



Appeal Decision

Site visit made on 12 June 2024

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2024

Appeal Ref: APP/J1915/W/23/3332111

Watton Mill, Mill Lane, Watton at Stone SG14 3TT

- 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 Meqa of Stone Mill Ltd against the decision of East Hertfordshire District Council.
 - The application Ref 3/23/0885/FUL, dated 4 May 2023, was refused by notice dated 28 July 2023.
 - The development proposed is described as additional floor to existing office building.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At my visit the site building had been refurbished and some boarding, cladding and painted areas were present on some external elevations which differ from those set out on the existing and proposed plans. There is nothing before me to suggest the external elevation works are authorised, so I have assessed the appeal proposal based upon the existing and proposed plans submitted.
3. Since the appeal was lodged the Watton-at-Stone Neighbourhood Plan 2017 – 2033 (2023) (the NP) has been adopted and so forms part of the development plan. I have given the Council and the Appellant the opportunity to comment upon the implications of this for their respective cases and taken any comments into account in determining this appeal.

Main Issues

4. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal upon the openness of the Green Belt;
 - the effect of the proposal upon the character and appearance of the host building and the area including the setting of the Watton-at-Stone Conservation Area (the WSCA);
 - the effect of the proposal upon highway safety;

- whether or not the proposal would be consistent with policies in respect of flood risk; and,
- if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

5. The appeal site is within the Green Belt within which paragraph 142 of the National Planning Policy Framework (2023) (the Framework) identifies the fundamental aim is to prevent urban sprawl by keeping land permanently open. Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework identifies the construction of new buildings should be regarded as inappropriate development, subject to certain exceptions set out in paragraphs 154 and 155.
6. Policy GBR1 of the East Herts District Plan (2018) (the EHDP) states applications in the Green Belt will be considered in line with the provisions of the Framework, so Policy GBR1 is consistent with the Framework.
7. An exception at paragraph 154 c) of the Framework is the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. While the Framework does not define what constitutes disproportionate, Annex 2 defines the original building as being as it existed on 1 July 1948 or, if constructed after, as it was built originally. I am informed the original mill building was from the 19th century and was present on 1 July 1948. The Council estimates the volume was approximately 1,529 cubic metres. I am provided with no alternative figure or demonstration this is not reflective of what was on site.
8. The Council informs me the building had northern and southern extensions added in the mid-1950s and 1960s respectively, which are both still present. In the mid to late 1960s the historic mill building was fire damaged and demolished, but the more modern extensions remained. A new infill extension joined the two extensions, following which a rear extension was added in the early 1970s, with a further ground floor extension in the early to mid-1970s.
9. The substantive submissions before me indicates the 19th century mill building is the original building for the purposes of assessment under Green Belt policy. There has been no substantial clearance of the site to create a new 'original building' for the purposes of the application of Green Belt policy and I am not provided with a substantive case including relevant authority, to demonstrate the Council's approach would be incorrect.
10. The appeal proposal would result in the extended building comprising a total volume of 2,401 cubic metres, which would be an increase of approximately 57% above the original. The combination of the developments previously has resulted in an increased spatial footprint of the building, and despite not being so high as the old mill, the appeal proposal would result in cumulatively a much increased floorspace, volume, bulk and overall scale of building. There would be a large increase from the original building, and in combination with the

previous extensions, the appeal proposal would result in disproportionate additions over and above the original building.

11. Therefore, for the reasons set out above the proposed development would constitute inappropriate development having regard to the provisions of the Framework and Policy GBR1 of the EHDP. In this regard, the proposal would conflict with the aims of the Framework, insofar as it confirms that inappropriate development is, by definition, harmful to the Green Belt.

Openness

12. The proposed extension would not increase the building width or depth or result in harm to the spatial openness of the Green Belt. However, it is unavoidable that the additional storey of built development over and above the existing building, would increase height and scale of the building. Though it might have some subservience, the upward increase to the building would result in a marked adverse effect upon the visual openness of the Green Belt.
13. This would be clearly visible from Mill Lane in front of the Appeal site, from around the bridges, parts of the Scout and Guide premises and from a length of Mill Lane to the northeast. It would also be prominently visible approaching Mill Lane from a significant length of the public right of way on its alignment due northeast, with a much more glimpsed and filtered visibility from limited parts of another right of way and open spaces. From what is before me it would not be possible to mitigate the harm to openness by the imposition of suitably worded planning conditions.
14. Therefore, for the reasons set out above, appeal proposal would have an adverse impact on the visual openness of the Green Belt, in conflict with the Framework and Policy GBR1 of the EHDP, insofar as these aim to ensure the openness of the Green Belt is preserved.

Character and appearance

15. The appeal site building is set within a largely rural and landscaped backdrop. It is also viewed in the context of buildings to the south and west of varying age and style, such as historic brick and tile buildings within the WSCA, more modern brick and render properties at Willowdene and the corrugated Scout and Guide building. On the whole, the prevailing character is one of generally traditional forms but some varied materials in an informal landscaped setting.
16. The character, appearance and significance of the WSCA derives from the variety of generally well-preserved historic and period buildings of differing origins, styles, construction and materials, off the historic High Street, the verdant open spaces including part of the wooded river valley and open field surrounds to the south. Within the vicinity of the appeal site, it is characterised by tightly knit high-quality historic buildings and private garden valley side spaces.
17. The setting of the WSCA includes a number of later buildings reflecting settlement growth and a significant section of the river valley lined by buildings, and wooded and open land sloping down to and up from the river. This setting contributes to the significance of the WSCA by virtue of the historic and verdantly landscaped parkland, agricultural, private and informal spaces with scattered buildings and uses, within which the historic settlement was formed, has evolved and can be viewed.

18. Its flat roof form and limited height, position over and adjacent to the river courses, set back from Mill Lane, means the appeal site makes a limited contribution to the significance of the WSCA. The 'existing' form shown on the plans, suggests its contribution would have been a largely neutral one.
19. The limited areas of cladding as shown on the plans before me would result in some degree of unity between the extension and the host building, by use of a traditional material visible on buildings on parts of the High Street. Being limited to three specific parts of the elevation, including one clearly recessed section it would maintain a relatively simple appearance, which would aid limiting the massing of the building. Therefore, I do not consider it would appear incoherent or intrusive. The details of the materials treatment could be the subject of a planning condition with consideration given to ensure they reflect complement materials visible in the WSCA and the host building. Though it would not be an exceptional design referenced in NP Policy WAS5, on-balance the effect upon the setting and significance of the WSCA would be neutral.
20. For the reasons set out above, the proposal would not adversely affect the character and appearance of the host building, the street scene, or the setting of the WSCA. It would not conflict with Policies DES4, HA1 & HA4 of the EHDP and Policy WAS21 of the NP. Amongst other things these require development is of a high standard that reflects local distinctiveness, the host building, and that preserves the historic environment including its character, appearance and special interest. I also do not find a conflict with the overarching design objectives and the criteria of relevance to this proposal in the NP design code and therefore Policy WAS6.

Highway safety

21. From High Street and from the rights of way, towards the appeal site those sections of Mill Lane are two-way with some on-street parking available. However, they narrow towards the two bridge crossings with no designated footway, and I am given little certainty as to when a new footbridge would be installed. Around this section of Mill Lane, there are two site accesses, a Scout and Guide premises, rights of way, residential accesses, and open spaces.
22. Traffic flows in this area were limited at the time of my visit, although there was at times notable vehicle and pedestrian traffic from users of the open spaces and rights of way. There is nothing to suggest what I saw was untypical at that time. Based upon what I saw and the evidence before me, at certain times there may be some more concentrated highway use associated with the Scout and Guide premises, although its use and operation are unclear.
23. The proposal would result in an additional approximately 202 sqm of additional floorspace. There is nothing before to demonstrate the operation of this internal space could be secured by any consent, and it would have a potential, to increase in the number of people based at the appeal site with increased vehicle movements and parking needs. The Appellant's Transport Note (TN) explains the scope for access to the site by train, bus, walking, cycling or any combination thereof, and there would be an over provision of cycle spaces. These may well encourage sustainable transport modes and help limit vehicle generation. However, it is by no means certain how many of those within the suggested catchments would use non-car modes. To manage a 5 – 10km

journey cyclists would have to be fit and confident, and journeys may well lack appeal when daylight is less and/or the weather is inclement.

24. Notwithstanding the discussion of non-car modes, no explanation is given of the either the potential existing, or proposed traffic type and flows that would be generated by the development. Though the TN states the site and local highway network can accommodate the traffic generated, it does not actually explain and demonstrate how, or what this would typically be expected to be. Given the potential for increased use and highway conditions nearby I cannot be certain there would not be an increased potential for highway user conflict prejudicial to highway safety.
25. The site is expected to provide 75% - 100% of the 23 parking spaces in the Vehicle Parking at New Development Supplementary Planning Document (2008) (the SPD), for which this proposal proposes 17. If parking needs were assessed to be markedly greater, it is by no means clear this could be satisfactory achieved on the site, or that any on-street displacement, would not detrimentally affect highway safety nearby.
26. Visibility from three parking spaces on the southwest corner of the site is restricted due to the alignment and height of a bridge. On-street parking and vegetation on third party could further hinder visibility. However, the current site layout suggests the spaces can already be used.
27. A revised layout might be able to move them to the rear. This together with shelters over cycle parking in accordance with development plan and SPD requirements, might be addressed by suitably worded conditions. However, I have concerns that, in combination with any further spaces that might be assessed as necessary, such an amendment would be to the point where it would constitute a significant and material change from the plans, falling outside the scope of this appeal scheme. Moving the three spaces could result in some form of benefit compared to the existing arrangement, but I am not satisfied this would adequately mitigate, or outweigh, the other potential harm to highway safety.
28. For the reasons set out, I cannot be certain the proposal would not be prejudicial to highway safety, in conflict with Policies TRA2 and TRA3 of the EHDP, which expects development should ensure safe access can be achieved, is acceptable in highway safety terms, and should ensure a safe environment.

