



Appeal Decision

Site visit made on 2 February 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2023

Appeal Ref: APP/J1915/W/22/3302737

Cole Green Barn, Cole Green Way, Hertingfordbury, Hertford SG14 2LF

- 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 and Mrs Williamson and Ms S Sheppard against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/2992/FUL, dated 30 November 2021, was refused by notice dated 29 April 2022.
 - The development proposed is the change of use of agricultural building to two dwelling houses (Use Class C3) and associated amendments to the building, provision of amenity space and access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (2021) (the Framework) and any relevant development plan policies;
 - The effect of the development on the openness of the Green Belt;
 - The effect of the development on the character and appearance of the area; 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 necessary to justify the proposal.

Reasons

Inappropriate development and openness

3. The appeal site is on land defined as Metropolitan Green Belt. It comprises Cole Green Barn, an agricultural building, plus a surrounding small extent of agricultural land. The appeal proposal is for the conversion of the barn to 2 dwellings, plus rear and front gardens, and front driveways and parking areas.
4. The Framework identifies that 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. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5. The Framework establishes at paragraph 150 that certain 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. The main parties agree that the conversion of the barn structure would fall under paragraph 150 d), which is the reuse of buildings, provided that the buildings are of permanent and substantial construction. They agree that the existing building is of permanent and substantial construction, and based on the evidence before me I agree with this conclusion. The exception at paragraph 150 e) relates to a material change in the use of land and would include the use of part of the field for gardens and driveways for the new dwellings.
6. Therefore, the proposal is to be considered on the basis on whether it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Policy GBR1 of the East Herts District Plan (DP) (2018) reiterates that planning applications in the Green Belt will be considered in line with the provisions of the Framework.
7. A fundamental aim of Green Belt policy is to keep land permanently open, as identified by the Framework at paragraph 137. Openness is an essential characteristic of the Green Belt, that has spatial as well as visual aspects. Spatially, the conversion of the structure would not result in a larger footprint. However, both spatially and visually it would fully enclose the sides which are currently partially open, and the façade furthest from the road which is currently substantially open. It would also incorporate new full height side timber screens. Notwithstanding that some of this enclosure would incorporate glazing or covered driveways, views through its openings would be blocked. I find that overall, the conversion would therefore impact on openness.
8. The use of the proposed garden areas including the new hard surfacing, would lead to the domestication of the site. In spatial terms this would include the provision of domestic paraphernalia and the routine placing of things in the space to the front and rear, alongside parked vehicles to the front. This would result in built development where there is normally none. Vehicles from residents and visitors would be present on the driveways at various times, notwithstanding the under-croft parking. Similarly, bins would create massing in the frontage during some periods.
9. Cole Green Barn is an agricultural building within a very large field set back a short way from the narrow road of Cole Green Way. It lies within a very rural setting of open countryside and agricultural land to all sides, alongside some tree screening. There are a few dwellings and agricultural buildings beyond the field boundary to both sides. Visually, the openness of the Green Belt is extremely evident around the barn and the wider countryside. Furthermore, the site is clearly visible from a range of viewpoints both along a long stretch of Cole Green Way and from the surrounding fields, despite some bunding and tree screening including those edging the road. It has a strong rural and agricultural character of open space and wide views. The addition of the domestic use of the gardens and driveways in nature and scale would be very apparent.
10. I acknowledge that the established agricultural use of the barn and land also has the potential to result in machinery parked or stored around it. However, due to the seasonal nature of farming activities, I expect this use would be

unlikely to require parked machinery for as long cumulatively over the passage of time as that of vehicles for 2 dwellings, as well as other domestic items.

11. In drawing together my findings on spatial and visual impact, I find that the scheme would result in significant harm to openness. Since the material change of use does not preserve openness it does not constitute an exception within paragraph 150 e) of the Framework.
12. Furthermore, to not be inappropriate development under the exception tests under paragraph 150, the proposal must also not conflict with the 5 purposes of including land within the Green Belt as identified in the Framework paragraph 138. While it may not conflict with some of those purposes, I consider that safeguarding the countryside from encroachment includes a preservation of its open quality in this instance. The proposal would result in a loss of openness, and therefore would conflict with the purposes of including land within the Green Belt. I give this conflict substantial weight.
13. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with the DP policy GBR1, and Section 13 of the Framework.

Character and appearance

14. The use of timber cladding is a material typically seen on rural buildings, and in isolation the amendments to the façade and the barn's proposed windows, doors, and rooflights would be suitably sited to impart rhythm and interest. However, in assessing the entirety of the scheme, I find for the reasons already outlined above that it would result in a clear change to the character of the immediate and wider area.
15. The impact of a residential use sitting in isolation within the large open field would be visually jarring. The domestic scale of the dwellings, including the range of domestic paraphernalia and parking around the site, would be incongruous in this regard. In comparison, any current storage or parking of agricultural machinery on the site would be an expected element of an agricultural scene. I have set out above how the proposal would be seen from a range of viewpoints and thus it would have a prominent visual impact on the countryside. Therefore, it would harm the character and appearance of the area.
16. The DP policy DES2 identifies that appropriate mitigation measures should be taken into account when considering the effect of development on landscape character. A suitably worded condition could ensure control of landscaping, with planting which could result in a softened and more verdant appearance of the proposal as a whole. However, it would not fully be able to screen the built form of the new dwellings. It would also draw further attention to the site in comparison with the surrounding land, and thus highlight further its domestic use sitting within the open agricultural context.
17. In conclusion, the proposed development would therefore result in significant harm to the character and appearance of the area, contrary to the DP policies DES2 and DES4. Taken together, these policies require all development proposals to be of a high standard of design to reflect and promote local distinctiveness, and to respect the character of the surrounding area and distinctive features of the landscape.

18. While the Council has also cited a Framework Section 16 conflict, I find a greater conflict with Section 12. This relates to the need to achieve well-designed places, and paragraph 130 emphasises that proposals should be sympathetic to local character, including the surrounding landscape setting, and maintain a strong sense of place.

Other Considerations

19. Prior approval under the provisions of Class Q of the General Permitted Development Order (2015) was granted in 2021 for the conversion of the barn into 2 dwellings, including a small area of land to act as gardens immediately to its rear and front¹. This permission is extant, and the appellants are clear that it will be undertaken if the current appeal is dismissed. I am satisfied that this represents a real prospect as a fallback position.
20. The structural changes to the building under this fallback are relatively similar externally to the appeal scheme and would create the same effect overall. Similarly, there would be some domestic paraphernalia and parking within its smaller garden areas. Therefore, these elements of the fallback position hold neutral weight in comparison to the appeal proposal.
21. However, the prior approval does not permit the use of any of the wider agricultural land to the front as gardens or parking for the dwellings, or for any practical considerations as to how to achieve any necessary operations such as access or bin servicing. Therefore, I do not find the appellants' arguments that such a use would occur in any case under the prior approval scheme to be a convincing fallback position. I do not give the non-agricultural use of this land any weight in assessing whether the appeal proposal would be less harmful.
22. The appeal proposal would thus have a more harmful effect on the Green Belt and on character and appearance than the fallback, due to the proposed use of the large front area for gardens and driveways. Even if under the fallback that land became churned up due to vehicle movements, this would not impact the openness of the Green Belt, and visually would also retain its current characteristic of an agricultural field.
23. The appeal scheme would include 2 under-croft parking spaces, resulting in fewer parked cars in the frontage land overall compared to under the prior approval. The appellants also argue that the fallback would likely result in parking on the highway, with equal or worse implications for highway safety than the appeal scheme due to this blocking emergency or service vehicles. However, I find that cars on a road would be a typical use of that land, which already occurs to some extent in terms of impact on openness. Furthermore, the Highway Authority informative refers to it being an offence to obstruct free passage along a highway, which could thus be dealt with through other legislation.
24. The appellants also identify that the fallback would create a hazard of mud tracked onto a 60mph speed limit road. However, Cole Green Way is not a through route, serves only a few dwellings and agricultural uses, and is generally poorly surfaced and narrow. It is likely to already be used by muddy farm vehicles. I therefore expect that vehicles would not travel along it at such great speeds, that any additional mud would cause an unacceptable highway

¹ Reference 3/21/1376/ARPN

safety issue. Regarding the highways and parking impact overall, I therefore find that the fallback position would impact as similarly on the Green Belt as the appeal scheme, and thus it holds no additional weight in this regard.

25. The provision of safe and practical access from the highway to the building for vehicles and pedestrians would be a moderate benefit of the appeal scheme compared to the fallback, particularly for persons with limited mobility. I give this moderate weight. A further limited benefit over the fallback is that additional landscaping and screening could be imposed via condition. I give this limited weight. The mezzanine floor would provide more living space and would make a more effective internal use of the existing building than the fallback. However, this would only be a minor benefit for any future occupants, and I therefore give this limited weight. The proposal would also incorporate renewable energy generation via the roof, and electric charging points. These are minor benefits over the fallback to which I give limited weight, although charging points are required by the development plan and so are not an appeal scheme benefit in its own right.
26. Overall, these comparative benefits against the fallback proposal do not outweigh my finding that the fallback would have less impact on the Green Belt and on the character and appearance of the area, such that it does not weigh in favour of allowing the appeal. I note that this also aligns with the Council's comparison in this regard.
27. Although the main parties disagree whether the Council has pursued sustainable development and decisions in a positive way in accordance with the Framework paragraphs 10 and 38 requirements, this has not affected my consideration of the matters before me. I have considered the appeal against the entirety of the Framework, including the presumption in favour of sustainable development explained in paragraph 11.
28. The appellants in support of the proposal have referred to other Green Belt appeal decisions. However, I do not have detailed information before me to allow comparison of factors such as the position of those sites within the landscape or relative to nearby buildings. Even if I did, the assessment of Green Belt impact is necessarily a matter of planning judgement which depends on a range of specific site circumstances. I also note that while these appeal schemes may display similarities with the current appeal, they include specific references to factors such as existing screening by surrounding buildings, and existing uses which include car parking and vehicle trips. These examples therefore appear to be very different to the context of Cole Green Barn, and thus have had no direct bearing on my decision.
29. Under the Framework paragraph 55 requirements, I have considered whether the development could be made acceptable through the use of conditions or planning obligations. However, restriction of the placing of items in the gardens such as children's play equipment or seating, would not meet the required tests for conditions having regard to paragraph 56 of the Framework and the Planning Practice Guidance.

Planning Balance and Conclusion

30. The development would cause harm to the character and appearance of the area, to which I give moderate weight. The development is inappropriate development in the Green Belt, which is harmful by definition and which I

attach substantial weight. The development would reduce the Green Belt's openness, which gives rise to additional harm, and it does not assist in safeguarding the countryside from encroachment. The substantial harm renders the development contrary to the requirements of the Council's development plan policies and in conflict with the Framework.

31. Against the substantial harm I have identified, the other considerations advanced by the appellant are not sufficient, either individually or cumulatively, to clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.
32. In conclusion, the proposed development would conflict with the development plan as a whole. With no other material considerations indicating otherwise, including the Framework, for the reasons given above, I conclude that the appeal is dismissed.

L Hughes

INSPECTOR