



Appeal Decision

Site visit made on 23 August 2022

by Mr Cullum Parker BA(Hons) PGCert MA MRTPI MCMI IHBC

an Inspector appointed by the Secretary of State

Decision date: 24th August 2022

Appeal Ref: APP/C1950/W/21/3288121

Nyn Manor, Vineyards Road, Northend, Potters Bar EN6 4PQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Andrew Newland against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2021/1791/VAR, dated 8 June 2021, was refused by notice dated 18 November 2021.
 - The application sought planning permission for erection of 1x machinery store and 1x hay barn following demolition of existing Dutch barn without complying with a condition attached to planning permission Ref 6/2019/1813/FULL, dated 15 November 2019.
 - The condition in dispute is No 4 which states that:
The development/works shall not be started and completed other than in accordance with the approved plans and details: PL01D Machinery Shed – Plans & Elevations 30 August 2019, PL05 C Location Plan 1 August 2019, PL02 A Proposed Hay Barn Plans And Elevations 23 July 2019, PL04 C Proposed Site Plan 1 August 2019.
 - The reason given for the condition is: *To ensure that the development is carried out in accordance with the approved plans and details.*
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Decision

1. The appeal is allowed and planning permission is granted for erection of 1x machinery store and 1x hay barn following demolition of existing Dutch barn at Nyn Manor, Vineyards Road, Northend, Potters Bar EN6 4PQ in accordance with the application Ref 6/2021/1791/VAR dated 8 June 2021, without compliance with condition number 4 previously imposed on planning permission Ref 6/2019/1813/FULL, dated 15 November 2019 and subject to the conditions set out in Appendix A.

Main Issue

2. The main issue is the effect that varying the condition would have on the Green Belt and on the setting of nearby designated heritage assets.

Reasons

3. This appeal seeks to vary condition 4 (approved plans) of planning permission 6/2019/1813/FULL. The variation relates specifically to the machinery store which has not been built in accordance with the originally approved plans. This application seeks to regularise the alterations which have taken place and mainly comprise: - Bi-fold doors installed behind roller shutters; and - Change

of location of rooflights on 'Old Barn Elevation' and insertion of five additional rooflights on this roof slope. I have focussed my attention mainly on this matter.

Green Belt

4. The principle of the acceptability of the machinery store in Green Belt terms was considered at the original planning permission stage, which granted permission for the machinery store. The *National Planning Policy Framework* (the Framework) sets out that inappropriate development is, by definition, harmful to the Green Belt and the construction of new buildings should be regarded as inappropriate unless listed as an exception¹.
5. Paragraph 149 of the Framework sets out various exceptions including buildings for agriculture and forestry. The local planning authority consider that the amendments sought would amount to a building that would no longer be 'designed' for agricultural purposes. To support this I have been directed to caselaw, which I have taken into account². The building is considered by the Council to no longer be designed for agriculture because of the number of rooflights sought and the installation of bi-folding doors.
6. Conversely, the Appellant indicates that the building has and would be used for agricultural purposes. To that end they have submitted an appeal decision³ from January 2019 where the appointed Inspector, (although dismissing the appeal), found that hay cropping and grazing of sheep occurred at the farm and in doing so those were activities that fall within the definition of agriculture within s336 of the TCPA 1990, as amended.
7. Furthermore, the Appellant's Statement of Case shows the storage of agricultural machinery in the machinery store⁴ - thus demonstrating that the space can and has been used to store machinery even with the insertion of the bi-folding doors. Indeed, at the time of my site inspection the building had some machinery stored in it, with tools and workshop items also clearly visible within the building. Lastly, the floor plan of the machinery store remains the same as originally approved by the local planning authority, when they considered such a layout was suitable for agricultural purposes through the grant of planning permission.
8. Taken altogether, with agriculture taking place at the farm, with agricultural-related machinery and tools being stored in the building, and with no change of use of the building sought (or indeed possible, being outside the scope of a 's73 appeal' which varies a condition), the logical and reasonable conclusion is that the building is and remains one used for agricultural purposes.
9. Accordingly, the scheme before me continues to constitute an agricultural building which is listed as an exception. It does not, therefore, constitute inappropriate development in the Green Belt. It therefore accords with Policy GBSP1 of the *Welwyn Hatfield District Plan 2005* (WHDP) which seek to maintain the Green Belt.

¹ See Framework 2021, Paragraphs 147 to 149

² *Belmont Farm Ltd v MHLG and another* [1962] and *Chichester D.C. v FSS & Simon Green* [2006]

³ Appendix 3 of Appellant's Statement of Case, Appeal ref 3197991

⁴ See page 15

Heritage assets

10. As detailed within the Officer's Report, Nyn Manor Farm contains a group of three grade II listed buildings forming a courtyard: Nyn Manor Farmhouse dating from the early 19th century; a stable of 17th century origin with 19th century alterations; and a 17th century barn and wall also with 19th century alterations. Their significance is largely derived from their architectural form and historical interaction.
11. As considered above, the machinery store would continue to serve a purpose related to agriculture as an agricultural building. Such buildings and uses are not uncommon on farm holdings. I note the Council's observations in terms of the potential of the building to appear more domesticated in appearance than other agricultural buildings though the additional rooflights sought and bi-folding doors. However, I have found that the building is both capable and used for agricultural purposes and activities. This would be in keeping with the historical interaction of the nearby listed buildings.
12. Accordingly, I find that the significance of the listed buildings would not be negatively affected. As such, the changes sought, at the very least, would preserve the setting of nearby listed buildings, for which special regard should be given to under s66(1) of the *Planning (Listed Buildings and Conservation Areas Act 1990)*, as amended. The proposal would therefore conform with Policies D1 and D2 of the WHDP which seek to respect and relate to the context of the area.

Conclusion

13. The variation of condition 4 of the original permission sought would be 'not inappropriate development' in the Green Belt and would not result in harm to the setting of listed buildings. Accordingly, the appeal is allowed and planning permission is granted subject to that set out in 'Decision' section of this decision.
14. For clarity, I have reimposed the plans condition of the original permission which dealt with the site plan and hay barn, which were not disputed, but changing the drawing numbers relating to the machinery store.
15. I have no grounds to question the reason for the imposition of the three other conditions which were not contested by the main parties. As such, I have reimposed all the original other conditions in creating a 'new' planning permission.

C Parker

INSPECTOR

Appendix A – conditions imposed

- i) No development above ground level in any phase of the development shall take place until details of the type and colour of materials to be used in the construction of the external surfaces of the buildings hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.
- ii) No external lighting shall be installed without the prior agreement in writing of the Local Planning Authority. Subsequently, external lighting must only be installed as approved.
- iii) The development hereby approved must not take place other than in accordance with the Tree Protection Plan and Heads of Terms Method Statement contained in Appendix B3 of the submitted Arboricultural Planning Report by Tracy Clarke Tree Consultancy, July 2019.
- iv) The development/works shall not be started and completed other than in accordance with the approved plans and details:

PL05 C Location Plan

PL02 A Hay Barn Plans & Elevations

PL04C Proposed Site Plan

05a pt2 Proposed Plans and Elevations 2109-PL20 E

06a As Built Plans and Elevations 2109-PL11

06b As Built Plans and Elevations 2109-PL10F

*****END OF CONDITIONS*****