



Appeal Decision

Site visit made on 3 December 2019

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2019

Appeal Ref: APP/J1915/W/19/3236495

Warren Park, Green Tye, Much Hadham SG10 6JD

- 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 Warren Classics against the decision of East Herts Council.
 - The application Ref 3/19/0778/FUL, dated 5 April 2019, was refused by notice dated 3 July 2019.
 - The development proposed is erection of new commercial unit for the storage of classic cars and associated parts .
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The appeal site is located within the Green Belt and so the main issues are:
 - whether the proposal represents inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and development plan policy; and
 - if the development would be inappropriate, 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 necessary to justify it.

Reasons

Whether inappropriate development in the Green Belt

4. Policy GBR1 of the East Herts District Plan 2018 (DP) states that planning applications in the Green Belt will be considered in line with the Framework. Under paragraph 145 of the Framework, the construction of new buildings is defined as inappropriate development in the Green Belt. However, exceptions

are set out that include the limited infilling or the redevelopment of previously developed land, provided such schemes do not have a greater impact on the openness of the Green Belt than existing development.

5. The appeal site contains no buildings. Also, whilst near to the Warren Park units, the site is fenced off and does not appear to form part of the curtilage of any building. As such, the site does not represent previously developed land as defined under Annex 2 of the Framework.
6. Moreover, by reason of its height and volume, the proposed building would lead to a spatial loss of openness of the site. Furthermore, it would impact on the visual openness of the area as boundary vegetation would only partially screen the proposal from the road and surrounding land. The proposed building would be markedly higher than the existing external storage and therefore would have a greater impact on the openness of the site.
7. The site is near to buildings and is different in character and appearance to the surrounding fields. However, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with no distinction made between fields and other types of land. For the above reasons, the proposal would have a greater impact on the openness of the Green Belt than existing development and therefore would not comply with paragraph 145 g) of the Framework. As it would impact on openness, the proposal would not help prevent urban sprawl and would not assist in safeguarding the countryside from encroachment, thereby undermining the purposes of Green Belt policy.
8. The proposal fails to comply with any of the other exceptions set out under paragraph 145 of the Framework. Consequently, it would represent inappropriate development in the Green Belt.

Other considerations

9. The proposal would cause no harm to trees and would be acceptable in terms of parking provision, highway safety and effects upon living conditions of occupiers of any properties. Also, the development would be in keeping with the character and appearance of nearby buildings. However, acceptability in these regards is a neutral factor that does not weigh in support of the proposal.
10. I note the Council has supported the development at Warren Park and previously allowed other buildings at the site. The full details of the circumstances that led to permissions being granted are not before me. However, it would appear that the referred to developments are different to the current proposal in that they involve the re-use of, or extensions to, existing buildings. In any case, I am required to assess the appeal against current policies and on its own merits.
11. The appellant suggests that their unit would be vacated and left empty if permission is refused. However, dismissing this appeal would not necessarily mean that an alternative scheme would be unacceptable. Also, there are no obvious obstacles to the appellant's unit being occupied by another business should it be vacated. As such, I attach limited weight to this point.
12. The proposed building would allow the appellant to securely store cars at the site, thereby addressing a capacity issue and allowing the company to offer a storage facility in line with competitors. The building would enable the growth of a small business without the need to relocate and may lead to additional

employment. By remaining at the site, the company would continue to support the local economy and help ensure adjacent businesses remain viable. The proposed development would add to the appeal of Warren Park and the proposal is supported by the landlord as well as occupiers of neighbouring units. In accordance with paragraph 80 of the Framework, I attach positive weight to these benefits.

Green Belt balance

13. The Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. These would only exist where the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In carrying out the balancing exercise, substantial weight is to be given to any harm caused to the Green Belt.
14. As well as harm by reason of inappropriateness, the proposal would cause a loss of openness, thereby adversely impacting on one of the essential characteristics of the Green Belt. This harm attracts substantial weight.
15. On considering all the relevant matters, I conclude that the benefits of the appeal scheme and all other considerations would not clearly outweigh the totality of harm the development would cause to the Green Belt and its openness. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the development would conflict with the Framework and DP policy GBR1 which, amongst other things, seek to resist inappropriate development in the Green Belt unless very special circumstances exist and to preserve its openness.

Conclusion

16. For the reasons given above, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR