
Appeal Decision

Site visit made on 18 May 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 15 June 2021

Appeal Ref: APP/C1950/W/20/3264748

Land at Swan Stables, Woodside Lane, Bell Bar, Brookmans Park, Hatfield AL9 6DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Daniel Brunt against the decision of Welwyn Hatfield Borough Council.
 - The application Ref: 6/2020/2247/OUTLINE, dated 2 September 2020, was refused by notice dated 11 November 2020.
 - The development proposed is an outline application for the erection of a dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline, with all matters reserved for future consideration. I have therefore had regard to the details illustrating the reserved matters on an indicative basis only.

Main Issues

3. The main issues are:
 - whether the proposal represents an inappropriate development in the Green Belt, and the effect of the development upon the openness of the Green Belt; 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

Whether inappropriate development; and the effect of the development upon the openness of the Green Belt

4. The site is located in the Green Belt. The development plan, in Policy GBSP1 of the Welwyn Hatfield District Plan (2005) (the District Plan) states that applications in the Green Belt should be determined in accordance with national policy. The National Planning Policy Framework (the Framework), also regards the erection of new buildings in the Green Belt as generally being inappropriate.

5. There are some exceptions to this, which are listed in Paragraph 145 of the Framework. This list includes the redevelopment of the previously developed land. Given that the appeal site contains a number of stable blocks arranged around a central area, in addition to other facilities relating to equine activities, the appeal site would fall within the definition of previously developed land, which is defined in the Framework as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface.
6. Therefore, the proposal would represent the development of previously developed land. However, for a development to not be inappropriate, it needs to be demonstrated that there would not be a greater effect on openness than the existing development.
7. The application was submitted in outline form with all matters reserved for future consideration. However, if the development were to proceed in a manner akin to the submitted indicative details, it would result in an increase in the level of built form owing to the greater height of the building and its larger footprint when compared to the original building. This means that the sense of openness would be eroded.
8. However, as an outline application, there is a possibility that the final design of the proposed development would be of smaller proportions than the submitted indicative details. Should this occur, residents of the dwelling would benefit from permitted development rights to undertake extensions to the dwelling and to erect various structures, such as outbuildings and boundary treatments. In addition, residents of the development could place within the curtilage of the dwelling items of domestic paraphernalia that would fall outside of the definition of development.
9. These, either in isolation or, in unison, would create an increase in built form that is greater than the existing buildings. In reaching this view, I have had regard to the general low level of the existing stable blocks and their relatively small footprint. This would erode the spatial sense of openness that is an intrinsic feature of the Green Belt.
10. Whilst the existing use may have some likelihood of requiring paraphernalia to be placed on the site, this would give rise to different effects given that the Framework is indicative that equine activities are not inappropriate uses in the Green Belt.
11. The development would erode the physical sense of openness within the Green Belt. This would be a concern given the relative prominence of the appeal site next to residential properties and commercial units. In addition, views of the proposed development would be possible, at least in part, from the nearby road. This would therefore lead to an erosion of the physical character of the Green Belt's openness.
12. Although the site currently features some screening from hedges and plants, the long-term screening effect would be dependent on their health. As some, in the future might need to be removed, the proposed dwelling would become more prominent.
13. My attention has been drawn to developments elsewhere and an allocation for future dwellings. I do not have the full information regarding their planning

circumstances, which lessens the weight that I can attribute to them. However, these are located in different areas and have different relationships with neighbouring land uses and landscaping. Consequently, their effects would be different and do not overcome my previous concerns.

14. The proposed development would be near to other buildings; however, the screening effect would be limited due to the scale and siting of existing built structures.
15. The appellant has suggested that a condition could be imposed to remove permitted development rights for future works. However, the evidence before me does not indicate that permitted development rights should be withdrawn on a blanket basis in the Green Belt. In consequence, such a condition would fail the statutory test of reasonableness and would not overcome the potential harm from matters falling outside of the definition of the development.
16. Although I have noted references to a previous decision where the Council removed permitted development rights by a condition, I have not been provided with the full information regarding this development. Therefore, it is possible that different circumstances applied, and a contrasting approach was justified. I have therefore determined this appeal on the basis of the evidence before me.
17. I have had regard to the appellant's suggestion that the proposal should be assessed as being an appropriate infill within a village. However, even if I were to agree that the site was within a village, the pattern of development within the immediate vicinity can be characterised as being of a piecemeal nature due to the different land uses, forms and positioning of buildings.
18. In result, the proposed development would not fit within an established and consistent frontage. Therefore, the development would not be an infill as it would not be well related to the various different neighbouring land uses. In addition, the development, would still result in an adverse effect upon openness for the reasons set out previously. I therefore do not find that assessing whether the proposed development as an infill would overcome my previous concerns.
19. The development would therefore conflict with the purposes of including land in the Green Belt as specified in Paragraph 134 of the Framework as it would not safeguard the countryside from encroachment.
20. I therefore conclude that the proposed development would represent an inappropriate development in the Green Belt and would have an adverse effect on openness. The development would therefore conflict with Policy GBSP1 of the District Plan and the Framework.

Other considerations

21. The proposed development would result in an increase in the local housing supply. Whilst this is of some benefit, the effect is tempered due to the proposed development being for a single dwelling only. In addition, even if the Council could not demonstrate a five-year housing land supply, the 'tilted balance' as specified in Paragraph 11(d) of the Framework does not apply in instances where there would be harm to the Green Belt. In consequence, the increase in the local housing supply only carries a limited amount of weight.

22. I understand that the existing use of the site has generated some complaints. However, in the absence of detailed evidence regarding the nature and extent of these complaints, I am unable to give them significant weight. It has also not been demonstrated that it is not possible to operate an equestrian facility on this site without an adverse effect on the living conditions of the neighbouring properties. This is particularly relevant since the Framework identifies equestrian activities as being not inappropriate in the Green Belt.
23. Whilst the existing buildings may not be in the most appropriate condition, it has not been satisfactorily demonstrated that the site is incapable of being used for a purpose that would not be inappropriate in the Green Belt. Therefore, notwithstanding the development being for the reuse of previously developed land, I can only give this matter a limited amount of weight.
24. The development might displace some activities that do not benefit from planning permission. However, given their unauthorised nature, their loss cannot be ascribed a significant amount of weight. In addition, whilst a condition could be imposed that would seek to retain the existing boundaries, the evidence is not conclusive that an alternative boundary treatment would not have a similar effect. In result such a condition would be unreasonable and can only be given a small amount of weight.
25. I therefore find that each of the matters in support of the proposal, either individually or in unison, carry a limited amount of weight.

Other Matters

26. I note that the local Parish Council and the North Mymms District Green Belt Society have not raised objections to the planning application. Whilst this is a matter of note, it does not outweigh my findings in respect of the main issues.
27. The evidence before indicates that the redevelopment of the site would not have an adverse effect on ecology. Although important, this is one of all the issues that must be considered and therefore does not outweigh or overcome the previously identified adverse effects.

Planning Balance and Conclusion

28. The development plan and Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development 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.
29. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. In so doing I have found harm to the openness of the Green Belt. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt.
30. The other considerations I have identified individually and collectively carry a limited weight in favour of the proposal. As such the harm to the Green Belt is not clearly outweighed by the other considerations identified, and therefore the very special circumstances necessary to justify the development do not exist.

31. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR