



Appeal Decision

Site visit made on 25 January 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st April 2022

Appeal Ref: APP/B1930/W/21/3282472

The Plough Public House, 32 Tyttenhangar Green, St Albans AL4 0RW

- 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 Brendan Corcoran against the decision of St Albans City & District Council.
 - The application Ref 5/21/2059, dated 14 October 2020, was refused by notice dated 2 September 2021.
 - The development proposed is retention of 3 No. gazebos.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Brendan Corcoran against St Albans City & District Council. This application the subject of a separate Decision.

Main Issues

3. 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') and development plan policy;
 - ii. if the development would be inappropriate, whether any 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

4. The appeal site comprises a public house with outdoor areas and a car park, which is located within the Metropolitan Green Belt. The proposal relates to the retention of 3 'gazebos' that have been erected on the outdoor area to the rear of the public house.
5. The Council's reason for refusal refers to Policy 1 of the St. Albans District Local Plan Review 1994 ('the LP'). This, pre-dates the Framework and is not fully consistent with it in that it does not recognise the full extent of exceptions to inappropriate development detailed in the Framework. However, Policy 1 of the

- LP does require very special circumstances to justify inappropriate development and therefore I attach some weight to this.
6. Paragraph 149 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. But then goes on to set out certain exceptions to this.
 7. The term “building” is defined as follows in section 336 of the 1990 Act: “building” includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building.
 8. Applying this definition would mean that a structure (gazebo) comprising timber pillars and a roof, should be regarded as a “building” for the purposes of the Framework. As such, the gazebos should be regarded as buildings for the purposes of applying Green Belt policy.
 9. The Council is of the view that the proposal does not meet the development purposes specified under Policy 1 of the LP or any of the exceptions under Paragraph 149 of the Framework. The appellant has also failed to clearly specify this. Accordingly, the gazebos are inappropriate development within the Green Belt.
 10. As set out under Paragraph 137 of the Framework, the essential characteristics of Green Belts are their openness and their permanence.
 11. The area immediately to the rear of the public house comprises a raised terrace and beyond this is a grassed seating area. To the rear of the grassed seating area is a storage building and a children’s play area. Most notably, the area to the rear of the public house is largely exposed in views from the adjacent car park and therefore visually prominent.
 12. Notwithstanding some attention to design and materials, the gazebos typically are about 3m in height and individually each covers a floor area of approximately 12sqm. Despite being designed to be largely open, the pillars supporting these and their roof forms are substantial.
 13. Therefore, and though these are viewed in the context of the public house, its associated paraphernalia and landscaping, because of their form, permanency and overall scale, the gazebos are visually dominant. They are also made more conspicuous by the attached netting, banners and lighting. Most notably, the gazebos are detached buildings that are spread across a substantial area. Therefore, cumulatively they reduce the visual and spatial openness of the Green Belt. This is a further aspect of Green Belt harm.

Other considerations

14. Paragraph 147 of the Framework is clear 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.
15. Whilst as a consequence of the Covid pandemic, patrons were required to consume food/beverages purchased from the public house outside. Such requirements were temporary and therefore attract little weight.

16. I acknowledge that the public house serves the local community and that the proposal provides some enhancement of facilities for patrons, particularly during inclement weather. Nevertheless, there is no substantive evidence that such facilities are necessary for the public house or its viability as a business. There is also little evidence to support the claim that the gazebos serve to dampen noise. Therefore, I attach limited weight to these matters in the overall balance.
17. Previously approved extensions to the public house would have been assessed and determined on their respective planning merits and do not provide justification for allowing the proposal. As such, I attach little weight to this.
18. The lack of harm identified in respect of car parking, highway safety and design matters, and conformity with other LP policies is a neutral factor.

The Green Belt balance

19. The proposal would harm the Green Belt by way of inappropriateness and loss of openness.
20. Having taken account of all the other considerations raised in support of the proposal, I find that these do not clearly outweigh the Green Belt harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal conflicts with Policy 1 the LP, along with the provisions of the Framework for safeguarding the Green Belt.

Conclusion

21. For the reasons given above, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR