



Appeal Decision

Site visit made on 16 November 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2022

Appeal Ref: APP/A1910/W/21/3271893

Berry Farm, Upper Bourne End Lane, Hemel Hempstead HP1 2RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Bourne End Ltd against the decision of Dacorum Borough Council.
 - The application Ref 20/02947/DRC, dated 30 September 2020, sought approval of details pursuant to condition No 3 of a planning permission Appeal Ref: APP/A1910/W/18/3219155 (application Ref 4/02935/17/FUL), granted on 6 August 2019.
 - The application was refused by notice dated 26 November 2020.
 - The development proposed is described as, "Erection of 2 polytunnels and a barn for the purposes of agriculture".
 - The details for which approval is sought are described as, "Details required by condition 3 (Landscaping) attached to planning permission 4/02935/17/FUL (permitted at appeal APP/A1910/W/18/3219155 - Erection of 2 pollytunnels and a barn for the purposes of agriculture".
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Bourne End Ltd against Dacorum Borough Council. This application is the subject of a separate Decision.

Preliminary Matter

3. 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 and I have taken any made into account. I have had regard to the 2021 version of the Framework in my decision.

Main Issues

4. The main issues in this appeal are:
 - whether or not the proposed landscaping scheme falls within the terms of the planning permission to which it relates; and
 - the effect of the proposed landscaping scheme on the character and appearance of the area.

Reasons

Terms of the Planning Permission

5. This appeal has been submitted in conjunction with an associated one¹ which relates to a purported minor material amendment to the scheme that was granted planning permission by appeal Ref APP/A1910/W/18/3219155. In that appeal, I found that the amount and extent of the proposed changes would result in a scheme that was substantially different in terms of its nature to that approved and that it would not constitute a minor material amendment to the approved scheme.
6. The proposed landscaping details before me here are identical in terms of their layout to those considered in the associated appeal. These involve a number of changes to the approved layout. Amongst other things, they relate to 2 access tracks within the site rather than 3, a new location for the car park (further from the main access track and gates), and the relocation of a number of irrigation tanks into a more central position within the site. Additionally, a new pump house structure is proposed, and a fairly large area of land, stated to comprise a pig yard, has been excluded from the appeal site.
7. As such, and likewise to my findings in the associated appeal, it is clear that all these proposed changes, when taken in combination, involve a layout that is very different from the approved scheme. Hence, the proposed landscaping scheme would not fall within the terms of the existing planning permission. The condition concerning the landscaping scheme cannot therefore be satisfied on the basis of the information submitted.

Character and Appearance

8. Whilst the proposed landscaping details are before me for consideration, the principle of the approved scheme in this Green Belt location is not. That assessment has been undertaken in appeal Ref APP/A1910/W/18/3219155. With this in mind, as I have found on the first main issue that the proposed landscaping scheme would not fall within the terms of the existing planning permission, it would not be appropriate nor necessary to consider the effect of the proposed landscaping scheme on the character and appearance of the area. I have not therefore taken this matter further.

Conclusion

9. For the reasons I have given, the appeal is dismissed.

Alexander O'Doherty

INSPECTOR

¹ APP/A1910/W/21/3271898