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# Appeal Decision

Site Visit made on 22 June 2021

**by Graham Wyatt BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13<sup>th</sup> July 2021**

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**Appeal Ref: APP/X1925/W/21/3270288**

**Austen Lodge, Node Park, Codicote, Herts SG4 8TH**

- 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 Danny Dance against the decision of North Hertfordshire District Council.
  - The application Ref 20/01810/FP, dated 10 November 2020, was refused by notice dated 19 January 2021.
  - The development proposed is described as the "installation of 16 sq. m timber shed for the purpose of storing equipment to maintain the grounds".
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The development has already been carried out. I have dealt with the appeal on the basis that permission is sought to retain what has already been built.

## Main Issues

3. The main issues in this appeal are:
  - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework),
  - the effect of the proposal on 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 very special circumstances necessary to justify the development.

## Reasons

### *Inappropriate Development*

4. The Framework states at paragraph 133 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Furthermore, the essential characteristics of the Green Belt is their openness and permanence. The construction of new buildings should be regarded as inappropriate in the Green Belt, other than in a limited range of specified exceptions, as set out in Paragraphs 145 and 146 of the Framework, none of which are relevant to the proposal before me.
5. Therefore, as the proposal would not fall within any of the exceptions outlined in the Framework it would be inappropriate development in the Green Belt, which is

by definition, harmful. In accordance with Paragraph 144 of the Framework, I attach substantial weight to this harm. The proposal would also conflict with Policy 2 of the North Hertfordshire District Council District Local Plan No.2 with Alterations (Written Statement 2007) insofar as it seeks to only permit new buildings which are not inappropriate within the Green Belt.

#### *Openness*

6. Openness is not defined in national policy or the development plan, but case law establishes that it has both spatial and visual aspects. Openness is an essential characteristic of the Green Belt, which it is necessary to preserve for the Green Belt to be an effective policy instrument. The appeal site is part of an open field and it is essentially surrounded by other fields which are all characterised by their openness. Moreover, the appeal building is spatially isolated from surrounding dwellings and has no physical relationship with any built form.
7. The proposal has resulted in the development of an area that was previously open and a loss of openness, albeit this is reasonably limited given the size of the development. The shed is visible from the access road that runs adjacent to the field that the shed is positioned within. The loss of openness would therefore be evident to passers-by. On this basis, I conclude that the proposal would result in some harm to the openness of the Green Belt and thereby conflict with the advice in the Framework. Although this is a minor effect any harm to the Green Belt must be given substantial weight in the final balance.

#### *Other Considerations*

8. The appellant owns the parcel of land on which the shed is located and it is argued that the appellant requires a ride on mower to manage the land. However, whilst the current location of the shed is desirable, there is nothing before me to suggest it is essential in that position or indeed that theft at the site is an issue. Moreover, the appeal site does not form agricultural land and as such, the analogy to such land is of limited weight in support of the development.

#### *Other Matters*

9. I note that representations were made by a local resident raising additional concerns. However, given my findings on the main issue, it is not necessary to consider these matters in detail.

#### **Overall Planning Balance**

10. I have found that the proposal is inappropriate development that would be harmful to the Green Belt by definition and it would harm the openness of the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt. For the reasons given, the weight of the other considerations does not clearly outweigh the Green Belt harm and any other harm. Consequently, the very special circumstances necessary to justify the development do not exist.
11. For the reasons given above I conclude that the appeal should be dismissed.

*Graham Wyatt*

**INSPECTOR**