



Appeal Decision

Site visit made on 1 October 2019

by Rajeevan Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th November 2019

Appeal Ref: APP/C1950/W/19/3232548

Land Adjacent to 22 The Avenue, Oaklands, Welwyn, AL6 0PP

- 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 Barry Gray against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2019/0136/FULL, dated 18 January 2019, was refused by notice dated 18 March 2019.
 - The development proposed is described as "the temporary use of lane for the storage of vehicles (Retrospective)".
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Decision

1. The appeal is dismissed.

Procedural Matters and Background

2. 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 and I have considered the proposal against the policies of the adopted Development Plan in force and the National Planning Policy Framework, 2019 (Framework).
3. The appeal site lies within the Green Belt and is accessed via an access track that leads to the site and dwelling at No 22 The Avenue. The access track also lies adjacent to the former site of No 20 The Avenue, which has been redeveloped with three detached dwellings. The site comprises a modest single storey building, which the appellant describes as a barn/workshop, positioned centrally within the plot surrounded by part hardstanding/scalping on three sides of the building used to store approximately 50 parked cars¹ (the subject of this appeal). The Council advises² that the site's lawful state consists of a single storey building with the rest of the site being predominately open, undeveloped and grassed with a small section of hardstanding leading from the access to the front of the building. There is no dispute between the parties that the use of the existing building does not form part of the appeal.
4. The appellant also explains that the current breach of control relates to the use of the hardstanding/scalping used for the storage of vehicles for two

¹ Taken from the appellant's appeal statement.

² Taken from the Officer's Report.

car sales companies who operate from home locally. The proposed site plan illustrates the area around the existing building which is the subject of this appeal. Furthermore, it is also stated that the appellant did not seek a permanent planning permission for the change of use for the car/vehicle storage given the Green Belt designation but only seeks permission for a further two years temporary storage. I have therefore determined the appeal based on the proposed site plan which highlights the areas hardstanding used for the storage of vehicles, and for the change of use for a further two years.

Main Issues

5. The main issues are:

- whether the development amounts to inappropriate development in the Green Belt;
- the effect of the development on the character and appearance of the area; and
- if the development is inappropriate development, whether harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify the development.

Reasons

Whether inappropriate development

6. Policy GBSP1 of the Welwyn Hatfield District Plan 2005 (the District plan) requires that the Green Belt is maintained in Welwyn Hatfield as defined in the Proposals Map. National policy on Green Belt development is set out in Part 13 of the Framework, and Paragraph 134 c) states that one of the purposes of designating Green Belt is to assist in safeguarding the countryside from encroachment.
7. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Given that the development does not relate to the erection or retention of a building it does not fall within any of the exceptions listed in paragraph 145 of the Framework. Paragraph 146 set outs that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The certain forms of development that are potentially not inappropriate include engineering operations and material changes in the use of land. The storage of vehicles on this site has involved engineering operations with the hardstanding currently in place. As such, it is necessary to assess the effect on openness and if the development conflicts with the purposes of the land being designated as Green Belt before concluding whether or not the development is inappropriate.
8. Paragraph 133 of the Framework sets out the essential characteristics of Green Belts, which are their openness and permanence. It has been held in the Courts that openness is epitomised by the lack of buildings or development and thus both the spatial and visual implications of developments are relevant to a consideration of their openness effects.

Openness is a separate issue from the effect of a development on the character and appearance of an area.

9. The appellant has referred to another recent appeal decision at 168 Spring Lane, Lambley in Gedling³, where the Inspector considered a number of factors when considering harm to openness. These include size of the parking area; its visibility from a number of vantage points and whether it had an urbanising and encroaching effect on the countryside. Whilst the location of this site is different to the appeal site before me and I do not know the full circumstances/details of this other proposal, I have had regard to this appeal decision but have assessed the current appeal on its own merits in accordance with national and local policy.
10. With regards to the size of the area, the appeal site is a reasonably sized plot, which prior to the current vehicle storage use was undeveloped grassland⁴. As a result of the development, a substantial part of the site now accommodates hard standing for the storage of approximately 50 parked vehicles. The appellant refers to the lack of visibility from neighbouring vantage points in support of the development, and its location adjacent to the A1(M) road and nearby residential properties. However, visual impact is part of the assessment of the impact on openness of the Green Belt. Reduced visibility does not in itself mean that there has not been a loss of openness in Green Belt terms. The scale of hardstanding combined with parked vehicles on this site is not insignificant and cumulatively erode the openness of the site. The development therefore has an urbanising and encroaching effect which result in the substantial depletion of the appeal site's openness.
11. As consequence, the development fails to assist in the safeguarding of the countryside from encroachment and is inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. In this regard the development is contrary paragraphs 134c) and 146 of the Framework, and Policy SADM34 of the Draft Local Plan. In reaching this conclusion, it is of note that paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt.

Character and appearance

12. The Council state that the site is located within landscape character area of Danesbury Settled Slopes (DSS), which is characterised predominantly by detached dwellings set within spacious plots⁵. This gives the area a spacious and verdant character. The development includes the hardstanding used in connection with the storage of approximately 50 cars/vans. As the development had already been carried out, I was able to view the hardstanding used for the storage of cars. Prior to the development taking place the Council explain that with the exception of the existing single storey building and a relatively small section of hard standing and the access road, the site was largely undeveloped grassland. In the absence of any evidence to the contrary I have no reason to disagree with this statement.

³ Appeal Ref: APP/N3020/W/18/3212514 dated 25 February 2019.

⁴ Taken from the Officer's Report.

⁵ Taken from Welwyn Hatfield Landscape Character Assessment.

13. I note the appellant intention is for a temporary permission for two years and that the appeal site is relatively well screened from public vantage points. Notwithstanding this, the overall amount of hardstanding with approximately 50 vehicles parked appear in stark contrast to the surrounding landscape character area of DSS.
14. In this respect the development, whilst reasonably localised in its extent, harms the character and appearance of the area including the DSS. It would therefore be in conflict with Policies D1, D2 and RA10 of the District Plan and the Welwyn Hatfield District Plan Supplementary Design Guidance, 2005. Amongst other things, these require all new development to respect and relate to the character and context of the area in which it is proposed, and to contribute, as appropriate, to the conservation, maintenance and enhancement of the local landscape character of the area in which they are located, as defined in the Welwyn Hatfield Landscape Character Assessment.

Other considerations

15. The Council is satisfied that the development does not raise any harm to the living conditions of neighbouring occupiers as the site is used for storage of vehicles and no sales take place at the site. Similarly, Hertfordshire Highways have been consulted and raise no objection to the development, with regards in traffic and highway safety terms. Therefore, I find no reason to disagree with this professional assessment.
16. The appellant also states that the site does not generate any unreasonable level of noise pollution or odour. It is also claimed that no HGVs are stored within the site. However, regardless of whether HGVs are stored on this site, I have found that the hardstanding together with the parked domestic sized vehicles and vans results in loss of openness of the site. In these respects, all of these aforementioned matters are of neutral consequence in the overall planning balance.
17. The appellant states that the site is well screened from other developments, adjacent to the A1(M) road and that the site is previously developed land (PDL). However, the location of the site adjacent to the A1(M) road does not justify the harm to the Green Belt identified. Whilst the appellant considers that the land is PDL, I note the Council advise that prior to the hardstanding and parked vehicles, much of the land comprised undeveloped land. Furthermore, I have found above that the development would fail to preserve the openness of this part of the green belt. As such I do not consider that this provides support for the development. Whilst the existing single storey workshop use is lawful and has operated for a number of years this does not justify the current change of use of the land for the storage of vehicles.
18. It is also claimed that the use of the land for vehicle storage supports two local businesses and the wider economy and that there is a lack of alternative sites within the Borough for the storage of vehicles. However no specific details regarding the size of the existing businesses have been provided, other than reference that the two lessees who own the vehicles operate their retail sales from their home office. Therefore, based on the likely small-scale nature of the businesses involved I attach limited weight to the benefits to the local economy. The appellant's appendix one, relates to a list of commercial properties for sale and rent in the area. However, I cannot

be certain on the limited evidence before that this in itself demonstrate that there no alternatives more suitable sites outside of the green belt. Therefore, I attach limited weight to this benefit.

Planning balance and conclusion

19.I have found that the development would amount to inappropriate development in the Green Belt. This is a matter to which I afford substantial weight. In addition, I have found that that the development harms the character and appearance of the area. The adverse impacts need to be weighed against the identified other considerations, noting that there would not be significant benefits.

20.In conclusion, the substantial weight to be given to Green Belt harm, and the other identified harm arising from the development, is not clearly outweighed by the other identified considerations sufficient to demonstrate very special circumstances. I acknowledge that a temporary planning permission for two year may limit the harm caused to the Green Belt by restricting the developments duration, but that harm would still be substantial.

21.Therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Rajeevan Satheesan

INSPECTOR