



Appeal Decision

Site visit made on 22 January 2020

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2020

Appeal Ref: APP/J1915/W/19/3238700

Holbrooks Farm, Benington Road, Aston, Stevenage SG2 7EA

- 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 John West against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0266/FUL, dated 6 February 2019, was refused by notice dated 14 June 2019.
 - The development proposed is demolition of 2no large agricultural barns, relocation of covered horse exerciser and the erection of new stables, garages, out-buildings and a residential unit.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - i) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - ii) the effect on the openness of the Green Belt;
 - iii) the effect on the character and appearance of the area;
 - iv) whether the site is in an appropriate location for housing development, with particular regard to access to facilities; and
 - v) whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal?

Reasons

Whether inappropriate development in the Green Belt

3. The appeal relates to an existing stable yard. It is located in the open countryside adjacent to a small group of buildings. These include traditional barns that have ostensibly been converted into dwellings. The site itself contains a stable block, barn and horse exerciser. The development would result in the demolition and redevelopment of the stable and the removal of the

- horse exerciser. These would be replaced by a new dwelling, outbuildings for use as garages/workshop or storage and a replacement stable block.
4. Policy GBR1 of the East Herts District Plan (EHDP)(2018) states that planning applications in the Green Belt will be considered in line with the provisions of the Framework. Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt should be considered as inappropriate development unless it meets one of a number of exceptions. One of these is if the development is the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces.
 5. The proposed dwelling would clearly not be in the same use as any of the buildings that it would partially replace. Whilst prior approval is in place for the conversion of one of the barns to a dwelling, this building was clearly not in residential use at the time of my visit. The existence of the prior approval does not mean that the building is not still in 'agricultural' use at this time. Irrespective of the size of the dwelling, it would fall outside the exception in paragraph 145. This does not mean the potential fallback position is not relevant, but it is something which should be more properly considered in the context of other considerations. I shall return to this matter below.
 6. The wording of paragraph 145 also suggests that in a mixed-use proposal, the individual replacement elements should be no larger than what they are seeking to replace. The appellant argues that the dwelling would replace the barn with prior approval. The submitted plans suggest this has a footprint of around 170 square metres (sqm) and a volume of 743 cubic metres (m³). The dwelling would have a footprint of around 140 sqm and a volume of around 930 m³. Therefore, while the footprint would be smaller, the overall volume of the building would be greater. Irrespective of the land use issue, in my view this additional volume would be sufficient to conclude that the building would be materially larger than the one that it seeks to replace. It would therefore fall outside the exception in any event. I do not consider paragraph 145 allows reductions in the sizes of buildings associated with other uses to justify larger ones in different uses.
 7. Turning to the garage/storage areas, the Council's officer report refers to the replacement of an existing storage barn that is currently being used for similar purposes to what is being proposed. It is not entirely clear whether this reference is to the same barn that has prior approval for the dwelling, and whether that is the established use of that barn, or that identified as 'barn 3' on the plans. If it is the former, then clearly it cannot be replaced by both the new dwelling and the 'garage/storage' area as this would in effect be double counting. If it is the latter, then the plans suggest this barn has a footprint of around 16 sqm and volume of 59 m³. The buildings identified for similar uses on the plans would have a footprint of around 100 sqm, with an additional storage loft of around 91 sqm. The plans do not break down the volume of these uses. However, it would be reasonable to assume that this would amount to a larger overall volume than is currently within barn 3.
 8. Notwithstanding the Council's conclusions on this matter, the evidence before me does not clearly demonstrate that this element of the proposal is capable of meeting the requirements of paragraph 145, particularly in terms of whether

the replacement building would be materially larger than what it is seeking to replace.

9. Although I have no concern over the stable element of the proposal, when taken as a whole, the evidence does not lead me to conclude that the development would meet the requirements of paragraph 145 of the Framework. As such, it would constitute inappropriate development in the Green Belt. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I shall return to this matter below.

Effect on openness

10. Paragraph 143 of the Framework states that the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of the Green Belt are its openness and permanence. The site already contains built development in the form of the existing barns, stable and horse exerciser. The areas between the buildings are also already hardstanding. At the time of my visit, a large horsebox was parked in the area. Considering the use of the site, it would be reasonable to assume that vehicles of this type, and other vehicles associated with the use, would be parked within the site at one time or another.
11. Notwithstanding my conclusions on the individual elements of the proposal, the overall footprint and volume of buildings on the site would be reduced from what is there at present. The configuration of the site would change, with the currently open area between the existing barn and horse exerciser being filled. The non-residential elements would also be reconfigured so that a large proportion of the built form would be further west of its current location. This would narrow the existing yard. In both cases, development would be introduced where none currently exists. Nevertheless, this would also open up parts of the site which are currently built on.
12. The dwelling would be in a more prominent position than what is currently in place. However, the removal of the horse exerciser would provide some mitigation for this in terms of the openness of the site. The roofs of other buildings would be likely to be seen from outside the site. However, the rooflines of the existing buildings can already be seen and their relocation or difference in height within the site would be unlikely to be viewed as an overt reduction in openness. All of the new structures would be within the existing footprint of the site and would not encroach into adjacent fields. The presence of vehicles on different parts of the site to where they currently park would also not have a detrimental impact on openness.
13. Therefore, while there would be some significant change to the outward appearance of the site, I am not persuaded that this would amount to harm in terms of the visual openness of the Green Belt. Therefore, in both visual and spatial terms, I find the effect on openness would be largely neutral and would thus not weigh against the development.

Character and appearance

14. The effect on the openness of the Green Belt is a different consideration to the effect of the development on the character and appearance of the area. The

replacement of the barn and stable with buildings of a similar design would have a largely neutral impact on the outward appearance of the site. While they would be different in scale, orientation and siting, their design would largely reflect that of the existing buildings and would not be unsympathetic to what is already in place. The equestrian/agricultural character of the site would be undermined to an extent by the use of one building for the storage of domestic vehicles. This would be obvious to those living in the existing dwellings and any users/visitors to the stable. However, only the roof would be likely to be visible from outside the site. On its own, this would be unlikely to result in unacceptable harm.

15. The dwelling would be located toward the southern extent of the site and be sited perpendicular to the existing barn. It would take up the space between the barn's current location and the horse exerciser. It would therefore be visually well separated from the existing dwellings, which are clustered together in the traditional farm buildings adjacent to Benington Road. The design of the dwelling would be similar to the other elements of the development insofar as it would be a dual pitched roof building using similar materials.
16. Nevertheless, the substantial area of glazing on the southern and western elevations would clearly set the building apart from the more functional buildings on the site. The wrap around balcony would also ensure the building appeared residential in nature. The likely increase in domestic paraphernalia associated with the dwelling including parking areas and any formal amenity space, would ensure that this part of the site no longer appeared to be part of the prevailing equestrian or agricultural use of the remainder of the site.
17. The site is extensively screened by existing mature landscaping, topography and intervening buildings. However, the dwelling would be clearly seen from the public right of way that runs to the west of the site. Although these are generally medium distance views, the change in the character and appearance of the site would be discernible from this location. The discordant nature of this element of the scheme would also be readily apparent from the private views of existing dwellings and users of the stables.
18. There are already residential uses on the wider site. However, there is a clear difference between the siting, character and appearance of these uses and the stable yard. The site as a whole appears as a farmstead, with a tight cluster of buildings to the north and the non-residential and equestrian uses to the south and east. The site therefore complements the predominantly rural and agricultural character of the wide area. Although the development would not extend into the fields adjacent to the site, the introduction of a dwelling at its southern extent would appear as an overt domestication of this part of the site and a harmful change in the overall character.
19. In coming to this conclusion, I have had regard to the fact the site is not within a designated landscape area and the level of screening that would exist. Nevertheless, even with additional landscaping to the west, the residential element of the development would still erode the existing character and appearance of the site to an unacceptable degree. Accordingly, there would be conflict with EHDP policies DES2 and DES4 which seek, amongst other things, that development is of a high standard of design which conserves distinctive features.

20. The decision notice refers to Policy DES3. This relates to the landscape features and biodiversity. There is no indication the development would result in harm in this respect and thus there would be no conflict with this particular policy. The second reason for refusal also refers to Policy GBR1. This relates to Green Belt only and is thus not directly relevant to concerns over character and appearance.

Location

21. The site is not located within a defined settlement. The nearest village to the site is Aston. This is identified as a Group 2 Village by EHDP Policy VILL2. In locations without a Neighbourhood Plan, this policy allows only for development within the main built-up area. The development would not comply with this. While the site is adjacent to existing residential uses, these do not form a coherent settlement; rather they would be considered to be sporadically located dwellings in the countryside.
22. Paragraph 78 of the Framework seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. Paragraph 103 also states that the planning system should manage patterns of growth to promote opportunities for walking, cycling and public transportation. The site is poorly related to existing facilities. There would, therefore, be a need for future occupiers to travel for day to day services, facilities and employment. Aston itself is around a 10-15-minute walk from the site. There is a bus stop that is a similar distance. However, pedestrian routes from the site are along narrow, unlit and unpaved country lanes. The route into Aston is also up a steep hill. These factors are likely to discourage walking, cycling or using public transport.
23. While the Framework recognises that opportunities to maximise sustainable transport will vary from urban to rural areas, the site is not in a location to where the use of walking, cycling or public transport to access services and facilities to meet daily needs could be maximised. This, and the scale of development, would also limit any meaningful enhancement or maintenance of the vitality of the surrounding rural communities.
24. The development would not therefore be in a suitable location site for housing, having regard to the accessibility of local services and facilities. Accordingly, there would be conflict with EHDP policies DPS2 and TRA1 which, amongst other things, seek to promote sustainable patterns of development and ensure a range of sustainable transport options are available to occupants. In addition, the development would not form a limited infill development identified in an adopted Neighbourhood Plan. As such, it would conflict with EHDP Policy VILL2. There would also be conflict with paragraphs 78 and 103 of the Framework.

