



Appeal Decision

Site visit made on 10 March 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2020

Appeal Ref: APP/B1930/W/19/3242605

The Barn, Nicholls Farm, Lybury Lane, Redbourn, Hertfordshire AL3 7JH

- 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 Lee Turner against the decision of St Albans City & District Council.
 - The application Ref 5/19/1540, dated 14 June 2019, was refused by notice dated 18 September 2019.
 - The development proposed is described as 'change of use from Class B2 (general industrial) to Use Class C3 (residential), retention of swimming pool and associated landscaping and decking and ancillary barn for garage and office following demolition of previous industrial building (retrospective)'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At my visit I observed that the proposed development has already taken place. I have determined the appeal on that basis.

Main Issues

3. The appeal site is within the Green Belt. Accordingly, the main issues are:
 - i) Whether or not the proposal would be inappropriate development in the Green Belt, including with regard to the effect of the proposal on the openness of the Green Belt and its purposes; and
 - ii) if the development would be 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 necessary to justify it.

Reasons

Whether Inappropriate Development in the Green Belt

4. The appeal site is part of a small cluster of buildings around the listed building of Nicholl's Farm. The buildings here vary in scale and design, and are in assorted uses including residential, commercial and equestrian use. The surrounding landscape predominantly comprises open fields, although the M1 motorway runs fairly close to the edge of the cluster separating it from the edge of Redbourn. A bridge crossing over the motorway provides vehicular access to the site.

5. The appeal relates to part of the appeal site which the appellant indicates was previously in general industrial (Class B2) use as a car garage for vehicle repair, vehicle bodywork, paintwork and MOTs. At my visit, I saw that the site is being used in association with the detached dwelling known as 'The Barn'. A number of structures are present including a garage with first floor office space, a swimming pool, decking with a timber pergola and bar, a shed containing plant equipment for the pool and a kennel as well as fencing to the boundaries, separating the swimming pool and decking area from the garage and office building, and around the kennel. The majority of the site comprises areas of hardstanding, with some areas of soft landscaping and planters.
6. Notwithstanding the appellant's comments, Green Belt is not a landscape designation. Instead, the National Planning Policy Framework (the Framework) identifies that 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 permanence. With regard to openness, the Planning Practice Guidance makes it clear that this has both a spatial and visual dimension¹.
7. The Framework further states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Saved Policy 1 of the St Albans District Local Plan Review 1994 (the DLPR) restricts development within the Green Belt unless it is for one of a list of specified purposes or there are very special circumstances. This policy pre-dates and is not wholly consistent with the terms of the Framework, but it nevertheless defines the extent of the Green Belt and references its stated purpose.
8. At paragraph 145, the Framework indicates that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, exceptions to this include limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
9. Paragraph 146 of the Framework additionally sets out that certain other forms of development may also be considered not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One such form of development listed is 'material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)'. The main parties have suggested that the inclusion of the swimming pool would relate to use for outdoor sport or recreation, but this is only a part of the proposed development. Even so, I note that the examples given within the Framework are not exclusive. Other development which preserves the openness and does not conflict with the purposes of Green Belt may therefore be capable of meeting this exception.
10. It is common ground between the main parties that the appeal site would fall within the definition of previously developed land, and from the information before me, I agree with this position. However, the mere fact that there was development previously present on the site does not mean it did not contribute to the openness or purposes of the Green Belt.

¹ Paragraph: 001 Reference ID: 64-001-20190722

11. The development applied for has already been carried out, but the appellant's evidence indicates that the site previously accommodated a workshop, garage and storage building. I do not have full particulars of these structures, but the details provided of their overall dimensions and layout on the site have not been disputed by the Council.
12. These details illustrate that the previous buildings were positioned towards The Barn and the centre of the cluster of larger-scale buildings in which the appeal site is located. In my view, the limited spread of built form across the site together with the relatively small scale and low height of the structures would have been likely to limit the spatial impact of the development on the openness of the Green Belt. Moreover, given screening by neighbouring buildings and to the boundaries of the site, these factors would also reduce likely opportunities for views of the development from the surrounding area.
13. In contrast, there is no dispute between the main parties that the footprint and volume of development on the site have increased. From the information before me, I cannot be confident over the degree of any change in the extent of hardstanding on the site. However, the evidence points to total increases over the previous development of around 190% in the footprint and 25% in volume. The appellant has also indicated that the garage and office building is around 1.6m taller than the maximum height of the previous structures.
14. While the appellant has suggested that the increases are not disproportionate, the relevant test is whether or not there is a greater impact on the openness of the Green Belt. In my view, increases of the extent highlighted by these quantifiable measures could not reasonably be considered anything other than material. The increases signal a clear uplift in the amount of built form on the site, with an inevitable loss of openness in spatial terms in comparison to the previous development.
15. Nevertheless, I am mindful that such considerations should not rely solely on a mathematical comparison of size, a principle which is borne out by a number of court cases which have been referred to by the main parties where the matter of openness has been considered.
16. Most of the volume of built form on the site is consolidated within the garage and office building, but the pool plant shed and kennel buildings as well as the pergola and outside bar contribute additional volume. Together with the decking and swimming pool, these result in a greater outward spread of development across the site than the evidence indicates existed prior to the development taking place. The increased site coverage further impacts on the openness of the Green Belt.
17. With regard to the visual aspect of openness, the appeal site is part of a small cluster of buildings where neighbouring buildings, vegetation and boundary treatment screen the development from some viewpoints. However, it is clear from my visit and the appellant's Landscape and Visual Impact Assessment dated 25 November 2019 (LVIA) that there are views of the development from the surrounding area, most particularly of the garage and office building. These include views from the access road as it crosses the motorway, and from nearby public rights of way.
18. I acknowledge that the swimming pool and decking are not clearly seen from outside of the appeal site, and that views of the pool plant shed are limited to a

very small part of the roof. I also note that the floorspace and volume of development on the site has been consolidated primarily within the garage and office building. However, I find that the increased height of this structure and its overall scale give it a greater prominence in available views.

