



Appeal Decision

Site visit made on 10 January 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 FEBRUARY 2024

Appeal Ref: APP/A1910/W/23/3320281

2 Chalkdell Cottages, Puddephats Lane, Flamstead, St Albans, Hertfordshire AL3 8BA

- 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 Gary O'Connor against the decision of Dacorum Borough Council.
 - The application Ref 22/02355/FUL, dated 5 August 2022, was refused by notice dated 14 October 2022.
 - The development proposed is construction of stable for 2 horses and barn.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal site is located within the Chilterns Area of Outstanding Natural Beauty (AONB). The term AONB was revised in November 2023 to National Landscapes. In legal terms and national policy terms, they continue to be referred to as AONBs. I will therefore continue to refer to them as such, in the interest of clarity.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, with particular regard to the AONB; and,
 - the effect of the proposed access on highway safety.

Reasons

Character and appearance

4. The appeal site is situated in a countryside location of the AONB off Puddephats Lane. AONB have the highest status of protection in relation to landscape and scenic beauty. Development within an AONB should be limited and great weight is to be afforded to conserve and enhancing the natural beauty of the area, as set out in the statutory duty under Section 85 under the Countryside and Rights of Way Act 2000.
5. The site is part of a wider open field which slopes towards Puddephats Lane. In this particular location, Puddephats Lane is a single-track lane with hedging of substantial height and depth, with rolling fields situated to either side.

6. Despite the presence of some large electricity pylons cutting across the site, the appeal site and the surrounding area is primarily characterised by undulating pastureland, divided by attractive hedgerows and small blocks of trees. These features are consistent with the special qualities of the AONB.
7. The proposal can be defined by four distinct parts; a stable block, barn, its access and associated hardstanding. The proposed barn would be single storey in height with a shallow pitched roof close to the boundary adjacent to Puddephats Lane. Rooms within the barn would have an office/drying room, WC, electrical cupboard and barn space. This would be a wide structure of a large size. The barn includes glazed elements which appear far more substantial in design than what would be deemed as necessary for the operating requirements of a barn.
8. Furthermore, a large area of hardstanding and paving is proposed surrounding the barn and within the site, with a vehicular access and associated entrance gates. This would appear as a harsh and overly engineered surface in the context of soft pasture on the adjacent land. Whilst planting and the existing hedgerow would screen the proposal somewhat, this is not a permanent feature and can be removed at any time. The domestic nature of the barn, combined with the provision of the stable and hardstanding would result in an arrangement of structures and paraphernalia that would appear as discordant in this pastoral setting.
9. The timber construction of the barn, although typical for buildings of this nature, does not overcome my concerns regard the proposal's cumulative design, scale and arrangement.
10. Despite what the Council say about the scheme's concealed location, it would nonetheless be perceptible through the site access. From this perspective the arrangement of buildings, the surrounding hardstanding and associated equine paraphernalia would appear as an intensive and visually discordant development in context with the largely undeveloped surroundings.
11. The cumulation of the number of buildings, the overall size and design of the barn, along with the hardstanding and paving would appear as an intensive development. The combination of those built elements would not be visually appropriate in this agricultural setting while seeming, given the level of works, disproportionate to the recreational use of the stabling of two horses. Moreover, the scale of the proposal would not be limited and would have a significant and harmful effect on the visual amenity of the AONB. Therefore, the proposal would not conserve or enhance the natural beauty of the AONB.
12. Agricultural buildings of significant scale are visible in the wider area. The examples noted were large, but agricultural and simplistic in character and essential in their use. Examples of other developments considered to be similar by the appellant have been raised. However, no details other than the application numbers and a description of these examples have been provided, therefore I have given those cases limited weight in my decision. In any event, each application is assessed on its own merit and site characteristics.
13. To conclude, the proposal would have a harmful effect on the character and appearance of the area, with particular regard to the AONB. I therefore find that the proposal would be contrary to Policies CS1, CS7 and CS24 of the Dacorum Borough Council Core Strategy 2006 – 2031 (CS) and the National

Planning Policy Framework (NPPF) when read as a whole. These policies seek appropriate small-scale development where it has no significant impact on the character and appearance of the countryside.

Highway Safety

14. The proposal would form a new access onto Puddephats Lane. Puddephats Lane is a single track 60mph road which bends on either side of the proposed access point. The bends to either side of the proposed site access and the height of the hedgerows which are situated to either side of Puddephats Lane would significantly reduce driver visibility when emerging from the proposed access. Furthermore, it appeared to me that there is inadequate stopping sight distance to allow drivers, travelling along Puddephats Lane enough time to react quickly to emerging vehicles, due to the highway's layout and the restrictions at the site access. Accordingly, the use of the access in connection with the appeal would greatly increase the risk of collision with other traffic along the Puddephats Lane, and I find that the proposal would be harmful to the safety of highway users.
15. I noted during my site visit that due to the single tracked nature of the road, its surface treatment and line of sight along Puddephats Lane would make 60mph a difficult speed to achieve. However, whilst it would be difficult for a road user to achieve this speed, lower speeds which are possible to achieve would still be detrimental to highway safety where there is no clear visibility. Additionally, the visibility splay drawing provided by the appellant demonstrates that the proposed access point cannot achieve a suitable visibility splay for a 60mph road.
16. This appeal includes a proposal for a new access point, and I have assessed this on its own merits. The appellant has suggested that a 60mph speed limit is inappropriate in this location and also suggests that if harm is found with the proposed access that this can be omitted from the proposal. However, it is not within my remit to discuss this matter or to amend the proposal at the appeal stage, the development must be assessed from the plans before me. At the time of assessment of this appeal, the speed limit is 60mph and I have therefore assessed the proposal on this basis.
17. Several examples of existing visibility splays within the area are raised by the appellant. The appellant suggests that these visibility splays are shorter than what is proposed in this appeal. However, no plans, officer report or decision notices have been provided, therefore I am unable to assess the reasoning behind those decisions. I have therefore given them limited weight in my decision.
18. The appellant has suggested that the visibility requirements for the access could be achieved through a planning condition, but I have no certainty from the evidence before me that the splay requirements can be achieved.
19. Therefore, taking the above into account the proposed access would have an unacceptable effect on highway safety. As such, it would fail to accord with Policy CS12 of CS, Saved Policy 58 of the Local Plan 2004 (LP) and the Parking Standards Supplementary Planning Document 2020 (SPD) seek new development to provide a safe access point for all users. As such, the proposal would fail to meet the provisions of these policies and the NPPF when read as a whole.

Conclusion

20. The proposal would be contrary to the development plan when read as a whole, and material considerations do not indicate a decision otherwise than in accordance with the development plan. Therefore, for the reasons given the appeal is dismissed.

J Smith

INSPECTOR