



Appeal Decision

Site visit made on 25 October 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2022

Appeal Ref: APP/W1905/W/21/3288510

Land at Barrow Lane, Goffs Oak, Cheshunt EN7 5LT

- 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 Roxanne Lawrence of Teens Unite against the decision of Borough of Broxbourne Council.
 - The application Ref 07/21/0277/FUL, dated 5 March 2021, was refused by notice dated 29 October 2021.
 - The development proposed is use of site as a specialist retreat for young people suffering with a cancer diagnosis, including the erection of a new retreat house.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Roxanne Lawrence of Teens Unite against the decision of Borough of Broxbourne Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appellant has submitted a signed Unilateral Undertaking as part of the appeal (the UU). This relates to matters including the use of the land, details of revenue and business plans, and a management plan for the site. I have taken this into account in my assessment of the appeal.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - Whether the UU is adequate to regulate the delivery and operation of the development, and;
 - 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 required to justify the proposal.

Reasons

Whether Inappropriate Development

5. Paragraph 149 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate and provides a list of exceptions. Policy GB1 of the Broxbourne Local Plan 2020 (the BLP) states that planning applications in the Green Belt will be considered in line with the provisions of the Framework.
6. The main parties have agreed that the proposal would represent inappropriate development in the Green Belt, as defined by the Framework. I concur with that position as the proposal would not conform to any of the exceptions to inappropriate development given in paragraphs 149 or 150 of the Framework.

Openness

7. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and the essential characteristics of Green Belts are their openness and their permanence. Openness has a spatial aspect as well as a visual aspect and a number of factors can be relevant in its consideration.
8. The appeal site adjoins a dual carriageway to the east, which marks the Green Belt boundary and separates the more densely developed settlement of Chestnut and the surrounding countryside. This transition is evident when travelling west along Barrow Lane, where the landscape becomes more open and verdant after crossing over the dual carriageway, and the area is characterised by a more sparse nature of development.
9. While some development spills over the dual carriageway, these generally contribute towards qualities of openness through their scale or spaces around them. A small cluster of buildings, including agricultural buildings, exists to the south east of the site, and developments on the northern side of Barrow Lane include low level greenhouses and a development of detached houses. Other residential properties exist in an irregular layout further along Barrow Lane and Halstead Hill to the west.
10. The appeal site itself comprises predominantly open grassland and is free of any development. It has hedgerows and young trees to its northern, western and southern sides. The site is relatively flat, lowering slightly to its southern side, and views can be experienced across the site and to the countryside beyond from the bridge over the dual carriageway and from the adjoining public footpaths. For these reasons the site makes a positive contribution to the appreciation of the openness in this part of the Green Belt.
11. The proposed development would significantly alter the existing sense of openness. While occupying a limited proportion of the wider site area, the size of the proposed building would be substantial. It would comprise approximately 1,701 sqm of internal floor space, within a two storey C-shaped building. While the design of the roof would allow much of the first floor to be contained within the roof slopes, the presence of large gable features and substantial areas of glazing would accentuate the presence of the first floor accommodation and the overall height and bulk of the building.

12. In addition to the building itself, the change of use of the land would include an associated access road and parking areas, as well as other features shown on the supporting plans including formal landscaped gardens, other physical structures and pathways. Together with the main building, these elements would substantially reduce the spatial aspect of the openness across the site.
13. From Barrow Lane, visibility of the site would largely be limited to glimpses through the hedgerow. The building would, however, be visible and prominent in views when emerging from the bridge over the dual carriageway and from the surrounding public footpaths. The creation of the access from Barrow Lane would also give views into the site from the road, from where the scale of the building would be apparent. The supporting plans suggest some degree of screening would be provided by a new scheme of soft landscaping across the site. However, in the absence of full details of that landscaping scheme, the effectiveness of its screening cannot be established with certainty.
14. While the visual effects would be limited to localised views, the effects would nonetheless be significant. Furthermore, the substantial decrease in the spatial aspect of the Green Belt's openness would occur irrespective of how visually obvious the development may be.
15. When these factors are taken together, the harm to openness would be substantial. For the reasons given the proposal would also represent encroachment into the countryside, in conflict with the purposes of the Green Belt given by the Framework. Consequently, the proposed development would conflict with Policy GB1 of the BLP and the objectives of the Framework relating to Green Belt.

Planning Obligation

16. The absence of a planning obligation formed one of the Council's reasons for refusal. Policy P01 of the BLP states that planning obligations will be sought to deliver sustainable development, including to secure mitigation for the impacts of a development, meet the costs of associated infrastructure or other measures as required to make a development acceptable in planning terms. Given the particular characteristics of the proposed development and its intended use, the Council consider such an obligation to be necessary to provide certainty of its future use and management.
17. Notwithstanding the concerns of the Council, the UU has the ability to secure the use of the land for its proposed purposes, as well as submission of capital and revenue resources, a business plan and management plan. It would therefore be capable of achieving the intended purpose and comply with Policy P01 of the BLP.
18. However, as the appeal is to be dismissed on other substantive grounds, it is not necessary for me to assess the obligation in further detail.

Other Considerations

19. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The

weight to be assigned to such considerations is a matter for the decision maker.

20. It has been found that the proposal would cause harm through inappropriateness and would cause substantial harm to the openness of the Green Belt. Paragraph 148 of the Framework requires that substantial weight is given to any harm to the Green Belt.
21. The proposal would be for use by a charity which provides support to those in their teens and early twenties diagnosed with cancer, as well as their families, by providing physical, social and emotional support. This includes provision of free activities and short residential stays. The role of such charities is increasingly important given the increase in cancer diagnosis' in England, and particularly in London and the south-east, as reported in the evidence.
22. The proposal would provide a unique facility combining a multitude of services for its users, in particular providing overnight accommodation with ensuite facilities and shared living areas. In addition, the building would provide office areas to support the administrative function of the charity, as well as facilities including a café, kitchen/cookery workshop area, dining room, games areas, creative areas and other workshop spaces, as well as separate relaxation areas, constructed specifically for their intended purpose. These would be supported by extensive outdoor space, providing further areas for relaxation and activities. Together these facilities would provide opportunities for its users to learn new skills, socialise and gain independence, and the site would be capable of acting as a hub for the charity's future endeavours. There is no doubt that such a facility would make a valuable and important contribution to the lives of those who are supported by the charity and would support the longevity of the charity's function.
23. This is further evidenced by a number of third party representations in support of the proposed development, including those from associated professional backgrounds, affected families and ambassadors for the charity. Based on the evidence, the appellant currently rents spaces elsewhere to provide its services and to accommodate its offices. The accessibility of those facilities can limit the services which can be provided, and by contrast, the purpose built facilities of the appeal scheme would enhance the services the charity could provide. Taken together, the nature of the facility and care that it would provide, are afforded significant weight.
24. As above, the UU would provide certainty of the future use of the site and its delivery and maintenance. However, securing these measures would not amend the weight ascribed to the benefit of the use.
25. Through the measures detailed in the appellant's ecology reports, the development has potential to exceed a 10% uplift in biodiversity. It is understood that this would exceed the policy requirement. In addition, the proposal would also generate economic benefits through the creation of construction jobs, and jobs associated with the operation of the development once completed. Given the scale of the proposal these benefits are both afforded moderate weight.
26. In terms of the site itself, the appeal site has the attributes which the appellant seeks for such a facility, including a countryside location, but with good accessibility to the transport network and facilities including hospitals near the

- M25. This includes a centre of excellence for specialist cancer treatment within an hour's drive of the site. While these are benefits of the proposal, it is not evidenced that securing these benefits relies on this particular Green Belt site, nor that other equally suitable sites for the appellant have been considered or are not available. As such, the weight given to the benefit of this particular location is limited.
27. It is also reported that there would be a financial benefit to the charity of consolidating its functions and offices in the manner proposed. However, this is not supported by evidence to show the difference that the appeal scheme would make. As such this attracts limited weight.
28. The proposed building could be highly energy efficient. While this could be a benefit of the proposal, in the absence of detail as to how this would be achieved or secured at this stage, I afford this limited weight a benefit in favour of the proposal.
29. The proposal would not cause harm to highway safety, flooding or harm to the living conditions of the nearby occupants. Nor would it cause harm to the character and appearance of the area, notwithstanding those impacts on the visual aspect of the openness of the Green Belt found above. However, the absence of harm on these matters is neutral rather than weighing in favour of the development.
30. The appeal site is within the Borough in which the charity was originally founded. In the absence of reasons why this is necessary, this is given very limited weight. The site is also one which was originally suggested to the appellant by a member of the Council and a subsequent legal agreement was created relating to the sale of the land to the appellant. These actions outside the planning process, as well as the Council's actions during the course of the planning application, do not provide weight in favour of the grant of planning permission.
31. The appellant refers to the Council's duty under the provisions of the Children Act 1989 to safeguard and promote the welfare of children within their area and to provide a range and level of services appropriate to those children's needs. There is not, however, substantive evidence to suggest that the Council is failing in this obligation, nor to demonstrate that inadequate services exist to address the needs of its children. As such, this attracts little weight in favour of the proposal.
32. The appellant has highlighted other developments nearby which it considers to be comparable to the appeal scheme. This includes the intended site for Sunset Studios. Based on the evidence, this is a substantial site which is allocated for development within the Local Plan for purposes relating to the film industry.
33. In the case of the development at Maxwell Farms West, the Council report that this was not a Green Belt site. In addition, the proposal related to the use of the land for a data centre. As such the considerations in that case would have been materially different to the main issues of this appeal.
34. Planning permissions have been granted for new hospices in the Green Belt at the sites of Caius Farm¹ and 101 Byng Road². In the case of 101 Byng Road,

¹ S/2005/14/FL

² 16/5151/FUL (London Borough of Barnet)

based on the evidence, very special circumstances were found to exist. Full details of that development have not been submitted with the appeal, however the officer's report describes that the site had previous planning permissions and that the proposed form of development appeared as small built elements which maintained the open qualities of the Green Belt. In addition, that development was within a different administrative area, being the London Borough of Barnet, and subject to consideration under different local policies. Substantive evidence of the development at Caius Farm has not been provided to draw comparisons with the appeal scheme.

35. Based on the evidence, the residential development on the northern side of Barrow Lane, directly opposite the appeal site, was constructed on previously developed land where storage units formerly existed. As such the Green Belt considerations in that case would also have been different to the appeal scheme. It is not within the remit of this appeal to assess whether the Council were correct in their assessment of that development.
36. Having considered the evidence in relation to the other examples given, none are directly comparable to the circumstances of the appeal scheme nor provide additional weight in favour of the proposed development.
37. The appeal scheme would align with part of the objectives of sustainable development given in paragraph 7 of the Framework. It would align with one of the three overarching objectives to sustainable development given in paragraph 8, being the social objective, which relates among other things to the provision of accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. As above, there are also some economic benefits arising from the proposal.
38. Despite this, these parts of the Framework are clear that the objectives of sustainable development also include an environmental objective, which includes protection of the natural environment. The Framework states that the three overarching objectives are interdependent and need to be pursued in mutually supportive ways. While the development would deliver biodiversity gains, paragraph 9 adds that the objectives should be delivered through the application of policies in the Framework, which include those referred to above relating to the Green Belt. Therefore, the compliance with part of these objectives does not attract additional weight in favour of the development.
39. Overall, the benefits in this instance do not clearly outweigh the harm identified to the Green Belt, which must be given substantial weight. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

40. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, the appeal is dismissed.

C Shearing

INSPECTOR