



Appeal Decision

Site visit made on 8 January 2020

by **S Shapland BSc (Hons) MSc CMILT MCIHT**

an Inspector appointed by the Secretary of State

Decision date: 6 April 2020

Appeal Ref: APP/J1915/W/19/3236746

Thorley Street Paddock, Thorley Street, Bishops Stortford, Hertfordshire

- 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 M Pegrum (J Day and Son Ltd / Daystone Fireplaces Ltd) against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0542/FUL, dated 8 March 2019, was refused by notice dated 14 May 2019.
 - The development proposed is erection of a 2 storey business unit (587sq m) with associate access, parking (12 spaces) and landscaping.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework);
 - The effect of the proposal on the openness of the Green Belt;
 - The effect on the character and appearance of the area; and
 - If the appeal development is inappropriate development, 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 the development.

Reasons

Inappropriate development in the Green Belt

3. The appeal site is located within the Metropolitan Green Belt. The Framework, in paragraph 143, states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a limited number of exceptions as set out in paragraph 145 of the Framework. One such exception is the limited infilling in villages in paragraph 145 e).

4. The appeal site is a large open paddock located within the village of Thorley Street. The open nature provides a positive contribution to the street scene and open views towards the countryside. The village itself is formed by ribbon of development along Thorley Street. Whilst it is in close proximity to the larger settlement of Bishops Stortford, Thorney Street is a small settlement with limited built development and therefore has verdant and rural characteristics.
5. The Framework and the development plan do not provide a definition of limited infill development. The site is surrounded on two sides by existing development, to the north there is a commercial unit and to the south, beyond an access track is a residential property with allotment gardens to the rear. I accept that the presence of development either side of the appeal site would indicate that the site could be considered infill in a village.
6. Turning to whether this infill could be considered as "limited"; the Oxford English Dictionary defines "limited" as "restricted in size, amount or extent". The appeal site is a large open plot with a frontage to Thorney Street of some 85 metres. As such there is a considerable separation distance between the existing development on either side of the plot. The appeal site is considerably larger than the adjacent plots and as such it does not follow the existing pattern of built development along the street. As such in my judgement, the large frontage and overall size of the appeal site, would go beyond what could reasonably be considered as "limited".
7. The appellant has cited appeals in Stockport¹ and Aspley Guise² where the inspector interpreted the definition of infill development. In the first case the inspector found that infilling implied the development of a site that is between existing buildings. In respect of the plot itself, it was between plots of similar sizes and formed part of the wider established built form. My approach to assessment is consistent insofar as the general definition of infill and looking at how the appeal site size relates to the existing pattern of development. However, using my own planning judgement in relation to the facts and observations of this case simply reached a different conclusion.
8. For the Aspley Guise appeal, the infill development constituted small-scale development utilising a vacant plot which should continue to complement the surrounding pattern of development. Whilst in principle this might have some similarities with the case before me, as I have not been provided with the full circumstances of these cases, I cannot be certain that the circumstances are the same.
9. In any event, given the large expansive nature of the appeal site which does not follow the existing pattern of built form it would not appear directly comparable to the conclusions drawn in the cited appeals which are not within East Herts. My findings are based on the observations made during my site visit and the evidence provided as part of this appeal.
10. Accordingly, the proposal would be inappropriate development in the Green Belt as it would not represent limited infilling in a village. It would conflict with Policy GBR1 of the East Herts District Plan 2018 (DP), which seeks amongst other things that development in the Green Belt follows the provisions provided in the Framework.

¹ APP/C4235/W/18/3194600

² APP/P0240/W/17/3185864

Openness

11. A fundamental aim of Green Belt Policy, as set out in paragraph 133 of the Framework is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The construction of a two-storey commercial unit, including new access and hardstanding would result in built development where there is presently none. The overall scale, bulk and footprint of the building, with accompanying development including the parking of cars in the car park would inevitably lead to a loss of openness. This is particularly the case as the site currently has no buildings or other development present on site.
12. Whilst the site is currently screened when viewed from the road, the proposed building and introduction of a new access junction and parking areas would be clearly visible from a number of locations including the adjacent commercial unit. As such the development would lead to a significant loss of Green Belt openness and would conflict with the Green Belt purpose of limiting the encroachment of development into the countryside.

Character and Appearance

13. The appeal proposal would introduce a stark commercial building into an existing expansive plot. The proposed design of the unit including the use of vertical metal cladding would be utilitarian in nature and not in keeping with the surrounding rural nature of the area. The proposal would include a considerable amount of hardstanding for the turning area for vehicles servicing the proposed building, which would appear as an incongruous addition and urbanise this rural location. Whilst the proposals would maintain a degree of screening from public viewpoints with mature vegetation, the appeal proposals would still be visible from Thorley Street and neighbouring properties including the adjacent commercial unit.
14. I note that the submitted landscape and visual impact assessment³ submitted as part of the application indicates that additional planting would be provided which would aid in the further screening of the proposal. This includes additional planting on the boundary between the appeal site and the adjacent commercial unit, as well as replacement of any planting lost on the boundary with Thorley Street. However, the proposal would still be visible from both Thorley Street and neighbouring properties and would appear as a stark contrast to the existing verdant nature of the plot. Additional planting would not ameliorate the harm that I have found.
15. I note that whilst there is an existing commercial unit adjacent to the appeal site, it is much smaller in scale than the appeal proposal and is set back further from the highway. By comparison the scale and siting of the proposed commercial building with large amounts of hardstanding would appear as an incongruous addition to the street scene and within the wider rural landscape.
16. As such the proposed development would harm the character and appearance of the area. It would be contrary to policy DES4 of the DP, which seeks, amongst other things that new development is of a high-quality design which reflects and promotes local distinctiveness.

³ Landscape and Visual Impact Assessment prepared by Greenlight environmental consultancy dated 15 February 2019

Other Considerations and the Green Belt balance

17. The scheme would be inappropriate development in the Green Belt as defined by the Framework. Substantial weight has to be attached to any harm to the Green Belt. The proposal results in a reduction in openness and harms the character and appearance of the area, and significant weight must be attached to this.
18. The appellant's business is currently located in Bishops Stortford, and due to factors outside of their control will need to leave this site in the near future. I have had regard to the evidence from Coke Gearing Chartered Surveyors which outlines the difficulties in finding a new site to relocate the business. From the evidence submitted it is clear that the appellant has been looking for an appropriate premise in the area for some time with little success. The relocation of the business to the appeal site could therefore secure the long-term future of a local business, including retaining a local workforce. I note that there have been third party letters of support for the proposal which supports this assertion. The loss of this business would have the potential to impact the local economy, and therefore I attach significant weight to the economic and social benefits of retaining the business and existing workforce within the general locality.
19. By maintaining a local workforce the appellant has stated that this would reduce the need for vehicular commuting, which would provide an environmental benefit. I acknowledge that several third parties have written in support of the proposals, and indicate the relocation to this site would allow them to walk to the new site. However, as I have been provided with no substantive evidence of the existing workforce and the patterns of commuting by the appellant to the current site in comparison to the appeal site, it limits the weight that I can attribute to this.
20. It has been put to me that the provision of modern machinery within the appeal site would provide environmental benefits as they would use less water than those on the current site and would be more energy efficient. I have not been provided with any cogent evidence to prove this would be the case, so can only attach limited weight to this assertion.
21. The appeal site is located within the setting of the Grade II Listed Building known as 'The Blue House'. As such I have had regard to my statutory duties under S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I find that the proposed development would be well screened from this listed building by the existing commercial premises adjacent to the appeal site and would therefore not harm the setting of the listed building. Consequently, the appeal proposal would have a neutral effect on the significance of the designated heritage asset. I note that the Council raised no concerns in this regard.
22. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

23. For the reasons given I conclude that the appeal should be dismissed.

S Shapland

INSPECTOR