



Appeal Decision

Site visit made on 21 January 2025

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 FEBRUARY 2025

Appeal Ref: APP/J1915/W/24/3352156

Waterhall Farm, Lower Hatfield Road, Little Berkhamsted, Hertfordshire

SG13 8LE

- 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 AT Bone and Sons Ltd against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/0084/FUL.
 - The development proposed is a new general purpose agricultural building.
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Decision

1. The appeal is allowed and planning permission is granted for a new general purpose agricultural building at Waterhall Farm, Lower Hatfield Road, Little Berkhamsted, Hertfordshire SG13 8LE in accordance with the terms of the application, Ref 3/24/0084/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 permitted shall be carried out in accordance with plans BONEWF-1-5-001 Rev A, BONEWF-1-1-002 Rev A, BONEWF-1-2-001, Rev A.
 - 3) The exterior of the development hereby approved shall be constructed in the materials specified on the submitted application form/plans and shall be retained for the life of the development.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. Although the changes to the Framework include changes to the Green Belt chapter, these are not material to this decision and therefore the parties were not invited to comment on this.

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 this document. Paragraph 142 sets out 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 of the Framework regards the construction of new buildings as inappropriate development in the Green Belt, other than for a limited number of exceptions. One of the exceptions listed in paragraph 154 a) is buildings for agriculture and forestry.

5. The said paragraph 154 of the Framework simply requires a building to be used for agriculture in order for it to be not inappropriate development. I have considered the Council's comments regarding the presence of other existing buildings on this site and at other complexes of buildings controlled by the appellant including Crossoaks Farm and Clements Farm. The appellant has stated that this building is needed due to the increase in size of the holding and expansion of farming operations.
6. I note concerns regarding the size and scale of the proposed building, insofar as it relates to its intended agricultural use, and its size relative to the land's capacity and agricultural output. However, the Framework does not set out any limiting criteria relating to the size or numeracy of agricultural buildings, or any matters related to the detailed use of an agricultural building. Similarly, there is no advice in the Framework on the size of a holding required to sustain an agricultural building, nor the requirement of a sequential approach to the location of agricultural buildings.
7. An assessment of whether buildings and other works are reasonably necessary for the purposes of agriculture within that unit relates solely to the consideration of whether a proposal would be permitted development¹ and this route is not being explored here. The Framework does not indicate a requirement to assess whether a building is reasonably necessary for agriculture when considering the merits of a planning application seeking permission for an agricultural building in the Green Belt. Moreover paragraph 88 of the Framework promotes a prosperous rural economy including, at paragraph 88 b), the development and diversification of agricultural and other land-based rural businesses.
8. I recognise concerns pertaining to the use of other available farm buildings but if these do not suit the current farming enterprise, their use for other purposes remains consistent with paragraph 88 of the Framework in supporting the rural economy. It is unlikely that there would be investment in new agricultural buildings if they were not required and, moreover, these buildings assist in maintaining substantially more expansive tracts of the countryside, including the Green Belt, as open rural areas of land.
9. As such, the proposed development is not inappropriate as it would constitute an agricultural building. Consequently, the proposal would meet exception a) of paragraph 154 of the Framework. I therefore conclude that the proposal would comply with policies GBR1 and ED2 of the EHLP and the Framework. As I have found the development to be not inappropriate there is no further requirement to consider its effects on openness.

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 6, Classes A & B

Other Matters

10. In reaching my conclusions here I have been mindful of the concerns of neighbours including issues relating to the storage of nitrous fertiliser and straw, fire risk, increased traffic and disturbance. However, the storage of certain types of materials within the building is not within my remit to consider as long as they are agricultural in nature. The storage of these types of material would be entirely consistent with agricultural activities. I recognise that a building of this size may infer an increase in vehicle movements and disturbance, however the site forms part of an existing complex of farm buildings so increases in traffic or activity are unlikely to be significant in this context.

Conclusion

11. The proposal would be not inappropriate development in the Green Belt and the material considerations do not indicate a decision should be made other than in accordance with the development plan. Therefore, for the reasons given above the appeal should be allowed.

Conditions

12. I have imposed the conditions recommended by the Council with some edits and modifications. 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