Other Considerations

25. The development would provide one additional dwelling to the housing supply. However, I have not been provided with any evidence to suggest that the Council is unable to demonstrate an adequate supply of housing. Thus, any social or economic benefits associated with the dwelling would not be significant. No specific needs for this dwelling have been identified. I therefore give only moderate weight to this issue.

26. The development as a whole may provide some private benefits to the appellant, particularly in terms of the alterations to the stable and storage areas. While the development would be designed to meet their particular needs, I attach only moderate weight to this factor. There is no clear evidence to suggest the existing buildings are not fit for purpose or that there is a particular need for additional storage space. Moreover, there is nothing to suggest similar benefits could not be achieved by less harmful means. The existing buildings do not cause any harm to the character or appearance of the area. As such, the development would provide no benefits in this regard.
27. I acknowledge that the development would not have a detrimental impact on openness and would reduce the amount of built development in terms of overall footprint and volume. Any benefits in terms of openness of the Green Belt would not however be significant. In addition, the development would still constitute inappropriate development in the Green Belt which is by definition harmful. I therefore give only limited weight to this factor in the overall balance.
28. Much of the appellant's argument relates to the prior approval that exists for the conversion of a barn to a dwelling. The prior approval is not time expired. Correspondence between the appellant and Council also suggests an intent to implement this. There is no strong evidence to suggest therefore that the approval would not be implemented if the appeal is dismissed. It therefore forms a realistic fallback position which is material to my decision. However, I have already concluded that the existence of a fallback position does not mean that the proposed dwelling would fall into any of the Green Belt exceptions. The evidence before me also raises some concerns over other elements of the development in this regard. I am not persuaded therefore that the fallback adds any weight in favour of the proposal in Green Belt terms.
29. The 'fallback' barn is also to the southern end of the site. It can be viewed from the same or similar locations as the development. I do not have full details of how the building would appear if the prior approval were implemented. Nevertheless, it is reasonable to assume that it would contain fenestration in the currently open elevation of the building which would alter its appearance. As with the development, this would likely result in a degree of domestication of this part of the site. The horse exerciser would screen this to an extent.
30. However, the dwelling before me would be located nearer to the western boundary of the site, as would any associated paraphernalia and amenity space. With or without the horse exerciser in place, it is very likely that the dwelling before me would be more prominent than the barn when viewed from the public right of way and any other views that are available. The change in orientation and the increase in length of the building also means that it would be a more visually intrusive building than the existing barn. From the evidence before me, and my own observations, I find it likely that the fallback position would be less harmful than the development. The fallback does not therefore add any weight in favour of the development in this regard.
31. When considering prior approval applications under Class Q of the General Permitted Development Order (GPDO), the Council are not able to take any account of the location of the agricultural building or whether it would be in a sustainable location. The prior approval does not mean therefore that the site

is in a sustainable location in principle. In assessing the appeal against the policies of the development plan and the Framework, the site is not in a sustainable location.

32. However, I recognise that the harm caused by the development would be no greater than the fallback in terms of trips generated from this location. The fallback position would also have much the same impact on the overall spatial strategy as the development. The development would therefore result in no additional harm over and above that resulting from the prior approval. The fallback position would therefore add some weight in favour of the development in this regard. There is no evidence to suggest there would be any other material difference between the effects of the development and fallback position or any other factor of importance.

Other Matters

33. Two of the converted barns adjacent to the road are Grade II Listed Buildings. I have a statutory duty to have special regard to the desirability of preserving such buildings and their settings. The Council raised no concerns over the impact on these buildings. I saw nothing that would lead me to a different conclusion. The development nearest to the listed buildings would complement the outward appearance of the farmstead. The dwelling would be at the opposite end of the site and would not result in any overt harm to the appreciation of the listed buildings. The development would therefore preserve their special character. A lack of harm in this respect is however a neutral factor in the planning balance and weighs neither for nor against the development.

Planning Balance & Conclusion

34. I have found that the proposed development would constitute inappropriate development in the Green Belt. Inappropriate development is by definition harmful. Paragraph 143 of the Framework requires that substantial weight be attributed to the harm to the Green Belt. While I do not consider there would be any particular impact on openness, this does not alter or reduce the harm caused as a result of being inappropriate development. I have also found conflict with the development plan in relation to the character and appearance of the area and the location of development.
35. I have had regard to the benefits that would be derived from the development for the appellants and the implications of the potential fallback position on matters of Green Belt, character and appearance and location. Nevertheless, I do not consider that the harm that would be caused to the Green Belt, or the other harm identified, would be clearly outweighed by other considerations as required by paragraph 144 of the Framework. The granting of permission would therefore conflict with the provisions of EHDP Policy GBR1. There are no material considerations that would lead me to a decision other than in accordance with the development plan in this case.

S J Lee

INSPECTOR