

Very Special Circumstances

21. I have concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have concluded that the proposal would harm the openness of the Green Belt. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt.
22. Having considered all of the matters raised in support of the development, I conclude that, collectively, they do not outweigh the totality of the harm I have identified in relation to the Green Belt. I am not satisfied that any material considerations have been put forward of sufficient weight to outweigh the very strong public interest in protecting the Green Belt from inappropriate development. Accordingly, very special circumstances do not exist and the principle of the development would be contrary to LP Saved Policy 1 and the Framework.

Conclusion

23. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR

² 5/2016/3243

³ 5/2017/0638