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## Appeal Decision

Site visit made on 23 November 2021

**by M Aqbal BA (Hons) DipTP MRTPI**

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

**Decision date: 15 December 2021**

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### **Appeal Ref: APP/P1940/W/21/3274401**

### **Land to north east of Long Ridge, Loudwater Lane, Loudwater WD3 4AW**

- 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 Peter Charlton against the decision of Three Rivers District Council.
  - The application Ref 20/1947/FUL, dated 17 September 2020, was refused by notice dated 23 November 2020.
  - The development proposed is new barn for mixed use of agriculture, tree surgery, landscaping and ancillary storage for vehicles, tools and machinery following demolition of existing buildings.
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### **Decision**

1. The appeal is dismissed.

### **Main Issues**

2. The main issues are:
  - i) Whether or not the proposal would be inappropriate development in the Green Belt in terms of the National Planning Policy Framework ('the Framework, 2021') and development plan policy.
  - ii) Whether the proposal would preserve or enhance the character and appearance of the Outer Loudwater Conservation Area ('CA') and,
  - iii) If the proposal would be inappropriate development whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

### **Reasons**

#### *Development in the Green Belt*

3. The appeal site is located within the Green Belt. The proposal is for the demolition of a number of smaller buildings including a glasshouse and the replacement of these with a detached barn for a mixed use of agriculture, tree surgery, landscaping and ancillary storage for vehicles, tools and machinery.
4. Policy DM2 of the Development Management Policies Local Development Document, adopted July 2013 ('LDD') relates to development in the Green Belt and relies on national policy in terms of determining if a development is inappropriate or not. Policy CP11 of the Core Strategy, adopted October 2011 ('CS') sets out that

there is a presumption against inappropriate development, that fails to preserve openness of the Green Belt.

5. The Framework, 2021, states that new buildings in the Green Belt shall be regarded as inappropriate development, and by definition, harmful to the Green Belt. Exceptions to this are set out in Paragraph 149 of the Framework, 2021. These exceptions are distinct from each other and therefore the proposal for a new building needs to be assessed against each category as opposed to Paragraph 149 as a whole.
6. The exception under part a) of Paragraph 149, specifically relates to buildings for agriculture and forestry. In this case, the building is for a mixed use and therefore does not fall within any of these two categories.
7. The proposal is not for the extension or alteration of a building and therefore does not meet the requirements of the exception under part b) of Paragraph 149. Finally, part d) of Paragraph 149, supports the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
8. The size 'test' is based on a comparison between the building as it exists (in this case buildings) and what is proposed. In terms of footprint, volumetric scale and height, the proposed building would be materially larger than the buildings to be replaced. Therefore, the proposed building fails the size test and does not meet the exception under part (d) of Paragraph 149.
9. As the proposed development does not meet any of the other exceptions under Paragraph 149 of the Framework, 2021, it constitutes inappropriate development within the Green Belt.
10. Paragraph 137 of the Framework, 2021, states that the essential characteristics of Green Belts are their openness and their permanence. The extent to which a proposal may cause harm to openness, might depend on factors such as the scale of the development, its locational context, and its spatial and/or visual implications.
11. The replacement building would be materially larger than those being replaced and whilst there was some open storage evident at the site, this does not have the permanency and significance associated with a building. Consequently, the proposal would reduce the spatial openness of the yard and Green Belt. In terms of visual openness, in part, the yard is screened by established landscaping, and therefore the proposed building would only be visible from certain vantage points. Despite this, given its overall scale and seasonal variations in landscaping, there would be some filtered views of the building available and this would result in some reduction in visual openness.
12. For the above reasons, the proposal would result in harm to the openness of the Green Belt.

#### *Character and appearance*

13. The appeal site lies within the Outer Loudwater CA, forming part of the Loudwater Lane North sub area. This sub area is characterised by rolling arable farming land covering many acres. The Outer Loudwater Conservation Area Appraisal (2006) identifies that open fields are a key feature within this area as they contribute to its rural context. The appeal site is also located to the rear of Long Ridge, a

detached period property which makes a positive contribution to the Outer Loudwater CA.

14. Given that the appeal site is adjacent to farmland there are other barns nearby. Moreover, the appeal site forms a yard area occupied by businesses, which is in part occupied by buildings and some open storage and therefore is uncharacteristic of the Loudwater Lane North sub area and the wider CA.
15. The proposal would introduce a sizeable building with a ridge height of approximately 6m. This would have the form, design and appearance of a modern agricultural building and would not be inconsistent with the wider farmland setting. Despite its overall scale, the proposed building would be separated from Long Ridge by an intervening orchard. The proposed building would be set back from the adjacent highway and as already stated to some extent is screened by existing hedges and trees. Including trees which are protected, and others which could be retained by a condition if the appeal were to succeed. These, and surrounding intervening landscaping would therefore limit the visual effect of the proposed building in views from Long Ridge and within and into the Outer Loudwater CA.
16. For the above reasons, the proposed development would preserve the character and appearance of the Outer Loudwater CA. Accordingly, I find no conflict with the design aims of Policies CP1 and CP12 of the CS, and Policy DM3 of the Development Management Policies LDD), which amongst other things, states that applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment.

#### *Other considerations*

17. The Framework, 2021, advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. It is stated 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. Despite their poor condition, the buildings to be replaced are of a modest scale, spread over a limited area and largely enclosed by landscaping and therefore do not have any unacceptable visual effect on the wider area. Whilst open storage is taking place at the site, my visit only represents a snapshot in time and therefore I have no substantive evidence in relation to the extent of this. As such, the removal of the extant buildings and the consolidation of storage in a single building attracts limited weight.
19. I have noted the appellant's requirement to keep machinery dry and secure. However, most of the identified machinery is intended for outdoor use and therefore I am not persuaded that all these require dry storage. Although the appellant has referred to the theft of a log splitter and provided crime numbers, these offer insufficient information to assess the appellant's security concerns. Based on these, I cannot be certain that the only solution to address the security concerns is the proposed building.
20. Notwithstanding the above, I acknowledge that some equipment such as chainsaws and fuel require secure storage, and it may also be necessary to dry store certain materials and machinery. To this end, the Green Belt provisions do support replacement buildings and there are no clear reason to suggest that such

requirements could not be met through a replacement building which is not materially larger.

21. The appellant asserts that the proposal for a single multiuse building would be preferable to multiple buildings at the site. For example, the possibility of a replacement building for the existing uses along with the fallback for an agricultural building under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Any such application would need to show that such a building meets with the conditions and limitations of the relevant provisions, and there is insufficient information before me to determine this. Accordingly, this assertion and the fallback attract limited weight. It has also been suggested that containers for storage could be utilised at the site and that these would harm openness. However, the details for such a scheme are not before me to draw any comparisons and therefore this also attracts limited weight in the overall balance.
22. I acknowledge that the appeal site serves established businesses in a rural location and that the Framework, 2021, lends support to the sustainable growth and expansion of all types of business in such areas. The proposal also represents an investment into existing businesses. Nonetheless, other than some information to justify the scale of the proposed building, there are no clear reasons to suggest that without this, the existing businesses would not be functional or sustainable. As such, the existing businesses and proposed investment do not justify inappropriate development in the Green Belt.
23. There would be economic benefits associated with the construction of the proposed building and possibly economic prosperity for the existing businesses along with social benefits associated with any job creation, and the environmental gains suggested by the appellant would be modest. On the other hand, there would be substantial environmental harm in respect of the Green Belt. Accordingly, the proposal is not supported by the presumption in favour of sustainable development, as set out in the Framework, 2021.

#### *The Green Belt balance*

24. The proposal would harm the Green Belt by way of inappropriateness and loss of openness. The Framework, 2021, requires substantial weight to be given to any harm to the Green Belt.
25. Having taken account of all matters raised in support of the proposal, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the proposal conflicts with Policy DM2 of the LDD, Policy CP11 of the CS and the Green Belt provisions of the Framework, 2021.

#### **Conclusion**

26. I have found that the proposal would conserve the character and appearance of the CA. I have also found that the proposal would harm the Green Belt, for this reason and conflict with the development plan and the Framework, 2021, I conclude that the appeal should be dismissed.

*M Aqbal*  
INSPECTOR