



Appeal Decision

Site visit made on 8 October 2024

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2024

Appeal Ref: APP/B1930/W/24/3344506

Land at Appspond Lane, Appspond Road, Potters Crouch AL3 6AR

- 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 Hemel Business Park Limited against the decision of St Albans City Council.
 - The application Ref is 5/22/1847.
 - The development is change of use to Use Class B8 (open storage), the erection of a welfare building and access control cabin, the installation of fencing and gates, vehicle parking, refuse storage and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted an open storage needs assessment (the needs assessment)¹ and a landscape and visual assessment (the LVA)² with the appeal. The findings of these assessments would not result in a development substantially different from that applied for and the acceptance of these documents would not unfairly prejudice any interested parties. I have therefore taken them into consideration.
3. The appellant has included new evidence in their final comments relating to development at land north east of Elton Way³. This approval post-dates the submission of the appeal and could not have been submitted with the appeal. In the interests of natural justice, both main parties have had the opportunity to make representations on this evidence. I have taken this evidence and the responses into account.
4. The planning application form confirms that the development has started. At my site visit, I saw that fencing and gates had been erected within the appeal site to subdivide it to create several separate areas, some of which were being used for open storage. For clarity, I have based my decision on the submitted plans.

¹ Dated: May 2024

² Ref: 3252-4-4-4-LV-0001-S5-P1 Appspond Lane LVIA 160524, Revision: P1, Issue Date: Thursday, 16 May 2024

³ Council Ref: 23/1035/OUTEI

Main Issues

5. The main issues are:

- whether the development is inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies, including the effect on openness,
- the effect of the development on the character of the area, and;
- whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

Reasons

Green Belt

6. The appeal site is within the Green Belt. Policy 1 of the City and District of St Albans District Local Plan Review 1994 (the Local Plan) relates to the Metropolitan Green Belt and lists the exceptions and types of development which would be acceptable in the Green Belt. This policy does not include the other exceptions to inappropriate development detailed in the National Planning Policy Framework (the Framework). It is therefore not wholly consistent with the Framework and carries limited weight.
7. Paragraph 154 of the Framework sets out that new buildings in the Green Belt are inappropriate development unless they fall within a list of exceptions. One of these exceptions at part g) is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
8. Both main parties agree that the site is classed as previously developed land and based on the evidence I have no reason to reach a contrary view. The existing site layout/block plan shows that the site previously contained some limited structures in the form of a building, cabins, a mobile home and a weighbridge, each with relatively modest footprints and were dotted around the site. Fencing within the site also subdivided a small section.
9. The site was previously used as a wood-chipping facility which was carried out in one part of the site, whereas the development which is the subject of the appeal, covers the whole site. In spatial terms, this results in a greater coverage of development across the site. The welfare building and access control cabin are in a similar location to the previous cabin and the other buildings and structures have been removed from the site. However, to subdivide the site into separate compounds there is substantially more fencing within the site. The spread of compounds across the whole site, results in parts of the site being used and enclosed that were previously open. This reduces the openness within the site, despite the reduction in the footprint of the buildings and structures.
10. At my site visit, I observed that some of the compounds were used to store cars, coaches, heavy goods vehicles, plant equipment, construction materials and portacabins. The amount of storage and associated activity may fluctuate

at times. However, the nature of the use comprising open storage across the site, is that items are likely to be present on the site for the majority of the time. The development therefore reduces the spatial openness of the Green Belt when compared to the previous development.

11. Even if the site could be remediated to return to its pre-development state, on the basis that planning permission is not sought on a temporary basis, the impact on openness could prevail for a significant time. An essential characteristic of Green Belt is openness and permanence, and this would be harmed by the development.
12. The site is visible when viewed from Appspound Lane. The wood chipping facility comprised plant equipment and the storage of wood chips. These operations and fencing and steel columns within this part of the site would have been visible. However, this was largely confined to one corner of the site. The structures shown on the existing site layout/block plan were located further back into the site and the fencing and entrance gates on the roadside boundary are likely to have reduced the extent of their visibility.
13. Should items taller than the boundary treatment be stored at the site, these items would be visible from Appspound Lane. There is limited information before me to suggest that the quantity or extent of stored items would be managed or controlled in any particular way. The use would allow for a wide range of items of varying sizes and heights to be stored and spread across the site. The development is less visually contained when compared to the previous development and so the visual aspect of Green Belt openness is reduced.
14. As the site is previously developed land, the development does not result in encroachment into the countryside and would not conflict with the purposes of including land within the Green Belt. However, this does not detract from my overall findings that the development harms the openness of the Green Belt.
15. The appellant has drawn my attention to appeal decisions for housing development at Smug Oak Lane⁴ and BRE, Bucknalls Lane⁵. In the Smug Oak Lane case, the proposal would substantially reduce the built footprint, the volume of the built form and hard surfacing, which cannot be said for the appeal scheme. The Inspector concluded in the BRE, Bucknalls Lane case that the proposal would lead to a reduction in the impact on openness, which is different from my findings of the appeal scheme. Matters relating to the openness of the Green Belt are generally site-specific and require a degree of planning judgement. Therefore, these examples have limited weight and do not alter my findings which are based on the merits of this case.
16. For these reasons, I conclude that the development has a greater impact on the openness of the Green Belt. The development does not meet the exception listed at part g) of paragraph 154 of the Framework. It is inappropriate development in the Green Belt and conflicts with Policy 1 of the Local Plan.

⁴ File Ref: APP/B1930/W/15/3028110

⁵ File Ref: APP/B1930/A/13/2207696

Character of the area

17. Appspound Lane has a verdant rural character. The appeal site relates to a large area bound by fencing, dense vegetation and tall trees. The electricity pylon and telecoms mast within the site are highly visible. The site is located on the corner of Hemel Hempstead Road and Appspound Lane, between the M1 and A414. The site itself is fairly remote as it is some distance from the nearest development.
18. Although the development is spread across the site, it does not change the character of the site as it has been used for commercial purposes for several years. The site is within the St Stephen's Plateau Landscape Character Area. The findings of the LVA conclude that the number of visual receptors likely to obtain views of the site is limited and the development does not affect the landscape character of the site and the St Stephen's Plateau. Based on my visit to the site and given that the site is surrounded by transport corridors and is largely screened from some public views, I have no reason to reach a contrary view.
19. I therefore conclude that the development does not cause harm to the character of the area. The reason for refusal refers to Policy 1 of the Local Plan. However, this policy only refers to harm to character when considering the conversion of existing buildings which does not apply to this scheme. The development accords with the Framework in so far as it requires development to respond to local character.

Other considerations

20. Significant weight is placed on the need to support economic growth in line with paragraph 85 of the Framework. The site is near major transport routes which allows for several large urban areas and transport hubs to be reached. The development makes provision for storage and distribution operations in a suitably accessible location as endorsed by paragraph 87 of the Framework.
21. The needs assessment demonstrates that at a sub-regional level, there is a high demand for open storage space, which is expected to increase but there is a lack of supply to meet this demand. The development helps to meet this demand and supports the growth of the industrial, construction, logistics and distribution sectors. It supports the Government's objective to do more to support the UK's economy as spelt out in the Written Ministerial Statement⁶. The site is also in a good location in terms of transport links. However, the weight afforded to these economic benefits is tempered as it has not been shown that this is the most feasible site at a local level to meet this demand and deliver these benefits. These economic benefits therefore attract moderate weight in favour of the appeal.
22. There is demand from local businesses whose operational requirements could be met by the development, particularly as these businesses require open storage areas of substantial size. The appellant also asserts in their letter to the Council⁷ that these businesses have a practical requirement to stay in the area and that there are very limited suitable sites, which were discounted. The Council has suggested several alternative sites, but the appellant considers these to be unsuitable because they do not provide open storage. The

⁶ Statement made on 30 July 2024

⁷ Dated: 16 October 2023

appellants' views on this point appear sound. Notwithstanding this, the evidence does not robustly demonstrate that there is a lack of suitable sites for the development outside the Green Belt. The lack of suitable alternative sites therefore attracts moderate weight in favour of the appeal.

23. The appellant has referred to other examples in different local authority areas where planning permission has been granted for developments that include open storage on sites within the Green Belt. In the Staples Wholesale Nursery⁸ and the Cricketts Farm⁹ developments, a significant number of jobs would be created. The Council were also satisfied in the Staples Wholesale Nursery case that there were limited alternative sites. This is different to the appeal scheme whereby there is some uncertainty as to why the appeal site is the most feasible. In the land north east of Elton Way development, a very large amount of jobs would be created and the Council considered there would be a significant boost to the local economy. This development is substantially larger than the appeal scheme.
24. Although I am mindful of the varied nature of the businesses that may utilise the site which could result in differences in terms of job creation, I have not been advised of the likely number of jobs which could be created through the development. Whilst the appeal scheme has some similarities with these cases, such as the relocation of businesses, I am unable to draw any direct comparisons in the level of economic benefits between the appeal scheme and these examples. These examples therefore attract limited weight. In any event, the weight afforded to other considerations is a matter of planning judgement for the decision-maker.
25. As the draft document has not replaced the current Framework, there is uncertainty as to whether the proposed reforms will become national policy. This therefore limits the weight I can give to those considerations relating to Grey Belt.
26. There is an extant planning permission for the erection of a wood-waste biomass-fuelled renewable energy plant at the site¹⁰. Having regard to the available evidence, it has not been demonstrated that there is a "real prospect" that this development would be completed if permission for the appeal scheme is not forthcoming. This extant permission therefore attracts limited weight as a fallback position.
27. Whilst the existing vegetation provides some screening of the development, given my findings on openness, this consideration attracts limited weight.
28. Even if the evidence base for the Council's emerging Local Plan overlooks the specific needs of the open storage sector and the plan itself does not allocate sufficient sites for it, there is little information regarding its progression or its status beyond the consultation stage. This consideration therefore attracts very limited weight.

Green Belt balance

29. The development is inappropriate development in the terms set out by the Framework. As required by the Framework, substantial weight is given to this

⁸ Council Ref: CB/17/05480/FUL

⁹ Council Ref: TM/14/00182/FL

¹⁰ Council Ref: 5/2009/2108

harm. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.

30. Against this harm, I give moderate weight to the economic benefits of the development and the lack of alternative sites. I also give limited weight to the other examples referred to, the proposed reforms to national policy, the extant planning permission for the biomass energy plant and the screening of the development. Very limited weight is also given to the evidence base of the emerging Local Plan and the allocation of sites. In taking all factors into consideration relating to this appeal, the weight afforded to other considerations in support of the appeal does not, either individually or collectively, clearly outweigh the substantial weight I have afforded to the Green Belt harm. Consequently, the very special circumstances necessary to justify the development do not exist.
31. As previously discussed, Policy 1 of the Local Plan is not wholly consistent with the Framework. Even if I were to conclude that the policies which are most important for determining the appeal are out of date, part i. of paragraph 11. d) and the provisions of footnote 7 of the Framework clarify that permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance, including the Green Belt, provide a clear reason for refusing the development. As there would be harm to the Green Belt, the presumption in favour of sustainable development, as set out in the Framework, does not apply.

Conclusion

32. The development 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. Therefore, the appeal should be dismissed.

L Reid

INSPECTOR