



Appeal Decision

Hearing held on 21 April 2021

Site visit made on 23 April 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2021

Appeal Ref: APP/J1915/W/20/3248614

Agricultural land west of Orchard Road, Tewin, AL6 0HN

- 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 Mark Lloyd against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/2226, dated 18 October 2019, was refused by notice dated 20 January 2020.
 - The development proposed is described as temporary consent for siting a mobile home for the husbandry of cattle herd.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Mark Lloyd against East Hertfordshire District Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The mobile home subject to the appeal is in situ on the site. I am therefore considering the appeal proposal retrospectively.

Main Issues

4. The appeal site is within the Green Belt, so the main issues are;
 - Whether or not the development is inappropriate development in the Green Belt;
 - The effect on the openness of the Green Belt;
 - The effect on the character and appearance of the area; and
 - If the development is inappropriate development in the Green Belt, 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 development.

Reasons

Site and development

5. The appeal site is part of an agricultural unit. It is accessed via a long driveway leading from Orchard Road where the farmyard area sits behind a row of

detached residential properties, with intervening open grassland. There are several public footpaths traversing the wider area.

6. The development subject to the appeal is described as a mobile home and is sited in the south-west corner of the farmyard which also contains agricultural buildings, storage units and other agricultural related paraphernalia. Temporary planning permission of 2 years is sought.

Whether the development is inappropriate development

7. The National Planning Policy Framework 2019 (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a limited number of exceptions as set out in paragraph 145. One of the exceptions referred to in paragraph 145a) is buildings for agriculture and forestry. The appellant considers that the appeal development is a building for agriculture.
8. Although the development is used by staff of the agricultural operation, the evidence is such that its primary purpose is to provide for overnight sleeping, hot-food preparation, washing and the storage of clothes for up to four people. Furthermore, the layout shows a living area, kitchen, shower/wc and three bedrooms. When above matters are considered alongside the appellant's description of development as a 'mobile home' and reference to the unit providing housing 24 hours a day, I consider that as a matter of fact and degree the proposal is not an agricultural building.
9. Therefore, whilst the mobile home may be being used in connection with an agricultural use on the wider site, the unit itself is primarily used for residential occupation. Consequently, I find that it is not a building for agriculture and does not, therefore, accord with the exception under Paragraph 145a) of the Framework and is inappropriate development in the Green Belt. To this extent, the development also fails to accord with Policy GBR1 of the East Herts District Plan (2018) which outlines that planning applications within the Green Belt will be considered in line with the provisions of the National Planning Policy Framework.
10. It is of note that the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances. I deal with this matter later in the decision.

Openness and purposes of the Green Belt

11. The Framework outlines that one of the essential characteristics of Green Belts is their openness. Openness has a spatial aspect as well as a visual aspect. The development is sited away from the existing farm buildings. It is not screened by any significant natural or physical features. The evidence is that the land was previously devoid of any structures or other development and on this basis the mobile home has a greater impact on the openness of the Green Belt in spatial terms. I find that in this instance, given the size and siting of the development the harm to the openness of the Green Belt, from a spatial perspective, is moderate.
12. Through a combination of the lack of any screening and its prominent siting, the mobile home is clearly visible from the public footpath that descends the

hill towards the west of the site. Due to its greater prominence by reason of its size and scale, the mobile home has a moderate impact on the openness of the Green Belt in visual terms. The harm to the openness of the Green Belt from a visual aspect, is moderate.

13. I therefore consider that in considering spatial and visual effects the development causes moderate harm to the openness of the Green Belt. Furthermore, and recognising that the mobile home is amongst other farm buildings and paraphernalia, it has nonetheless been erected on the edge of the site and in doing so has led to some minimal encroachment into the countryside. Therefore, and to a limited extent, the appeal development also fails to assist in safeguarding the countryside from encroachment, one of the 5 purposes of the Green Belt.

Character and appearance

14. The appeal site is located in a relatively open rural setting where there is a pleasant rolling landscape with commanding views. The public footpath to the west of the site descends down the hill between two wooded areas. When viewed from this point, the mobile home is sited in a prominent and elevated position from which it is clearly visible from the footpath. Its siting, away from the agricultural buildings, results in it appearing isolated, and when combined with its overall size, scale and appearance, it appears as an incongruous and intrusive feature in the landscape.
15. Landscape screening, which could be secured by an appropriately worded planning condition, would take time to become established and given the temporary nature of the development it is unlikely to reduce the impact of the development to an acceptable level.
16. I therefore conclude that the mobile home causes significant harm to the character and appearance of the area. It is therefore contrary to Policy DES4 of the East Herts Local Plan (2018) which requires, amongst other things, that development respects or improves the character of the site and the surrounding area. It also fails to accord with paragraph 170(b) of the Framework which states that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Other considerations

17. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
18. The appellant considers that the mobile home is required to provide a staff facility and allow for overnight stays most importantly during calving, which it is claimed requires an on-site presence 24 hours a day. I do not doubt that in the interests of animal welfare a staff presence during calving would be of assistance during these times. Calving is, however, a temporary activity. Indeed, at the hearing I heard that calving took place for 6-7 weeks and that this could be 2 to 3 times a year.
19. It was outlined during the hearing that the very nature of calving brings an element of uncertainty as to the length of time a permanent staff presence is

required. I accept that it is difficult for the appellant to provide definitive timescales, however it is clear to me that the need for a permanent staff presence is occasional at best. The appellant suggested that a one-bedroom caravan would probably be sufficient to achieve the aim of having a permanent staff presence at these times and I consider this demonstrates that there are likely to be alternative means of providing the necessary facility without a fixed mobile home being installed at the site.

20. I also observed on my site visit that parts of the existing buildings on the site were underutilised, and appeared capable of being adapted or altered to include a specific area to provide the facility which the appellant has outlined is required, negating the need for a mobile home to be sited on the land.
21. At the hearing, the appellant also outlined that a member of staff is required to be on site daily to feed the chickens. On my site visit, I observed that this is a relatively small element of the operation. I do not consider that feeding chickens reasonably justifies a requirement to have a permanent mobile home on the site.
22. A permanent residential presence at the site clearly provides benefits to the efficiency of the enterprise by removing the need for the appellant and other workers to undertake repeat trips between homes and the holding. In this regard, there would be some convenience during calving time. It does not, however, follow that this justifies the permanent positioning of the mobile home.
23. In addition to occasional overnight stays, the mobile home serves to provide a facility for workers to rest and eat in. I am not persuaded that opportunities to make use of what appears to be underutilised space in existing buildings for occasional facilities for staff has been properly explored and where harm to the openness of the Green Belt and the character and appearance of the area would have the potential to be less harmful in relative terms.
24. Although temporary consent is sought for the mobile home, I do not consider that this justifies the harm that I have identified. Indeed, a two-year period is not an insignificant period of time.

Other Matters

25. The appellant has referred to a development allowed on appeal where the Inspector considered the application was 'appropriate' development in the Green Belt. I have not been provided with a copy of the appeal decision or any other details in relation to that case in order to give it significant weight as part of the determination of this appeal. I have, in any event, considered the appeal on its own individual planning merits.

Planning Balance and Conclusion

26. As per my reasoning above, I have found that the development constitutes inappropriate development in the Green Belt which is a matter to which I afford substantial weight in the planning balance. In addition, moderate harm has been caused to the openness of the Green Belt and some limited harm in respect of countryside encroachment. There is also significant harm caused to the character and appearance of the area.

27. I accept that there is some convenience associated with having the appeal development as close as possible to the agricultural enterprise, but in this case, and for the reasons outlined, there is not sufficient justification before me to justify allowing a non-agricultural building on the site. I therefore conclude that the identified harm to the Green Belt by way of inappropriateness, and the other identified harm, is not clearly outweighed by other considerations as to amount to the very special circumstances to justify the development.

28. Therefore, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Michael Rosen G A Design

FOR THE LOCAL PLANNING AUTHORITY:

Ms Ashley Ransome East Hertfordshire District Council

OTHER INTERESTED PARTIES:

Keith St Pier Tewin Parish Council

Caroline McFarlane Tewin Parish Council