



Appeal Decision

Site visit made on 1 March 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2022

Appeal Ref: APP/B1930/W/21/3271330

Searches Farm, Searches Lane, Bedmond, St Albans WD5 0SB

- 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 Robert Murphy against the decision of St Albans City Council.
 - The application Ref 5/20/2692, dated 12 November 2020, was refused by notice dated 26 February 2021.
 - The development proposed is erection of an agricultural building.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The building to which the appeal relates already exists on the site. Details on the application form indicate it was erected between August 2018 and March 2019. The Council dealt with the application on a retrospective basis and I have considered the appeal in the same manner.

Main Issues

3. The site lies within the Metropolitan Green Belt. Therefore, the main issues are:
 - Whether the proposal amounts to inappropriate development in the Green Belt;
 - The effect on the openness of the Green Belt;
 - The effect on the heritage significance of nearby listed buildings, through effect on their settings, and;
 - If the development is inappropriate, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

4. The Government attaches great importance to Green Belts. Paragraph 149 of the National Planning Policy Framework (July 2021) (the Framework) states that the construction of new buildings within the Green Belt is inappropriate development but lists certain forms of development which are not regarded as inappropriate. This includes buildings for agriculture and forestry.
5. Policy 1 of the St Albans District Local Plan Review 1994 (the LPR) sets out the Council's Green Belt policy, with some exceptions similar to those of the

Framework. However, it is not wholly consistent with the Framework due to the use of different terminology and absence of several exceptions to inappropriate development. Therefore, in accordance with Paragraph 213, I afford limited weight to this policy and have assessed the proposal primarily against the Framework.

6. The appeal building is a large, portal framed structure. It is located within a field to the south of Searches Farm and a short distance north of the M25 Motorway. Open fields surround the site to the west, south and east. The building is accessed via a gate to the north-eastern corner of the field, next to the main entrance into Searches Farm. Two tracks lead to the building in the south-west corner, one curving around the western side and one the eastern side. Various equipment, materials, storage structures and vehicles were dotted around the wider field at the time of my visit, though these are located outside of the red line of the appeal site which is drawn tight to the footprint of the building and the access tracks.
7. The Council contends that the building is not being used for agricultural purposes, nor has it been since its construction, and is therefore inappropriate development in the Green Belt. The appellant states that the building was and still is intended to be used for agricultural purposes, specifically to support and expand an existing cottage enterprise, namely free range egg production. The appellant explains that the Covid-19 pandemic prevented implementation of this proposal.
8. The building itself is surrounded by a concrete hardstanding with a large bund to the southern side and a line of trees to the west. Internally the building is separated into three spaces. Two of these were occupied by manufacturing-type uses, with significant woodworking machinery and other heavy duty equipment in place. The third space was being used to store cars. None of the uses I saw appeared related to agriculture. Indeed, the appellant concedes that the current uses are commercial in nature.
9. I have a number of difficulties with the appellant's arguments in this case. Firstly, there is no substantive evidence put to me to demonstrate that there is an existing egg production enterprise on the land or that the appeal building has been in agricultural use at any point since its construction. The appellant's evidence is limited to an example image of free range hens outside an agricultural building and a poster/sign for free range eggs with the site address. Despite claiming to have an existing cottage enterprise, there are no actual details of where production takes place or to what level. Nor is there any evidence of other meaningful agricultural activity on the land.
10. Rather, several interested parties attest that no livestock remain and the site is in industrial/commercial use. This is illustrated by signs at the main entrance listing a variety of businesses trading from Searches Farm. Ultimately, I saw little to suggest that agricultural activity still occurs at the site to any substantive degree.
11. The Council also points to the guidance of the RSPCA in respect of free range hens, which states that they would normally have outside access through openings called 'popholes'. I saw no such openings within the building as constructed. There is also no land within the red line which is specifically set aside for hens to roam. The appellant argues that they control the surrounding land and permission would not be needed for hens to roam on it. However, the

building is surrounded by the large concrete hardstanding, other gravelled areas, tracks and storage areas. None of this appears suitable as a space for free range hens. These factors together place considerable doubt in my mind as to the feasibility of the proposed egg production operation.

12. It is also somewhat contradictory that the appellant claims that he was unable to employ the staff or put the various production processes in place because of the Covid-19 pandemic, despite indicating the building was complete several months before the onset of the pandemic in early 2020, but during the same period, tenants were able to fit the building out with substantial amounts of machinery, employ several people and trade from the appeal site.
13. Moreover, the extent of large machinery installed in the building by the current tenants, along with internal alterations made, indicates significant investment which does not appear consistent with the building being used for commercial purposes only on a temporary basis during the pandemic, but signals a long-term approach. Indeed, despite Covid restrictions having been lifted, the appellant has provided no details of a timescale for changing the building to agricultural use in line with the permission sought.
14. The appellant also refers to the description of a separate application for the '*temporary change of use of agricultural building to Class B2 (general industry) and Class B8 (storage and distribution) for a period of 1 year*' (Council Ref 5/2021/0284), and its advertisement as such on the site notice, as evidence that the Council accepts the building to be in agricultural use. However, the description used on the site notice is usually taken from the application form and reflects the development *sought* by the appellant. I have no evidence to suggest that is not the case here and its use on the site notice is not an acknowledgement that the Council accepted the description as reflecting the use of the building. Indeed, the Council confirms it subsequently refused the application due to concerns over its existing use. Therefore, I do not regard this as supportive of the appellant's case.
15. Overall, I find that the building as constructed is in commercial use and the evidence before me does not satisfactorily demonstrate a genuine intention to use it for agricultural purposes. Therefore, it does not constitute a building for agriculture or forestry within exception (a) of Paragraph 149. The appeal scheme would also not meet any of the other exceptions within this paragraph or those set out at Paragraph 150.
16. Consequently, in principle, the development amounts to inappropriate development within the Green Belt and conflicts with the aims of the Framework and with Policy 1 of the LPR. Inappropriate development is, by definition, harmful to the Green Belt and the Framework directs that substantial weight should be given to any harm to the Green Belt.

Openness of the Green Belt and Green Belt Purposes

17. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect.
18. The building as constructed sits in an open field detached from the main complex of buildings at Searches Farm. The field is otherwise absent any

substantial permanent built form, and there is no evidence before me to suggest any substantial structures existed prior to the building's construction. As such, it previously formed part of the continuous open countryside around the large, but relatively closely arranged development at Searches Farm. In spatial terms, the proposal has introduced built form where there previously was none, in clear conflict with the fundamental Green Belt aim of keeping land permanently open.

19. Visually, the building is relatively contained by the bund and tree line, whilst other trees and hedges around the main entrance to Searches Farm obscure views with the entrance gate closed. However, the overall scale of building is immediately apparent in views from the field entrance with the gate open.
20. For these reasons, the proposal would result in a significant and harmful loss of Green Belt openness. Moreover, the proposal would lead to encroachment of development into the countryside and would impact on the related Green Belt purpose.

Effect on designated heritage assets

21. The historic farmstead at Searches Farm contains three Grade II-listed buildings, Searches Farmhouse, the main timber framed barn and the granary. These are located together at the main entrance to the site. The buildings have evidential value as examples of a 15th/16th century farmhouse and 18th/early 19th century rural outbuildings which contributes to their significance. Their group value as a cluster of related buildings also contributes in this respect.
22. The Council's view is that the urbanising effect of the appeal building, together with the adjacent works and activity within the wider field to the south of the listed buildings degrades their settings. The appellant regards the building as having a neutral effect on their settings, being an building of agricultural appearance on rural land that is characteristic of farm complexes such as Searches Farm.
23. It is clear from my visit and the evidence put to me that the farmyard of Searches Farm has been extensively developed with various buildings, storage containers and other structures not related to agriculture. I note planning permission exists to replace some or all of these with 5 dwellings, though there was no sign of this being implemented at the time of my visit. I recognise, however, that the existing amount of development has had a significant effect on the settings of the listed buildings, surrounding them effectively with an industrial estate rather than an agricultural yard with farming activity as historically would have been the case.
24. The effect of this is the erosion of the historic connection with farming at the site, and the physical connection with the agricultural hinterland. The southern field, prior to the development now at appeal, would have maintained this connection to some degree. The development as constructed further erodes this rural hinterland through the urbanising effect of the building, tracks and other elements. I accept that, viewed in isolation, the building has the outward appearance of a modern agricultural building; however, its detached position away from other development in a previously open field further erodes the historic rural surroundings of the listed buildings.

25. I appreciate that there is limited intervisibility between the listed buildings and the appeal building when the entrance gate is closed. However, setting is defined in the Framework as the surroundings in which a heritage asset is experienced. The gate itself is an urbanising feature which indicates development to the south of the listed buildings and, as set out above, the appeal building would form a visible and conspicuous presence from the listed buildings when the gate is open. Moreover, my findings above on the commercial use of the building conflicts with the historic agricultural use with which the listed buildings and their surroundings are associated and from which they draw their significance.
26. The appellant refers to other nearby listed farmhouses surrounded by modern agricultural buildings. However, I have no details of the planning history of these buildings or their usage. Moreover, their settings will inevitably differ given their different locations and surroundings. As such, it is difficult to draw direct comparison with the appeal scheme. In any event, I have determined the appeal on its own planning merits and having regard to the site-specific evidence before me.
27. For the reasons set out, I conclude that the appeal scheme harms the settings of the three listed buildings. The harm to the significance of these designated heritage assets would be less than substantial, in the language of the Framework. Nonetheless, the Framework states that great weight should be given to the assets' conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance. Paragraph 202 directs that this less than substantial harm should be weighed against the public benefits of the proposal including, where appropriate, securing their optimum viable use.
28. There are no specific benefits outlined by the appellant. The only potential benefit would be an economic one were the free range egg operation to be undertaken. However, given my findings above, this is far from a certainty. Moreover, I have no evidence of the planned scale of the operation or the anticipated earnings from it. As such, I afford very modest weight to this as a potential benefit, and it would be insufficient to outweigh the less than substantial harm identified.
29. Therefore, I conclude that the proposal would harm the significance of the designated heritage assets through adverse effect on their settings. This conflicts with Policy 86 of the LPR which states that in considering any development affecting a listed building or its setting, the Council will have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses.

Other Considerations

30. Aside from the potential economic benefits outlined above, no other material considerations have been advanced by the appellant in support of the proposal. I recognise that there is some economic output at present from the commercial uses operating within the appeal building. However, the appellant accepts that these do not fall within the scope of agriculture, and permission is not sought to retain a commercial use. It follows that these uses would be required to cease were permission to be granted to enable an agricultural use to take place. Therefore, I do not afford positive weight to any economic benefits arising from the current use of the building.

31. A number of other matters have been raised in representations by interested parties, including contamination, lighting, effects on wildlife and nearby crop growing and traffic impacts. Ultimately, the Council refused permission only in respect of the matters forming the main issues, and given my findings above, it is not necessary for me to consider these other matters in further detail, as the evidence before me does not indicate that they raise matters of such significance as to result in additional material harms or benefits to be weighed in the overall planning balance.

Planning Balance and Conclusion

32. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition there are adverse impacts on openness, on the Green Belt purpose of safeguarding the countryside from encroachment and harm to the heritage significance of nearby listed buildings. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
33. As explained above I give very modest weight to material considerations in support of the proposal and conclude that they do not *clearly* outweigh the harm the scheme causes. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt.
34. Policy 1 of the LPR is one of the policies most important for determining the application, but is out-of-date for the reasons set out above. In this case, Paragraph 11(d)(i) of the Framework indicates that planning permission should be granted unless application of policies in the Framework that protect areas or assets of particular importance provide clear reasons for refusing the development proposed. Green Belt and designated heritage assets are two such areas or assets and, given my findings above, the proposal would not amount to sustainable development and the presumption in favour does not therefore apply.
35. The appeal scheme therefore results in conflict with the development plan, taken as a whole. Other material considerations, in particular the Framework, do not indicate that permission should be forthcoming other than in accordance with the development plan, but rather point to the refusal of permission.
36. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

K. Savage

INSPECTOR