



Appeal Decision

Site visit made on 4 September 2020

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 16 September 2020

Appeal Ref: APP/C1950/W/20/3250046

Beavers Lodge Farm, Tylers Causeway, Newgate Street, Hertford SG13 8QN

- 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 Ms Lorraine Edwards of Lozzas Lurcher Rescue against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2020/0080/FULL, dated 13 January 2020, was refused by notice dated 13 March 2020.
 - The development proposed is retention of building and part demolition (modification to roof design and eastern end of building gable to hipped roof).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies;
 - b) the effect of the proposal on the openness of the Green Belt; and
 - c) if the proposal 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 required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. Policy GBSP1 of the Welwyn Hatfield District Plan 2005 (the District Plan) states that the Green Belt will be maintained in Welwyn Hatfield as defined on the Proposals Map. NPPF paragraph 145 regards the construction of new buildings as inappropriate development in the Green Belt. One of the exceptions in paragraph 145(c) is the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.
4. The appeal site lies within the Metropolitan Green Belt and forms part of Beavers Lodge Farm on the north side of Tylers Causeway. The site comprises a white pitched roof building and the access drive and pathway to it. The appeal building has been extended northwards and has been subject to

- enforcement action to reduce its size. Planning permission has been granted to remove a 3 metre by 8.4 metre portion of the building but does not yet appear to have been implemented. Planning permission has been refused at appeal to retain the extended building in its entirety (the 2018 appeal¹) and to retain it following the part demolition of an attached timber building (the 2019 appeal²).
5. The parties concur that current footprint of the appeal building measures approximately 12 metres wide by 8 metres deep. The Council states, and the appellant does not disagree, that the depth of the original building was around 4.5 metres and that the footprint increase is approximately 86%.
 6. The NPPF does not define the term 'disproportionate'. The emerging Local Plan Policy SADM34 refers to a quantitative and qualitative assessment, with an enlargement of 50% or more generally refused but each case assessed on its own merits. This policy is not yet adopted, which limits the weight it can be afforded, but it nevertheless provides some guidance.
 7. The appeal building has been enlarged by significantly more than 50% and has almost doubled in footprint. The original building may have been small, but it has been subsumed into the enlarged building. The proposed alteration of the roof on its eastern side from a gable to a hipped slope would only represent a modest reduction in the overall building. The enlargement of the building would still be considerable even with the reduction. Therefore, the proposal would constitute a disproportionate addition to the original building and would represent inappropriate development in the Green Belt.
 8. The Inspectors for the 2018 and 2019 appeals reached similar conclusions on inappropriate development, based on the difference in size of the extended building compared to the original. Their references to the scale of the building and its visual impact in respect of its surroundings were made as part of their consideration of the effect on openness and not whether the additions were disproportionate or not. I have followed a similar approach here.

Effect on openness

9. NPPF paragraph 133 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
10. Even with the reduction of the roof, the size of the appeal building over and above the original building means that there would continue to be a small loss of openness in spatial terms as a result of this proposal.
11. The appeal building is enclosed by other buildings and fencing within the wider farm site. From the road to the south and the public footpath to the west, the top half and roof of the building is visible as one of a number of structures within the farm. The increase in footprint, given it is at the rear, is not readily apparent and the width of the building frontage has not changed from the original. The reduction of the roof would lessen the overall bulk of the building. However, as noted above, the roof reduction would be modest and the size of the original building's roof is not clear from the evidence before me. The Council indicate that the overall height has changed. Therefore, in visual terms, the proposal would result in a minor loss of openness.

¹ APP/C1950/W/18/3196087

² APP/C1590/W/19/3232350

12. Overall, given the scale of the enlarged appeal building in relation to other buildings nearby, the presence of screening structures, and the proposed reduction in roof size, the effect of the proposal on openness would be modest and not sufficient to result in harm to the Green Belt.

Other considerations

13. The appeal building is used in connection with a dog rescue organisation. At my site visit, I observed that the building currently stores food, donations and equipment relating to the organisation with kennels and exercise space outside. The appellant has outlined the need to provide better facilities including a waiting area, vet's room, kitchen, and washing and laundry space. There are no plans before me in terms of how the facilities would be laid out to understand how a reduced floor area would impact on the enterprise. Planning permission has been granted for a 25% reduction in the existing building, meaning it would not have to return to its original size. Moreover, it is possible that the adjacent timber barn could be utilised for some of the facilities relating to the enterprise.
14. A dog rescue organisation provides an important service and is often one better suited to a rural location. However, in the absence of convincing evidence that the floor area of the building needs to be retained to ensure the continuation of the organisation, I can only afford these considerations limited weight. The design of the proposal would have an acceptable effect on the character and appearance of the area. However, this could apply equally to a reduced building and so carries little weight in favour of the proposal.

Conclusion

15. NPPF paragraph 143 indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. NPPF paragraph 144 states that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
16. The other considerations outlined above would not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstance necessary to justify the proposal do not exist. Therefore, the proposal would not accord with District Plan Policy GBSP1 or the aims of the NPPF which seek to protect Green Belt land from inappropriate development.
17. For the above reasons, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR