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# Appeal Decision

Site visit made on 21 May 2020

**by Matthew Woodward BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22<sup>nd</sup> June 2020**

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**Appeal Ref: APP/C1950/W/20/3246156**

**Howe Wood Farm, White Stubbs Lane, Bayford, Essendon SG13 8QA**

- 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 Wrangle against the decision of Welwyn Hatfield Borough Council.
  - The application Ref 6/2019/2852/FULL, dated 7 November 2019, was refused by notice dated 23 January 2020.
  - The development is the change of use of land to create scaffolding and storage yards.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. As 'retrospective' is not an act of development, I have omitted the term from the description of development in the banner heading above.
3. I observed on my site visit that development had already been carried out. Whilst some of the materials on the site were stored outside of the storage containers and racks specified on the submitted plans, I appreciate that the nature of a storage yard use means that the precise location of stored material is dynamic. The observations I made on site were sufficiently similar to the details contained on the submitted plans. Therefore, I am considering the development that has been implemented.

## Main Issues

4. The main issues are:
  - Whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including its effects on the openness of the Green Belt and the purposes of including land in it;
  - The effect of the development on the character and appearance of the area;
  - The effect of the development on highway safety; and,
  - 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 necessary to justify the development.

## **Reasons**

### *Whether inappropriate development*

5. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 146 states that material changes in the use of land are not inappropriate in the Green Belt provided they preserve openness and do not conflict with the purposes of including land in it. Paragraph 145 of the Framework makes it clear that new buildings are inappropriate in the Green Belt, subject to a number of exceptions.
6. The Council contends that the combined effect of the scaffold racks, containers and change of use of the land comprises inappropriate development in the Green Belt. To my mind, the scaffold racks and containers are an intrinsic part of the use of the land for its storage purpose. In this regard, I could see on my site visit that the yard was occupied by containers, along with several structures comprising poles which were partly covered in corrugated sheeting. The corrugated sheeting and containers appeared as relatively solid structures when approaching the appeal site from the main farm buildings along the access. Whilst the metal poles and wooden boards which make up the scaffold racks appeared less substantial in their appearance than the containers<sup>1</sup>, the height and width of all the elements on site combined constituted visible intrusions which markedly diminished the openness of this part of the Green Belt.
7. Moreover, the appeal site is located on land which is appreciably separate from the main cluster of buildings which make up the nucleus of the farm. Despite views from public vantage points being limited, the appeal site is relatively large and the development is a notable incursion into an area of countryside which is otherwise largely open. It is difficult to envisage storage yard activities taking place in an open area such as this without impacting on the area's openness. Consequently, the development fails to preserve the openness of the Green Belt and safeguard the countryside from encroachment, thus conflicting with one of the purposes of including land in the Green Belt.
8. As a result of the foregoing, it has not been necessary for me to consider whether the scaffold racks and containers constitute 'buildings' for the purposes of paragraph 145 of the Framework, as the change of use of land in itself is inappropriate due to its conflict with the requirements set out in paragraph 146.
9. In conclusion, I find that the development is inappropriate development in the Green Belt that is, by definition, be harmful to the Green Belt. It fails to meet the requirements of paragraphs 134 and 146 of the Framework which require that the openness of the Green Belt is preserved and that there is no conflict with the purposes of including land in the Green Belt.

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<sup>1</sup> Albeit that the scaffold racks were not fully loaded with material/items when I visited the site

### *Character and appearance*

10. Visibility of the appeal site from White Stubbs Lane is significantly curtailed due to distance and the presence of existing farm buildings and trees. Moreover, from what I could discern on my site visit, obtainable views from other public vantage points appear to be limited.
11. Nevertheless, the containers and structures which make up the appeal site have an incongruous and utilitarian appearance, at odds with the verdant countryside surroundings. The fact that the appeal site is detached from the main farm buildings means that there is little in the way of existing built form to assist in assimilating the development with its surroundings. Therefore, I find that the development harms the character and appearance of the area, contrary to Saved Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 (District Plan) which requires development to be of high quality which respects the character of its surroundings. The development fails to address paragraph 130 of the Framework which requires that development improves the character and quality of the area. This is a matter which weighs against the development.

### *Highway safety*

12. Howe Wood Farm already accommodates a multiplicity of uses<sup>2</sup>. No evidence has been submitted concerning the vehicular movements associated with the existing uses, neither have I been presented with any evidence to suggest that the existing traffic movements associated with Howe Wood Farm, in combination with the movements associated with the development, have resulted in accidents.
13. That said, the extent to which the storage yard generates vehicular movements has not been clarified by the appellant, and the Council's contention that the storage use generates additional HGV movements over and above those associated with the farm is not contested. Furthermore, I saw two points of access from White Stubbs Lane on my site visit. One access comprises a surfaced driveway which leads directly from the road to the farmyard, with onward access to the site. However, there is a hedgerow which runs along the boundary of the farm parallel with the highway and it is unclear whether this obscures views along the road in an easterly direction. The other access is located further to the west and comprises a wider, poorly surfaced track which leads indirectly to the farm. However, access from the main highway to this unsurfaced track is relatively close to a bend in the road.
14. Consequently, I have concerns that, whichever access is used, no swept path details or information relating to the type and number of vehicles accessing the appeal site has been provided to demonstrate that vehicles travelling to and from the site along the lane and utilising either access can do so in a safe manner. Although I am aware that vehicles are already likely to access the farm on a regular basis, I am concerned that HGVs or other large vehicles accessing the appeal site on a regular basis may enter and leave the appeal site from the highway at a much slower speed than the vehicles which predominantly access the farm, leading to potential conflict with vehicles travelling along the lane.

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<sup>2</sup> According to the Council these include commercial, residential and equestrian uses

15. For the foregoing reasons I conclude that the development has an unacceptable effect on highway safety. It conflicts with paragraph 109 of the Framework which requires that development should be resisted if it results in an unacceptable impact on highway safety. This weighs against the development.

*Other considerations*

16. The Framework requires me to come to a view as to whether or not, in Green Belt terms, there are other considerations that clearly outweigh the totality of the identified harm so as to amount to very special circumstances. In this regard, the appellant opines that the development is an unneighbourly use which is better located away from residential properties. It is also likely that the development is a source of local employment, although precise details supporting this consideration are limited. These matters weigh in favour of the scheme.
17. The appellant also states that such uses are difficult to accommodate on allocated employment sites due to viability. However, no information has been provided detailing alternative sites locally and any viability constraints associated with the use. Therefore, there is insufficient evidence to demonstrate that the business could not be conveniently relocated to an alternative site. Furthermore, Saved Policies R1 and EMP8 of the District Plan require that employment development prioritises previously developed land and allocated employment sites. There is no substantive evidence before me to suggest that this site is appropriate for the development, thus there is conflict with Policies R1 and EMP8, which also weighs against the scheme.

**Conclusion and planning balance**

18. The appeal scheme is inappropriate development in the Green Belt which is harmful by definition. According to the Framework, substantial weight should be attributed to any harm to the Green Belt. In addition, I have found that the development adversely impacts on the character and appearance of the area, and adversely affects highway safety, matters to which I apply significant weight. Prior to the use, the land was not developed and there is no justification for this employment generating use in this countryside location. This also weighs significantly against the scheme.
19. In terms of overall benefits, I attach only limited weight to the site's location away from neighbouring properties, and the contribution it makes to local employment. However, these benefits are not sufficient to clearly outweigh the harm I have identified.
20. I therefore conclude that the harm by reason of inappropriateness, and any other harm, is not clearly outweighed by other considerations, such that the very special circumstances necessary to justify the development do not exist. Thus, the appeal should be dismissed.

*Matthew Woodward*

INSPECTOR