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# Appeal Decision

Site visit made on 5 October 2022

**by M Aqbal BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 2 December 2022**

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**Appeal Ref: APP/B1930/W/22/3297785**

**Land at Mackerye End, Harpenden, Hertfordshire AL5 5DS**

- 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 P and Mrs J Campion against the decision of St Albans City Council.
  - The application Ref 5/21/0100, dated 24 August 2021, was refused by notice dated 29 October 2021.
  - The development proposed is change of use from fallow (Class 3b) agricultural to (sui generis) equestrian and the erection of a building with two individual stable units (following refused application 5/2020/2327).
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  1. 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.
  2. The effect on the openness and purposes of the Green Belt.
  3. Whether the proposal would preserve or enhance the character or appearance of the Mackerye End Conservation Area ('CA').
  4. 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

### *Inappropriate development*

3. The appeal site comprises part of a larger field, which is located within the Metropolitan Green Belt.
4. Policy 1 of the St Albans District Local Plan review 1994 ('LP') states that: 'Within the Green Belt, permission will not be given for development for purposes other than: Small scale facilities for participatory sport and recreation.'
5. Policy 1 of the LP pre-dates the Framework. In particular, paragraph 149 of the Framework states that a local planning authority should regard the construction

of new buildings as inappropriate in the Green Belt. Nonetheless, Paragraph 149 does set out a number of exceptions to this, including: b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

6. Policy 1 of the LP does not recognise the full extent of exceptions to inappropriate development and the importance of the openness and the permanence of Green Belts, detailed in the Framework. Policy 1 of the LP is therefore inconsistent with the Framework. I, therefore, attach greater weight to the Framework.
7. Based on its form, materials and appearance, the proposed building is designed for stabling purposes. In light of this, stables constitute appropriate facilities for an equestrian use, which is a form of outdoor recreation.
8. However, paragraph 149 (b) of the Framework requires that such appropriate facilities are in connection with the existing use of land or a change of use for outdoor sport or outdoor recreation. Although the proposal is for a change of use, this relates to the appeal site (as edged red on the submitted Location Plan) which is largely confined to the stable block and access track. Therefore, this land is of an insufficient size to support an equestrian use.
9. Furthermore, the appellants' evidence suggests that the larger field which the appeal site is a part of (as edged blue on the submitted Location Plan) has been used for equestrian purposes. On the other hand, the appellants' submissions also identify this as agricultural land. Indeed, the appellants state that: 'The area of land subject of this Appeal for Change of Use to Equestrian (Sui Generis) is 0.0275 hectare of the 5.0 hectares of land in the ownership of the applicant. The equestrian use will support the continued existing agricultural use of the adjacent land.'
10. Accordingly, it has not been shown that the stables are exclusively (in connection with the existing use of land or a change of use) for outdoor sport or outdoor recreation. Therefore, the proposal does not meet the exception under paragraph 149 (b) of the Framework.
11. Whilst there is some support for the proposal under Policy 1 of the LP, the weight I attach to this is limited in light of the Framework. For the above reasons and because the proposed building has not been clearly shown to meet any of the other exceptions under Paragraph 149 of the Framework, it constitutes inappropriate development within the Green Belt.
12. Paragraph 150 of the Framework states that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include engineering operations. The works to the existing access and proposed track for vehicles ('access track') would fall within this category. However, given my findings in respect of the purposes of the Green Belt, as set out below, the access track also constitutes inappropriate development.

#### *Openness and purposes of Green Belt*

13. Paragraph 137 of the Framework, states that the essential characteristics of Green Belts are their openness and their permanence. The extent to which a

proposal may cause harm to openness, might depend on factors such as the scale of the development, its locational context, and its spatial and/or visual implications.

14. Being free of any significant development, the appeal site contributes to the openness of the Green Belt. Whilst the larger field that the appeal site is part of is bound by various boundary treatments, due to the limited extent of this along the field's western boundary combined with the appeal sites relatively elevated position, views of the appeal site are available from the west. The appeal site is also in a prominent position, adjacent to the road. Therefore, this site is particularly sensitive to change.
15. The proposed stable block would be a small building. Even so, this would introduce permanent and by definition inappropriate development, in a sensitive and prominent location. Despite the backdrop of the existing landscaping along Mackerye End, the built form of the stables would be particularly apparent in views from the west. The visual impact of the stables would be lesser in glimpsed views from the site's access and filtered views from Mackerye End because of the existing landscaping.
16. Consequently, because of its siting, footprint and massing the proposed stable block would reduce the openness of the Green Belt in both visual and spatial terms. Therefore, there would be harm to the openness of the Green Belt.
17. Together, the proposed stable block and access track would entail the permanent encroachment of development into the countryside. This would conflict with paragraph 138 c) of the Framework, which relates to one of the purposes of including land within the Green Belt.

### *Conservation Area*

18. Section 72 (1) of the Planning (Listed Buildings and Conservation Area) Act 1990 places a duty to require special attention to be paid to the desirability of preserving or enhancing the special character or appearance of a conservation area, including its setting. Paragraph 195 of the Framework also requires me to assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).
19. The CA largely covers the hamlet of Mackerye End but extends west of the rural road also known as Mackerye End to incorporate the appeal site and eastern edge of the larger field that this is a part of.
20. The CA is characterised by its rural and residential usage and its very informal and verdant setting. This includes its dispersed settlement pattern, and fields enclosed by informal hedges and mature trees. Because of its open and verdant nature, the appeal site and the larger field it is part of contribute to the character and appearance of the CA.
21. Whilst the existing built development within the CA is to the east of the adjacent road (Mackerye End) a modest stable block located close to this road and established landscaping, would not conflict with the rural character and appearance of the CA.
22. A number of important views from the CA have been identified. Including out towards Harpenden between hedges from the road running past Little Manor into Mackerye End from Kimpton.

23. Views from Mackerye End towards Harpenden via the appeal site are limited because of the existing hedges and tree planting along the boundaries of the larger field which this is a part of. In particular along its eastern, southern and northern boundaries. Consequently, only limited and glimpsed views would be available via the site's access and boundary. Because of this and its modest scale, the siting of the stable block would not unacceptably affect this view.
24. For the above reasons, despite finding that the proposal would harm the Green Belt, the proposal would preserve the character and appearance of the CA. Accordingly, I find no conflict with Policy 85 of the LP which requires that special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, and the similar aims of the Framework.

*Other considerations*

25. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. It is stated that very special circumstances 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.
26. The construction and use of the stables would generate some economic activity, including the use of local trades people and specialists. Nevertheless, given the modest scale of the proposal any such associated benefits attract limited weight.
27. The appellants have owned, maintained and improved the appeal site and wider land in their ownership, which has resulted in ecological and environmental enhancements for the site and area. The appellants are also committed to continuing with this level of stewardship. Even so, there is nothing to suggest that these works have been influenced by the proposal or that they would not continue should this appeal be dismissed. This, therefore, attracts little weight.
28. The stables would provide accommodation for the appellants' horses and contribute to their wellbeing. At present the horses are kept in Yorkshire. The appellants argue that this is due to the lack of stabling facilities locally. Nonetheless, there is insufficient evidence to support this. As such, I attach moderate weight to these matters and any sustainability benefits associated with locating the stables nearer to the appellants.
29. The appeal scheme is a resubmission of a refused planning application for a larger stable block. However, I have determined the proposal before me on its merits and have found this to harm the Green Belt, for the reasons already given.
30. The appellants have put forward examples of containers to illustrate their impact on the locality and examples of other stables in the district. The appeal before me is for stables in a specific location which raises site-specific issues. As such, these examples do not lend support to the proposal.
31. Whilst the proposal is of an acceptable design and there is some support for this, these are neutral factors in the overall balance.

## **Conclusion**

32. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise.
33. I have found that the proposal would not harm the character and appearance of the CA.
34. However, the proposal would harm the Green Belt by way of inappropriateness and openness. It would also conflict with one of the purposes of the Green Belt. The Framework requires substantial weight to be given to any harm to the Green Belt.
35. Having taken account of all matters raised in support of the proposal, 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.
36. As such, whilst there is some support for the proposal under Policy 1 of the LP, for the reasons given above, the proposal conflicts with the Green Belt provisions of the Framework. Accordingly, in the particular circumstances of this case there are material considerations which justify a decision other than in accordance with the development plan.
37. For the above reasons, I conclude that the appeal should be dismissed.

*M Aqbal*

INSPECTOR