



Appeal Decision

Site Visit made on 23 March 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th April 2021

Appeal Ref: APP/B1930/W/20/3263937

Sleapshyde Farm, Sleapshyde, Smallford, ST. ALBANS, AL4 0SE

- 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 Wendy Richardson against the decision of St Albans City Council.
 - The application Ref 5/20/1885, dated 11 August 2020, was refused by notice dated 12 October 2020.
 - The development proposed is erection of timber stables building.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - 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, including its effects on the openness of the Green Belt and the purposes of including land in it; 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

Inappropriate Development

3. The appeal site is situated in the Metropolitan Green Belt where the St Albans District Local Plan 1994 (LP) Policy 1 restricts development within the Green Belt, except in limited circumstances which includes other uses appropriate to a rural area. However, the policy predates the National Planning Policy Framework (the Framework) and as a result of its more limited list of exceptions it can only be afforded limited weight, such that it has not altered my overall decision.
4. 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 145 and 146 establish that buildings and other forms of development would be inappropriate unless they meet a listed number of exceptions. The proposed stable would be a facility for outdoor sport and recreation and would therefore be subject to Paragraph 145(b).

5. This exception explains that such development would not be inappropriate development provided that it would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. The five purposes of including land within the Green Belt are identified at paragraph 134 of the Framework. Of those, the Council maintains that the development would result in encroachment of development into the countryside.
6. The essential characteristics of Green Belts are their openness and their permanence. Having regard to whether openness would be preserved, it is acknowledged that the exceptions set out within paragraphs 145 and 146 are generally considered to be acceptable in principle and any new development under these exceptions would erode openness to some degree, but this in itself would not always fail to preserve openness.
7. The appeal site is an open field/paddock which is bordered by trees, with its rear boundary adjacent to the A414. The site is adjacent to a collection of timber buildings which would have formed part of the original farmyard of Sleapshyde Farm.
8. The stables would be located with its longest elevation parallel to Sleapshyde Lane and planting is proposed to provide additional screening of the building from the road. However, whilst the proposed stable would be seen within the context of the existing buildings and would be screened from the road by landscaping, it would be a substantial structure where currently no building exists and would result in a significant increase in built form within the site. It would also extend the built form away from the existing group of buildings. Therefore, it would result in moderate harm to the openness of the Green Belt.
9. In not complying with any of the listed exceptions, the scheme 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. It therefore conflicts with the purpose of the Green Belt in Framework paragraph 134 c), namely to assist in safeguarding the countryside from encroachment.

Other Considerations

10. As set out above, the development constitutes inappropriate development in the Green Belt. I have found it to result in modest harm in terms of loss of openness to the Green Belt. Paragraph 144 of the Framework states substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.
11. I have taken into account the proximity of the site to the A414 which bounds the appeal site. However, whilst this prevents any further encroachment into the countryside this is a neutral factor in the consideration of the appeal.
12. I have had regard to the two appeals provided by the appellant within their appeal statement, however the nature of the outdoor sport and recreation dealt with by those appeals was very different to stabling and equine facilities and therefore I do not consider they are directly relevant to the case before me.

13. I have had regard to the Barfold Farm Estate appeals¹ (BFE) referred to by the appellant and in particular the Inspectors consideration of the proposals on openness. As I have set out above, there is an acceptance that under the exception under Paragraph 145b some development would be envisaged as part of this criteria. As part of the BFE appeals the Inspector had regard to the Fordent Holdings judgement² which considered not just the size of the building proposed, but also its function.
14. In the appeal before me the appellants equine livery business, which has been established for 22 years, has operated from and utilised the existing buildings on the site, however these now have been given permission to be converted to residential use. It has been put to me that the size of stables is the minimum necessary to accommodate the appellants business, and the proposed building would provide 10 stables, which would replace the number lost through the proposed conversion and would be the minimum necessary to meet welfare standards and therefore perform the function required.
15. However, within the allowed Appeal B of the BFE, the stable building was both the minimum necessary and included the reuse of an existing building on the site. The proposed stable was also located next to the existing built development. The proposal therefore reduced the amount of new build to the minimum necessary. There was also a detailed justification as to the need for the stables to be located on the site. In Appeal A of the BFE the Inspector noted that the purpose of the stables could be provided by the alternative scheme (Appeal B) and this would reduce the impact on openness.
16. In the case before me the stables are currently provided within an existing building which has planning permission to be converted to another use. I have not been provided with any evidence to demonstrate that these buildings are not adequate to provide the function of stabling. Therefore, this leads me to conclude that the needs of the business are already met and the development proposed would not be the minimum necessary. The need for the new stables will only arise if the current buildings are converted and therefore if they are required for the purposes of the business, could be retained for that purpose.
17. The continued use of the existing stables provides an alternative which would reduce the impact on openness and therefore the proposal before me does not amount to the minimum necessary to meet the function of the existing business. The proposed stables are also to be located within a currently undeveloped area and not closely related to the existing built development on the site. Therefore, I am not persuaded that the considerations which were present within the BFE appeals are the same as those before me.

Other Matters

18. As part of my assessment of the appeal development, in order to discharge my statutory responsibilities, I have also made an assessment of the proposals' effect on the setting of Sleafshyde Farm; Range of two barns and adjoining stable, 25 metres south east of Sleafshyde Farmhouse and Granary immediately SE of Sleafshyde Farmhouse as Grade II Listed Buildings (LB) and the setting of the Sleafshyde Conservation Area (CA). In my view, the

¹ APP/R3650/A/14/2220144; APP/R3650/A/14/2220147 & APP/R3650/A/14/2220148

² Fordent Holdings Ltd v SoSCLG and Cheshire West and Chester City Council [2013] EWHC 2844 (Admin)

significance of the LB is derived from its architectural quality and through forming part of the group of historic buildings which make up the original farmstead and this grouping contributes to the significance of the CA.

19. In order to come to a conclusion as to whether there would be harm to the setting of the LB and CA as a result of the introduction of an additional building unrelated to the historic grouping, I would require further evidence from the appellant to assess the contribution that the appeal site makes to the setting of the LB. However, as I am dismissing on other grounds, it has not been necessary for me to reach a conclusion on this matter.

Conclusion

20. In summary, the proposal is inappropriate development in the terms set out by the Framework and fails to preserve the openness of the Green Belt. Having taken into account the other considerations outlined above, they do not outweigh the substantial weight which must be given to Green Belt harm, and therefore they are not sufficient to demonstrate very special circumstances.

21. For the reasons given above I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR