



Appeal Decision

Site visit made on 12 April 2022 by Darren Ellis MPlan

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st June 2022

Appeal Ref: APP/J1915/W/21/3283368

The Farmers Boy Public House, 1 Brickendon Lane, Brickendon SG13 8NU

- 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 Brummitt against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/2112/FUL, dated 22 October 2020, was refused by notice dated 22 March 2021.
 - The development proposed is described as retention of rear covered seating area.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The rear covered seating area has already been constructed and appears to accord with the plans before me, therefore I have considered the appeal on this basis.

Main Issues

4. The appeal site is within the Green Belt and the Brickendon Conservation Area (CA), and so the main issues are:
 - whether the development is inappropriate development for the purposes of development plan policy and the National Planning Policy Framework (the Framework);
 - the effect of the development on the openness of the Green Belt;
 - the effect of the development on the character and appearance of the existing building and street scene;
 - whether the development preserves or enhances the character or appearance of the CA; and
 - if the development would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed
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by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether the proposal would be inappropriate development

5. The Framework establishes that new buildings in the Green Belt are inappropriate except in certain circumstances, including where they involve the extension of an existing building, provided that the extension does not result in a disproportionate addition over and above the size of the original building. The Framework defines 'original building' as 'a building as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was built originally.'
6. Policy GBR1 of the East Hertfordshire District Plan (October 2018) (EHDP) states that planning applications in the Green Belt should be considered in line with national policy. Neither this policy nor the Framework define 'disproportionate'.
7. The appeal property is a detached two-storey public house that has previously had planning permission for several side and rear extensions. On site I saw that there were single storey additions to the rear of the two-storey main building as well as various outbuildings. While neither main party has quantified these additions, the evidence before me is that the original building had already been substantially extended prior to the erection of the development subject of this appeal.
8. The covered seating area to the rear is another single-storey extension and has substantially increased the floorspace and footprint of the property. The Council has calculated the increase to be approximately 114 square metres, and the appellant has not disputed this figure.
9. Size is more than a function of floorspace and volume and can include bulk, mass and height. The covered seating area on its own, although it is partly screened by the existing boundary treatment, has nevertheless considerably increased the bulk, mass and volume of built development to the rear of the original building and appears as a further significant addition to it. Consequently, both individually and together with the previous extensions, it amounts to a disproportionate addition over and above the size of the original building. The development is therefore inappropriate development which is, by definition, harmful to the Green Belt.

Openness

10. Openness is an essential characteristic of the Green Belt. The Planning Practice Guidance states that openness is capable of having both spatial and visible aspects, so that both the visual impact of the proposal and its volume may be relevant.¹
11. The proposed extension has increased the bulk and massing of the building and has therefore resulted in a reduction in the openness of the Green Belt in spatial terms. However, given the backdrop of the surrounding residential buildings and existing fencing and hedging to the boundaries of the site, the resulting visual impact on openness is limited, as is the overall harm in this

¹ Planning Practice Guidance, Paragraph: 001 Reference ID: 64-001-20190722

respect. Nonetheless, one of the fundamental aims of Green Belt policy is to keep land permanently open and, having regard to the Framework, I afford this harm substantial weight.

Character and Appearance

12. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
13. The public house is an historic building located in a prominent position at the junction of Brickendon Lane and Fanshaws Lane. The building is finished with brick at the ground floor level, render to the first floor and a slate roof, and includes traditional features such as sash windows and chimneys. The properties in the CA are of a range of ages and designs and are finished with a mix of brick and render to the walls, although a couple of properties also include white timber, and slate or tile roofs. Overall, the Farmers Boy complements the design and materials of the street scene and contributes positively to the character and appearance of the Conservation Area and wider village.
14. The covered seating area has been constructed with plain timber and corrugated metal walls and a roof made from plastic panels. Overall, this gives the appearance of a lightweight temporary structure. Although partially screened by the existing boundary treatment, this appearance jars with the design and materials of the existing building and those in the wider street scene and CA. The development is not therefore sympathetic to its surroundings and fails to respect local distinctiveness. Consequently, the covered seating area detracts from the character and appearance of the existing building and street scene and fails to preserve or enhance the character or appearance of the CA.
15. The harm would be localised and therefore, in the context of the approach in the Framework, the harm to the significance of the CA as a whole would be less than substantial. Nevertheless, it is a matter of considerable weight and importance. In such circumstances, the Framework provides that the harm should be weighed against the public benefits of the proposal.
16. The public house has been designated as an Asset of Community Value. The development provides more covered space for customers and was originally constructed to help keep the public house open and viable during the period of temporary restrictions, particularly social distancing, that were in force for the Covid-19 pandemic. However, while at the time of submitting the appeal in September 2021 the appellant advises that many customers were still distancing, it has not been demonstrated that this has continued now that all legal restrictions have been lifted. Also, the proposal is for the permanent retention of the covered area and therefore would outlast any temporary restrictions. If new restrictions were imposed in future other options exist for public houses to create covered areas through other types of structure.
17. While I appreciate the appellant's efforts to keep the pub operating, and staff employed, during the pandemic, it appears that the business has been operating for some time since the temporary restrictions have been removed. There is however no detailed viability information or other substantive evidence before me to demonstrate that the business would be unsustainable without

the covered area, or that the community facility and related employment would be at risk if the appeal were dismissed.

18. For these reasons, I attach limited weight to these matters as public benefits of the proposal, and they do not outweigh the harm identified to the CA, to which I afford considerable weight.
19. Accordingly, the development conflicts with EHDP policy DES4, which requires development to be of a high design standard that promotes local distinctiveness. While EHDP Policies VILL2 and CFLR7 are both permissive of community facilities in principle, the design issues and Green Belt harm set out above mean that there is also conflict with these policies.

Other Considerations

20. The appellant states that the provision of covered outdoors areas is reasonably expected as a result of the restrictions imposed for the Covid-19 pandemic. I am mindful of the difficulties the pandemic has brought for the hospitality sector. However, the legal restrictions have now been removed and since the time of the application the situation has changed markedly. Consequently, the circumstances created by the pandemic do not outweigh the harm that has been identified. There is no evidence of any attempt to consider alternatives, provide a more sympathetic solution or to discuss any requirements with the Council before work was completed or since.
21. I acknowledge the public and Parish Council support for the business, however for the reasons set out above the situation has materially changed, and in the absence of substantive evidence that the valued community facility would be at risk, this does not alter my conclusion on the weight to be given to that matter, or the harm that would be caused.

Whether very special circumstances exist

22. The proposed extension would cause harm to the Green Belt by way of inappropriateness and reduction in openness, to which I afford substantial weight.
23. The Framework states that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The other considerations identified above do not clearly outweigh the totality of the harm. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion and Recommendation

24. Accordingly, the proposal would conflict with EHDP policy GBR1 and with the Framework. There are no material considerations which indicate that a decision should be made other than in accordance with the development plan. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and the Appeal Planning Officer's report and I agree with the recommendation that the appeal should be dismissed.

L McKay

INSPECTOR