



Appeal Decision

Site Visit made on 13 September 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2021

Appeal Ref: APP/B1930/W/21/3271862

Woodland Edge, Drop Lane, Bricket Wood, St Albans AL2 3TX

- 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 Mrs Carol Hardy against the decision of St Albans City Council.
 - The application Ref 5/20/1628, dated 20 July 2020, was refused by notice dated 9 November 2020.
 - The development proposed is described as, "Change of use from agricultural land to equestrian".
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of agricultural land to equestrian and erection of 3 stable buildings and associated fencing and hardstanding at Woodland Edge, Drop Lane, Bricket Wood, St Albans, AL2 3TX in accordance with the terms of the application, Ref 5/20/1628, dated 20 July 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 1:2500, Block Plan, Floor Plan (amended) – Plan 1 (drawing 1 (amended)), Amended Plan 2 – Elevation (drawing 2 (amended)), Additional Plan (drawing 3).
 - 3) Prior to the use commencing, details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - (a) means of enclosure;
 - (b) hard surfacing materials;
 - (c) existing trees to be retained;
 - (d) existing hedgerows to be retained;
 - (e) implementation programme

The landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

Preliminary Matters

2. Differing to the description of development in the banner header above, the Council's decision notice accurately describes the development as shown on the supporting plans as, "Change of use of agricultural land to equestrian and erection of 3 stable buildings and associated fencing and hardstanding (retrospective)". Apart from the word 'retrospective', which is not an act of development, I have used this description in my consideration of the appeal and in my decision since it best describes the proposed development in precise and concise terms. It does not fundamentally alter the development which is the subject of this appeal.
3. At the site visit, I observed that stable buildings, fencing and hardstanding were in place. Nevertheless, for the avoidance of doubt, this appeal decision only relates to the proposed development as shown on the submitted appeal plans.
4. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. The main parties were provided with an opportunity to comment. I have had regard to the 2021 version of the Framework in my decision.

Main Issue

5. The main issue is whether the proposal would be inappropriate development in the Green Belt.

Reasons

6. The Framework establishes that the construction of new buildings within the Green Belt is inappropriate. There are however a limited number of exceptions to this, including in paragraph 149 of the Framework. The main parties have focussed on paragraph 149 b), which relates to 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 grounds 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.
7. Certain aspects of Local Plan¹ Policy 1 are consistent with the Framework, albeit that policy contains a more limited set of exceptions to current policy. These policies assist in safeguarding the five purposes of the Green Belt. Of particular relevance is the Green Belt's purpose in relation to its assistance in safeguarding the countryside from encroachment.
8. The site is a roughly rectangular-shaped field, located in chiefly open countryside. It is set-back somewhat from Drop Lane, from which access to it is gained. Equestrian complexes lie nearby, including Lower Stud. The eastern boundary of the site adjoins a copse of mature trees covered by a Tree Preservation Order. The other boundaries adjoin several other fields. Previously, a planning permission was granted here² for the erection of an agricultural shelter on a concrete base for the welfare, housing and feed requirements of 6 Alpacas, but based on the evidence before me, this permission appears not to have been implemented.

¹ St Albans District Local Plan Review (adopted 1994)

² 5/2016/3404

9. The proposed equestrian use would be undertaken both at the appeal site and at an adjoining field. The keeping of horses at this location would be entirely appropriate, considering the equine uses nearby and the eminently pastoral nature of much of the surrounding area, and I note that the Council similarly state that, "... the change of use if considered in isolation (ie if there were no associated buildings) represents not inappropriate development in the Green Belt". Moreover, although there would be some associated paraphernalia, in all likelihood that would be limited, insubstantial, moveable and commensurate with other surrounding uses. I now turn to the proposed buildings.
10. The key dispute between the parties is whether the proposed new buildings would preserve the openness of the Green Belt. The Framework denotes openness as an essential characteristic of the Green Belt. The openness of the Green Belt has a spatial aspect as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
11. A copy of the grazing lease for the adjoining field has been provided, which demonstrates that whilst that land is not within the appellant's ownership, horses may be grazed upon it. As this appears to be a lease that has been in operation for a number of years, I have no reason to doubt that it would persist. Therefore, based on the evidence before me, including the Code of Practice³, the overall scale of the proposed stable buildings would be commensurate with the total area of land within the appellant's control which is proposed to be used for equestrian use, including the adjoining field. As such, their scale would be proportionate to their proposed function and use.
12. The proposed stable buildings would be discretely located against a mature expanse of woodland. Due to the topography of the area, and their proposed placement set-back from Drop Lane, although they would be noticeable features when viewed as a group, their visual impact would be limited when seen from wider views, including from the nearby public bridleway and from Drop Lane.
13. There is no doubt that the proposed buildings would have a spatial impact, but it is implicit within paragraph 149 b) of the Framework that some form of impact to the openness of the Green Belt, arising from the construction of new buildings for the provision of appropriate facilities for outdoor sport and recreation, may be allowed for under that paragraph. In this particular case, the size of the proposed buildings would be commensurate with their proposed use, and being located close to the woodland and broadly situated near other equestrian sites, in spatial terms the impact of their scale and siting would be minimal. Therefore, considering all of the above, I consider that the proposal would preserve the openness of the Green Belt, with respect to paragraph 149 b).
14. Reference has also been made to paragraph 150 e) of the Framework, which relates to material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds), principally with respect to whether the proposal would preserve the openness of the Green Belt. In this respect, the reasoning given above with respect to paragraph 149 b) equally applies. Hence, I consider that the openness of the Green Belt would be preserved in relation to paragraph 150 e).

³ Code of Practice for the Welfare of Horses, Ponies, Donkeys and Their Hybrids (Defra, 2017)

15. Similarly, due to the proposed buildings' function being congruent with outdoor sport and recreation, and that they would be collectively viewed as a fairly compact group set against woodland, they would not conflict with any of the purposes of the Green Belt, including its assistance in safeguarding the countryside from encroachment.
16. I have considered the Bedmond Lane Field⁴, and Astwood⁵, and Land West of Hay Lane⁶, appeal decisions referred to by the Council, and the associated documents provided. Although there appear to be some similarities between those decisions and the proposal before me, the factors involved relating to whether a proposal represents inappropriate development are quintessentially matters of planning judgement. In this respect, it is likely that site-specific factors, such as the topography of the area, the available public vantage points, and the exact proposed location of the buildings in their context would materially differentiate those appeals from the appeal proposal. Accordingly, none of those appeal decisions changes my findings.
17. Taking into account all of the above, I therefore find that, on account of the specific nature of the scheme and its particular surrounding context, the proposal would not constitute inappropriate development in the Green Belt for the purposes of the Framework. The proposal would also comply with Policy 1 of the Local Plan.

Other Matters

18. Interested parties have referred to alleged anomalies between the appeal proposal and previous applications, and to alleged breaches of planning control, but these are not matters that I can assess in the context of a planning appeal, nor do they have a bearing on the acceptability of the scheme before me.

Conditions

19. I have had regard to the conditions suggested by the Council. I have considered them against the advice on conditions set out in the Framework and the Planning Practice Guidance. A condition is necessary, in the interests of clarity and enforceability, setting out the approved plans.
20. A condition is necessary requiring details of both hard and soft landscape works to be approved by the Council, to safeguard the character and appearance of the surrounding area. Taking into account the appellant's observations on the Council's suggested draft of the condition, I have omitted those specific elements which are either not necessary or not relevant to the appeal proposal.
21. As I have found that the proposal would not constitute inappropriate development in the Green Belt, the Council's suggested condition which relates to purported very special circumstances with respect to the personal circumstances of the appellant and their descendants and any welfare needs of horses, is not necessary and has not been imposed.

⁴ APP/B1930/W/19/3232140

⁵ APP/B1930/W/17/3166542

⁶ APP/K3415/W/18/3192743

Conclusion

22. For the reasons given above, the appeal should be allowed and planning permission granted, subject to conditions.

Alexander O'Doherty

INSPECTOR