
Appeal Decision

Site visit made on 10 March 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2025

Appeal Ref: APP/B1930/W/24/3353342

Land North of Nutwood, Down Green Lane, Nomansland, Wheathampstead, St Albans AL4 8EJ

- 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 Andrew Innes against the decision of St Albans City Council.
 - The application Ref is 5/23/2375.
 - The development proposed is use of land for siting of a temporary tourist cabin.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states that the site address is 'Land to the west of Down Green Lane', whereas the decision notice and appeal form refer to the site as 'Land North of Nutwood. I have taken the address from the decision notice and appeal form as this is more precise. I do not consider that this has prejudiced any of the parties and I have proceeded on this basis.
3. 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 description given on the original application form.
4. The cabin is present on the site. I am therefore determining the appeal on the basis that planning permission is being sought retrospectively.
5. The revised National Planning Policy Framework (the Framework) was published in December 2024. However, the changes to national policy arising from it are not relevant to the areas of dispute for this appeal. Accordingly, I have not sought comments from the main parties about this matter.

Main Issues

6. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of development plan policy and the Framework;
 - the effect of the proposed development on the character and appearance of the area; 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

7. 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.
8. The appeal site comprises part of a large field accessed from Down Green Lane. The field has been used for agricultural purposes and is enclosed by mature hedgerows and trees, including along the boundary with Down Green Lane. The proposal is for the use of the land for a temporary tourist cabin. The cabin is positioned away from the site access close to a hedgerow from the boundary of the field. The land rises considerably from the access to the position of the cabin, providing views across the surrounding area.
9. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate. 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. In addition, Paragraph 154 h) 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).
10. The cabin provides overnight accommodation for tourists visiting the site. While the site's countryside location provides guests with an opportunity for relaxation, the primary purpose of the development is to provide residential accommodation within the cabin. There is no substantive evidence before me detailing the activities at the site that are related to or facilitate recreation, or that the cabin is an appropriate facility for outdoor recreation. Given that the development is primarily for residential purposes for overnight stays within the cabin, it cannot therefore reasonably fall within the meaning of recreation or comprise an appropriate facility for outdoor recreation.
11. Even if I were to accept that the development is for outdoor recreation, the Framework requires that the use and/or the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Openness of the Green Belt has both a spatial and a visual aspect. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt. Equally, this does not mean that the openness of the Green Belt has no visual dimension and thus both aspects need to be considered.
12. The small scale and massing of the cabin limits the reduction in the spatial openness of the Green Belt. The site is visually contained by the mature trees and

hedges forming the boundaries, including the frontage with Downs Green Lane. The cabin is in a discreet position and is not overtly visible from public viewpoints. However, it is glimpsed through the hedges and trees from Downs Green Lane and is visible at a distance from a public footpath, given its elevated position. Moreover, the access and parking area is visible from the highway and the development increases the activity at the site. Consequently, given that the development has introduced a cabin to the site, the development would not preserve the openness of the of the Green Belt and has led to the encroachment of development into the countryside.

13. The appellant states that the cabin is not a building as defined by section 336 of the Town and Country Planning Act 1990 and would be removed no later than three years from the date of permission, if I am minded to allow the appeal. The temporary nature of the development reduces the harm identified to the openness of the Green Belt by virtue of the proposed removal of the cabin and associated paraphernalia following the cessation of the use. Nonetheless, the Framework does not exclude temporary development from being inappropriate and therefore the scheme does not fall within the exclusions set out in Paragraph 154 of the Framework.
14. For these reasons, I find that the proposal would fail to meet the requirements of Paragraph 154 of the Framework. Therefore, the proposal would be inappropriate development which is, by definition, harmful to the Green Belt. Consequently, the proposal would conflict with Policy 1 of the City and District of St Albans District Local Plan Review 1994, Policy W1 of the Wheathampstead Neighbourhood Plan 2023 and the Framework, which collectively seek to protect the Green Belt from harm.

Character and appearance

15. The appeal site is remote from the nearest settlement and is within a primarily rural area. Development in the area is dispersed but includes timber, single-storey buildings close to the field boundaries. Mature trees and hedges enclose the wider field within which the site is located, and restrict views into the site from Downs Green Lane.
16. The development includes the cabin and an area for parking close to the access from Downs Green Lane. The cabin, and its associated paraphernalia, has a domestic appearance that is incongruous within the context of the large open field within which it is located. The elevated position of the cabin makes it visible from a distance across the undulating landscape from the public right of way and it can be glimpsed from Downs Green Lane through the boundary trees and hedge. Whilst visible, the dark materials allows the cabin to blend within its surroundings and restricts the visual effect on the area. Nevertheless, the development results in a small but harmful urbanisation of the site to the detriment of the rural character of the area. The harm is reduced due to the temporary form of the development whereby the cabin would be removed following the expiry of the three year period.
17. The cabin is capable of being moved and could be repositioned elsewhere within the appeal site. However, the potential to reposition the cabin within the appeal site is limited due to the confined nature site, which is restricted to the land immediately surrounding the cabin, the access and a strip of land linking the two elements. Consequently, although the cabin could be moved, the alternative siting

is severely limited, and it is therefore likely that the cabin would remain in its current position.

18. The appellant has drawn my attention to the stables within the fields on the opposite side of Downs Green Lane. Whilst the details before me are limited in respect of their status, I note that the buildings are associated with the equestrian use that is typically found within a rural area. In any event, I have determined the appeal proposal on its own merits.
19. The development harms the character and appearance of the area. The scheme therefore conflicts with Policy 1 of the LP, which requires development to integrate with the existing landscape.

Other considerations

20. 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.
21. I have already identified the proposal would be inappropriate development and would harm the openness of the Green Belt. While the development is stated to be temporary, I do not accept the appellant's assertion of an absence of demonstrable harm and so this consideration carries neutral weight.
22. Policies 91 and 99 of the LP and the Framework collectively seek to enable sustainable rural tourism, and support low intensity leisure uses and overnight tourist accommodation. Occupants of the site would be able to visit the facilities and attractions in the local and wider area, including public houses, shops and museums and would provide a small boost to the local economy. Although the development would add to the provision of tourist accommodation in the area and has received positive reviews from guests, the small scale of the proposal, limits the weight that I can attribute to this consideration.
23. The cabin is constructed using sustainable materials and includes measures to ensure energy efficiency. Nonetheless, the benefits of sustainable and efficient construction are modest, given the limited scale of the development. Accordingly, this consideration carries minimal weight.
24. 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

25. The proposal conflicts with the development plan. The material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR