



Appeal Decision

Site visit made on 6 June 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 29 June 2023

Appeal Ref: APP/P1940/W/22/3309749

New Oak Farm, Flaunden Lane, Belsize, Hertfordshire WD3 4FF

- 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 & Mrs Higgs against the decision of Three Rivers District Council.
 - The application Ref 22/1009/FUL, dated 25 May 2022, was refused by notice dated 22 September 2022.
 - The development proposed is erection of agricultural barn.
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Decision

1. The appeal is allowed and planning permission is granted for erection of agricultural barn at New Oak Farm, Flaunden Lane, Belsize, Hertfordshire, WD3 4FF in accordance with the terms of the application, Ref 22/1009/FUL, dated 25 May 2022 and subject to the conditions set out in the schedule at the end of this decision.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. New Oak Farm is accessed from Flaunden Lane and is located outside of the built up area of the settlement in a rural setting. The appeal site is located within a sloping grass field adjacent to an existing stable building and to the west of a converted agricultural building which is in use as a dwellinghouse. Substantial hedgerows run alongside both sides of Flaunden Lane, contributing positively to the character and appearance of the area.
4. The appeal site is located within the Green Belt. Under paragraph 149 of the National Planning Policy Framework (the Framework) the construction of new buildings is identified as being inappropriate in the Green Belt. Criteria a) set out under paragraph 149 states that buildings for agriculture and forestry are an exception to this. The proposal would therefore not be inappropriate development in the Green Belt given its proposed use.
5. Whilst the proposed positioning of the building would extend built form westwards into the grass field the building would still be situated in close proximity to the existing built form and would be viewed in the context of the converted agricultural building and the stable building. Alongside the existing buildings, the proposed building would appear visually as part of a group. The proposed siting at the bottom of the sloping site means that it would not be

- prominent in the wider landscape. The separation between the proposed building and the existing stables and the different design would provide a break in built form allowing for the presence of the two different buildings to be read visually, rather than them appearing as one continuous built form element.
6. The proposed simple utilitarian design of the building with gabled roof would be functional in its character and appearance and would not be prominent in views from the access into the appeal site given the proposed set back position behind the existing stables. Given the proposed height of the building, it would be largely screened in views from both directions along Flaunden Lane due to the substantial boundary hedgerow, which appeared dense and well established along the length of the boundary adjacent to the proposed building during my site visit. The proposed block plan indicates additional planting would be provided along the western boundary which would further soften the appearance of the development, the specific details of which could be required by condition.
 7. Whilst I accept that the hedgerow may not provide such dense screening in the winter and early spring months and that glimpses of the roof may be possible above the hedgerow, the building would be of an agricultural character and sympathetic materials are proposed meaning that it would not be overly prominent or detract from the rural character of the area.
 8. I note that the Council are concerned about the distance of the rear elevation from the boundary hedgerow. Based on my site visit and the relative positioning of the rear elevation of the existing stables and the proposed building as shown on the drawings, there would be some separation between the boundary hedgerow and the rear elevation of the proposed building. The drawings also identify that the front elevation of the proposed building would not extend further northwards than the line of the most northern elevation of the existing stables. Therefore, the proposed building would not extend out onto significantly higher ground.
 9. During my site visit I viewed the appeal site from the public footpath which leads from Flaunden Lane to the south west along the edge of the grass field opposite. The appeal site is readily visible in the view from this public footpath due to the rise in the ground level. The Council state that the character and appearance of the proposed building would be appropriate in terms of the rural landscape and longer views and I can find no reason to disagree with this conclusion.
 10. My attention has been drawn by the Council to an appeal decision¹ at land at Red Lion Lane, Sarratt where an appeal was dismissed for the erection of a multi-purpose agricultural barn. I have limited information before me on this example, other than the decision itself and some discussion in the Council's statement and the appellant's final comments. However, from reading the decision, it is clear that the scale, design, siting and existing context of the site in that case was different to that of the appeal before me. I therefore attribute limited weight to this consideration.
 11. For the above reasons, I conclude that the proposal would not result in a harmful effect on the character and appearance of the area. The proposal would therefore comply with policies CP1 and CP12 of the Three Rivers District

¹ APP/P1940/W/21/3272368

Council Core Strategy Adopted 17 October 2011 (CS). These policies seek, amongst other things, to protect and enhance the natural and built environments from inappropriate development and expect development proposals to have regard to the local context.

Other Matters

12. Whilst I note the concerns raised by interested parties about the use of the existing stable building and the need for the proposed agricultural building following the recent conversion of an agricultural building to a dwelling, neither Policy C1 or Policy C12 of the CS referred to by the Council nor the Framework require proposals to demonstrate that there is a genuine agricultural need for the development or that the building is reasonably necessary for the purposes of agriculture. I have determined this appeal as applied for.
13. Concerns about noise as a result of the operation of the proposed roller shutter doors are raised by the occupiers of properties nearby. However, I noticed at my site visit that there would be reasonable separation distances between the proposed building and the nearest neighbouring dwellings and that the overall scale of the building and the proposed use would not amount in my view to an intensive use that would cause a detrimental impact in this regard.
14. Whilst not raised by the Council, I note interested party concerns about the potential for light pollution. The proposed building would be sited adjacent to the existing building and would form part of a group and given the nature of use and the proposed scale of the development it is unlikely that it would result in significant additional light pollution.
15. Interested parties have raised concerns about the alteration to existing views. There is no right to a view within the planning system, and I note that the Council did not raise an objection to the effect of the proposal on the outlook from neighbouring or nearby dwellings. Based on my observations and due to separation distances, I have no reason to disagree with the Council in this regard.

Conditions

16. A number of conditions have been suggested by the Council in the event of the appeal being allowed, which I have assessed and, where necessary, amended wording with regard to the advice provided in the Planning Practice Guidance. A condition regarding the approved plans is required to provide certainty. Whilst the Council's suggested condition in this regard referenced drawing numbers, there are none identified on the plans submitted, I have therefore referred to the title or type of drawing instead.
17. I have included a landscaping scheme condition which also requires details of existing trees/hedgerows and how they will be protected during the works. In order to be effective in protecting the hedgerow during the construction works, a pre-commencement condition is necessary in this regard.
18. A landscaping condition setting out when the planting shall take place, an external materials condition and a hard landscaping scheme condition are also necessary in the interests of the character and appearance of the area.
19. The Council have suggested a condition restricting the use of the building to agriculture only. The justification given for this condition is in order to prevent

harm to the Green Belt and safeguard the visual amenity of the area. I do not consider this condition is necessary given that the description of development refers to the use of the building in any case.

20. A condition is also suggested to remove permitted development rights under Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 for the change of use of agricultural buildings to dwellinghouses. The justification given for this condition is in order to have adequate planning control with regard to the limitations of the Green Belt and to safeguard the visual amenity of the area. However, the provisions of Class Q already include a restriction requiring that a building must have been in agricultural use for ten years if it was brought into use after 20 March 2013 in order to qualify for the permitted development rights. There is no justification provided as to why in this case there should be a more restricted approach, therefore I have not attached this condition.

Conclusion

21. For the reasons given, the proposal complies with the development plan, read as a whole. No material considerations have been shown to have sufficient weight as to warrant a decision otherwise than in accordance with it. Therefore, the appeal is allowed.

G Dring

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Proposed Block Plan and Elevations, Floor Plan and Roof Plan.
- 3) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. The development shall be carried out in accordance with the approved details.
- 4) All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the first use of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) Prior to first use of the building hereby permitted, a hard landscaping scheme shall be submitted to and approved in writing by the local planning authority. The approved hard landscaping scheme shall be implemented prior to the first use of the building and retained thereafter.