



Appeal Decision

Site visit made on 3 August 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2020

Appeal Ref: APP/C1950/W/20/3250656

Danecroft Riding Stables, 1A Vera Lane, Digswell, Welwyn AL6 0EW

- 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 Kempster against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2019/3135/FULL, dated 11 December 2019, was refused by notice dated 6 February 2020.
 - The development proposed is conversion of barn into residential dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Both parties have made submissions regarding the Council's emerging local plan. However, I do not have any details to show how close to adoption the emerging plan is. I have therefore only given it limited weight in determining this appeal.

Main Issues

3. The main issues are:
 - whether the appeal proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies,
 - whether the appeal proposal would be sustainable development, having regard to its location,
 - the effect of the appeal proposal on the character and appearance of the surrounding area; and,
 - if the appeal proposal 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 it.

Reasons

Green Belt

4. The appeal site is in the Green Belt. Paragraph 143 of the National Planning Policy Framework (the Framework) states that inappropriate development is,

- by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. Paragraph 146 of the Framework specifies certain forms of development that are not inappropriate in the Green Belt. These include the re-use of buildings of permanent and substantial construction, provided that the re-use would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.
 6. Policies GBSP1 and GBSP2 of the Welwyn Hatfield District Plan Adopted April 2005 (the DP) collectively state that the Green Belt in the district will be maintained and new development in the district directed towards towns and specified settlements for the purposes of achieving sustainable development. The appeal site lies outside of any of the named towns and settlements.
 7. The appeal proposal would not alter the extent of built form on the site. I have no evidence before me to suggest that the building to be converted is not of permanent and substantial construction. However, the development would involve the creation of a residential curtilage around the building, including a 300 square metre private garden. The extent and regular size and siting of the proposed glazing would also result in a more residential character to the building that I consider would be out of keeping for a barn conversion. The appeal site is located towards the end of Vera Lane, and is visually separated from the nearest residential properties. The change of use to a dwelling would therefore result in encroachment of the countryside, contrary to one of the purposes of including land within the Green Belt.
 8. The site is open to views from the footpath that passes the site. The change in use would be likely to result in the domestication of the site, including the accumulation of domestic paraphernalia. While the change of use would result in the removal of equine paraphernalia from the site, the presence of such is typical of an equestrian use in a rural location. I consider that the change in the use and character of the site resulting from the appeal proposal would result in a loss of openness in this Green Belt location.
 9. I therefore find that the appeal proposal would be inappropriate development in the Green Belt which the Framework establishes should not be approved except in very special circumstances. It would also conflict with the requirements of DP Policies GBSP1 and GBSP2, the requirements of which I have set out above.

Location

10. The appeal site is located near the end of Vera Lane, which I saw during my visit is an unlit, single track lane and unmade in the vicinity of the site. Given the narrowness and condition of Vera Lane I think it unlikely that future occupiers will make regular trips to access services and facilities on foot or by bicycle. I instead consider it probable that most trips to and from the appeal site would be likely to use private vehicles.
11. The site has been in use as an equestrian stables with a mobile home on site, and this use can generate traffic both from employees and customers, as well as from any residents. However, I do not have any details of the typical level of traffic associated with the existing use. The proposed dwelling shows four double bedrooms, and could potentially be home to a large family with several vehicles generating a large number of trips each day.

12. The Framework recognises the importance of sustainable transport. While opportunities to maximise sustainable transport will vary between urban and rural areas, it also recognises the importance of avoiding adverse environmental impacts from traffic. DP Policies SD1, H2, GBSP1 and GBSP2 collectively direct development towards the specified settlements in the district for the purposes of achieving sustainable development, and the appeal proposal would conflict with this aim.
13. I therefore find that the development proposed would not be sustainable development, having regard to its location.

Character and Appearance

14. The appeal site is located within the countryside, and within the Tewin, Dawley and Lockley Estate Farmland Landscape Character Area, identified as a south-facing, strongly undulating rural slope consisting of mixed arable farmland and woodland in the Welwyn Hatfield Landscape Character Assessment April 2005.
15. Within this context the appeal site is previously developed land, and the development proposed would not alter the extent of built form on the site. However, I find that there would be modest harm from the introduction of a residential use in this rural location given that the site is visually separated from the closest residential properties.
16. I therefore find that the appeal proposal would cause harm to the character and appearance of the surrounding area. It would conflict with DP Policies D1 and D2 which, amongst other criteria, require that development proposals should as a minimum maintain the character of the existing area.

Other Matters

17. The appellant states that the Council cannot demonstrate a five year supply of housing land, and that the shortfall is substantial at 3.10 year supply. The Council has not disputed this. As I have found that the appeal proposal would be inappropriate development in the Green Belt the presumption in favour of sustainable development identified at paragraph 11 of the Framework does not apply in accordance with footnote 6 to paragraph 11. However, the contribution that the appeal proposal would make to the Council's supply of housing land does weigh in favour of the proposal. I shall return to this matter below.
18. The appellant has suggested that Green Belt policy in the DP is not compliant with the Framework. However, no specific policy has been identified, nor exactly what conflict is thought to exist. I have, in any case, found that the appeal proposal would be inappropriate development that would conflict with the requirements of the Framework.
19. I have had a previous appeal decision relating to residential development of this site brought to my attention. However, given the time that has passed since that decision and as it related to a new building rather than conversion of an existing building I have only given it limited weight in my determination of this appeal.
20. I have considered whether removal of permitted development rights would make the development proposed acceptable. However, this would only limit certain further developments on the site and would not overcome the identified harm arising from the proposed change of use.

21. The Council's third reason for refusal refers to DP Policy RA10. I have not been provided with a copy of this policy, so have not been able to consider it in my determination of this appeal.

Whether very special circumstances exist

22. I have found that the development proposed would result in harm to the Green Belt by reason of inappropriateness. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt. In addition, I have found that there would be further harm arising due to the appeal site not being a sustainable location for new development, and from the effect of the appeal proposal on the character and appearance of the surrounding area. I consider that in this instance these would amount to moderate additional harm.
23. The appellant has identified matters that they consider would be benefits arising from the development proposed. The appeal proposal would contribute to the Council's housing land supply. It would reuse an existing building of permanent and substantial construction to create an energy efficient and low carbon dwelling. The appeal site, though some distance from services and facilities, is not isolated for planning purposes. There would be temporary economic benefits arising from the appeal proposal, as well as ongoing economic and social benefits from the occupation of the proposed dwelling, including the support of services and facilities in the surrounding settlements. The development could also deliver biodiversity enhancements through appropriate landscaping measures.
24. However, the scale of benefits arising from the appeal proposal would be limited as the development proposed only relates to a single dwelling. I do not consider that these benefits would clearly outweigh the harm that I have identified to the Green Belt by reason of inappropriateness and other harm. I do not, therefore, consider that very special circumstances exist to justify the development proposed.

Conclusion

25. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR