

Appeal Decision

Site visit made on 18 February 2025

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 May 2025.

Appeal Ref: APP/C1950/W/24/3347524

**Ponsbourne Park, Windmill Farm, Newgate Street, Hertford, Hertfordshire
SG13 8QU**

- 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 Mario Terzopoulos against the decision of Welwyn Hatfield Council.
 - The application Ref is 6/2024/0594/FULL.
 - The development proposed is change of use from former horse menage - outdoor sports training area to outdoor swimming pool ancillary to residential dwelling house.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states that the development began in December 2023. I saw during my visit that the swimming pool has been constructed and a pump house partially erected. I have therefore considered the appeal on the basis that the development has been partly constructed.
3. The revised National Planning Policy Framework (the Framework) was published in December 2024. The parties have been provided with the opportunity to comment on the implications of the revisions to their cases. Any reference to paragraph numbers are in relation to the Framework published in December 2024. I have taken account of the revised Framework, and any comments made, in my determination of the appeal as necessary.

Main Issues

4. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt including its effect on openness and the purposes of including land within it, having regard to the Framework and any relevant development plan policies;
 - the effect of the proposed development on the character and appearance of the area; and
 - if the proposed development is inappropriate, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed

by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether Inappropriate Development

5. The appeal site is located to the north of the village of Newgate Street and lies within the Green Belt and the Landscape Character Area of Ponsbourne and Tolmers Parkland Estates (the LCA). It is accessed off a single-track lane which is also a Public Right of Way (PROW) and is bordered by open countryside. The appeal scheme replaces a former horse menage with an outdoor swimming pool including a pump house.
6. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and therefore the essential characteristics of Green Belts are their openness and their permanence. It further establishes that the construction of new buildings is inappropriate unless it is an exception as outlined in paragraph 154.
7. The exception outlined in paragraph 154 (b) relates to the provision of appropriate facilities including buildings for outdoor sport and outdoor recreation, amongst other things, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
8. The test in paragraph 154(b) must be satisfied for a building to be regarded as not inappropriate. The term of building in this context refers to any structure or erection. The swimming pool and pumphouse are buildings for the purpose of this test.
9. The application form and decision notice refer to the proposed development as 'Change of use from former horse menage - outdoor sports training area to outdoor swimming pool ancillary to residential dwelling house'. This is an accurate description of the development. Whilst Class F does include outdoor sport and recreation, this pertains to local community uses. There is no substantive evidence before me to suggest that the proposal would be available for local community uses, and indeed the application form outlines that the proposal relates to an ancillary use to the residential dwelling house. Consequently, the outdoor swimming pool provides the occupants of Windmill Farm the facility to swim outdoors and therefore it follows that it is an outdoor recreation facility.
10. Nevertheless, whilst I have identified that the appeal scheme meets part of the exception, paragraph 154(b) also requires that in order for outdoor recreation facilities to not be classed as inappropriate they should preserve the openness of the Green Belt and not conflict with the purposes of including land within it. Paragraph 154(h)(ii) and (v) which relate to engineering operations and the material change in the use of land including the use for outdoor sport or recreation are also classed as not inappropriate subject to the preservation of Green Belt openness.
11. Planning Practice Guidance (PPG) sets out factors that can be taken into account when considering the openness of the Green Belt. It outlines that the

openness of the Green Belt includes but is not limited to both spatial and visual aspects, duration and remediability and degree of activity¹. Given that the previous use was a horse menage, the appeal site was open in nature with no buildings apart from a post and rail fence along the boundary. Consequently, the site was open and rural in character and assimilated with the countryside setting.

12. The existing pump house is visible from the Public Right of Way despite the fence along the boundary of the site, however the plans before me indicate that the walls of the pumphouse would be reduced and would consist of a low-pitched roof. Whilst the swimming pool is mostly underground, a swimming pool cover roller is apparent and the use of the proposal would inevitably result in the visual presence of domestic paraphernalia.
13. This paraphernalia, such as sun loungers and pool cover roller, are at odds with the open and rural character of the Green Belt. Consequently, notwithstanding the appellants assertions that paraphernalia is inconsequential, I find the appeal scheme including the associated paraphernalia results in the loss of openness of the Green Belt when compared to the former horse menage.
14. Given that I have identified that the appeal scheme results in harm to the openness of the Green Belt, it follows that it does not meet the exceptions outlined in paragraph 154(b), 154(h)(ii) and 154(h)(v) of the Framework. The appeal scheme therefore constitutes inappropriate development in the Green Belt. Consequently, it conflicts with Policy SADM 34 of the Welwyn Hatfield Borough Council Local Plan 2016-2036 (the LP) and the Framework insofar as they seek to protect the Green Belt from inappropriate development.

Character and appearance

15. The appeal site is proximate to agricultural land, woodland, paddocks as well as buildings associated with agricultural activities. Given the open character of the appeal site it assimilates with the prevailing rural character of the surrounding area which is characterised by strongly undulating generally open parkland pasture and arable farmland. On the approach to the appeal site there are residential dwellings, however the overall character of the area is rural and the views are generally framed by trees and woodland. Consequently, the addition of a swimming pool, pump house and associated domestic paraphernalia is a conspicuous addition given that it clearly demarcates a domestic use.
16. The appeal scheme includes timber cladding to the pump house, which will also have a pitched roof to match the existing dwelling. Whilst I acknowledge that the swimming pool itself is a low-level development, the greenery proposed would disrupt and erode the open character associated with the LCA and surrounding area. This is because it would fill in the gaps present in the existing hedgerow on the edge of the former menage which currently result in an open character to the site. Therefore, whilst the greenery would screen the pool from the existing dwelling and would result in limited views of the appeal site, it would enclose the appeal site and result in harm to the open character of the wider area.

¹ Planning Practice Guidance Reference ID: 64-001-20190722

17. Even if swimming is an activity that can be broadly associated with the natural environment, the introduction of built form for the purposes of swimming including the pump house and associated domestic paraphernalia does not assimilate with the natural environment. Therefore, it does not justify the harm I have identified above that results from the appeal scheme to the open character of the surrounding area.
18. Moreover, a landscaping condition which could include strategic planting so as to avoid a perceived spread of built form would not prevent the introduction of a use which is at odds with the rural character of the surrounding area.
19. Therefore, given the above, the proposed development results in harm to the character and appearance of the area. It would conflict with Policies SP9 and SADM16 of the LP insofar as they seek, amongst other things, to ensure that developments help conserve and enhance the natural landscape, sit comfortably within the wider landscape setting and respond to the character and content of their overall settings.

Other Considerations and Very Special Circumstances

20. The development provides a swimming pool for the private use of the occupants of Windmill Farm and consequently given the private nature of the facility I attach limited weight to this benefit.
21. The appeal scheme would be inappropriate development in the Green Belt. Paragraph 153 of the Framework advises that substantial weight is given to any harm to the Green Belt, including harm to its openness. It also indicates that inappropriate development is by definition harmful and should not be approved except in 'very special circumstances'. These will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.
22. The appellant has not adequately demonstrated that there are any very special circumstances. In addition, the proposal would cause harm to the character and appearance of the surrounding area. Therefore, the very special circumstances necessary to justify the appeal scheme do not exist.

Other Matters

23. The appeal site is sited within the former landscape of the unregistered historic Ponsborne Park. Unregistered parks and gardens are classified as non-designated heritage assets. Paragraph 216 of the Framework states that the effect on the significance of a non-designated heritage asset should be taken into account. The Council has raised no concerns regarding the wider effect of the appeal scheme on the special interest of the non-designated heritage asset. I find no reason to disagree with this position.
24. Interested parties have referred to a wealth of equestrian land. Nevertheless, even if there is a considerable excess of equestrian land it does not justify the harm I have identified.
25. A lack of harm regarding impact on the local community is a neutral factor in my determination of this appeal.

Conclusion

26. The proposal conflicts with the development plan and 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.

B Astley-Serougi

INSPECTOR