



Appeal Decision

Site visit made on 26 November 2024

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 December 2024

Appeal Ref: APP/B1930/W/24/3344625

Land north of Moor Mill Lane, Frogmore AL2 3UB

- 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 Len Rodell (CMS Accommodating People) against the decision of St Albans City & District Council.
 - The application Ref is 5/2023/1060.
 - The development proposed is the use of the site as B8 (open storage) use for a period of three (3) years.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the description of development given in the banner heading above to remove reference to the scheme being retrospective as this is not an act of development.
3. A third party made reference to the land not being within the appellant's ownership and that requisite notice has not been served on the landowner. However, as the appeal is to be dismissed and the landowner has clearly been made aware of the application, I have not considered this matter any further here.

Main Issues

4. The main issues are:
 - 1) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including the effect on the openness of the Green Belt,
 - 2) the effect of the proposal on the character and appearance of the area including views of the site from the adjacent Public Right of Way (PRoW),
 - 3) the effect of the proposal on users of the PRoW, and
 - 4) whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. The appeal site lies within the Metropolitan Green Belt. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Policy 1 of the St Albans City and District Plan 1994 (StADP), despite its age, is not inconsistent with the Framework insofar as it sets out that in the Green Belt, except in very special circumstances, development outside certain defined settlements and for certain purposes will not be permitted.
7. It has not been put to me that the proposal would fall within any of the exceptions given at Paragraph 154 of the Framework, nor that it is not inappropriate development under Paragraph 155. The form of development proposed also does not fall within one of the limited exceptions given at policy 1 of the StADP. Accordingly, I conclude that the proposal is inappropriate development in the Green Belt and would be harmful to its openness. The proposal therefore conflicts with policy 1 of the StADP and policy S1 of the St Stephen Neighbourhood Plan (SSNP) and provisions of the Framework.
8. That the site scored poorly in terms of achieving its purposes against the objectives of the Green Belt in the Green Belt review report by Sinclair Knight Merz in November 2013 does not sway this position. The land remains covered by this designation and no evidence has been put before to suggest that the land is proposed to be, or has been, removed from the Green Belt.

Character and appearance

9. The site is located in a rural location beyond the ribbon of residential development that clusters along Radlett Road. Whilst the area is affected by noise intrusion from the M25 motorway, this quickly diminishes as one moves away from this road, and the prevailing character is of open fields and small tracts of woodland.
10. The existing site comprises a commercial/industrial yard. The yard is laid to a mix of gravel and hardstanding with small patches of ruderal vegetation and this stands in stark contrast to the prevailing rural character of this area. It is presently surrounded by a 2 metre high palisade fence with sections in a green cladding to two aspects including towards the PRoW. Whilst this fencing is put to me as being 'permitted development', it would not be required were it not for the existence of the yard. Despite permission not having been sought for this element of the scheme, it remains linked to it.
11. Even without the fence, the yard would be a jarring and alien feature in this context that would be detrimental to the rural character and appearance of the area and would be visible, highly prominent and intrusive when viewed from the adjoining PRoW. The proliferation of stored items is harmful to the character and appearance of the area. Even if these stored items are not operational development in their own right, they are part and parcel of the use of the site and would still have an effect on the character and appearance of

the area. The proposal therefore conflicts with policies S1 of the StADP and policies S1 and S14 of the SSNP insofar as it would be visually intrusive, including when viewed from publicly accessible locations.

Effect on PRow

12. The site is accessed from Radlett Road via Moor Mill Lane and the PRow (St Stephen public footpath 17 and bridleway 65). Moor Mill Lane is an unmarked single lane track for much of its length with no pedestrian footway. The PRow that runs adjacent to the site would also be utilised for site access over part of its length. The latter is an area where pedestrians, cyclists and horse riders would expect to have priority and would not expect to encounter vehicle traffic.
13. The Transport Statement does not indicate a particularly high number of vehicles would be visiting the site on each day. However, it is noteworthy that a number of these vehicles would be articulated lorries or vans. The Transport Assessment states that these would be 2 two-way trips and would therefore amount to four movements. These vehicles would have to use the PRow to access the site and this dual use could give rise to conflict between users. The presence of a banksman for assistance with larger vehicles is a benefit here but does not fully reconcile potential conflicts. There is insufficient evidence to indicate that the protection and priority of users of the PRow has been adequately addressed and the dual use of the PRow would be detrimental to the safety and convenience of users of it.
14. I therefore conclude that the proposal conflicts with policy S14 of the SSNP. This policy requires that development should not have any detrimental impact on the PRow and consider the impact of the traffic movements on the safety and flow of pedestrians.

Other considerations

15. The permission sought is for a three-year period and the appellant has nominated that the effects of the development would therefore only be temporary. The land falls within the permitted Radlett Strategic Rail Freight Interchange¹ and is ultimately destined to form part of this masterplan. I have limited evidence before me to indicate when this development will occur insofar as it relates to this site. Indeed, advice that the scheme had commenced was only provided by third parties. Given the scale of this development, and the lack of evidence to the contrary, it seems unlikely that this site will be brought forward as part of the Rail Freight Interchange within, or soon after, the temporary three-year period proposed. The project is clearly large and will no doubt take a substantial amount of time to implement in full. In the intervening period, this use would continue and would cause harm to the Green Belt for the reasons I have set out above.
16. The Planning Practice Guidance states that circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area. Alternatively, it can be where it is expected that the planning circumstances will change in a particular way at the end of that period, or prior to any longer-term proposals coming forward. In this instance, no trial run is needed to assess the impact of the

¹ APP/B1930/A/09/2109433

scheme as this is already discernible from the existing development on the site. As there is minimal evidence on when, or if, this site will become part of the Radlett Strategic Rail Freight Interchange, this could easily be a period of many years. Due to this lack of clarity and the enduring harm to the Green Belt in the intervening period, I am unable to regard this as a significant consideration that would warrant the grant of a temporary permission.

17. I accept that the use of the site for employment purposes may have some economic merit and that there is evidence before me to indicate a recent net loss of B8 floorspace in the area. However, this loss of B8 floorspace does not necessarily equate to a shortage of such space being available. No evidence of alternative sites being considered has been provided to me, nor an indication that, despite losses in B8 floorspace, that no alternative sites are available.
18. The proximity of the site to a neighbouring employment use is not persuasive as there is limited evidence on the details of this neighbouring site which could have arisen in entirely different circumstances. Equally, the granting of planning permission for stables near to the site is an entirely different proposition as such buildings, for outdoor sport and/or outdoor recreation, can be forms of development that are not inappropriate in the Green Belt. I therefore do not regard these as representing a precedent for this proposal.
19. Finally, I am unable to conclude that the site is previously developed land as there is insufficient evidence before me to reach a firm conclusion here. Whilst there is hardstanding on the site, it is not clear to me whether this is authorised or otherwise lawful. It appears that any works undertaken to the land were permitted on a temporary basis only. Moreover, the site appears to be land that has been developed for minerals extraction, where provision for restoration has been made through development management procedures. It would therefore be excluded from the definition of previously developed land as set out at Annex 2 of the Framework. However, even if I were to regard the site as previously developed land, this does not overcome the harm to the Green Belt I have identified above.

Green Belt Balance and Conclusion

20. Paragraphs 152 and 153 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and this includes temporary harm arising during the limited period.
21. I find that the other considerations, both individually and cumulatively, do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed development would conflict with the development plan, taken as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is dismissed.

N Bowden

INSPECTOR