



Appeal Decision

Site visit made on 29 October 2024

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2024

Appeal Ref: APP/C1950/W/24/3342990

Northaw Brook Meadow, Coopers Lane Road, Northaw, Hertfordshire, EN6 4FB

- 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 & Mrs Beesley against the decision of Welwyn Hatfield Council.
 - The application Ref is 6/2023/1748/FULL.
 - The development proposed is conversion of a stable block to a single, two-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The existing location plans provided with the appeal include an incorrectly oriented north arrow. The orientation of the site is clear from the plans and from my site visit, and I have determined the appeal accordingly.

Main Issues

3. The site is in the Green Belt, and the main issues are therefore:
 - Whether the development proposed would constitute inappropriate development in the Green Belt, including any effect on openness, having regard to the National Planning Policy Framework and any relevant development plan policies,
 - The effect on the character and appearance of the area,
 - Whether the appeal site is an acceptable location for residential development, having regard to local and national policies,
 - Whether it would make adequate provision for the storage and collection of refuse and recycling, including any effect on highway safety,
 - Whether it would make adequate provision for the management of flood risk at the site; and,
 - Would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. The appeal site lies within the Green Belt. The National Planning Policy Framework (the Framework) defines the essential characteristics of Green Belts as their openness and their permanence. The Framework further states that inappropriate development is, by definition, harmful to the Green Belt. It also states that the Green Belt serves five purposes, including assisting in safeguarding the countryside from encroachment.
5. The Framework identifies certain types of development which are not inappropriate, which include the re-use of buildings provided that the buildings are of permanent and substantial construction and material changes in the use of land. These developments must preserve Green Belt openness and not conflict with the purposes of including land within it.
6. Policies SADM1, SADM34 and SP1 of the council's Local Plan 2016-2036 (the Local Plan) support the conversion of existing buildings and changes of use, subject to criteria broadly consistent with those set out in the Framework.
7. The stable block and garage the subject of the appeal are sited in one corner of an existing stables, which includes large fields stretching up to Coopers Lane Road. These buildings form part of the stables complex, which includes a barn, an arrangement of 5 stables opposite the appeal building, a manège and other buildings.
8. The buildings the subject of this appeal appear to be of permanent and substantial construction. The proposed conversion of the stables would involve limited external and internal alterations to these buildings with no impact to either spatial or visual openness as a result.
9. There is an enclosed hardstanding onto which the stable bays open. This would form the garden area immediately next to the house. While this would be a change in the use of the land, the area is enclosed and modest in size. Its use as garden land associated with the proposed house would not affect the openness of the Green Belt or conflict with the purposes of including land within it. There is additional land between the stables and garage and the north and west site boundaries. This land is constrained in size and its use would also not conflict with the purposes of including land within the Green Belt or affect its openness.
10. However, the appeal site includes land between the stable block and the manège. During my site visit there was a structure present on this area of land which is not shown on the submitted plans. I have been provided with no evidence to say whether it is a permanent structure or whether it has been granted planning permission. There is no indication on the submitted plans that it would be retained in this location if permission were to be granted. I have therefore determined this appeal based on the submitted plans. These indicate that this land would be changed to a residential use in association with the proposed house.
11. This area of land is relatively large, significantly greater in footprint than the buildings. The change of the site to a residential use would be likely to impact on both the spatial and visual openness of the Green Belt and would amount

to an encroachment into the countryside given its present use as a modest stable block and garage as part of the wider stables.

12. I have considered whether suitably worded conditions, including the possible removal of domestic permitted development rights, would be sufficient to mitigate this impact. However, the size of the appeal site is such that even with the reasonable removal of such rights as for extension of the proposed house or domestic outbuildings it would constitute an encroachment effecting both visual and spatial openness.
13. I have been referred to two permissions granted on sites on Great North Road and in Welham Green. In the first of these cases the council concluded that the amenity space associated with the property would be of limited size, and that the development would be unlikely to have a greater impact on openness than the existing use. In the second case the Inspector found that the removal of outbuildings as part of the development would, on balance, result in the openness of the Green Belt being preserved. These differences mean that these previous approvals attract limited weight in the proposal's favour, which does not outweigh the harm that I have identified.
14. The appeal proposal would therefore be inappropriate development in the Green Belt. It would conflict with the identified requirements of the Framework, and with policies SADM1, SADM34 and SP1 of the Local Plan.

Character and appearance

15. The appeal site comprises a working stables with several outbuildings, including a barn and field shelters. Most of the buildings, including the stable block and garage the subject of this appeal, are clustered in one corner of the site. They are close to the boundary with the river at the far end of the site from Coopers Lane Road. The site falls away from the road with the cluster of buildings at a significantly lower level than the road.
16. The appeal buildings back onto boundary fencing. The side boundary comprises dense, well-established vegetation that runs from the river to the road. The site entrance is set back from the road with a tall, solid gate. There is a further dense bank of planting running across the middle of the site between the side boundaries.
17. Within this context the appeal buildings are low-level structures of limited visual presence in the wider setting. While the appeal proposal involves some minor changes to the appearance of the stable block, its general form would remain in keeping with the rural setting, and it would be seen in the context of the surrounding stable yard and associated buildings, including a large barn which lies between the appeal buildings and the road.
18. However, the residential use of the land between the stable block and manège would result in a scale of development out of keeping in this setting. Domestic permitted development rights could be restricted as set out above. Nonetheless, even if this were to be the case the extent of converted land and the attendant change in its character and appearance would result in the appeal site appearing incongruous within its setting.
19. The impact of any illumination from the buildings would be limited by their modest size, and the substantial separation from neighbouring properties and any public vantage points over the site.

20. The appeal proposal would therefore be harmful to the character and appearance of the area overall, so would conflict with the requirements of Local Plan policies SP9 and SADM11. These require, amongst other criteria, that development respond to the site's character and context and provide garden space that meets the reasonable needs of its users.

Location

21. Policies SADM1, SP1 and SP24 of the Local Plan collectively seek sustainable development, including requiring that new development minimise the need to travel and be accessible to a range of services and facilities by transport modes other than the car.
22. The site is part of a working stables which generates around 12 trips a day. The appellants would continue to keep their horses in the remaining stables, which would result in a reduction in the number of movements to and from the site. If I were minded to allow the appeal, a condition could be imposed restricting use of the stables only to those occupying the proposed house. This would ensure that the residential and stables uses would continue to operate together, limiting the need for trips associated with the stables.
23. Nevertheless, the appeal site is in a rural location, more than a mile from the nearest services and facilities, including public transport. There is no lighting or footpaths along Coopers Lane Road making pedestrian access unsafe and unattractive. Travel to and from the site is therefore likely to be by private vehicle. Even allowing for the reduced traffic levels associated with the site, it is not a suitable location for residential development.
24. In granting permission for the similar development on Great North Road the council found that a realistic approach was necessary for a site in a rural area.
25. On balance, therefore, the appeal proposal would conflict with the identified aims of Local Plan policies SADM1, SP1 and SP24. It would also conflict with the Framework, the aims of which include promoting sustainable transport.

Refuse and recycling

26. The appeal buildings are separated from Coopers Lane Road by a long access track which drops down from the road level. The track is uneven and would be difficult to transport a wheelie bin along, whether on the track itself or the grassed verges to either side. In addition, the council's highways consultee have highlighted that the bellmouth at the site entrance is too small to accommodate a refuse lorry pulling off the road in its entirety. This would cause an obstruction in the road and potential hazard for other road users.
27. However, the appellants have suggested that refuse from the site could be collected by a private service. Such services can, in my experience, operate smaller vehicles which would not cause an obstruction to other road users if required to stop in the bellmouth. If I were otherwise minded to allow the appeal I am satisfied that this matter could have been resolved by a suitably worded condition.
28. On that basis the appeal proposal would make adequate provision for the storage and collection of refuse and recycling. It would accord with Local Plan policy SADM12 which requires appropriate provision of refuse storage and collection areas. It would also comply with policies 5 and 6 of Hertfordshire's

Local Transport Plan. These policies seek to ensure developments are accessible, and that access arrangements are safe.

Flood risk

29. The flood risk assessment provided with the application failed to demonstrate that future occupiers of the dwelling would remain safe from flooding. It also did not include the hydraulic modelling carried out to inform the report. An updated assessment has been provided with the appeal addressing these points. The updated assessment shows that flood risk associated with the site and proposed development can be adequately managed. This could be secured by a condition if I were otherwise minded to allow the appeal.
30. The proposed development therefore makes adequate provision for the management of flood risk at the site. It accords with policy SADM14 of the Local Plan. This requires that development proposals in areas at risk of flooding be informed by and consistent with relevant national and local policy, guidance and strategies and the latest flood risk information. It would also accord with the Framework's aim of meeting the challenge of flooding.

Other considerations

31. The Framework requires that substantial weight is given to any harm to the Green Belt. The appeal proposal would be inappropriate development and would be harmful to the openness of the Green Belt. In addition, the appeal proposal would result in harm to the character and appearance of the area and the site is not in a suitable location for residential development. Given the relatively secluded site and the overall reduction in vehicle movements associated with the use I find that these contribute limited additional weight to the total harm that would arise from the proposed development.
32. The appellant does not consider that the appeal proposal is inappropriate development. Nonetheless, they have identified considerations that they contend weigh in its favour. The development would create one new dwelling, supporting the government's objective of significantly boosting the supply of homes. The development could be delivered quickly and would provide a good standard of accommodation for future occupiers. Ongoing occupation of the property would provide support for services and facilities in nearby settlements, for which there is support in the Framework.
33. Collectively I find that these benefits would attract moderate weight. This would not be sufficient to clearly outweigh the harm to the Green Belt and the other harm identified, so very special circumstances do not exist in this case.

Conclusion

34. The proposal conflicts with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal is dismissed.

M Chalk

INSPECTOR