Flood risk

29. The majority of the appeal site is within Zone 3 for fluvial flood risk. The Environment Agency (EA) has objected because the appellant has not adequately demonstrated the additional loading would not affect the structural stability of the culvert under the building, resulting in the potential its collapse and/or blocking resulting in flood risk, so it is unlikely the necessary permit would be granted for the works.
30. The Council has suggested a pre-commencement condition which could secure certain details. I acknowledge the strongly held objection of the EA and that this matter is of fundamental importance to the acceptability of the scheme. It would not be appropriate to allow the development to commence without it being addressed, and the evidence gives little detail of how and when this would be addressed by the Building Regulations regime. However, I see no

substantive reason why a pre-commencement condition could not secure the necessary evidence and if necessary, a detailed scheme of works to the culvert and building construction. If it was not demonstrated the scheme could be undertaken in an acceptable manner, then it could not lawfully commence.

31. Therefore, subject to the imposition of a suitably worded pre-commencement condition, the proposal could be made compliant with policies in respect of flood risk. On this basis it would not conflict with Policies WAT1 of the EHDP or paragraphs 165 and 173 of the Framework which aim to ensure proposals should neither increase the risk, likelihood or intensity of any form of flooding.

Other considerations

32. The recent renovation of the building has brought a once derelict building back into use. The appeal proposal would result in further a temporary economic benefit during construction. Once complete, it could accommodate further employees or businesses using the premises, or support existing business occupation, either of which would result in a sustained economic benefit, a local source of employment and support for rural services and facilities for the local community and economy. I attribute these benefits significant weight.
33. Subject to the imposition of a pre-commencement condition the proposal could avoid adversely affecting the culvert, which would be a neutral matter. The proposals and evidence indicate the potential for further landscaping, biodiversity enhancements, and sustainable drainage measures. Having regard to the suggested site layout, construction and the scope possible within the site, it is possible the proposal could achieve a limited landscape benefit, biodiversity enhancement and improved drainage by conditions. However, there is nothing before me to demonstrate these would be anything other than limited benefits of limited weight. No further details are provided of how the site could secure improved access to green areas, so I give this little weight.
34. I am not provided with substantive evidence to demonstrate that subject to the imposition of suitably worded planning conditions, the proposal would result in harmful living conditions to neighbouring occupiers in respect of matters such as daylight, overshadowing, outlook, privacy or noise and disturbance. On this basis, compliance with related policies would be a neutral matter. The proposal would have a neutral effect upon the character and appearance of the area including the setting of the WSCA. Preserving the status of the River Beane and the setting of listed buildings would also be neutral matters. From the limited evidence it appears the proposal might have been able to secure a limited benefit to energy efficiency and renewable energy, of limited weight.

Other Matters

35. The EA objected because car parking would be within an 8-metre buffer of the River Beane (as a rare chalk stream and local wildlife site) which has the potential to result in a deterioration of, or prevent the achievement of, a good ecological status. Such a situation would be contrary to the requirements of the Water Framework Directive, to development plan policies and Framework objectives. Were I to have been minded to otherwise allow the appeal, I would have sought further evidence on this matter.
36. Though filtered by intervening vegetation, there would be some intervisibility of the extension with listed buildings on the High Street, thereby falling within

their setting. The evidence suggests one of these in particular is Grade II* listed, requiring consultation with Historic England. However, given my overall conclusions on the main issues, I have not considered this matter in detail.

Planning and Green Belt Balance

37. The appeal development would be inappropriate development that would, by definition, harm the Green Belt, and would also result in harm to the visual openness of Green Belt. In accordance with the development plan and the Framework, substantial weight should be given to any harm to the Green Belt. I also cannot be certain the proposed development, overall, would not be prejudicial to highway safety.
38. The factors and benefits set out, in-combination, attract significant weight in favour of the scheme. However, they do not clearly outweigh the harm identified to the Green Belt and the other harm. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, the proposal conflicts with Policy GBR1 of the EHDP and paragraphs 142, 152 and 153 of the Framework, which seek to preserve the openness of Green Belt and protect it from inappropriate development, unless very special circumstances exist.

Conclusion

39. The proposal would be contrary to the development plan and the National Planning Policy Framework taken as a whole, and there are no considerations advanced, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR