
Appeal Decision

Site visits made on 13 September & 18 October 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2021

Appeal Ref: APP/B1930/W/21/3275736

St Stephens Green Farm, Chiswell Green Lane, St Albans AL2 3NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr S Collins against the decision of St Albans City Council.
 - The application Ref 5/20/2245/DC.4, dated 29 September 2020, was refused by notice dated 22 April 2021.
 - The application sought planning permission for the erection of an agricultural barn without complying with a condition attached to planning permission Ref 5/16/3787, dated 10 February 2017.
 - The condition in dispute is No 4 which states that: The building hereby permitted shall only be used for the storage of hay and machinery in connection with the agricultural use of the land within the red line of the submitted location plan, and shall not be used in connection with non-agricultural uses.
 - The reason given for the condition is: For the avoidance of doubt and to ensure that the building remains in agricultural use, which is appropriate in this Green Belt location. To comply with Policy 1 of the St Albans District Local Plan 1994 and the National Planning Policy Framework 2012.
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Decision

1. The appeal is dismissed.

Application for costs

2. The appellant made an application for costs. This application for costs has been dealt with in a separate decision.

Preliminary Matters

3. The appeal site is in the Green Belt. Neither party has suggested that the proposal represents inappropriate development in the Green Belt. As I have no evidence to indicate otherwise, I have proceeded on the basis that the proposal would not comprise inappropriate development in the Green Belt.
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.

Background and Main Issue

5. The appellant is seeking the variation of condition No 4, which was imposed by the Council to ensure that the barn on site remains in agricultural use. The

proposed variation would expand the use of the barn to include the repair of commercial vehicles (primarily agricultural machinery). Therefore, the main issue is the effect that varying the condition would have on the local highway network.

Reasons

6. The site is within the open countryside, and comprises a barn surrounded by open land and fencing. The main access to the site serves Chiswell Green Lane, which is a narrow rural road with no footway and a poor surface. Several parts of the verge of the road in the vicinity of the appeal site have suffered noticeable damage. Potholes and uneven surfaces on each side of the road are common nearby. I observed that, due to the narrow width of the road and the curves along its length, smaller vehicles were often forced to use the narrow informal passing places along it, to allow larger vehicles pass. Although a 'snapshot' in time, there is nothing before me to suggest my observations were untypical. Many of the roads connected to Chiswell Green Lane are very narrow.
7. The proposal would upgrade a field-gate access on Chiswell Green Lane, which is located to the east of the main access. The evidence indicates that the additional vehicle movements arising via the proposal, if any, would be low, and a condition has been suggested to limit movements to no more than 4 agricultural/commercial vehicle movements per day. Even so, the proposal would involve the use of the site by vehicles intended to transport agricultural machinery (which may comprise large individual items of machinery). In this regard, although some of the vehicles may not be travelling a great distance to reach the site due to its location near to settlements, a heavy duty crossover is proposed at the upgraded access, meaning that potentially the upgraded access could be used by particularly large vehicles.
8. Accordingly, due to the poor condition of the local highway network and the potential use of the upgraded access by large vehicles, the proposal would conflict with Policy 34 of the Local Plan¹ which provides that, amongst other things, development which involves the improvement of an access onto the public highway will not normally be permitted unless acceptable in terms of, with respect to local rural roads, the use of roads that are poor in terms of width, alignment, or structural condition. The age of the Local Plan is noted, but I have not been able to detect any inconsistency with the Framework with respect to this particular provision of Policy 34.
9. It is recognised that the main access arrangements at the site may not be ideal, and that the proposal would likely provide some benefit with respect to highway safety. In this respect, the proposal would not conflict with paragraph 111 of the Framework. Nevertheless, this does not justify the proposed continual use of the proposed upgraded access by larger vehicles, which would materially exacerbate the existing poor condition of local rural roads, including Chiswell Green Lane.
10. I therefore find that the proposal would have an unacceptable and harmful effect on the local highway network. It would conflict with Policy 34 of the Local Plan, which has been summarised above. It would also conflict with paragraph 85 of the Framework which provides that, amongst other things, it is important

¹ St Albans District Local Plan Review (adopted 1994)

to ensure that development in rural areas does not have an unacceptable impact on local roads.

Other Matters

11. The proposal would contribute to the appellant's business and thereby to the local economy, in accordance with paragraph 84 a) of the Framework, which provides that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. However, considering the small scale of the proposal, the resulting benefits to the local economy would likely be fairly limited.
12. The appellant has asserted that the proposal would reduce the need for commercial and agricultural vehicles to use the wider road network to access repair services in towns, but little evidence has been provided to substantiate this.
13. These matters, taken in combination, have been afforded limited weight. As such, they are not sufficient to outweigh the considerable planning harm identified on the main issue. Therefore, I find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified, nor the conflict with the development plan.

Conclusion

14. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal is dismissed.

Alexander O'Doherty

INSPECTOR