
Appeal Decision

Site visit made on 10 March 2020

by T A Wheeler BSc (Hons) T&RP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2020

Appeal Ref: APP/J1915/W/19/3243398

**Enclosed Yard, Home Farm Industrial Estate, Hunsdon Road
Stanstead Abbots SG12 8LA**

- 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 and Mrs Simpson on behalf of Complete HGV Solutions Ltd against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0680/FUL, dated 11 April 2019, was refused by notice dated 20 June 2019.
 - The development proposed is erection of workshop building for the Sui Generis use for the repair of boxes on the back of heavy goods vehicles, following demolition of existing workshop building.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are: i) whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and the relevant development plan policies; ii) the effect on the character and appearance of the area and; iii) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

3. The appeal site (the site) is located within the Green Belt, around 1km outside Stanstead Abbots. Access is gained from the B180 Hunsdon Road, which also serves the wider Home Farm Industrial Estate. The site is located at a slightly higher level than the main road and is enclosed by a steel palisade fence, and on the roadside boundary there is mounding and high landscaping. Within the site there are 2 workshop buildings. The first has a curved steel roof and is known as 'the bomb shelter' (the existing workshop) whilst the other larger building is more recently erected and has grey steel sheet walls and what appears to be a fabric roof (the temporary building). There is also what appears to be a recently constructed flat roof extension to the existing workshop, although this is not referred to in the appellant's plans.

4. It is not in dispute that the temporary building is unauthorised, having been the subject of an application to secure planning permission, refused in January 2018. That decision was subject to an appeal¹, which was dismissed.
5. The Home Farm site was subject to a Certificate of Lawful Use or Development, essentially establishing that a storage use had been undertaken for a period in excess of 10 years, to height of storage not exceeding 3m. The appellants maintain that the Lawful Development Certificate does not relate to the appeal site but only the part of the Industrial Estate comprising the former farm buildings.
6. Under the proposal, both the existing workshop and the temporary building would be taken down and replaced by a single building, measuring 22m in length, 15m width, and with a maximum height of 5m. The building would be located on an existing concrete apron and would be sunk below the level of the existing concrete hardstanding by 2m so that its height above ground be approximately 3m at its maximum, not exceeding that of the existing workshop.

Whether Inappropriate Development

7. The site is located within the Green Belt. Paragraph 145 of the Framework sets out the exceptions under which a new building should be regarded as not comprising inappropriate development. Policy GBR1 of the East Herts District Plan 2018 (the District Plan) does not repeat the Framework exceptions but is clear that in all cases where development is proposed in the Green Belt, regard must be had to national planning policies.
8. The Framework states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of green belts are their openness and their permanence.
9. The main thrust of the appellants' case is that the site is previously developed land and therefore the proposal should be considered as an exception to inappropriate development under paragraph 145 (g). Although the proposal would replace the existing workshop, and could potentially be considered under the exception from inappropriate development under paragraph 145 (d) it is contended that it is incorrect to consider it to be materially larger than the existing workshop, due to the manner in which the proposal would be sunk into the site. The appellants therefore take the view that the proposal should be considered only against the test of impact on openness imposed in paragraph 145 (g) in the determination of inappropriateness. I agree with that approach.
10. In Green Belt terms the concept of openness encompasses both the visual and spatial aspects of development. In introducing further built development at the appeal site, even allowing for the removal of the existing workshop, the proposal would have a greater impact on the openness of the Green Belt than the existing development in spatial terms. The existing workshop has floor area of approximately 100m², and the proposed building would have a floor area of approximately 330m² giving a net floorspace increase of 230m². Whilst the proposal seeks to limit the visual impact of the proposal by setting it into the site, and screening which currently exists and that proposed, it would not diminish the proposal's spatial effect on openness.

