



Appeal Decision

Site visit made on 29 July 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2024

Appeal Ref: APP/A1910/W/24/3338125

Land Off Cupid Green Lane, Hemel Hempstead, Herts HP2 6HN

- 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 Mr David Berendrecht (Cupids Green Farm Mushrooms) against the decision of Dacorum Borough Council.
 - The application Ref is 22/02365/FUL.
 - The development proposed is erection of agricultural mushroom growing unit, storage container, water storage tanks.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 22 November 2023, all areas in England and Wales designated as an Area of Outstanding Natural Beauty (AONB) were retitled as National Landscapes (NL). The legal and policy status of AONBs is, however, unchanged. I have referred to the Chilterns NL as an AONB throughout this decision in order to be consistent with the retained wording in the current version of the National Planning Policy Framework (the Framework) and the Core Strategy 2006-2031 (Adopted 25 September 2013) (CS).
3. The appeal site lies outside of the Chilterns AONB, but within its setting. Section 85 of the Countryside and Rights of Way Act 2000 (as amended) requires all relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of National Landscapes when performing their functions. The Planning Practice Guidance makes it clear that the duty to 'have regard' extends to consideration of the setting of an AONB, where development is proposed outside of but close to an AONB. I have had regard to this duty in my consideration of the appeal.

Main Issues

4. The appeal site lies within the Green Belt, where development is generally restricted other than in specific circumstances. The Council has considered the proposal against local and national Green Belt policy and has concluded that the development would not be inappropriate development in the Green Belt. Given the provisions set out in paragraphs 154 and 155 of the Framework, I have no reason to take a different view.
5. Therefore, the main issue is the effect of the proposed development on the character and appearance of the countryside.

Reasons

6. The appeal site is accessed via a long, shared track from Cupid Green Lane. It is laid to grass, and forms part of a larger field that has been subdivided into smaller plots with a mix of uses. Cumulatively, the buildings, plant, and other paraphernalia surrounding the site cover a large area. Their small plot sizes, layout, and appearance lacks cohesion and, collectively, the existing developments detract from the open character of the wider landscape.
7. Although the site lies close to Hemel Hempstead, it falls within an area that is distinctly rural in character. The wider locality shares many of the key characteristics of the Gaddesdon Row Local Character Area 124, as described in the Landscape Character Assessment for Dacorum Supplementary Planning Guidance (May 2004), including its arable fields interspersed with hedgerows, woodland, and trees. The absence of buildings on the appeal site provides important space between the neighbouring structures and uses, allowing for panoramic views across the surrounding farmland from this elevated plateau.
8. The proposed agricultural building would be a modest structure with a low profile. Its timber-clad exterior would be sympathetic to the appearance of some nearby buildings, as well as traditional agricultural barns in the wider landscape. Due to their limited height and size, the water bowsters would be discrete features; and I have no reason to conclude the storage container would be unduly large or of inappropriate appearance. The proposed Grasscrete surface would cover a small area that would be closely related to the main building. Its appearance would be softened by grass growth if carefully managed and maintained. Overall, in and of itself, the design and appearance of the development would be broadly in-keeping with other agricultural developments that are typically observed in the countryside.
9. However, the development would not exist in isolation. Rather, it would form part of the wider complex of buildings, structures, and other paraphernalia that have become established on the land around it. I cannot be certain as to the lawfulness of the surrounding uses. However, there is no substantive evidence before me to indicate which, if any, of the developments would not endure in the longer term. Therefore, I am not convinced the character of the surroundings would be subject to significant change. The proposal would reduce the undeveloped space between existing developments, thus exacerbating the sprawl of buildings and structures along the track from Cupid Green Lane. Consequently, it would contribute to the proliferation of incohesive development on uncharacteristically small plots in this countryside location.
10. The site is reasonably well-screened to the north and east by well-established hedgerows and buildings. However, due to its elevated position, the development would be exposed in longer views from the south and west, including from parts of Cupid Green Lane where there is less roadside hedging. Moreover, partial views would be available from the footpath to the northeast of the site through gaps in the hedging. When observed cumulatively with neighbouring buildings and uses, the proposal would have an incongruent appearance that would detract from the scenic beauty of the countryside. As such it would cause unacceptable visual harm to the character of the wider rural landscape.
11. Whilst the site lies outside of the Chilterns AONB, the surrounding landscape contributes positively to its special qualities, which include its panoramic views

from and across the escarpment interwoven with valleys and rolling fields. The development, in combination with others around it, would alter the setting of the AONB, by contributing to the small, piecemeal changes to land that are identified within the Chilterns AONB Management Plan 2019-2024 as harmful to its natural beauty.

12. Overall, I conclude that the proposed development would cause harm to the character and appearance of the countryside. Consequently, there would be conflict with Policies CS1, CS10, CS24 and CS25 of the CS insofar as they seek to conserve and enhance the rural character and landscape quality, and to conserve the special qualities of the Chilterns AONB. There would also be conflict with the Framework insofar as it recognises the intrinsic character and beauty of the countryside and requires development to be sympathetic to the landscape setting.

Planning Balance and Conclusion

13. There would be some social and economic benefits arising from the proposal, including the delivery of a low-key, organic method of agriculture which would support food production and supply. The development would make versatile use of a piece of agricultural land that is not currently used for food production. The economic benefits of mushroom cultivation would also enable the development to contribute to the vitality and viability of the local community.
14. The development would incorporate measures to adapt to and mitigate climate change, including through the use of roof lights, solar panels, water harvesting, and permeable hard surfacing. These environmental benefits weigh in favour of the proposal.
15. However, given its small scale, the social, economic, and environmental benefits arising from the development would be modest. Therefore, cumulatively they carry moderate weight in support of the proposal. This would not be sufficient to outweigh the significant weight I attach to the harm that would be caused to the character and appearance of this countryside location.
16. There would be no physical alterations to any footpaths as a result of the proposal, therefore recreational access through the local landscape would not be altered. The development has not generated any objections from landowners or from users of the Rights of Way network. Moreover, the ecological, cultural heritage, and recreational value of the AONB would be safeguarded. The absence of harm weighs neither for nor against the proposal.
17. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, the appeal should be dismissed.

E Catcheside

INSPECTOR