
Appeal Decision

Site visit made on 7 January 2025

by **N Bowden BA(Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th January 2025

Appeal Ref: APP/J1915/W/24/3347906

Van Hages Garden Centre, Amwell Hill, Great Amwell, Hertfordshire SG12 9RP

- 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 Fatmir Kotarja against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/0554/FUL.
 - The development proposed is the Change of Use from Car Parking to Car Wash, and erection of car washing tunnels and canopies.
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Decision

1. The appeal is allowed and planning permission is granted for the Change of Use from Car Parking to Car Wash, and erection of car washing tunnels and canopies at Van Hages Garden Centre, Hertfordshire SG12 9RP in accordance with the terms of the application, Ref 3/24/0554/FUL, subject to the following conditions:
 - 1) The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.
 - 2) The development hereby approved shall be carried out in accordance with plan 1000-P-02.
 - 3) The exterior of the development hereby approved shall be constructed in the materials specified on the submitted application form/plans.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. As the changes to the Framework include changes to the Green Belt chapter, which is material to this decision, the parties were invited to comment on this. I have taken these comments into account in reaching my conclusions here. Where reference is made to paragraphs of the Framework, these pertain to the most recent version.

Main Issues

3. The main issue is whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.

Reasons

4. The appeal site is set within the Green Belt wherein policy GBR1 of the East Herts Local Plan 2018 (EHLP) applies. This policy states that, within the Green Belt, planning applications will be considered in line with the provisions of the

Framework. I have taken this to mean Chapter 13 of the Framework. Paragraph 142 explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 154 sets out that development in the Green Belt is inappropriate with certain exceptions and this includes 154 c) – the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building

5. The site comprises a small part of the car park to the Van Hages Garden Centre. The wider garden centre is a substantial retail establishment broadly focused around a series of interconnected buildings together with numerous outbuildings and associated structures, outdoor display areas, service yard and an extensive car park which itself includes covered walkways and trolley storage areas.
6. The proposal comprises a series of detached structures that would form a washing area, drying area, office, store and waiting area for customers. The office and store would comprise the only fully enclosed structures with the washing and drying areas being largely open sided. The parties do not agree on the precise floor areas of these structures but there is not a substantial variance with the office and store being around 20 square metres and the covered washing and drying areas being around 200 square metres. No evidence has been provided relating to the size of the original building at the Garden Centre, but reference is made by the appellant to the existing building being around 5,500 square metres. It therefore follows that, despite a lack of clarity on the size of the original building, or indeed buildings, this/these must have been of some considerable size.
7. Paragraph 154 c) does refer solely to extensions and alterations. However, the provisions of Framework paragraph 154 c) should not be interpreted as being confined to physically attached structures. An extension for the purposes of that provision can include structures which are physically detached from the building of which they are an extension. Therefore, whilst recognising the distance of the proposed buildings and structures from the main building complex at Van Hages Garden Centre, as this is within the same site, it is reasonable to regard it as an extension under Paragraph 154 c).
8. Accordingly, given the small size and scale of the proposal, including the open sided nature of much of the new buildings and structures, I conclude that it would not form a disproportionate addition over and above the size of the original building, or buildings, on the site. The development therefore complies with policy GBR1 of the EHLP and provisions of the Framework in that it would be an appropriate form of development in the Green Belt. As I have found the development to comply with the provisions of paragraph 154 c) of the Framework, I have not gone on to consider whether the development would accord with paragraph 155. Moreover, as a form of appropriate development, its effects on openness do not need to be further explored.

Other Matters

9. I have considered the comments of the Parish Council and the potential noise intrusion to walkers using the nearby footpath. However, whilst I recognise these concerns, I am additionally mindful that the site occupies part of an existing car park to a busy retail use and therefore any increases in noise or disturbance should be relatively minimal in this context. I have further been mindful of the

implications of water discharge from a potentially polluting use. This, however, will be assessed under other legislation and it is not my position in the context of this appeal to explore this further.

Conclusion

10. For the reasons given above, I conclude that the proposed development would not be inappropriate development in the Green Belt. The development therefore complies with the provisions of the development plan and the material considerations do indicate that a decision should be made other than in accordance with it. The appeal succeeds and planning permission is granted.

Conditions

11. I have imposed the conditions recommended by the Council. This includes a time limit condition to accord with the provisions of the Act, a condition to secure compliance with the approved plans for certainty and a materials condition in order to ensure that the development is not detrimental to the character and appearance of the area.

N Bowden

INSPECTOR