



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: 3rd January 2023

Appeal Ref: APP/B1930/W/22/3301258

Hanrox Meadows, Blunts Lane, Potters Crouch, St Albans, AL2 3NJ

- 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 Graham Hall against the decision of St Albans City Council.
 - The application Ref 5/2021/3084, dated 15 December 2021, was refused by notice dated 14 April 2022.
 - The development proposed is construction of detached storage and welfare building for anglers using the lake for fishing and associated landscaping works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above, I have used the description of the proposal as set out in the Council's Decision Notice, which more clearly describes it than that used on the planning application form. The appellant has used this revised description on the appeal form and so I am satisfied that no parties would be prejudiced.
3. As part of the appeal, the appellant has provided amended plans including further information on room uses and alterations to doors. Given the small nature of these changes, I do not consider that the interests of any party would be prejudiced if I take the amended plans into account. I shall therefore determine the appeal and application for planning permission based on these amended plans.
4. Since the Council's decision was issued, the St Stephens Neighbourhood Plan (NP) was adopted ('made'). Both parties have had the opportunity to comment on this and I have determined the appeal on the basis that it forms part of the Development Plan.

Main Issues

5. 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

6. The site lies within the Metropolitan Green Belt. Framework paragraph 147 makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Framework Paragraph 149 states that new buildings in the Green Belt are inappropriate development, unless they comply with one of its exceptions.
7. One such exception is 149(b), 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. Framework paragraph 150(b) also identifies that engineering operations are also not inappropriate in the Green Belt in the same circumstances.
8. NP Policy S1 requires that proposals outside the Built-Up Area Boundary, as here, will not be supported unless they are appropriate in the Green Belt. 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.
9. The proposed building would be used to provide facilities in connection with the recreational angling use of the site. The facilities would include toilet and shower rooms, a tearoom with lockers, changing rooms, and storage. There is no dispute that the proposed use of the building constitutes outdoor recreation or sport, or that the provision of some facilities for the lake would not be inappropriate.
10. It is also common ground that the building would not conflict with any of the purposes of the inclusion of the land within the Green Belt; and that the landscaping works are not inappropriate development because they comply with the exemption under Framework Paragraph 150(b). I see no reason to disagree.
11. In accordance with Framework paragraph 149(b), it is therefore necessary for me to determine whether the building would preserve the openness of the Green Belt. Openness has both visual and spatial elements. Visually, the building would be close to an existing agricultural building and to other structures. Existing mature hedging and trees would screen it from public viewpoints, including the nearby motorway slip road.
12. Spatially, the building only has a single storey. However, it includes a large amount of storage space, and as a matter of fact and degree, is both long and fairly wide. As such, I consider that the building would have a large size and scale. Given this size, it would not preserve the openness of the Green Belt.
13. As such, it would not comply with Framework paragraph 149(b) and so would amount to inappropriate development, which is by definition harmful to the Green Belt. As I have found that the proposal is inappropriate development, it would conflict with NP Policy S1.

14. Given the size of the building, it would not be small-scale so would also 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.

Other Considerations

15. The proposal would meet a need associated with the outdoor sport/recreational facility. When permission was granted for the fishing lakes¹, this included a Fisherman's Hut on the site of the appeal proposal, but this was not built. The appellant believes it would be too small for the needs of the facility given that some camp overnight, which was not anticipated when the application for the lakes was first made. These needs include space to store equipment, and for changing, the consuming of food and drink and for inclusive toilet and shower facilities.
16. There is no dispute that the fishing lakes have not materially increased in size since the previous Hut was approved. This does not of itself mean that a larger building than the hut might not be justified, and I understand that the appellant seeks to improve the facilities provided to anglers, with up to 28 on-site at any one time.
17. Even so, it is not clear why three separate toilets/showers are required, in addition to changing rooms, and why these uses could not be combined. Furthermore, the proposal includes a relatively large amount of storage space, and I have little evidence to show what the current arrangements for this are or why they are unsuitable. As such, it is not clear that there is a need for the large size of building proposed and, even if comparable to a double garage, I have nevertheless concluded that its size would be large.
18. Planning permission has been granted² for an agricultural building of a similar size to the proposal, in a different, more central part of the site. I do not know the rationale behind the Council's decision, but this was for a different use to the proposal before me, and so may well have been considered against different planning policies. This decision does not therefore alter my overall conclusions.
19. The Council has raised no objection to the proposal in terms of the design or appearance of the building, its effect on the living conditions of any dwelling or the access and on-site parking provision. However, these matters are neutral in the planning balance rather than being positive reasons to grant permission.

Planning Balance and Conclusion

20. The proposal would be inappropriate development in the terms set out by the Framework. I attach substantial weight to this harm, in accordance with Framework paragraph 148. For the reasons given above, 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.

¹ LPA reference 5/2009/2521

² LPA reference 5/2021/3086

21. For the reasons given, there would be conflict with the Development Plan, read as a whole. It would also conflict with the Framework. 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