
Appeal Decision

Site visit made on 4 January 2021

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2021

Appeal Ref: APP/C1950/W/20/3257778

1 Reynards Road, Welwyn AL6 9TR

- 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 Miss R Naylor against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2020/0800/HOUSE, dated 29 March 2020, was refused by notice dated 17 June 2020.
 - The development proposed is replacement of existing stable block.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised in respect of this appeal are: -
 - a) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - b) The effect of the proposal on the openness of the Green Belt;
 - c) Whether harm by reason of inappropriateness would be clearly outweighed by other considerations. Is so, would this amount to the very special circumstances required to justify the proposal?

Reasons

Inappropriate development

3. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts being their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
4. The Framework states that the local planning authority should regard construction of new buildings as inappropriate development in the Green Belt unless it is one of seven specific exceptions (paragraph 145 of the Framework). One of the exceptions (145d)) is *'the replacement of a building, provided the new building is in the same use and not materially larger than the one it*

replaces'. Although yet not adopted Policy SADM34 of the Draft Local Plan Submission August 2016 reflects this.

5. The appellant has referred me to the exception at 145b) *'The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial ground and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'*. However, the proposal is required to satisfy all the exceptions listed in paragraph 145 of the Framework, which includes that of 145d).
6. The Council has undertaken a mathematical exercise that indicates the increase in floor space of the replacement stable block would have a floor area 32m² greater than the existing stable block building. This generally reflects the appellant's mathematical increase calculation of 32.7m², a material increase said to be 30% larger than the existing stable block. The replacement stable block would, therefore, be materially larger than the one it would replace.
7. In not complying with the exceptions, the proposal would be inappropriate development in the Green Belt, which paragraph 143 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would also conflict with Policy SADM34 of the Draft Local Plan, however only little weight can be applied to this policy conflict as that Plan has yet to be adopted and, therefore, does not hold full weight.

Openness

8. Paragraph 133 of the Framework indicates that openness is one of the essential characteristics of Green Belts. The proposal would result in an increase in the size of the stable block and this would reduce openness by virtue of creating increased built development in the Green Belt. As a result, this would have a negative effect on the openness of the Green Belt. For this reason, there would be a degree of harm arising from this development in addition to that arising from the inappropriate nature of the development.
9. Consequently, I find that the proposal does not comply with paragraph 133 of the Framework as it would not preserve the openness of the Green Belt. In this respect the proposal would also conflict with Policy SADM34 of the Draft Local Plan, albeit this conflict only holds little weight at this current time.

Other Considerations

10. An increased size stable block is required in order to accommodate the applicant's five large horses in a manner in line with modern animal welfare standards. The current internal size of each stable would fall below those stable and foaling stable sizes recommended by The British Horse Society, DEFRA Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids and the Equine Industry Welfare Guidelines Compendium for Horses, Ponies and Donkeys (Third Edition). The appellant's attending veterinary surgeon, the Head of Equine Practice at the Royal Veterinary College, considers the proposal to be appropriate.
11. Increasing the size of the stables would improve animal welfare. Nonetheless, the Council highlights that of the 122m² of new building 48m² would relate to a tack room, feed room and large store room. The evidence provides

- justification for increasing the size of the stables. However, other buildings/structures at the site could potentially be utilised as a tack room and/or store rooms. Furthermore, the internal space within the existing stable block that comprises the feed room and stores could potentially be reconfigured to accommodate a tack room and store rooms. Whilst increasing the size of the horse stables holds significant weight, the increased size to also accommodate a tack room and stores holds little weight.
12. The design and construction materials would be in keeping with the rural character of the area as well as the existing equestrian use of the site. The block would not be significantly more visually prominent following enlargement. The development would not impact upon the living conditions of neighbouring existing occupiers or generate significant extra vehicular movements within the highway network. These environmental factors however hold little weight in favour of the proposal as these would be required, in planning terms, to be acceptable in their own right.
13. I have been advised that a new stable block has been erected on neighbouring land. However, I have not been directed to precisely which structure this is nor have I been provided the details of that case. I am, therefore, unable to determine what similarity, if any, that stable block would have to that of the replacement stable block proposed here. This holds little weight in favour of the proposal.
14. The existing stables provides a social benefit for the appellant, family members and those who visit racecourses/events, however there is no clear indication that such social benefits would increase as a result of the proposed development. Whilst as a result of the proposal it is suggested that there would be significant knock on benefits for the local economy, it is not clear what additional jobs or rural trades that the proposal might generate beyond what currently takes place. These hold little weight in favour of the proposal.

Conclusion

15. In conclusion, I have identified that the development would be inappropriate development in the Green Belt as defined by the Framework. Furthermore, the proposal would not preserve the openness of the Green Belt as required by the Framework. Other than the significant weight that I have attributed to animal welfare, the other considerations hold little weight. I have found that the other considerations advanced in support of the proposal in this case, including that of animal welfare, do not clearly outweigh the harm that I have identified which is the test that they have to meet. The proposed development would by definition, be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight.
16. Consequently, the very special circumstances necessary to justify the proposal do not exist. The proposal would conflict with the Framework. Therefore, for the reasons given I conclude that the appeal should fail.

Nicola Davies

INSPECTOR