



Appeal Decision

Site visit made on 8 April 2019

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2019

Appeal Ref: APP/J1915/W/19/3220483

**Harwood Park Crematorium, Watton Road Past Harwood Park
Crematorium, Stevenage, SG2 8XT**

- 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 Ms Claire Austin against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/2127/FUL, dated 25 September 2018, was refused by notice dated 20 November 2018.
 - The development proposed is to build a Timber Octagonal Canopy to act as a covered grieving area.
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Decision

1. The appeal is allowed, and planning permission is granted for a Timber Octagonal Canopy to act as a covered grieving area at Harwood Park Crematorium, Watton Road Past Harwood Park Crematorium, Stevenage, SG2 8XT in accordance with the terms of the application ref: 3/18/2127/FUL, dated 25 September 2018, subject to the following conditions:
 - 1) The development to which this permission relates shall be begun within a period of three years commencing on the date of this decision;
 - 2) The development hereby approved shall be carried out in accordance with the following approved plans: Location plan ref: 7507-LP-01 and plan, section and elevation drawing ref: 7507-LP-01;
 - 3) Prior to any above ground construction works being commenced, the external materials of construction for the canopy hereby permitted shall be approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved materials;
 - 4) Prior to installation details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority. No external lighting shall be installed without such written consent. The development shall then be carried out in accordance with the approved details.

Main Issue

2. The main issue to consider is whether the proposal would be inappropriate development in the Green Belt and the effect on the openness of the Green Belt.

Reasons

3. The appeal site is located within the Green Belt. Appeals should be determined in accordance with the development plan unless other material considerations indicate otherwise¹. East Herts District Plan 2018 (DP) Policy GBR1 states that applications within the Green Belt will be considered in line with the provisions of the National Planning Policy Framework (the Framework).
4. The construction of new buildings should be regarded as inappropriate in the Green Belt. Cemeteries and burial ground facilities are included as exceptions to this within paragraph 145 b) of the Framework. Paragraph 145 b) does, however, contain a specific test about whether openness is preserved, and whether the proposal conflicts with the purposes for including land within it, in determining whether a proposal should be categorised as inappropriate development.
5. From my site visit I noted that the Crematorium is based around a set of core buildings within a circular road. Upon entering the site, on the right, is a car park as well as a single storey structure, some distance from the core of the site, known as the Church View Coffee Lounge. Beyond that is a maintenance compound to the South. To the North East of the site there is a notable walkway leading to both a landscaped pond and a 'temple' structure. This is shown well in the Google Earth image on page 3 of the appellant's supporting statement². Whilst the roadway is stated to have been originally intended to be a barrier, between the commercial community use and its buildings and the open farmland, it is evident that the site has expanded well beyond this original core.
6. Paragraph 134 of the Framework outlines the five purposes of including land within the Green Belt. The proposal does not conflict with these purposes and does not represent encroachment into the countryside given the site footprint, occupation and evolution already discussed above. It therefore falls to consider the actual effect on openness.
7. Impact is implicitly part of the concept of openness of the Green Belt and the visual dimension of the Green Belt is an important part of the point of designating land at such. The absence of visual intrusion does not mean there is no impact on the Green Belt as a result. The visual effects of whether a particular proposal would cause harm to Green Belt openness is a matter of planning judgement. Whether any change would cause harm to the openness can depend on factors such as the scale of the development, the locational context and its spatial or visual implications.
8. Whilst it would be outside of the driveway, given the layout of the site, discussed above, the proposal would be less than 20 meters from existing buildings, less than 10 meters from the car park and within a heavily landscaped area to the rear. I do not find an issue with the proposed layout when considering the evolution of the site outlined above and seen on site. The structure would be simply designed, be enclosed to only three bays and would be constructed of timber and aluminium. The circular structure, and sympathetic materials, I find to be appropriately designed and modest in scale.

¹ Section 38(6) Planning and Compulsory Purchase Act 2004

² Ref: SJB/KF/18071_1 (21 September 2018)

9. Whilst at the time of my site visit, I did not walk the entire length of the bridleway, I did walk a proportion of it and view from Bragbury Lane. The proposal cannot be seen from Watton Road. From the public bridleway the proposal would be viewed against the existing buildings which are substantially larger than the proposed canopy. The presence of a hedgerow would partly screen the proposal from view at lower, closer, vantage points on the bridleway.
10. Further along the bridleway chainlink fencing, and a bund, restrict views of the site to the top part of the crematorium and chapel and none of the smaller structures can be seen. It is likely, therefore, that the canopy would not be visible from here. Beyond this point vegetation and topography generally restrict views of the site. From public vantage points I do not find that the proposal would not impact on long distance views.
11. In the context of the large crematorium buildings and facilities on site the proposed canopy would not be significant. Whether a development would preserve openness of the Green Belt cannot mean that a proposal can only be regarded as not inappropriate development if openness would be left entirely unchanged³. Given the expansion of the crematorium, beyond the original core for the last two decades, I do not find the canopy would have impact on the openness of the Green Belt nor would it result in visual intrusion. I find that the proposal would preserve the openness of the Green Belt satisfying the test outlined in paragraph 145 b) of the Framework.
12. The proposal is an appropriate facility for its intended purpose at an existing crematorium, preserves the openness of the Green Belt and does not conflict with the purpose of including land within the Green Belt as required by paragraph 145 b) of the Framework. As a result of this I find that the proposal is not inappropriate development within the Green Belt.
13. Compliance with the provisions in the Framework means that the proposal is also consistent with DP Policy GBR1. There is no requirement for very special circumstances.

Other Matters

13. Whilst not included within the reason for refusal it is noted that the Council raise concerns relating to design and layout within their submissions. Based upon my findings, discussed above, I find the proposal would be consistent with DP Policy DES3 as there would be no loss of landscape features which are of amenity or biodiversity value. The proposal would also be consistent with DP Policy DES4 which requires proposals to be of a high standard of design and layout.

Conditions

14. A condition requiring the development to be in accordance with the approved plans is required in order to control and define the development which is granted consent. A time condition is attached to comply with section 51 of the Planning and Compulsory Purchase Act 2004. In order to ensure a satisfactory appearance, I have attached a condition requiring approval of the materials for

³ Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404

the external elevations. A condition requiring approval of any required lighting is required to protect against light pollution within the Green Belt.

Conclusion

15. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Randle

INSPECTOR