



Appeal Decision

Site visit made on 9 September 2019

by Hilary Orr MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2019

Appeal Ref: APP/B1930/W/19/3232140

Bedmond Lane Field, Bedmond Lane, St Albans AL3 4AH

- 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 Cala Homes Chiltern Ltd against the decision of St Albans City & District Council.
 - The application Ref 5/18/2092, dated 30 July 2018, was refused by notice dated 23 January 2019.
 - The development proposed is the change of use of land from agriculture to the keeping of a horse and erection of a stable building on land between Bedmond Lane and Mayne Avenue, St Albans.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The description of the development was changed slightly during the course of the application. This revision better describes the development applied for. The Council used this description in their decision and so shall I.

Main Issues

3. The site lies within the Green Belt and I consider that the main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework), including its effect on the openness of the Green Belt;
 - If the proposal would be inappropriate whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.
 - The planning application subject to this appeal, sought permission for both a change of use of the land and operational development including, the erection of a stable building and two vehicular accesses. The Council makes it clear in their statement for this appeal, that the main issues of dispute are whether the proposal amounts to inappropriate development and if so whether there are any very special circumstances necessary to justify a grant of planning permission. I have therefore dealt with this appeal on the basis of the proposal as a whole.

Reasons

4. The appeal site comprises some 4.83 hectares. It is linear in shape and lies between Bedmond Lane, Mayne Avenue, King Harry Lane, Parkland Drive and Hemel Hempstead Road. The site is currently vacant and overgrown with a number of formal and informal footpaths. Whilst the boundary is at least partly fenced with post and wire, this is damaged in a number of places allowing access to the Land.
5. The proposed development seeks a change of use of the land for the keeping of a horse, and operational development comprising the construction of a timber stable block and two vehicular accesses. The stable block would be located in the top corner of the southern paddock. The land would be divided into 2 paddocks with two new gated accesses, one from Mayne Avenue and the second from Parklands Drive. Additional gates are proposed to link the two paddocks.
6. My attention has been drawn to a previous refused planning application in 2017, for the same development on the site. The subsequent appeal was determined under the Governments previous guidance on Green Belt development. However, since this decision the Framework has been revised, most recently in 2019. The key difference between that appeal and the appeal now under consideration, is that the change of use of the land was an issue, in the context of the previous National Policy Framework.
7. The previous Inspector found that with regard to the change of use, the proposal would provide for an outdoor recreational use of the site. He went on to find that the stables would have a very limited effect on openness. I agree that the modest scale of the stable building, means that its effect on openness would be limited. Nonetheless, given the undeveloped nature of the site, in my judgement that effect is still material.
8. Paragraph 133 of the Framework, sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
9. Paragraph 145 of the latest Framework indicates that the construction of new buildings should be regarded as inappropriate development, unless they fall within one of the exceptions listed. The exception set out at paragraph 145(b) relates to 'The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'
10. The provision of appropriate facilities for the keeping of a horse for outdoor recreation, could in my judgement include limited stabling. However, in order for the proposal to not be inappropriate development, it must also preserve the openness of the Green Belt, and must not conflict with the purposes of including land within it. I note that the Council, in their reasons for refusal, refer to the proposals effect on openness and the lack of very special circumstances.

11. The current undeveloped nature of the appeal site adds to the open and spacious character of the area. The two accesses would be some 5 metres in width and finished in tarmac. Based on the information before me, this element of the proposal would constitute an engineering operation. As the accesses would be laid flat on the ground, and would serve the proposal, I am satisfied that they would not be harmful to the openness of the Green Belt, or conflict with the purposes of including land within it. This element of the proposal would therefore not be inappropriate development in the Green Belt, as described in the Framework.
12. The proposed timber building would comprise two stables and a tack room. The Appellant confirms that the two stables and tack room would have a floor area of some 36 square metres. The tiled roof would be pitched, and the submitted plans show an additional canopy to the front of the building which would increase its footprint.
13. Although still modest in size, it would nevertheless introduce built development into an area where there is currently none. Consequently, the building would have both a spatial effect as a result of its physical existence on the land, and a visual effect that, despite some boundary screening, would be apparent from within the site and from public Footpath 95, that bisects the site. Moreover, the use of the stables for the keeping of a horse would undoubtedly introduce the general paraphernalia normally found at equestrian sites, further increasing the visual presence of the building.
14. I have had regard to saved Policies 1 and 91 of the City and District of St Albans District Local Plan Review (1994) (LP). I consider that the proposed development would not conflict with these LP policies. However, these policies are inconsistent with the up to date Framework, in so far as, they allow for buildings in the Green Belt without reference to their effect on openness. For this reason, I give these policies limited weight.
15. The Framework sets out that inappropriate development is harmful to the Green Belt and substantial weight should be given to any harm. Consequently, I find that the accesses would constitute engineering operations and would not be inappropriate development in the Green Belt. However, the construction of the proposed stables would reduce openness both visually and spatially in the context of this currently undeveloped site. Accordingly, the stables would constitute inappropriate development in the Green Belt as described in Paragraph 146 of the Framework.

Other considerations

16. For the above reasons, I have identified that the proposed development would be inappropriate development in the Green Belt. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is to be given to the harm to the Green Belt.
17. I acknowledge that the effect of the proposal on openness would be small, but nonetheless harm would be caused and the Framework makes it clear that the identified harm must be given substantial weight. Very special circumstances will not exist unless the harm by way of inappropriateness, and any other harm, are clearly outweighed by other considerations.

18. The Appellant has not provided me with details of any very special circumstances. I acknowledge that the use of the site for outdoor recreation would be supported by the Framework. However, the proposal is for the keeping of one horse and I have no evidence to demonstrate how this would be of benefit, and to whom. Moreover, the Appellant has also confirmed that the proposal is primarily sought to facilitate the fencing of the site and to discourage ongoing trespassing issues. To my mind, secure fencing could be achieved whether or not this appeal is allowed.
19. Accordingly, I find that these reasons, even when taken cumulatively, would not clearly outweigh the material harm I have already identified to the Green Belt.

Other matters

20. I recognise that opportunities for new development will be limited in areas such as St. Albans, where there is significant Green Belt coverage. I also acknowledge that the exception set out in paragraph 145(b) of the Framework implies that some impact on space is inevitable. These considerations do not, however, justify the harm to openness I have found in this particular case. "I have had regard to the appeal decisions at Edgeware Golf Course and Drop Lane. I have not been provided with full details and history for these sites, but the circumstances appear to differ significantly from the present appeal. In any event, I have to determine this appeal on its own planning merits, and their presence would not justify granting this appeal.
21. My attention has also been drawn to a number of Court judgements. I have considered all of these, but they do not lead me to a different decision.

Conclusion

22. I conclude that the very special circumstances required to justify this proposal do not exist and the appeal is therefore dismissed.

Hilary Orr

INSPECTOR