¹ Appeal ref. APP/J1915/W/18/3207552 dated 2 April 2019

11. Although the proposal includes measures which seek to limit the effect on openness, I conclude that the proposal would nevertheless constitute inappropriate development, which the Framework establishes should not be approved except in very special circumstances, and would also be in conflict with Policy GBR1 of the District Plan which seeks to protect the openness of the Green Belt in line with the provisions of the Framework.

Character and appearance

12. The proposed building would be faced in steel sheeting, with a low mono pitched roof and three sliding door openings to the front elevation. The roof and walls would be powder coated forest green². The appellants suggest that the proposed building would have an appearance similar to that of an agricultural building, although it could equally be described as having that of an industrial unit. However, the proposal would have a low profile when compared with the existing workshop and would be well screened from views from the B180 Hunsdon Road close to the site. It would also have limited effect on the character and appearance of the brick buildings forming the rest of the Home Farm Industrial Estate.
13. As the previous Inspector indicated, the use of landscaping and building colour to seek to hide a building is not a good reason to allow inherently unacceptable development. The proposal would be less obtrusive than the temporary building and the retention of the proposed landscaping for the lifetime of the development could be secured via condition. However, there would be some visual impact in longer views, at least until the perimeter landscaping matured, which could take many years.
14. The proposed removal of the existing workshop would also provide some mitigation of the overall impact of the proposed development on the surrounding countryside. However, the removal of the building would not of itself be of significant benefit to the visual appearance of the area due to its location within the site and existing screening.
15. Bringing the above points together, I conclude that the proposal would result in some limited harm to the character of the site and surrounding area, and would therefore be in conflict with Policy DES4 of the District Plan, which requires amongst other things that development must be of a high standard of design and reflect and promote local distinctiveness and make the best use of land by respecting or improving the character of the site and surrounding area.

Other Considerations

16. The appellants' business employs 6 people based in both the workshop on the site and office accommodation within Unit 5 of the Industrial Estate. The existing workshop building allows work to be undertaken on 2 vehicles at a time, and currently similar use is made of the temporary building. This represents a significant level of economic activity in a rural area, and the appellant says that only local people are employed. The Framework recognises that in order to meet the needs of rural business it may be necessary to look beyond existing settlements, but that also development must be sensitive to its surroundings.

² I assume that the sliding doors would also be green in colour.

17. The existing workshop building is nearing the end of its useful life and the appellants say that the proposal is required to enable the business to operate from the site in the long term. I have no reason to disagree with this argument. The previous Inspector made the observation that the temporary building may not have been the only option to cater for the expansion of the business and what is now proposed may represent an improvement on the previous proposal in terms of visual appearance. However, no evidence has been presented to me which establishes that the business could not find alternative premises which could accommodate the business in a location which would not give rise to conflict with planning policy.
18. The proposal would not cause harm to the living conditions of the residents of Home Farm Cottages, due to the intervening distance and presence of the Industrial Estate, nor would any issues of highway safety occur as the site is well served by the existing access and availability of off street parking.

Planning Balance and Conclusion

19. The Framework sets out that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness or any other harm resulting from the proposal, is clearly outweighed by other considerations.
20. In the current case the considerations advanced in support of the scheme carry moderate weight in its favour. There would be economic benefits arising out of the proposed development in terms of securing employment in a rural area, to which I attach moderate weight. However, these would not clearly outweigh its Green Belt harm, a matter which attracts substantial weight. For these reasons, it has not been demonstrated that very special circumstances exist which would justify the proposed development.
21. The absence of harm to the living conditions of local residents or highway safety are neutral factors in the planning balance.
22. In addition, I have found conflict with the Framework and the aims of Policy GBR1 of the District which taken together, and amongst other matters seek to protect the openness and permanence of the Green Belt. There is also conflict with Policy DES4 of the District Plan due to the limited effects which would be caused to the character of the site and surrounding area.
23. No material considerations justify a decision other than in accordance with the development plan, with which the proposal would conflict. Accordingly, for the reasons set out above, and the appeal is dismissed.

Tim Wheeler

INSPECTOR