



Appeal Decision

Site visit made on 20 June 2022

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2022

Appeal Ref: APP/P0240/W/21/3287621

Land Adjacent Chiltern View, Higham Road, Hitchin MK45 4RB

- 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 N Murphy against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/02118/FULL, dated 8 May 2021, was refused by notice dated 27 August 2021.
 - The development proposed is for the change of use of land from agricultural to mixed agricultural and siting of 10 storage containers for storage use and installation of a fence around part of the site.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed development has already been undertaken. The containers are a combination of dark green and light grey in colour. I shall take this into account in my decision.

Background and Main Issues

3. The site is within the Green Belt. Policy SP4 of the Central Bedfordshire Local Plan 2015-2035 (2021)(LP) states that development within the Green Belt will be assessed in accordance with national planning policy. The National Planning Policy Framework (The Framework) explains that the Government attaches great importance to the Green Belt. Paragraphs 149 and 150 of the Framework establish that new development would be inappropriate unless it meets a listed exception. Furthermore, the Framework explains that substantial weight is to be afforded to any harm.
4. As it has not been demonstrated that the proposal would be any of the exceptions listed in Paragraph 149 or 150 of the Framework, it would amount to inappropriate development which is, by definition, harmful to the Green Belt. Main parties agree that the proposal would be inappropriate development in policy terms.
5. Consequently, the main issues are:
 - The effect of the proposed development on the character and appearance of the area,
 - The effect on the openness of the Green Belt, and

- Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances to justify it.

Reasons

Character and appearance

6. The appeal site is within the open countryside. The site is a field alongside the highway and adjacent to the large residential plot of 'Chiltern View'. The highway is slightly elevated to the local area and affords wide and distant views over the surrounding countryside. The appeal site consists of two parcels. The first includes an access onto the highway and a driveway that terminates at a tall gate leading into the second parcel. Parcel Two consists of ten containers and is enclosed by metal panel fencing. The appeal site includes perimeter hedge and tree planting and various trees throughout the site. Although being adjacent to 'Chiltern View' and a barn, the site is otherwise surrounded by the open countryside. As such, in an undeveloped state, the site would make a positive contribution to the character and appearance of the surrounding area.
7. The enclosed part of the site is relatively discrete when viewed from the highway, being set behind hedging. It is more apparent from the access gate and from within the site where the metal fencing has an industrial appearance. The fencing is utilitarian in appearance, forming a regimented and continuous line through the landscape. This creates a harsh juxtaposition with its surrounding verdant and open setting. Furthermore, whilst the containers are to the rear of the site, they are comparatively large that, in combination with the fencing, have a strident and urbanising effect on the immediate area.
8. Although only partially visible from outside the site, the fencing and containers can be glimpsed from the highway and in wider views from the countryside to the rear. These features would be of greater visibility in winter months when trees have shed their leaves. The proposal would have a harmful effect on the appearance of the open character of the surrounding countryside. The fencing and containers convey a negative contribution to the surrounding countryside, harming the character and appearance of the area.
9. Consequently, the proposed use would conflict with LP policy HQ1 and the Framework. These seek development to reinforce local distinctiveness and be sympathetic to local character.

Effect on openness

10. Paragraph 133 identifies that the fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. The openness of the Green Belt has both spatial and visual dimensions. The appeal site is relatively enclosed with a hedgerow and occasional tree planting adjacent to the highway. However, land to the rear of the site falls away to the northwest affording distant views of the wide and open countryside.
11. The proposed development encloses an area of land for storage purposes and as such has introduced artificial boundaries and eroded the previously open character of the site. Furthermore, although relatively discrete due to the fencing, the containers are visible from several vantages and these further contribute to the urbanising storage use of the site. In spatial terms, the containers cover a small percentage of the appeal site and are only of a limited

height above the fencing. As such, spatially the harm would be modest. However, visually the increased mass and development of the site, from its former agrarian use, represents a significant reduction of the sites openness.

12. Consequently, the proposal would have a moderately harmful effect on the openness of the Green Belt.

Other Considerations

13. The appellant explains that the containers are used for the storage of air conditioning units and building materials. Material is moved to and from the site using two small vans that visit the site around six times a week. This results in a low-key business with limited traffic movements. Consequently, there is no identified harm to highway safety or the living conditions of residential occupiers within the surrounding area. However, an absence of harm in these respects can only be considered as neutral factors in the planning balance.
14. The appellant explains that the proposal would support agricultural diversification, as supported by the Framework. It is also noted that a large proportion of people within the borough are employed in rural enterprise. Nonetheless, it has not been stated how agricultural diversification would be achieved through the proposed use or how the rural employment opportunities would be created. It is also not clearly explained how the agricultural use would benefit from the proposal or whether any functional link exists between the proposed use and the farm holding.
15. The Framework explains that the fundamental aim of Green Belt policy is to keep land permanently open. Paragraph 138 defines the five purposes of the Green Belt and includes at c) to safeguard the countryside from encroachment. I am cognisant that the containers are demountable and would project only a short height above the installed fence. Furthermore, I have noted the quantity of landscaping around the perimeter of the site affording good screening of the containers. However, the proposal would amount to encroachment, albeit limited, into the Green Belt.
16. The fence installed is stated as not exceeding two metres in height. It could therefore be permitted development. However, this position has not been confirmed by the Council and its status is not subject to a lawful development certificate. I am therefore only able to afford limited weight this potential fallback position.
17. The containers could be painted dark green, and new planting secured by the imposition of planning conditions. However, these measures would not mitigate the harm found nor would they address the visual impact of the development by simply screening it from public view.
18. The proposal would make effective use of land by using it for commercial purposes. However, the Framework excludes agricultural land from the definition of previously developed land. As such, the proposal would erode the contribution the site makes to the Green Belt and would harm the intrinsic beauty of the surrounding countryside.

Whether there would be Very Special Circumstances

19. Paragraphs 149 and 150 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development 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.
20. The appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. Furthermore, the appeal scheme would result in moderate harm to the openness of the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt. The proposal would also harm the character and appearance of the surrounding countryside, a further point of significant weight.
21. On the other hand, the other considerations I have identified are of limited to moderate weight in favour of the proposal. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.

Conclusion

22. The proposed development would not accord with the development plan or national policy and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal does not succeed.

B Plenty

INSPECTOR