



Appeal Decision

Site visit made on 18 September 2019

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 8 October 2019

Appeal Ref: APP/C1950/W/19/3232350

**Beavers Lodge Farm, Tylers Causeway, Newgate Street, Hertford
SG13 8QN**

- 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 Lorraine Edwards of Lozzas Lurcher Rescue against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2019/0796/FULL, dated 2 April 2019, was refused by notice dated 21 June 2019.
 - The development proposed is the retention of building following part demolition of attached building.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There have been two previous appeals against the refusal to grant permission for extension of the white building, in February 2014¹ and November 2018² (the 2018 decision). Given that this decision relates to similar development on the same site these are a material consideration of significant weight.
3. The Welwyn Hatfield Borough Council Draft Local Plan (the Draft Local Plan) has been published but has yet to be examined and found sound. Therefore, it attracts limited weight as a material consideration.

Main Issues

4. The main issues are: -
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies, including any relevant effects on the openness of the Green Belt, and: -
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

¹ PINS ref: APP/C1950/A/13/2205617

² PINS ref: APP/C1950/W/18/3196087

Reasons

Whether Inappropriate Development/effect upon openness of the Green Belt

5. Beavers Lodge Farm lies to the north of Tylers Causeway, a rural road. A public footpath runs north from Tylers Causeway to the west of the site. The buildings to which this appeal relates - the white building with a pitched roof and the adjacent timber building with a monopitch roof - lie on the south side of a group of buildings, comprising Beavers Lodge Farm and the dog rescue centre. The white building has been extended and part of this extension has been granted planning permission, under Council Ref: 6/2018/3031/FUL (the previous permission). The Council has sought the demolition of the eastern end of the white building as this does not benefit from planning permission. The proposal before me seeks to retain the eastern end of the white building and demolish the westernmost part of the adjacent timber shed. At the time of my site visit the rooms within the white building that form the extension appeared to be principally in storage use.
6. Policy GBSP1 of the Welwyn Hatfield District Plan 2006 (the District plan) requires that the Green Belt is maintained in Welwyn Hatfield as defined in the Proposals Map. The main parties are in agreement that the site lies within the Metropolitan Green Belt. Paragraph 145 of the Framework establishes that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. One such exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
7. In this regard the 'original building' is the building as it existed on 1st July 1948, or, if built later, as it was originally built. The previous permission has extended the white building.
8. The Framework does not explain what is meant by 'disproportionate'. At Paragraph 25.10 the supporting text to Policy SADM34 of the Draft Local Plan states that proposals that result in a footprint increase of more than 50% will generally be refused. Paragraph 25.12 of the supporting text explains that the extension of an incidental building sited more than 5 metres from the main building, as is the case here, will be subject to the 50% rule.
9. Together with the previously permitted extension the additional area that is sought to be retained has exceeded the 50% increase in the footprint of the original building. Compared to the original building I consider that the aggregation of extensions constitutes a 'disproportionate addition'. Whilst the policy, for the reasons given above, carries only limited weight, in the absence of any other local standards I am satisfied that it provides a suitable benchmark for assessing the extension.
10. The supporting text of Policy SADM34 of the Draft Local Plan introduces 'offsetting', whereby the footprint and volume of existing buildings to be demolished within the site may be offset against increases in volume and footprint. However, the Local Plan is at an early stage and I cannot pre-judge the outcome of its examination in public. The wording of Draft Local Plan may be subject to alteration prior to adoption. Notwithstanding the relationship of the part of the adjacent timber building proposed for demolition to the extension of the white building there is no specific support within Section 13 of

the Framework for such an approach. For this reason I give this argument limited weight.

11. I conclude therefore that the exception set out in paragraph 145 c) of the Framework is not met, and that the proposal amounts to inappropriate development, a view that does not differ materially from the assessment of the previous Inspectors. The Framework states that such development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
12. The Framework identifies that the fundamental aim of the Green Belt is "to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence".
13. The revised Framework identifies that the fundamental aim of the Green Belt is "to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence".
14. Given that the development increases both the cumulative footprint and volume of the development, the development has undoubtedly led to a loss of openness in spatial terms.
15. To the north and south of the appeal buildings the land is enclosed within high timber fencing, that to the north enclosing several timber buildings. The land around the appeal site slopes from the north-west to the south east. As a result, the appeal buildings are screened by the existing landscape and farm buildings from the west through north to the south east of the appeal buildings. The difference in levels between the road and the appeal site to the south and east of the site conceals the proposal from that part of the road. However, the road to the west and the section of public footpath closest to the road, due to their elevated nature in regard to the site, afford views of both the white building and the timber building. The roofs of these buildings are both prominent in these views.
16. The extension of the pitched roof towards the boundary of the site increases the observed built form and is visually intrusive in the views from the footpath and road to the west. The pitched roof of the white building appears in these views bulkier, and more prominent, than the monopitch roof of the timber building.
17. Whilst, the additional footprint is modest, and would not, in my view, be so significant as to result in harm to the Green Belt, when considered in isolation, I have found that the visual intrusion of the extension of the roof to the building is such that it results in harm to the openness of the Green Belt. The extension to the roof of the white building would fill a modest gap between the permitted scheme and the boundary hedge. However, the mass of the extension to the roof is such as to constitute moderate harm to openness. Whilst this differs from the opinion of the Inspector in the 2018 decision, I have no information regarding details of the landscape to the road frontage or within the site at the time of the Inspector's site visit and so it may be that the buildings have become more prominent in the landscape. I have determined the appeal on the basis of my observations during my site visit.
18. In summary, there has been some loss of openness and that this loss is so significant that it causes moderate harm to the Green Belt.

19. The Framework identifies that the Green Belt serves five purposes. Given that the development fills a modest gap between the permitted extent of the white building and an existing high boundary I find that the development would not encroach into the countryside and so would not be contrary to the purposes of the Green Belt.
20. For the reasons given above, I conclude that the proposal would amount to inappropriate development in the Green Belt having regard to the Framework, and the effects on the openness of the Green Belt. The proposal is therefore contrary to Policy GBSP1 of the District Plan and Section 13 of the Framework, which together seek to protect the Green Belt from inappropriate development. Similarly, although for the reasons given above attracting limited weight, the proposal would be contrary to Policy SADM34 of the Draft Local Plan, which has similar aims, in as much as the development is disproportionate when compared to the original building. I attach substantial weight to the harm to the Green Belt that arises by reason of inappropriateness.

Other Considerations

21. Very special circumstances can only exist if the harm I have identified is clearly outweighed by other considerations.
22. The white building is of a design and uses materials that are not out of place in its setting. The building is currently used in connection with the appellants' dog rescue and rehabilitation organisation. There is no doubt that such a function has merit and is, by nature, better suited to a rural location. As such the use of the building attracts a degree of support from paragraphs 83 and 84 of the Framework. However, it is the physical form of the extension that is the issue, rather than its use.
23. The removal of the extension would reduce the space available within the white building for enclosed storage and other functions that form part of the day-to-day operation of the dog rescue centre. However, I have little substantive evidence before me to demonstrate that the remaining space available could not accommodate these functions by reorganisation of the available space. I am not persuaded that the removal of the extension would necessarily have such impact as to be terminal to its use by the dog rescue centre.
24. The appellants have proposed the removal of a section of the timber building to offset the effect of the extension, and suggest that this approach is supported by a proposed policy in the Draft Local Plan. For the reasons given above I attach limited weight to the proposed policy. Taken together these benefits carry limited weight.

Conclusion

25. The revised Framework establishes that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, whilst I have considered all matters in support of the development, I conclude that, collectively, they would not clearly outweigh the harm to the Green Belt by reason of inappropriateness. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.

26. The proposal is therefore contrary to Policy GBSP1 of the District Plan and Section 13 of the Framework. Similarly, although for the reasons given above attracting limited weight, the proposal would be contrary to Policy SADM34 of the Draft Local Plan.
27. For the reasons given above the appeal should be dismissed.

I Dyer

INSPECTOR