



Appeal Decision

Site visit made on 11 November 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2024

Appeal Ref: APP/J1915/W/24/3341694

Land east of London Road, Spellbrook, Hertfordshire CM23 4AU

- 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 James Laird against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/1857/FUL.
 - The development proposed is the erection of stables and associated native species planting.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application form.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework (the Framework);
 - the effect of the proposed development on the character and appearance of the area;
 - whether suitable external space would be provided for the welfare of horses; and
 - if it is inappropriate, whether the harm to the Green Belt by reason of inappropriateness, or any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development

4. The Framework explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
5. The appeal site comprises a large field, primarily to the rear of a row of dwellings fronting London Road. The site extends to the rear of the frontage properties with a railway line forming the rear boundary. The site is predominantly undeveloped, other than small sheds and building materials close to the access point. The proposal is for a stables building positioned parallel to the side boundary of the site.
6. Policy GBR1 of the East Herts District Plan 2018 (DP) states that proposals within the Green Belt will be considered in line with the provisions of the Framework. Paragraph 154 of the Framework regards the construction of new buildings as inappropriate in the Green Belt. An exception to this is the provision of appropriate facilities) in connection with the existing use of the land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
7. In addition, Paragraph 155 of the Framework sets out certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes material changes of use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).
8. There is no dispute between the parties that the proposal would relate to the use of the site for outdoor recreation given the equine purposes of the proposed building. While there are buildings and piles of building materials within the site, these are limited in size and discreetly positioned close to the access track and development at the neighbouring properties such that they have a minimal effect on the openness of the site. The site is otherwise largely devoid of permanent buildings and structures.
9. The proposed building would include two stables and a tack room with hay storage space. The building would significantly increase built development where none currently exists. There would be a material, albeit limited, degree of encroachment of built development, beyond the built-up area of the settlement. In spatial terms, this would amount to a loss of openness and would also conflict with the Green Belt purpose of safeguarding the countryside from encroachment.
10. The building would be partly obscured in views from London Road by the dwellings fronting the road. The proposed boundary hedge planting would, over time, limit the visual effect of the proposal on the area. However, the building would be visible from the public right of way adjacent to the site and would be detached from the existing development fronting London Road. Accordingly, the development would adversely affect the visual openness of the Green Belt and would appear as an encroachment of development in the countryside.

11. For these reasons, I find that the proposal would fail to preserve the openness of the Green Belt and would conflict with the purposes of including land within it. The proposal fails to meet the requirements of Policy GBR1 of the DP and Paragraph 154 b) of the Framework. Therefore, the proposal would be inappropriate development which is, by definition, harmful to the Green Belt.

Character and appearance

12. The site comprises a large field to the rear of dwellings fronting London Road and extends to the railway line. Beyond the rear gardens of the properties facing London Road, the area is typically open and is partly used for grazing.
13. The proposal is for a building close to the side boundary of the site. The building would have a simple rectangular form and its design and external finish would respect the rural location of the site. However, the building would have a significant height and would be visible within the area, particularly from the public footpath close to the site. The incongruous position of the building would erode the open character of the area to the rear of the properties fronting London Road.
14. The proposal would include hedge planting to the boundaries of the site. While the hedge would soften the visual impact of the development, it would not obscure the building in views from public vantage points. Moreover, while a hedgerow would be an appropriate feature within a rural area, the building and associated hedge planting would enclose the site and reduce the overall open character of the area.
15. I conclude that the proposal would harm the character and appearance of the area. The development therefore conflicts with Policies DES3, DES4 and CFLR6 of the DP, which collectively require proposals to retain, protect and enhance existing landscape features, be of a high standard of design and layout to reflect and promote local distinctiveness and be sited or landscaped to minimise visual intrusion.

Welfare of horses

16. The proposal would include two stables within the building, indicating that there would be a maximum of two horses at the site. Policy CLFR6 of the DP requires adequate pasture to support horses. The supporting text states that regard will be had to the British Horse Society (BHS) standards for grazing.
17. Neither party has presented the BHS standards, however the parties agree that the BHS recommends between 0.4 and 0.6 hectares of grazing land per horse. The application form states that the appeal site comprises an area of 0.8 hectares, which would meet the minimum area of grazing land within the standards. Nevertheless, the appeal site includes the access from London Road and the usable area would be reduced due to the proposed development, including the parking spaces, and the hedge planting. Moreover, although the proposal includes an area for hay storage to provide additional feed, I cannot be certain that sufficient additional feed would offset the reduced area for grazing.
18. I conclude that it has not been satisfactorily demonstrated that the proposal would provide a suitable external space for the welfare of horses. The development therefore conflicts with Policy CFLR6 of the DP, requires adequate pasture to support horses.

Other considerations

19. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to harm to the Green Belt and “very special circumstances” will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
20. The proposal would provide two stables for the personal use. While the site is within a countryside location where equine activity is typically suitable, the proposal for the stables building would lead to a harmful reduction in the openness of the Green Belt. Accordingly, I attribute limited weight to this consideration.
21. The proposal would not result in significant vehicle movements and would not harm the living conditions of the occupants of neighbouring properties. Moreover, the design and material finish of the building would be appropriate. Nonetheless, the absence of harm is a neutral factor that does not weigh significantly in favour of the proposal.
22. The proposed hedge planting to the site boundaries would provide an enhancement to biodiversity at the site. However, there is no substantive evidence setting out the potential for, and extent of, biodiversity net gain at the site. Accordingly, the weight I can attribute to this consideration is limited.
23. For these reasons, I find that the other considerations in this case, as set out above, do not clearly outweigh the totality of the harm to the Green Belt that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

24. The proposal conflicts with the development plan. The other considerations in this case do not indicate that a decision should be made otherwise than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR