



Appeal Decision

Site visit made on 26 February 2026

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date 20 April 2026

Appeal Ref: APP/A1910/C/24/3352778

Land lying to the south-east of Cupid Green Lane, Hemel Hempstead, Hertfordshire

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (The Act).
 - The appeal is made by Mr Igor Josan against an enforcement notice issued by Dacorum Borough Council.
 - The notice was issued on 23 September 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, change of use to a mixed use of agricultural/carpentry with the erection of a large chicken coop, large greenhouse and a workshop principally used for carpentry business.
 - The requirements of the notice are:
 - Step 1: Cease the use of the land and the building carpentry use.
 - Step 2: Remove all items, including but not limited to, tools, machinery, etc., associated with the carpentry use from the land.
 - Step 3: Demolish the dark timber building in the approximate location outlined in blue on the attached plan.
 - Step 4: Demolish the small timber building housing the generator approximate location marked in green on the attached location plan.
 - Step 5: Remove any hard standing associated with the buildings for demolition in steps 3 and 4.
 - Step 6: Remove all materials left over from steps 2, 3, 4 and 5 from the demolition.
 - Step 7: Restore the land to its original condition.
 - The period for compliance with the requirements is: Seven (7) months after this notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
 - **Summary of Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.**
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The Enforcement Notice

1. Section 55 of the Act provides that development, in the context of a change of use, means “the making of any material change in the use of any buildings or other land.” Although the Enforcement Notice (EN) is directed at a change of use and the erection of various buildings, the allegation at paragraph 2 does not specify the change of use is material. The alleged breach of planning control shall be corrected by replacing it with: *“the material change of use of the land to a mixed use comprising of agricultural and carpentry and the erection of a chicken coop, greenhouse, workshop and timber building housing the generator.”* These corrections do not result in any injustice to either party, as both the Council and the appellant have addressed a material change of use and the erection of buildings.
2. Section 173 of the Act requires an EN to specify the steps that the Council requires to be taken, or the activities which they require to cease, to remedy the breach of planning control or injury to amenity, as the case may be. Consequently,

the steps set out in section 5 of the EN must align with the allegation. To achieve this, Step 1 is varied to require the cessation of the mixed use; Step 3 is varied to replace the reference to “*dark timber building*” with “*workshop*,” consistent with the wording of the allegation; and Step 5 is varied so that it refers specifically to the workshop and timber building housing the generator, rather than to buildings more generally.

3. These variations would not result in injustice to either party, as the appellant has understood that the EN seeks the removal of the workshop and the timber building that houses the generator, despite the allegation not aligning with the requirements. The Council has likewise referred to the dark timber building as a carpentry workshop in its statement of case. The variations do not therefore alter the substance of the alleged breach or expand the scope of the EN but merely ensure that the requirements properly reflect the allegation to which they relate and provide precision.

Preliminary Matter

4. The address in the banner heading has been corrected, with the typo amended from “*Lying*” to “*lying*”.

Appeal on Ground (a) and the Deemed Application for Planning Permission

5. An appeal under ground (a) is that planning permission should be granted for the corrected matter alleged.
6. The Council confirms that the EN does not seek to enforce against the agricultural use of the land, the chicken coop or greenhouse. As a result, this decision will primarily address the carpentry use and the erection of the workshop and the timber building, which houses the generator.
7. The EN refers to paragraph 154 of the National Planning Policy Framework (the Framework) but does not address paragraph 154h) v., which concerns material changes in the use of land within the Green Belt. The parties were therefore invited to comment on paragraph 154h) v., and those comments have been considered in determining this appeal.
8. The EN refers to Policies CS1, CS2, CS10 and CS11 of the Dacorum Core Strategy¹ (Core Strategy), which relate to the settlement hierarchy, the selection of development sites, and design principles within established settlements and neighbourhoods. However, the appeal site does not lie within a defined settlement, and the EN does not allege harm in relation to the settlement hierarchy. Although the Council’s statement asserts that the site is an unsuitable location for the development with reference to the settlement hierarchy, this matter is not cited in the EN.
9. Instead, the reasons for issuing the EN, together with the Council’s statement, focus on the effect of the development on the Green Belt and on the character and appearance of the area, including encroachment into the countryside. These issues will therefore form the basis of the main considerations in the determination of this appeal. Therefore, the **main issues** are:

¹ Adopted in September 2013

- whether the development is inappropriate in the Green Belt having regard to any relevant development plan policies and the Framework;
- the effect of the development on the character and appearance of the area; and;
- whether any 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 development.

Reasons

Whether inappropriate development

10. The site is located within the Green Belt. Paragraph 153 of the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Development in the Green Belt is inappropriate unless it meets one of the exceptions set out in Paragraph 154 of the Framework. The exceptions include buildings required for agriculture or forestry and material changes of use, provided that the change preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
11. Policy CS5 of the Core Strategy aligns with the Framework and it stipulates the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements.
12. The appellant refers to the building as a “*carpentry workshop*” within his appeal statement. This is consistent with the observations made during my visit. The workshop contained a range of carpentry-related items including workbenches, hand tools, power tools, larger machinery, and various timber, all indicative of active woodworking. A timber building, which abuts the chicken coop, houses a generator which is connected to the workshop via fixed wiring, thereby supplying it with power. Although the wider plot contains a greenhouse, a chicken coop and a growing bed, it has not been suggested that the workshop or timber building housing the generator is used for agricultural or forestry purposes. Consequently, while the chicken coop and greenhouse are buildings used for agriculture and fall within the exception in paragraph 154 a) of the Framework, the workshop and timber building housing the generator (the timber building) do not. These two buildings are therefore inappropriate development in the Green Belt.
13. Whilst the Council assert that paragraph 154 h) v. of the Framework applies only to material changes of use to outdoor sport and outdoor recreation, or to uses associated with cemeteries and burial grounds, this is not supported by the text of the Framework. The wording contains no express limitation that would confine its application to those categories, and there is nothing within the paragraph that precludes other material changes of use, which have a similar flavour or extent to those given, from falling within its scope. However, the carpentry element of the mixed use is only carried out within the workshop and the use of the timber building is only used for purposes incidental to the carpentry element of the mixed use. The mixed use therefore differs from the examples given in 154 h) v. in that buildings are required to accommodate it. The material change of use is therefore inappropriate development in the Green Belt.

14. Openness is identified in the Framework as one of the Green Belt's essential characteristics and has both spatial and visual dimensions. Given that the chicken coop and greenhouse are not inappropriate in the Green Belt, the effect of the development on the openness of the Green Belt is limited to the impact of the workshop and timber building. Notwithstanding the modest size of the workshop and timber building, there is a limited spatial reduction in openness. However, their presence does not increase the overall spread of development or alter the established pattern of built form within the immediate locality. Furthermore, the buildings are read within the broader context of the wider site and adjoining plots, which accommodate a range of structures and activities, many of which did not appear to be agricultural during my visit. The development therefore has no adverse effect on the visual openness of the Green Belt.
15. In this context, the workshop and timber building assimilate comfortably into the existing envelope of development on the appeal site, rather than appearing as isolated or intrusive features within the landscape. Notably, the timber building adjoins the chicken coop, reinforcing its relationship with the established cluster of built form. Both structures are therefore perceived against a clear baseline of existing development and activity on the site, which already includes a large greenhouse and a substantial chicken coop. When assessed in this context, and of the wider surrounding area, the additional buildings do not result in a material increase in the perceived level of built development, nor do they erode the openness of the Green Belt. Consequently, in my judgement, the development as a whole preserves the openness of the Green Belt.
16. It is not alleged that the development conflicts with any of the five purposes of including land within Green Belt. I have no reason to disagree with this assessment, given the appeal site is not on the edge of a settlement or located between towns, forms part of a developed area within the countryside and is not within the setting of a historic town. Moreover, the site does not comprise urban land. Accordingly, the development does not conflict with any of the five purposes of including land within the Green Belt.
17. For these reasons, while the development does not harm openness, in principle it is inappropriate in the Green Belt and therefore conflicts with Policy CS5 of the Core Strategy.

Character and Appearance

18. The appeal site forms part of a wider area of land to the south-east of Cupid Green Lane which was formerly an agricultural field but has since been subdivided into numerous individual plots. Across this wider area, a range of structures have been introduced, including storage containers, sheds, timber outbuildings and portacabin-type buildings. Although some parts of the land remain as open grassland, other areas contain raised beds, small, cultivated plots and other paraphernalia. These elements are interspersed with fencing of differing styles, informal enclosures and areas used for the storage of materials, equipment and miscellaneous items. Taken together, this results in the surrounding area having a fragmented and cluttered appearance.
19. The Council assert that there is clear damage to the natural landscape of the area, as the development "does not respect the intended density for this rural area". They do not elaborate on what the "intended density" for this area is. Furthermore,

this claim is not reflective of what is shown in the appellants photographs or what I observed during my visit.

20. Although the appeal site is located within the countryside as defined by the local plan, I note that the character of the wider area is influenced by a range of development and land uses. This includes existing buildings and areas of managed land, a number of which do not appear to be purely agricultural in nature but are instead consistent with forms of agricultural diversification. For example, the evidence before me refers to a dog exercise area and a landscaping business. Furthermore, during my visit I observed plots containing numerous parked vans, the storage of building materials, and the presence of shipping containers within secure compounds. In this context, the appeal development would not introduce a level of activity or built form that would be out of keeping with the established character of the locality, nor would it result in harmful effects on the landscape.
21. Moreover, the workshop and the timber building are modest in scale and are smaller than other buildings within the wider area. The Council has also accepted that the dark-stained timber finish of the workshop is appropriate in this context. Accordingly, the development does not represent overdevelopment of the site, nor does it give rise to a level of built form that appear out of keeping with the character of the area.
22. Policy CS7 of the Local Plan, relating to rural areas, permits the uses listed under criteria (a)–(g). Whilst the development does not align with any of those specified uses, it nevertheless accords with the underlying aim of the policy, which seeks to ensure that small-scale development does not have a significant adverse impact on the character and appearance of the countryside. In this case, the nature and scale of the development does not adversely affect the character and appearance of this part of the countryside.
23. For these reasons, although the development is contrary to the specific list of permissible uses and the list of small scale permissible developments set out in Policy CS7 of the Core Strategy, it is consistent with the broader intention of the policy and sits comfortably with the requirement for rural development to avoid adverse effects on countryside character. In addition, the development conforms to Policies CS1 and CS25 of the Core Strategy, insofar as they require proposals to conserve rural character and the prevailing landscape quality.

Other Matters

24. Reference is made to the access being insufficient to serve the use and a safety concern has been raised. However, the access lies outside the land identified in the EN and therefore it is beyond the scope of the deemed planning application.
25. Whilst it is asserted that there are no public transport connections to the site, there is no evidence that workers, other than the appellant, or customers need to access the site, nor that the development causes significant trip generation.

Green Belt Balance

26. I have found that the development is, in principle, inappropriate development in the Green Belt when assessed against the Framework and the Council's spatial strategy. In accordance with the Framework, I shall give this substantial weight.

27. I have found the development does not affect openness or the Green Belt purposes. These are neutral factors in the balancing exercise. I have found there to be no other harms arising from the development.
28. Factors weighing in favour of the development include: a significant proportion of the development being for agricultural purposes, to which I attribute significant weight; the development not being out of keeping with the immediate area which accommodates a mixture of non-agricultural development and activities, to which I attribute moderate weight; and the appellant's woodworking business contributing to the efficient use of land, to which I also attribute moderate weight. Cumulatively, I find these factors outweigh the limited harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development exist, and the appeal should succeed.

Conditions

29. I have considered the suggested conditions in light of the Framework and the PPG. Of those conditions suggested, a condition controlling the provision of external illumination, in order to preserve the character and appearance of the site, is necessary. The suggested wording does not meet the relevant tests; therefore, an alternatively worded condition is imposed.
30. The remaining suggested conditions, relating to foul and surface water drainage, hard and soft landscaping, the materials of the buildings, and the operating hours of the workshop, are neither reasonable nor necessary. This is because, the workshop would not generate any foul water, as it contains no toilet, sink, or other water-using fixtures. Landscaping works would be inappropriate given the rural character of the site. Furthermore, the workshop and the timber building have already been constructed, and the Council has confirmed that the material finish is acceptable. In addition, given the modest size and nature of the workshop and lack of noise sensitive neighbouring uses, it is not necessary to impose restrictions on the hours of operation.

Conclusion

31. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice as corrected. The EN will be corrected and quashed.

Formal Decision

32. It is directed that the EN be corrected by:

- *the deletion of the words "Change of use to a mixed use of agriculture/carpentry with the erection of a large chicken coop, large green house and a workshop principally used for carpentry business." And their substitution with the words "the material change of use of the land to a mixed use comprising of agricultural and carpentry and the erection of a chicken coop, greenhouse, workshop and timber building housing the generator";*

And; varied by:

- *the deletion of the words “Cease the use of the land and the building carpentry use.” And their substitution with the words “Cease the mixed use of the land” in Step 1 of section 5;*
- *the deletion of the words “dark timber building” and their substitution with the word “workshop” in Step 3 of section 5: and;*
- *the deletion of the words “buildings for demolition in steps 3 and steps 4” and their substitution with the words “workshop and the timber building housing the generator”.*

33. Subject to these amendments the EN is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the material change of use of the land to a mixed use comprising of agricultural and carpentry and the erection of a chicken coop, greenhouse, workshop and timber building housing the generator as shown on the plan attached to the EN at Land lying to the south-east of Cupid Green Lane, Hemel Hempstead, Hertfordshire subject to the condition below:

- (1) Prior to the installation of external lighting or other means of illumination, full details including height, design, location and intensity shall be submitted to and approved in writing by the local planning authority. The lighting or other means of illumination installation shall then be carried out in accordance with the approved details.

V Goldberg

INSPECTOR