



Appeal Decision

Site visit made on 30 April 2024

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2024

Appeal Ref: APP/A1910/W/23/3322715

Little Heath Farm, Little Heath Lane, Potten End, Herts, HP4 2RY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Bernadette Rooney against the decision of Dacorum Borough Council.
 - The application Ref is 22/03183/FUL.
 - The development is described as Proposed Stables, Feed and Hay store, for established equestrian use.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council determined the planning application before the appeal was lodged. Consequently, this appeal proceeds on the basis that the Council has refused permission for the proposed development.
3. The Council maintains that the scheme would conflict with policy 81 of the Dacorum Borough Local Plan 1991-2011¹ (the Local Plan). However, even if I were to conclude that the proposed scheme is not a small-scale equestrian facility, the Council no longer has concerns regarding the effect of the development on the character and appearance of the Chilterns Area of Outstanding Natural Beauty (AONB). Furthermore, although there are Green Belt references within Local Plan policy 81, inappropriate development is not mentioned or defined within this policy. For these reasons, policy 81 isn't directly relevant to the main issues in this appeal.

Background and Main Issues

4. The appeal site is within the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 152 of the National Planning Policy Framework (the Framework) states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.
5. Therefore, the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; and if it would be inappropriate development;

¹ Dacorum Borough Council Dacorum Borough Local Plan 1991 -2011 Written Statement adopted 21 April 2004

- whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

6. The appeal site is within a countryside location. It comprises an existing access track, as well as an undeveloped part of a wider field/paddock enclosure, upon which the proposed development would be undertaken.
7. Framework paragraph 154 says that the construction of new buildings in the Green Belt should be regarded as inappropriate unless the development meets one of a number of stated exceptions. One such exception at paragraph 154. b) is for the provision of appropriate facilities (in connection with the existing use of the land or a change of use) for outdoor sport and outdoor 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. One of the purposes of the Green Belt, as set out in paragraph 143. c) of the Framework, is to assist in safeguarding the countryside from encroachment.
8. Policy CS5 of the Dacorum Borough Council Core Strategy 2006-2031² (the Core Strategy) indicates that the Council will apply the national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness, and, physical separation of settlements. As such, and in respect of matters related to the Green Belt, this policy broadly conforms with the provisions of the Framework.
9. Whether or not the appeal site is currently in use for equestrian purposes, the main parties agree that the proposed development is a form of equestrian use. On that basis, the exception at paragraph 154. b) of the Framework is relevant in the consideration of this appeal. The effect of the development on the openness and purposes of the Green Belt will therefore determine whether or not the proposal would constitute inappropriate development.
10. I do not doubt that the layout, size, and design of the proposed development is, at least partly, informed by the appellant's objective to provide well-ventilated and safe stabling and handling facilities for 4 horses, as well as internal storage for hay and other feed. However, even if the stable building were as small as it could be to achieve these objectives, the development would introduce a relatively large building and a large area of hardstanding in an otherwise undeveloped section of a bigger field/paddock enclosure. In a spatial sense, such development would reduce the openness of the Green Belt.
11. Existing trees and hedgerows would obstruct views of the stable building and hardstanding from many locations outside of the field/paddock within which they would be sited. However, notwithstanding the intervening field/paddocks and the backdrop that would be afforded by nearby trees and hedgerows, the proposed development would be visible from rear windows within the house at Crossways, as well as from within parts of the grounds of that property. Therefore, even if the development would not be readily visible from publicly

² Dacorum Borough Council Core Strategy 2006-2031 Adopted 25 September 2013

accessible locations, it would nevertheless, and albeit to a limited extent, also reduce the visual openness of the Green Belt.

12. Consequently, the development would not preserve the openness of the Green Belt. Furthermore, being located away from other buildings and in an otherwise largely undeveloped field enclosure, the stable building and hardstanding would constitute a form of development that would encroach into the countryside.
13. For these reasons, the proposal would be inappropriate development in the Green Belt having regard to both the Framework and any relevant development plan policies. Consequently, and in respect of this main issue, it would conflict with policy CS5 of the Core Strategy, as well as chapter 13 of the Framework.

Other considerations

14. In facilitating outdoor sport and recreation, the proposed development would undoubtedly have the potential to deliver health benefits to future users. However, given the small scale of the scheme, only limited weight can be attributed to any such benefits.
15. I have no reason to doubt that the development would enable good horse welfare standards to be achieved within a secure building. It would also facilitate the provision of safe and efficient working practices for those tending horses kept by the appellant on land at Little Heath Farm. Nevertheless, on the evidence before me, I am unable to conclude that the appeal scheme would be the only way to secure such benefits.
16. The appellant has suggested that a single stable building such as that proposed, would avoid the need for several separate buildings or tarpaulin-covered areas dotted around the paddock. However, it is not clear that there is a real prospect that such alternatives would occur, or, that such alternatives would necessarily be more harmful than the development subject of this appeal.
17. My attention has been drawn to other structures within the Green Belt off Bullbeggars Lane. However, the basis upon which these structures are present or authorised has not been indicated. Furthermore, I do not have sufficient information to fully understand the circumstances leading to permission being granted for a stable building and field shelter³ (amongst other things) within an adjacent field to that of the proposed stable building. I therefore accord very limited weight to the presence of these other structures, in support of this appeal.

Other matters

18. A small portion of the access track is located within the Chilterns AONB. In exercising or performing any functions in relation to or so as to affect land so designated, I have a duty to seek to further the purpose of conserving and enhancing the natural beauty of the AONB.
19. Ancient hedgerows, hedgerow and field trees, and relative tranquillity are important features of this landscape designation. Albeit that no operational development is proposed within the AONB, a small increase in vehicle movements along the access track resulting from the subsequent use of the

³ application reference number 20/00882/RET

proposed development is likely. However, even if this increase were to include large vehicles, I am satisfied that such movements would be of a type and low level that would preserve the landscape and scenic beauty of the AONB.

20. While the stable building and hardstanding would be constructed close to the AONB, there is no proposal for trees or hedgerows to be removed. As such, and because of the low height; simple utilitarian design; and location of the stable close to a mature hedgerow, the development would preserve the natural beauty of the AONB.
21. The appeal site access track passes close to the Grade II listed Farmhouse at Little Heath Farm. Comprising a 17th-century or earlier timber-framed and brick-cased farmhouse with steep old red tile roofs, the significance of this heritage asset results, in part, from its historic fabric and its use as a farmhouse. Both the nearby fields and the series of outbuildings that are close to the farmhouse, form part of its setting, and contribute to its significance.
22. The farmhouse would be separated and screened from the proposed stable building and hardstanding, by intervening land, trees, and hedgerows. Furthermore, the limited scale of the proposals means that only a small increase in vehicle movements along the existing access track between the farmhouse and several of the associated outbuildings is likely. For these reasons, the development would not cause harm to either the significance of the heritage asset or the contribution that its setting makes to it.

Conclusion

23. Albeit the limited scale of the proposals would mean that no more than limited harm would be caused to the Green Belt, in accordance with paragraph 153 of the Framework, substantial weight is accorded to that harm.
24. The other considerations in this appeal do not clearly outweigh the harm by reason of inappropriateness. Consequently, the very special circumstances necessary to justify the development do not exist.
25. Overall, and for the reasons given above, the proposal conflicts with the development plan when taken as a whole. There are no material considerations, either individually or in combination that outweigh the identified harm and associated development plan conflict.
26. I therefore conclude that this appeal should be dismissed.

V Simpson

INSPECTOR