
Appeal Decision

Site visit made on 18 November 2020

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 7th December 2020

Appeal Ref: APP/J1915/W/20/3248653

Land at Rectory Farm, Langley Lane, Meesden, Buntingford, Hertfordshire SG9 0AZ

- 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 Shajeed Shaikh, Mason Bloomberg Ltd against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1760/FUL, dated 10 August 2019, was refused by notice dated 21 October 2019.
 - The development proposed is an agricultural building.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on protected trees;
 - the effect of the proposal on ecological interests;
 - the effect of the proposal on the character and appearance of the area; and
 - whether the proposal would be sustainably located.

Reasons

3. The proposal is for an agricultural building for mushroom production, a shingle surfaced forecourt for vehicle parking/servicing and a 1 metre high timber fence enclosure within an area of woodland to the south of Rectory Farm near the small dispersed hamlet of Meesden.
4. The building would be about 19.5m x 15.5m in size with eaves about 2.5m high and central ridge about 4.9m high. It would be constructed of traditional materials. The site has been the subject of a series of applications dating back to 2011. Two slightly proposals have been dismissed on appeal, in 2012 an agricultural building for egg farming purposes and in 2015 a building similar to the current scheme for a timber furniture workshop¹.

¹ APP/J1915/A/12/2177599 and APP/J1915/A/14/2225085

Protected trees

5. The woodland is the subject of a Tree Preservation Order (TPO) made in 2011 in which it is described as being mainly of mixed hard woods eg Ash, Beech, Field Maple, Hawthorn, Hazel, Horse Chestnut, Oak and Sycamore. The Forestry Commission advise that the site is secondary woodland and on the National Inventory for Woodlands. Whilst the part of the woodland where the building is proposed, towards its north end, has few if any standing trees, this would appear to be due to woodland clearance. The Forestry Commission have served a legal order requiring the restocking of the woodland at 3.0m centres – about 200 trees – across the previously cleared area where the building is proposed. Those trees, once planted, would also be subject to the TPO. The appellant maintains the restocking work has been carried out but this is not readily apparent on site and there is no evidence to confirm the Forestry Commission are satisfied that the work has been completed.
6. In any event the appeal site comprises an attractive area of woodland protected for its contribution to the visual amenity of the area. Whilst the appellant argues that 91% would be retained, the woodland as a whole would be compromised. For these reasons the proposal would seriously harm protected trees, existing or restocked, contrary to Policy NE3 of the East Herts District Plan 2018 (EHDP) which states that development which would result in the loss or significant damage to trees will not be permitted.

Ecological interests

7. The site is a registered Local Wildlife Site and a conservation survey carried out in 2000 describes it as a mixed woodland of Sycamore, Beech and Horse Chestnut with Nettles and Dog's Mercury. The woodland contains a rich diversity of ground flora and includes many indicator species which confirm its ancient origins. The application was not accompanied by an ecological report to assess the detailed impact of the scheme and there is no evidence the fence proposed around the building would protect the overall integrity of the site.
8. Whilst mentioning the idea, the original application did not include detailed proposals to offset ecological losses on site by establishing a replacement biodiversity site elsewhere. Whilst the appeal states that replacement tree planting would be provided on about 570 m² of Leyton Jubilee Park in London, a net gain of 25% in site area, the ecological benefits of this are unclear and it is in any event not possible to evolve a scheme during the appeal process. Such proposals should be assessed as part of a detailed ecological appraisal from the outset and considered by the Council in the first instance.
9. For these reasons the proposal fails to protect ecological interests and conflicts with EHDP Policy NE1. This requires an up to date ecological survey and resists proposals which are likely to have a detrimental impact on the integrity of a designated site unless material considerations outweigh the need to safeguard the site and adequate mitigation or compensatory measures are carried out.

Character and appearance

10. The proposal would have the appearance and function of an agricultural building and be finished in traditional materials. The appellant argues that there is a similar building nearby at Rectory Farm and it would therefore not be out of place in the rural area. However, that building forms part of a traditional

farm complex whilst the proposed barn would appear, with the upgraded site access, area of hardstanding and fenced enclosure, as a discordant, relatively isolated feature in its woodland setting. Although generating minimal traffic flows and being dark and therefore unobtrusive at night, the proposal would cause significant harm to the character and appearance of the area in conflict with EHDP Policies DES2, DES3 and DES4. These require proposals to conserve the character of the landscape, to retain and protect existing landscape features of amenity and/or biodiversity value and to be of a high standard of design and layout to reflect and promote local distinctiveness.

Sustainable location

11. The proposal would be located at Meesden, a small hamlet in the countryside well away from main roads and regular public transport. As such, the proposal would rely on non-sustainable travel modes. In relation to EHDP Policy GBR2, dealing with rural areas beyond the Green Belt, the appeal proposal should be considered an agricultural building rather than an employment generating use as claimed by the Council. It would thus satisfy Policy GBR2 were it not for the requirement that it must be compatible with the character and appearance of the rural area, an issue dealt with above. The other policy in the Council's reasons for refusal, EHDP Policy ED2, is supportive of agricultural uses in rural areas and there would consequently be no conflict with that policy.

Conclusion

12. The proposal would have economic benefits for the area and provide some local employment in the agricultural sector. However, this would not outweigh the harm identified under the first three main issues and the conflict with the development plan when considered as a whole.
13. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR