



Appeal Decision

Site visit made on 5 August 2025

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 09 SEPTEMBER 2025

Appeal Ref: APP/A1910/W/25/3364603

Hunters Quay Field Hemp Lane, Wigginton, Tring, Hertfordshire HP23 6HF

- 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 Doug Fisher against the decision of Dacorum Borough Council.
 - The application Ref is 24/01756/FUL.
 - The development proposed is the erection of timber cabin to provide self-catering holiday accommodation including change of use of field to outdoor recreation as an alternative to the extant consent for stables and equestrian use under 20/02769/FUL
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In 2008, approximately 400 square metres of the field was artificially levelled through cut-and-fill operations, including the formation of earth banking. This development was subsequently regularised through the granting of a Certificate of Lawful Existing Use (ref: 20/01715/LDE), confirming the lawful status of the works.
3. In 2020, planning permission was granted (ref: 20/02769/FUL) for a stable building, access track, parking area, and change of use from field to equestrian. In 2024, a Section 73 application (ref: 24/00706/ROC) was approved, enlarging the stables by around 30% and introducing a pedestrian access to Hemp Lane. To date, only the associated access track and hardstanding have been constructed.
4. The application site is located within the Metropolitan Green Belt and the Chilterns National Landscape (formerly Chilterns Beechwoods Area of Outstanding Natural Beauty).

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether or not the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('Framework') and any relevant development plan policies;
 - the effect of the development on the openness and purposes of the Green Belt; and

- whether or not the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Character and Appearance

6. The statutory purpose of National Landscapes is to conserve and enhance the natural beauty of the area. Section 85 of the Countryside and Rights of Way Act 2000 (as amended) now includes the duty on relevant authorities that they must seek to further this purpose when exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty (now National Landscapes). Furthermore, the Framework requires that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes, which have the highest status of protection.
7. The appeal site comprises an access track and hardstanding within a field largely surrounded by open countryside. It is enclosed by mature landscaping along the boundaries of the site and is positioned away from neighbouring residential dwellings, with established landscaping acting as a buffer. With minimal built form, the site currently integrates well into the landscape, which reflects the distinctive character of the Chilterns National Landscape. This setting is defined by an undulating plateau of open farmland interspersed with mixed woodland, shaped by underlying chalk geology that gives rise to steep escarpments and flower-rich downland. The limited level of development contributes to the area's scenic quality and rural tranquillity.
8. The proposed development comprises a small L-shaped cabin with a gabled pitched roof, positioned approximately where the permitted stables were to be sited. Comparatively higher-quality external materials than the stables are proposed, which are expected to weather better over time. Its design closely mirrors the stables, featuring horizontal timber cladding and the same roof covering, finished in dark tones to blend with the surrounding mature trees. Openings on the north and east elevations resemble stable-style doors, with decorative lower panels and upper sections functioning as insulated shutters over double-glazed windows. These shutters would reduce heat loss at night, limit solar gain, and prevent light spillage. External lighting would be limited to downward-facing, low-power LEDs to minimise light pollution. A small paved patio, partially screened by the cabin and site boundaries, would accommodate a BBQ, picnic-style table/bench, and a refuse bin store. A shed adjacent to the fencing would store these domestic items when not in use. The design also includes two foldable wall-mounted cycle stands and provision for an EV charging point.
9. Although the proposed holiday-let would adopt some design elements of the permitted stables, it would ultimately result in a distinctly domestic appearance. Features such as automated shutters, external lighting, a paved patio with domestic paraphernalia, wall-mounted cycle stands, and an EV charging point contribute to a residential aesthetic more typical of a dwelling with seasonal occupancy. While equestrian use may also introduce visual clutter, such as muck heaps, trailers, wheelbarrows, and agricultural implements, these are typical and expected within a rural setting. In contrast, the proposed development would appear to have a hybrid form, which in my judgement, would remain clearly

identifiable as a holiday-let rather than a stable. As such, although there would be a reduction in the amount of development, the proposed development would still represent a commercial intrusion that undermines the site's contribution to this section of the National Landscape.

10. The appellant acknowledges that the cabin's primary appeal lies in its location, which takes advantage of the scenic views within the National Landscape. However, the proposed development would harm the visual quality of the landscape, disrupting its scenic beauty and undermining the very qualities that make the area special. Paragraph 189 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes. In this context, the harm caused by the development carries great weight against the proposal. Furthermore, it would fail to further the purpose of conserving and enhancing the natural beauty of this area of outstanding natural beauty (now National Landscape).
11. It is recognised that any internal light pollution could be partially mitigated through planning conditions, such as requiring shutters to be closed when lights are on. However, the occupation of the holiday let would still likely result in light pollution, particularly from external lighting. While downward-facing, low-power LEDs may reduce the impact, their presence would nonetheless introduce a domestic characteristic that contrasts with the rural setting. Combined with any potential glow from internal lighting, this would reinforce the perception of increased activity on the site and further erode its rural character.
12. In conclusion, the proposed development would cause unacceptable harm to the character and appearance of the area. It would not protect or enhance significant views or integrate with the landscape character, contrary to Policies CS11 and CS12 of the Core Strategy Policy 2013 ('CS'). It would also fail to conserve the special qualities of the National Landscape or satisfactorily assimilate into the landscape, contrary to Policy CS24 of the CS and Policy 97 of the Local Plan 2004. Furthermore, these conflicts would result in the failure to further the purpose of the National Landscape designation.

Whether or not inappropriate development in the Green Belt

13. The appeal site comprises an open field that adjoins the open countryside and connects to the access road serving the existing dwelling. The appellant contends that the land around the appeal site, identified within parcel GB05, makes only a partial or no contribution to the overall purposes of Green Belt designation. However, regardless of any perceived variation in contribution, the site remains within the designated Green Belt and is therefore subject to the policy protections set out in the Framework. The Framework clarifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The proposal should be assessed against the presumption that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
14. The Framework explains that the development of homes within the Green Belt should not be regarded as inappropriate where the proposal meets all the criteria set out in paragraph 155 of the Framework. The first criterion requires that the development utilises grey belt land and does not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan. However, the

definition of Grey Belt excludes areas identified in footnote 7 of the Framework, where the application of relevant policies would provide a strong reason for refusing or restricting development. This footnote specifically includes National Landscapes, which are areas legally designated as areas of outstanding natural beauty. The appeal site lies within such a designation, and I consider that the identified harm provides a strong reason for refusing the development proposed. Accordingly, the site does not constitute Grey Belt land and the allowance for housing in terms of paragraph 155 of the Framework would not be met.

15. Additionally, the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions set out in paragraphs 154 of the Framework. Policy CS5 of the CS is consistent with the Framework in this respect.
16. The appellant considers that the exception set out in paragraph 154 b) of the Framework is applicable. This provision allows for the development of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport and outdoor recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
17. In assessing whether a facility is appropriate, the key consideration is whether it is suitable for its intended purpose. The appellant considers that the proposed development would provide appropriate facilities for outdoor recreation, serving as a base for engaging with nature, observing wildlife, and participating in other recreational activities. They also highlight that the Council has acknowledged that a holiday let can, in some circumstances, constitute a recreational use, and that commercial use does not automatically render a facility inappropriate for outdoor recreation. While that may be the case, it is not clear that the proposed building would constitute an appropriate facility for outdoor recreation. The recreational activities cited, such as walking or birdwatching, are primarily likely to occur outside of the appeal site. This makes such uses incidental rather than integral to the proposed development.
18. While the appellant has suggested that the building could facilitate activities such as nighttime/daytime wildlife observation, study, drawing, painting, and photography, these uses are not dependent on the land being used as a holiday let. Such activities could be carried out independently of the proposed development and do not rely on the change of use. Therefore, these purposes do not establish a functional or necessary connection to the proposed holiday accommodation. Indeed, having regard to the layout and facilities proposed, it is considered appropriate to assess the development as a dwelling that would be subject to an occupancy restriction limiting its use to holiday accommodation.
19. Consequently, the holiday let would not directly enable or depend upon the recreational use of the field, nor would the field's recreational use be contingent on the holiday let being developed. As such, the two elements do not appear to have a functional or interdependent relationship. Although the holiday let may be marketed to individuals seeking a short break in a rural setting, it would not, in itself, provide or include facilities for outdoor recreational activity. Accordingly, it is my judgment that the occupation of a permanent building for holiday accommodation would not, on its own, constitute the provision of an appropriate facilities for outdoor recreation. Therefore, the proposal does not clearly fall within

the scope of the exception set out in paragraph 154 b) of the Framework. Additionally, this provision would not permit the change of use which has been sought to change the use of the field to outdoor recreation.

20. In reaching this view, I have considered a previous planning case (reference 4/02170/19/FUL), which involved the rebuilding and conversion of a dilapidated 19th-century flint, brick, and timber cattle byre into a two-storey holiday let and hobby studio. In that decision, the Council accepted that there is a case to support the principle of providing temporary accommodation that directly facilitates or is intrinsically linked to outdoor recreation, with reference to paragraph 154 b) of the Framework.
21. However, the Council also expressed clear reservations about the potential for such developments to evolve into more permanent residential uses. They also found that while holiday lets may be associated with recreational use, they are also functionally similar to a residential dwelling and must therefore be carefully controlled. While the appellant seeks to draw a parallel between that case and the proposed development, it is important to note that the Council's conclusions did not amount to an unequivocal endorsement of such developments. In fact, the application was ultimately refused, primarily due to related concerns about its impact on the openness of the Green Belt. Accordingly, while the precedent may offer some contextual insight, it does not provide a compelling justification for the current proposal. In my judgment, the circumstances of that decision do not materially alter the conclusion that the proposed development would not constitute the provision of appropriate facilities for outdoor recreation within the meaning of paragraph 154 b) of the Framework.
22. The appellant has also suggested that the exception set out in paragraph 154 g) of the Framework applies. This provision allows the limited infilling or the partial or complete redevelopment of previously developed land (PDL), including a material change of use to residential or mixed use including residential, provided that they would not cause substantial harm to the openness of the Green Belt. In part, the definition of PDL, as set out in Annex 2 of the Framework, includes land comprising large areas of fixed surface infrastructure, such as large areas of hardstanding which have been lawfully developed.
23. The Framework does not define what constitutes a "large area of hardstanding." However, it is agreed between the parties that the access track alone measures approximately 115 square metres, and the evidence before me indicates that the total existing hardstanding would extend that figure to around 140 square metres. Given the relative scale of the proposed development (around 78 square metres), I am satisfied that this constitutes a sufficiently large area of hardstanding for the purposes of considering the site as PDL.
24. While engineering operations, such as land levelling, are not included within the definition of PDL, this has limited bearing on the current proposal. The footprint of the proposed holiday let is primarily located on the existing hardstanding, notwithstanding that the broader levelled land will be included within the area subject to a change of use.
25. I am satisfied that the appeal site is PDL as the appeal site has already been lawfully developed to include a large area of hardstanding. Accordingly, whether the proposal would constitute inappropriate development will depend on whether

or not it would cause substantial harm to the openness of the Green Belt as set out in paragraph 154 g) of the Framework.

Openness

26. The Planning Practice Guidance (PPG) states that assessing the impact of a proposal on the openness of the Green Belt requires a judgement based on the circumstances of the case. It outlines several matters that may need to be taken into account when making this assessment, including, but not limited to, the spatial and visual aspects of the proposed development. Other relevant considerations may include the duration of the development, its remediability and the degree of activity likely to be generated, such as traffic generation.
27. Both parties have referred to caselaw in relation to the definition of openness. In the *Samuel Smith*¹ case, it was acknowledged that some forms of development, including mineral extraction, may in principle be appropriate, and compatible with the concept of openness. As such, whether or not any change will have an adverse impact, and so cause harm to openness, might depend on factors such as the scale of the development, its locational context, and its spatial and/or visual implications. The *Amanda Boot*² case held that because there was a finding of a “limited adverse impact on openness” then that would mean that openness was not ‘preserved’, and that very special circumstances would be required to justify it. That was so even though the identified adverse impact was found to be ‘limited’ or ‘not significant’. Therefore, openness cannot be preserved if there is a finding that there would be an adverse impact of any kind. Both cases are consistent with the PPG.
28. The proposal involves the change of use of the adjoining field to outdoor recreation. The Council has no objections to the change of use as it would not involve the construction of structures or features that may impact it. Based on my site visit observations, I have no reason to disagree with this assessment.
29. The proposal also includes the construction of a self-catering holiday cabin on land currently occupied only by hardstanding. The appellant states that the proposed cabin would be approximately 30% smaller in volume than the extant stables planning permission. This reduction in built form is not disputed by the Council and, in isolation, could be seen as a minor spatial improvement to openness.
30. However, the nature of the proposed use is materially different. While stables are generally considered a more appropriate and traditional use of rural land, often aligned with outdoor recreation, a holiday let introduces a more intensive and commercial use. This use typically involves increased activity and vehicle movements, which are likely to have a greater impact on the rural character of the area. Therefore, although the extant permission for stables remains a relevant fallback position, I consider that the proposed development, despite its smaller scale, would ultimately result in a greater degree of spatial harm to the openness of the Green Belt. This is due to the nature and intensity of the proposed use, which introduces domestic and commercial characteristics that are more visually and functionally intrusive than the permitted equestrian use. In my judgement, the proposed reduction in built volume does not, in this case, equate to a corresponding reduction in harm to openness.

¹ Samuel Smith Old Brewery (Tadcaster) v North Yorkshire CC [2018]

² R (on the application of Boot) v Elmbridge Borough Council [2017] EWHC 12 (Admin)

31. In reaching this view, I have also considered that the proposed development would introduce domestic paraphernalia, such as seating, barbecues, and garden features, which are typically associated with residential use. While these items would be confined to a small patio area and would be partially screened, they would nonetheless alter the visual and spatial openness of the site. Unlike equestrian paraphernalia, which is more in keeping with the rural setting, these domestic features in this location would erode the countryside's openness. Despite the use of dark materials, the cabin's proximity to the road and limited year-round cover would make it visually prominent, contributing to a perceptible erosion of the openness of the surrounding area.
32. The appellant considers that the Council's concerns about "suburban intensification" are unfounded, as Wigginton is a village, and the rural holiday cabin, resembling a stable, is not "suburban". However, regardless of the terminology used, I am satisfied that the proposed development would result in harm to the openness of the Green Belt. The introduction of built form, domestic paraphernalia, and associated activity would alter the character of the site in a way that is more akin to residential use than to rural or agricultural land, thereby undermining the spatial and visual qualities that contribute to openness.
33. Drawing these matters together, the construction of the proposed development instead of the extant stables, could result in a minor spatial improvement to openness. However, this would be more than offset by the effects of the use of the building. The proposed holiday let use in a purpose-built structure would likely generate activity, commercial use and parking at an appreciable level that, in my judgement, would be harmful to openness. The PPG explains that the degree of activity likely to be generated, such as traffic generation, is a legitimate concern when assessing openness. Even taking into account the spatial benefits from the smaller volume of built form, there would still be substantial visual harm to the openness of this part of the Green Belt.
34. Consequently, I conclude that the proposed development would cause substantial harm to the openness of the Green Belt, contrary to paragraph 154 g) of the Framework, such that it would not meet this exception. It would not meet any other exception in the Framework and consequently the development would represent inappropriate development, which by definition is harmful to the Green Belt. In this regard, it would also fail to comply with Policy CS5 of the CS.

Other considerations

35. The appellant states that the proposed development would result in a biodiversity net gain of approximately 31.15%, significantly exceeding the mandatory 10% requirement. This gain would be achieved through improved site management, including taking an annual hay crop, cutting pathways through the grass, seeding damaged areas with wildflowers, new tree planting, removing unwanted species and installing bat and bird boxes. By comparison, the appellant has estimated that the extant stables permission would likely result in approximately 48% biodiversity loss. While the biodiversity improvements would be worthwhile, given their extent, I consider that they should afford moderate weight in favour of approval.
36. The proposed holiday let would result in economic benefits, supporting the local economy both during construction and use. However, the scale of the development would be one unit with two bedrooms, resulting in only a minor uplift

in tourism activity. Furthermore, the site's location presents accessibility challenges, as there is no footway along Hemp Lane, and very limited public transport options within walking distance. As a result, guests would be dependent on the use of private vehicles, thereby undermining the sustainability of the development. Given these constraints, the tourism-related benefits would be limited given the reasonably poor sustainability of the location of the site. Consequently, these benefits from the provision of the holiday let carry limited weight in favour of approval.

37. The Council considers that the proposed development would be virtually indistinguishable from a typical residential dwelling and, as such, would more appropriately fall within Use Class C3. The appellant has similarly agreed that the holiday let could fall within the C3 use class, but has also suggested that it could be classified as a sui generis use, directly reflecting the proposed mixed use of accommodation and recreation. In any event, while there is a demonstrable need for C3 housing in the locality, the proposed development would not contribute to meeting this need, as it is intended solely for temporary occupation. Consequently, this consideration carries very limited weight in favour of the proposal.

Other Matters

38. The appellant considers that the Council unreasonably rejected addenda submitted before the validation of the application, which contained significant information regarding "Grey Belt" land. Regardless, I have reached my own conclusions and so this does not have any material effect on my decision.
39. Although previously identified as a main issue, I note that the appeal site is located within the zone of influence for the Chilterns Beechwoods Special Area of Conservation (SAC). Due to the close proximity of the SAC, I consider that the use of the proposed development, even as a holiday let, would likely have an adverse effect on the integrity of the SAC by way of additional recreational pressure from occupants in the area. At the appeal stage, a unilateral undertaking was submitted by the appellant to secure mitigation in accordance with the relevant mitigation strategy. While I have not been provided with detailed comments from the Council regarding the contributions secured in the undertaking, it broadly appears to offer appropriate mitigation and could potentially address this reason for refusal. However, as I am dismissing the appeal on other grounds, it has not been necessary to consider this matter further.

Green Belt and Planning Balance

Green Belt Balance

40. I have concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have also found that the proposal would cause significant harm to the openness of the Green Belt. These are matters to which I give substantial weight as required by paragraph 153 of the Framework. This weighs heavily against the development.
41. I have outlined a range of benefits of the scheme in the other considerations section above. These are acknowledged and carry some merit. However, even if the appellant's position regarding biodiversity net gain is accepted, the improvement works do not appear to be contingent on the proposed development. Accordingly, I attach moderate weight to the collective benefits of the proposal.

42. In contrast, the harm to the Green Belt, by reason of inappropriate development and the adverse impact on openness, carries substantial weight. As such, the identified benefits do not clearly outweigh this harm. Consequently, the very special circumstances required to justify the development do not exist.

Planning Balance

43. In addition to this harm to the Green Belt, I have identified further harm to character and appearance, particularly in relation to the National Landscape setting. This harm conflicts with the statutory purpose of National Landscapes, which is to conserve and enhance natural beauty, and fails to further the required purpose. This harm, along with the associated policy conflicts, should be afforded substantial weight against the proposal. When considered as a whole, the scheme conflicts with the development plan. The moderate weight attributed to the benefits does not outweigh this harm and related policy conflict.

Conclusion

44. The proposal conflict with the development plan taken as a whole and material considerations do not indicate that this appeal should be determined other than in accordance with it. Therefore, for the reasons set out above, I conclude that this appeal should be dismissed.

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INSPECTOR