



Appeal Decision

Site visit made on 29 November 2022

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22ND December 2022.

Appeal Ref: APP/B1930/W/22/3301783

**Lower Stud Equestrian Centre, Drop Lane, Bricket Wood, St Albans
AL2 3TX**

- 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 Nick Chopping against the decision of St Albans City Council.
 - The application Ref 5/21/3216, dated 1 November 2021, was refused by notice dated 18 March 2022.
 - The development is described as proposed rebuilding of partially demolished building to provide a hay barn.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development above from the application form. However, it is a matter of dispute between the parties whether the structure was originally taller than its current form (and so the proposal amounts to a rebuild), or whether it was only ever built to its current height, with walls of around 2 metres. I will consider this matter as part of my reasoning.

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, including the effect of the proposal on the openness of the Green Belt, and
 - If the proposal is inappropriate, 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

Inappropriate Development

4. The site lies within the Metropolitan Green Belt. Paragraph 147 of the Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt. Framework paragraph 149 states that new buildings in the Green Belt are inappropriate development, unless they comply with one of its exceptions.

5. One such exception, 149(b), is where the proposal involves the provision of appropriate facilities for outdoor sport or recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Another exception, 149(c), is where the proposal involves the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
6. Saved Policy 1 of the City and District of St Albans District Local Plan Review, adopted November 1994 (LPR) makes clear that permission will not be granted for development in the Green Belt other than in very special circumstances. Exceptions to this include small-scale facilities for participatory sport and recreation.
7. The structure currently consists of three walls and a floor but has no roof. The appellant believes that the proposal would essentially rebuild what was there before. However, I am told that the structure was in its current state when the appellant purchased the site in 2014. Whilst the structure may have become lawful through the passage of time, no substantive evidence has been provided to demonstrate that its walls were ever higher than it is now, or that it had a roof. As such, I can therefore only conclude that its current state is 'original' for the purposes of planning policy.
8. The proposal would not increase the floorspace or footprint of the building, and would re-use the existing base, but it would increase the height of the building to around 4 metres (to eaves) and 5.6 metres (to ridge). On the basis of my finding about what is original, the proposal should be compared with what is there now.
9. Using the appellant's figures, the proposal would result in an increase in the height and volume of the building of more than double. The appellant points to the Oxford Dictionary definition of 'disproportionate' as 'too large or too small in comparison with something else'. Given this relatively large increase in height, as a matter of fact and degree, and using the appellant's definition, the proposal would constitute a disproportionate addition over and above the size of the original building, and so would conflict with Framework criteria 149(c).
10. Turning to criteria 149(b), although the lawful use of the land is unclear, I have no reason to doubt that the proposal would be used in connection with outdoor sport or recreation. However, it is then necessary for me to consider the effect of the proposal on the openness of the Green Belt.
11. The Planning Practice Guidance advises¹ that openness is capable of having both spatial and visual aspects. Spatially, the building is in a relatively isolated location, at a higher level and positioned away from the main cluster of buildings within the Equestrian Centre. The increase in the size of the building would result in it having a much larger mass, bulk and scale.
12. Visually, the site is separated and screened from nearby public footpaths by mature woodlands. There is also some tree and vegetation coverage close to the building itself. However, from my visit, I saw that the building and the proposed increase in its size would be visible in public views through the existing trees when viewed from Drop Lane. Taking these factors together, I

¹ Paragraph: 001 Reference ID: 64-001-20190722

consider that the proposal would result in a reduction in the openness of the Green Belt here.

13. Given the size of the resultant building, it would not be small-scale and so would conflict with LPR saved Policy 1. However, as this policy pre-dates the Framework, and is less comprehensive and more restrictive than it, I give the conflict with LPR saved policy 1 only moderate weight, having regard to Framework paragraph 219.
14. Policy 13 of the LPR has also been referred to, but this relates to the extension or replacement of a dwelling and so has no relevance to the proposal. As such, I find no conflict with it. Both parties have referred to the St Stephens Neighbourhood Plan (NP), which I understand has been 'made' (adopted) since the Council's decision was issued. However, no conflict with the NP has been identified by the Council and I see no reason to disagree.
15. Nevertheless, I conclude that the proposal would not accord with the exceptions provided by paragraphs 149(b) or 149(c) of the Framework. As such, it would amount to inappropriate development in the Green Belt having regard to the Framework and the relevant development plan policies, including the effect of the proposal on the openness of the Green Belt. The Framework makes clear that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.

Other Considerations

16. The livery business provides stables, and the proposal would enable the existing structure to become a hay barn, to store hay in a more secure, enclosed way. This is preferable to storage outside, which is less watertight and at risk from the elements. The Framework seeks to enable the sustainable growth and expansion of all types of businesses in rural areas. However, the appellant has been able to 'make do' with the current arrangements and I have not been made aware of any particularly significant effects to the business from the existing storage arrangements.
17. The proposal would also reduce the amount of hay that needs to be brought in, so reducing vehicle movements by only requiring a single, large delivery, rather than the current weekly or fortnightly deliveries. However, I have little evidence to suggest that current delivery arrangements are particularly problematic.
18. Although in a state of disrepair, there are other buildings on the site. I understand that these buildings have a low eaves and height, limiting the extent of storage and preventing the use of machinery, thus requiring manual handling instead. However, I have little before me to demonstrate that the implications of this to the business are significant or that this prevents their use for at least some hay storage instead of the appeal building. I therefore give only moderate weight to these benefits.
19. The Council has raised no objection to the design of the proposal or in any other respects, however this is neutral in the planning balance rather than being a positive reason to grant planning permission. I therefore 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.

Planning Balance and Conclusion

20. For the reasons given, there would be conflict with the Development Plan, read as a whole, albeit I have given the conflict to this only moderate weight. However, it would also conflict with the Framework, to which I give substantial weight. No other material considerations have been shown to have sufficient weight to outweigh this conflict. I therefore conclude that the appeal should be dismissed.

O Marigold

INSPECTOR