19. Furthermore, the garage and office building has resulted in the spread of built form of greater height towards the north of the appeal site and the adjacent equestrian site which has a more open character, Notwithstanding any different layout of the site historically, the evidence I have suggests that the northern part of the site was undeveloped prior to the appeal development taking place. The contrast of the increased size, mass and height of the garage and office building against the more open aspect of this part of the site previously gives further prominence to the development.
20. I agree with the appellant that the design and materials of the development are sympathetic to the site's surroundings and that it does not appear out of character given the mix of buildings around the site. I also acknowledge that the garage appears subservient to the nearby dwellings at The Barn and The Sycamores given their greater height and overall scale. Even so, these are not factors which affect the impact of the development on the openness of the Green Belt, and there remain views of the development.
21. For these reasons, I disagree with the appellant and find that the development also has a greater impact on the Green Belt in visual terms than the previous development on the site, albeit that the magnitude of this impact is somewhat limited by the relatively small scale of the development.
22. By extending the spread of development towards the periphery of the site and adding to the mass of buildings on the site, I find that the proposal also results in greater encroachment of development into the countryside, contrary to one of the purposes of including land within Green Belt.
23. I therefore conclude that the proposal has a greater impact on the openness of the Green Belt in both spatial and visual terms than the pre-existing development. It would also result in conflict with one of the purposes of including land within the Green Belt. Accordingly, the proposal does not meet the exceptions identified at paragraphs 145 or 146 of the Framework and therefore constitutes inappropriate development which is, by definition, harmful to the Green Belt.

Other Considerations

24. I acknowledge that general industrial uses such as the car garage which previously operated from the site are capable of generating impacts which may adversely affect the surrounding area in terms of noise, disturbance, traffic or visual effects. I also have no reason to doubt the appellant's statement that there is no restriction in terms of hours of operation or noise output on the lawful use of the site. The proposed residential use would put an end to the potential for adverse effects associated with general industrial activity and this would be a benefit of the development. However, adverse impacts are not an inevitable outcome of such a use and I have limited evidence to demonstrate that the past use of the site did result in material harm in these regards, or that harm would be unavoidable should active use of the site resume.

25. I note the appellant's comments that ceasing the use of the site of The Barn as a car garage was a factor which contributed to the Council finding that there were very special circumstances to justify its change of use to a dwelling². However, from the limited information before me this related to change of use of an existing building, and so the circumstances are not directly comparable to the proposals before me.
26. I agree with the appellant that the rural vernacular and use of external materials that match The Barn mean that the garage and office building is sympathetic to the surrounding context and it assimilates well with the wider group as a subservient feature to The Barn. I also note that some additional, albeit limited, soft landscaping is provided on the site. In layout terms, the development would also reflect a traditional farmyard and would provide some enclosure of the space around Nicholls Farmhouse, as well as providing some screening to the motorway from this listed building. In these regards, the development represents an improvement in comparison to the previous structures on the site.
27. However, given the relatively small scale and low height of structures and associated use of the site previously, visibility from outside of the appeal site would have been fairly limited. Moreover, the rear garden serving The Barn and intervening boundary treatment provide separation to Nicholls Farmhouse. From the information before me, I am not therefore persuaded that the previous use or development on the site detracted from the setting of this listed building or from the character or appearance of the area to any significant degree. Furthermore, I cannot be certain that resumed industrial use of the site in future would necessarily result in a greater visual impact. Accordingly, I find that the enhancement offered to the setting of the listed building and the character and appearance of the area is modest at best.
28. The appellant suggests that in the absence of the appeal proposal, permitted development rights³ could be utilised to erect a building for industrial purposes on the site. However, it is not clear from the very limited details before me that such permitted development rights would be applicable to the appeal site. Nor has it been shown that any such scheme would result in greater harm to the Green Belt than the appeal development. Moreover, even if there were a theoretical possibility of such a development, it is far from certain that this would be likely to occur, particularly given that the site is not currently in active industrial use and the appellant has indicated that such a use is unlikely to resume. Accordingly, I can only give this potential fallback limited weight.
29. Finally, in comparison to the previous use as a car garage, I have no reason to doubt that there would be fewer vehicle trips to and from the site and the site would be used ancillary to the existing residential use of The Barn. I also acknowledge that the garage and office building would support homeworking, potentially reducing the need for occupiers of The Barn to travel for work. These are benefits which weigh in favour of the scheme.

² Application reference 5/2013/2450

³ Under the provisions of Schedule 2, Part 7, Class H of the Town and Country (General Permitted Development) Order 2015

Planning Balance and Conclusion

30. Drawing matters together, the proposed development causes harm to the Green Belt by virtue of inappropriateness. There is also harm as a consequence of the greater impact of the development on the openness of the Green Belt in both spatial and visual terms, and harm to one of the purposes of Green Belt. In accordance with the Framework, I give this harm substantial weight.
31. The cessation of general industrial use of the site would be a benefit. There would be some further benefits through enhancement to the character and appearance of the area and the setting of the nearby listed building, and through a reduction in vehicle trips associated with the site.
32. Nevertheless, I find that the other considerations in this case do not clearly outweigh the harm that I have identified so as to amount to the very special circumstances necessary to justify the development in the Green Belt. The proposal would therefore conflict with the Framework, and there would similarly be conflict with Saved Policy 1 of the DLPR.
33. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR