



Appeal Decision

Site visit made on 4 September 2023

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2023

Appeal Ref: APP/A1910/W/22/3304627

Wood End Farm, Wood End Lane, Markyate, Herts AL3 8AY

- 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 Mark Fearn against the decision of Dacorum Borough Council.
- The application Ref 22/00486/RET, dated 5 April 2022, was refused by notice dated 10 June 2022.
- The development proposed is Change of use of paddock for the keeping of horses for equestrian use. Construction of stables for the keeping of horses and ancillary storage. Creation of hard standing area for vehicular access via existing gated entrance.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the appeal site address above from the application form. Although different to that given on the decision notice and appeal form, it still accurately reflects the site's location.
3. With the appeal the appellant submitted an amended plan¹. This set out a substantially different scheme with the hardstanding and access track removed. The Council has publicised the appeal but interested parties may be unaware of these amendments. Procedurally this could be addressed by re-consultation but would not alter this fundamental change to what would be a different application compared to what was originally applied for in this regard. Accordingly, the amendments cannot be considered as part of the appeal² (Holborn judgement) and used to evolve a scheme at the appeal stage³. I have, therefore, not taken the amended details into account in determining the appeal. A fresh planning application would need to be made to the Council in this respect. In reaching this conclusion, I have had regard to the Wheatcroft Principles⁴ but also the findings of the Holborn judgement.
4. At the time of my site visit, the development was complete but did not appear to be in use. I have dealt with the appeal on that basis.

Main Issues

5. The main issues are the effect of the development on:

¹ Drawing - 001

² Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

³ Planning Inspectorate Procedural Guide – Planning Appeals – England, June 2023

⁴ Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL, 1982, P37]

- the character and appearance of the area, with particular regard to its location within the Chilterns Area of Outstanding Natural Beauty (AONB); and;
- highway safety.

Reasons

Character and appearance

6. The appeal site is accessed from Wood End Lane. It comprises a field, with trees and hedgerows to the periphery of the boundary on the northwest and southwest. To the northeast, it comprises Wood End Farm, which includes the grade II listed farmhouse and a variety of other buildings of varying size and design, many of which are agricultural in appearance. The south of the site is predominantly open fields. The site is located within the AONB, which is characterised by large open fields (bounded by mature trees and hedgerows), areas of woodland interspersed with sporadic development.
7. AONBs are designated for the purposes of conserving and enhancing natural beauty and Section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to this purpose in this decision. Paragraph 176 of the National Planning Policy Framework (the Framework) puts great weight on their conservation and enhancement.
8. Dacorum Core Strategy (CS) Policy CS7 restricts development within the rural area subject to limited exceptions. These exceptions relate not only to specific supported uses/development but also require, amongst other things, that the development does not adversely affect the character and appearance of the countryside. As a result, a development may be acceptable in principle, but it would also need to ensure there is no detrimental harm to the character and appearance of the area.
9. On my site visit, I observed that the access track, hardstanding, and stables were highly visible from the existing opening. I also observed that despite much of the vegetation being in leaf, the development was readily visible, in places, through the trees and shrubs from Puddephat's Lane. Views inward from the northeast, are restricted by existing built development. Consequently, although the site is partially screened by built form, it is visible from short and mid-range views, particularly from the site entrance on Wood End Lane and the wider views off Puddephat's Lane. This visibility is likely to be increased further during winter months.
10. The surrounding landscape is of a high quality, commensurate with its AONB status, and is characterised by undulating agricultural fields of varying size with mature hedgerows, tree-lined boundaries and areas of woodland. There are pockets of buildings, but these are largely in close proximity with a farmstead character and appearance, resulting in the prevailing character being of an undeveloped landscape. Although partially enclosed to one side, the appeal site's open nature, bounded by hedgerows and trees, results in the site forming an integral part of the wider AONB landscape.
11. The appeal scheme has introduced two timber stables, a hard-surfaced area and an access track into this countryside location taken from an existing access off Wood End Lane. Sited away from the existing access opening and from buildings on Wood End Farm, much of the development occupies a somewhat

centralised position within this area of the field, away from the existing built form. As a result of the distance from the surrounding built form and separate access, I do not consider the development to be visually associated with Wood End Farm but an independent feature within the landscape.

12. The stables are relatively modest in size and are constructed in materials not uncommon in countryside locations. However, as established, the development has a detached appearance from nearby built form and occupies a prominent location in the field. As a result, whilst it is not uncommon to find stables in rural locations, the erected stables' location alongside the access track and hardstanding results in a visually intrusive and incongruous form of development within the open landscape. Consequently, the proposed development as a result of its siting is demonstrably harmful to the character and appearance of the area and wider AONB.
13. Based on my observations on site and my findings above, this harm would not be overcome through the imposition of a condition requiring landscaping to be agreed with the Council.
14. The appellant has stated that the stables are located on skids such that they can be easily positioned elsewhere on the site. However, based on the position of the stables adjacent to the area of hard surfacing and the submitted drawings, there is no substantive evidence before me to conclude that they are likely to be moved elsewhere on site.
15. The appellant has drawn my attention to an appeal⁵ for a stable which included a change of use of the land for equestrian purposes. Whilst I do not have full details of this scheme, I note that it is some distance from the appeal site. In this regard, the example's location with regards to the effect of the scheme on the character and appearance of the area is materially different to the appeal proposal, and therefore I cannot draw any direct comparison that weighs in favour of the proposal even when taking into account the example is within a Green Belt location.
16. The change to equestrian use is not objected to by the Council. I also acknowledge that there are other equestrian-related developments found nearby. However, the presence of such uses does not overcome the detrimental harm to the AONB I have identified above.
17. Consequently, the proposed development fails to conserve and enhance the landscape and scenic beauty of this part of the Chilterns AONB. It would fail to comply with Policy DP2 of Chilterns AONB Management Plan and Core Strategy policies CS1, CS7, CS12 and CS24. These seek, amongst other things, to conserve and protect the rural character and appearance of the area, including the AONB and avoid visual intrusion. It also conflicts with the Framework, insofar as it seeks to protect the AONB and landscape character by ensuring development is sensitively located and designed.

Highway Safety

18. Wood End Lane is a narrow single-track unlit road with limited passing spaces. In proximity to the appeal site, a small number of driveways afford drivers some opportunities to pass other vehicles. Additionally, the road is relatively straight, with good visibility along much of its length. To the west of the appeal

⁵ Appeal ref: APP/X0415/W/18/3197409

site lies the junction with Puddephat's Lane, where the road widens into two lanes.

19. The evidence before me indicates that the appeal site access was in position prior to the stables and hardstanding being erected. I have been provided with no detailed traffic movements associated with access that took place before the appeal scheme commenced. Nevertheless, the use of the stables and field by private individuals for equestrian uses is likely to increase the intensity of the access.
20. Present visibility for vehicles emerging from the appeal site onto Wood End Lane is adequate, with views available in either direction as existing boundary hedges are set in from the road edge. However, the evidence before me indicates that the boundary hedging does not sit wholly within the appellant's ownership. Additionally, there is no information on existing traffic speeds, which could inform a different visibility splay.
21. In the absence of any evidence to show that appropriate standards of visibility could be achieved and maintained, the development when in use, could lead to increased potential for collisions between road users. I am, therefore not satisfied that the use of the access in this location would not give rise to highway safety concerns. It would also not be appropriate to condition these details given the uncertainty that achieving the visibility splays may require land outside of the appellant's ownership.
22. Additionally, I have not been supplied with any cogent evidence to demonstrate that sufficient onsite parking and manoeuvring for larger vehicles can be undertaken within the appeal site. Or that the vehicular access is of a sufficient width. This would in turn likely lead to vehicles waiting in the highway or reversing onto the highway. This would not only be from vehicles of the users of the facilities but also larger vehicles such as vehicles with horseboxes and emergency service vehicles. These waiting and reversing vehicles would cause an obstruction, restricting the movement of vehicles within the site and on Wood End Lane and therefore causing a conflict between vehicles which would be harmful to highway safety. As such, I cannot be sure that users of the facilities or emergency service vehicles would not park on the lane obstructing the free flow of traffic.
23. As a result, based on the lack of substantive evidence to demonstrate that the proposal would not have implications for highway safety, I find that the proposal would be contrary to Policies CS8 and CS12 of the CS. These seek, amongst other things, to provide a safe and satisfactory means of parking and access for all users. The proposal would also be contrary to the provisions of the Framework, which, amongst other things, seeks to avoid unacceptable impacts on highway safety.

Other Matters

24. The appellant suggests that CS Policy CS7 is inconsistent with the Framework because its approach to development in rural areas is more restrictive. Therefore, for the purposes of paragraph 11(d) of the Framework, the appellant considers this policy to be out-of-date. I appreciate that the CS is of some age, but this alone does not make this policy out-of-date.

25. Even if I were to accept that Framework Paragraph 11d is engaged for the reasons cited by the appellant, Framework Paragraph 11d)i nullifies the presumption in favour of permission at 11d where policies in the Framework provide a clear reason for refusing the proposed development. I have concluded that the proposal would not conserve the natural beauty of the AONB. The proposal is therefore contrary to Framework Paragraph 174 which seeks to protect valued landscapes in a manner commensurate with their statutory status. The Framework therefore provides a clear reason for refusing the development and presumption in favour of granting permission at Framework Paragraph 11d does not apply.
26. The Council has referred to the impact upon the Chilterns Beechwoods Special Area of Conservation (SAC). However, as I am dismissing the appeal, there is no need for me to consider the implications upon the SAC further because the scheme is unacceptable for other reasons. In any event, this would have mitigated harm and would not have amounted to a benefit.
27. Woodend Farm is a grade II listed building which derives its significance from its historical appearance. Given the presence of this heritage asset, I have had special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest that it possesses. Due to the separation distances, and the intervening land and buildings, the development does not harm the setting of the heritage asset. As such, the setting of the listed building would be preserved.
28. The appellant asserts that there is significant demand for the stabling of horses within the area, given the high provision of bridleways. This view is buoyed by letters of support from interested parties. However, there is no substantive evidence before me to demonstrate that an undersupply of stables exists within the area. Nonetheless, I accept there would be some social benefit through the provision of additional modern stabling and use of the field for equestrian uses. There would also be economic benefits through the diversification of the farm, which would support a prosperous rural economy, as required by the Framework. However, even in combination, these matters do not outweigh the harm I have found above.
29. The appellant has stated the existing stables are in a poor state of repair however, I have been provided with no evidence to demonstrate this.
30. A lack of harm from other issues, such as residential amenity, highway safety or loss of trees, is a neutral factor and does not weigh in favour of the scheme.

Conclusion

31. The proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
32. Therefore, I conclude the appeal should be dismissed.

A Hickey

INSPECTOR