



Appeal Decision

Site visit made on 25 October 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2022

Appeal Ref: APP/J1915/W/22/3292661

Holbrook Farm Benington Road, Aston SG2 7EA

- 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 John West against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/0544/FUL, dated 25 February 2021, was refused by notice dated 13 August 2021.
 - The development proposed is demolition of 2 agricultural barns and removal of covered horse exerciser. Erection of a residential dwelling, stables/tack room and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is accepted by both parties that the description of development to be used is that stated on the decision notice and appeal form. I have therefore used that description when considering this appeal.

Main Issues

3. 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 on openness
 - The effect on the character and appearance of the surrounding area;
 - The ability of the development to make efficient use of resources;
 - The loss of equestrian facilities; and
 - Whether the 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

4. The site is located within the Metropolitan Green Belt. The East Hertfordshire District Plan 2018 (the District Plan) Policy GBR1 confirms that development

- within the Green Belt should be considered in line with the provisions of the Framework.
5. Paragraph 149 of the Framework confirms that new buildings are inappropriate in the Green Belt unless it is one of the exceptions listed. Exception d) provides that a replacement building is not inappropriate provided it is in the same use and not materially larger than the one it replaces.
 6. Although the existing buildings may be associated with the residential use of the main house, none of the buildings that would be replaced are in residential use. While I acknowledge the prior approval for change of use of the agricultural barn to a residential dwelling, that has not been implemented. The proposed dwelling therefore cannot meet exception d) of paragraph 149 of the Framework.
 7. The appellant has briefly cited paragraph 149 g) of the Framework which allows for (as it would relate to this appeal) the complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. However, the red line for the site extends into the paddock adjacent to the barns and hardstanding. There is no evidence before me as to the extent to which the site constitutes previously developed land, having regard to its definition as set out in the Framework.
 8. For these reasons, when considered as a whole, the appeal proposal would constitute inappropriate development in the Green Belt as it would not meet any of the exceptions set out in paragraph 149 of the Framework. Paragraph 147 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

9. Paragraph 137 of the Framework states 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'. Openness is the absence of development and can have spatial as well as visual aspects.
10. The appeal proposes the demolition of three barns of varying sizes and their replacement with three buildings. The evidence before me as set out in the tables provided by the appellant does not allow for direct comparison of the scale of development as it exists at present with that proposed as it only includes above ground space in the volume calculations and some of the proposed dwelling would be below ground level. Notwithstanding this, extrapolating from the information in the tables and viewing the plans, there would be a reduction in footprint and in the volume of the buildings on the site given the substantial scale of Barn 2 (as identified on drawing PL005) which would be demolished.
11. As noted above, the site plan submitted with the appeal shows the site area to extend to include an area of the paddock that falls within the appellant's wider landholding. I acknowledge the proposal seeks to minimise the potential for there to be encroachment onto this area through the provision of private amenity space to the rear of the dwelling and the provision of the garage and storage space. However, there would be no means of preventing typical domestic paraphernalia from being sited within this area.

12. There would be harm to the openness of the Green Belt from the extension of the domestic curtilage into the paddock area. However, this would be seen alongside the improvements to openness arising from the demolition of the very large Barn 2. I therefore consider that overall, the appeal proposal would have a neutral effect on the openness of the Green Belt.

Character and appearance

13. The area to the north of the appeal site has a cluster of buildings in residential use. The site itself has a more rural character than these, due to the equestrian use, open paddocks, associated storage in the barn and the appearance of those buildings. The incorporation of part of the paddock into the land associated with the new dwelling would fundamentally change the character of that area of land from rural to domestic. This would be exacerbated by any siting of domestic paraphernalia and would not conserve the rural character.
14. The appeal proposal would see the demolition of buildings that sit along the eastern boundary of the site. They would be replaced with three buildings, of which one would sit along the boundary, but the other two would be sited further west within the site. These buildings would all be orientated in the same way as the existing buildings and would generally retain the current form of the site, particularly when viewed from longer distances. The demolition of Barn 2, which is particularly prominent due to its massing, would have a beneficial effect by removing a prominent structure and replacing it with a more modest one that better reflects the scale of the surrounding buildings.
15. However, overall in relation to this main issue, I conclude that the appeal proposal would have an unacceptable effect on the character and appearance of the surrounding area as it would introduce domesticating features into the countryside. It would not provide a high standard of design that would conserve the character of the district's landscape and so would be contrary to District Plan policies DES2 and DES4.

Efficient use of resources

16. District Plan Policies CC1, CC2 and WAT4 are clear in their expectation that development should be designed to minimise resource use, and this is reinforced by District Plan Policy DES4 which confirms these factors are integral to good design. I note the appellant's statement that the development offers the scope to lower resource use, however there is no evidence before me that these issues have been integrated into the design of the proposed development.
17. I note the reference to compliance with the building regulations, however I note that District Plan Policy WAT4 seeks the implementation of the optional building regulations standard in relation to water consumption. Compliance with the building regulations would therefore not necessarily equate to compliance with the policies of the development plan.
18. I acknowledge the fallback position of the prior approval in respect of energy efficiency. However that is a separate regime to development that requires planning permission which must be determined in accordance with the development plan. I therefore attach limited weight to this.
19. The appellant has suggested this issue could be addressed through the use of conditions. However, I cannot be certain that compliance with the policies could

be achieved in a way that is compatible with the other considerations in this appeal in relation to character and appearance and the openness of the Green Belt. I also cannot be certain that measures such as carbon reduction could be achieved without affecting the deliverability of the scheme. The conditions would therefore fail to meet the tests for conditions set out in paragraph 55 of the Framework.

20. In relation to this main matter, it has not been demonstrated that the appeal proposal would result in the efficient use of resources. It would therefore be contrary to District Plan Policies CC1, CC4, WAT4 and DES4 which seek to ensure that development is designed to minimise the potential for overheating, the need for heating, and minimises carbon emissions and the use of mains water.

Loss of equestrian facilities

21. District Plan Policy CFLR6 requires an Equestrian Needs Assessment to demonstrate that facilities are no longer needed. The wider policy context and supporting text sets a framework for balancing the demand for equestrian development as a popular form of recreation and its associated economic benefits with the need to protect the countryside.
22. The proposal would retain space for 4 horses, as opposed to the existing space for 9, which the appellant advises is sufficient to meet their personal needs. The Council does not dispute that the stables have no commercial function and highlighted that the reason for refusal does not point to the rural economy as a specific issue. No other harm that would arise from the loss of 5 stable spaces that do not have any commercial function has been identified.
23. I am therefore satisfied, in the absence of any guidance as to the form and content of an Equestrian Needs Assessment in relation to stables for purely private use, that the information provided by the appellant is sufficient to demonstrate that the facilities to be lost are no longer needed and the proposal therefore complies with District Plan Policy CFLR6.

Other Considerations

24. The site has the benefit of a prior approval under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the conversion of an agricultural building to dwelling which was granted in 2021 and remains extant. The appellant has stated this would be implemented if the appeal were not allowed and I have no reason to dispute this. It therefore represents a realistic fallback position.
25. Class Q does not permit the external dimensions of the building to extend beyond those of the existing building and so there would not be any construction of a new building. Paragraph 150 of the Framework confirms that the reuse of a building of permanent and substantial construction is not inappropriate development in the Green Belt provided they preserve its openness and does not conflict with the purposes of including land within it. I have no reason to consider the prior approval scheme would be inappropriate development. As I have found that the appeal proposal would be inappropriate, allowing it would therefore not confer a benefit. This reduces the weight I attach to the fallback position.

26. It is proposed that the dwelling would be occupied by a member of the appellant's family who currently resides with their parents. The personal circumstances of the appellant's family are noted. However, I am mindful of the advice contained in Planning Practice Guidance¹ that in general planning is concerned with land use in the public interest. It is probable that the appeal proposal would remain long after the appellants' personal circumstances cease to be material.
27. The appellant has set out a number of matters where the appeal proposal would be acceptable in terms of access and parking, refuse storage and landscaping. The Council has not raised any concerns with regard to these issues and I saw nothing at my site visit that would lead me to a different conclusion. However this lack of harm renders these factors neutral in the determination of this appeal.

Other Matters

28. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building (LB) or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The barn (in occupation as two separate dwellings) adjacent to the road is a Grade II LB. The Council considered that while the appeal site fell within the setting of the LB, the effect on that setting would be neutral. I have no reason to disagree with this, given the siting and appearance of the proposed buildings and their separation from the LB. This constitutes a lack of harm and is therefore a neutral factor in this appeal.

Green Belt Balance

29. I have found that the proposal would constitute inappropriate development in the Green Belt and paragraph 148 of the Framework states that substantial weight should be given to this. I also give significant weight to the harm to the character and appearance of the area and the failure to satisfactorily demonstrate the development would make efficient use of resources. I have attached limited weight to the fallback position and the appellants personal circumstances for the reasons given above. Other factors are neutral. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

30. The development conflicts with the development plan taken as a whole and there are no material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal is dismissed.

J Downs

INSPECTOR

¹ Paragraph: 008 Reference ID: 21b-008-20140306 – 'What is a material planning consideration?'. Revision date 06/03/2014.