



Appeal Decision

Site visit made on 7 December 2010

by A D Poulter BA BArch RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 January 2011

Appeal Ref: APP/J1915/A/10/2126856

Green Lane Farm, Levens Green, Near Ware, Hertfordshire SG11 1HD.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Lorna Jones against the decision of East Hertfordshire District Council.
 - The application Ref 3/09/1946, dated 30 November 2009, was refused by notice dated 8 February 2010.
 - The development proposed is an agricultural barn.
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Decision

1. I allow the appeal, and grant planning permission for an agricultural barn at Green Lane Farm, Levens Green, Near Ware, Hertfordshire SG11 1HD in accordance with the terms of the application, Ref 3/09/1946, dated 30 November 2009, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:2500 location plan, 1:500 site plan, 1:100 elevations, 1:100 roof plan, and 1:50 internal layout plan (all un-numbered).
 - 3) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the type of boundary hedge to be erected on the western boundary of the site. All planting comprised in the approved details of the hedge shall be carried out not later than the first planting season following the occupation of the building hereby permitted; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
 - 4) The use of the building hereby permitted shall be limited solely to horticultural purposes in connection with the use of the land for the growing of ornamental plants as shown and detailed on the plans and Design and Access Statement that accompanied the application.

Main Issue

2. This is the effect of the proposed development on the character and appearance of the countryside.

Reasons

3. The appeal relates to a site which is fenced off from an open field in the countryside. It contains a number of structures used in association with a horticultural enterprise producing ornamental plants for a specialist market (hellebores). The proposed building, though described as an agricultural barn, would be used in connection with the horticultural enterprise. It would replace a smaller old building in the same spot.
4. The Council has raised no objection to the principle of an additional functional building to support the enterprise. Rather, the Council's objections relate to the proposed location of the barn, which it considers would be in an exposed location. However, the appellant's statement indicates the intent to plant hedges, including one on the western boundary adjacent to the proposed building. It confirms that a planning condition requiring a hedge to be planted would be acceptable to the appellant. A hedge on the western boundary would enclose the proposed building with the other buildings, and would make it considerably less exposed. Subject to such a condition, I consider on balance that the proposed building would have no more impact on the rural character and appearance of the area than the existing building, even though it would be larger.
5. The proposed building would be a small scale facility, no larger than necessary to meet the essential needs of a local enterprise which will assist rural diversification. It would therefore meet criterion (h) of Policy GBC3 of the East Herts Local Plan Second Review (LP)(2007), which sets out forms of development that would be appropriate in the rural area beyond the Green Belt. As the building would be of a design appropriate to its intended use and sympathetic to its surroundings, and would be accompanied by a landscape scheme that would minimise its visual impact, I find no conflict with LP Policy GBC7 or ENV1.
6. The Design and Access Statement (DAS) indicates that the intended hedge would be planted with a single species (common hornbeam). From what I saw hedges in the area are generally of mixed species. The condition I have imposed will, however, enable the details of planting to be controlled in the interests of reflecting the landscape character of the area.
7. A condition relating to commencement is a statutory requirement. I have included a condition relating to the approved plans, as other than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with them, for the avoidance of doubt and in the interests of proper planning. As uses other than as described in the DAS could have adverse consequences, I have also imposed a condition limiting the permitted use of the building, again for the avoidance of doubt and in the interests of proper planning,
8. Subject to these conditions, I conclude that the appeal should be allowed.

A D Poulter **INSPECTOR**



Appeal Decision

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by **A D Poulter BA BArch RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 January 2011

Appeal Ref: APP/J1915/A/10/2134673

9 Links Avenue, Pinehurst, Hertford, Hertfordshire SG13 7SR.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Arnold Spencer against the decision of East Hertfordshire District Council.
 - The application Ref 3/10/0678, dated 9 May 2010, was refused by notice dated 2 July 2010.
 - The development proposed is change of use from amenity land to additional garden land, erection of 1.85m boundary fence, patio extension, formation of raised flower beds as per photographs.
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Procedural Matter

1. The development proposed has been carried out. The application is therefore retrospective.

Decision

2. I allow the appeal, and grant planning permission for change of use from amenity land to additional garden land, erection of 1.85m boundary fence, patio extension, formation of raised flower beds as per photographs at 9 Links Avenue, Pinehurst, Hertford, Hertfordshire SG13 7SR in accordance with the terms of the application, Ref 3/10/0678, dated 9 May 2010.

Main Issue

3. This is the effect of the retention of the development that has taken place on the character and appearance of the area.

Reasons

4. The appeal relates to a roughly triangular area of land within a housing estate. It was a relatively small grassed public open space between the ends of two short terraces. It has been purchased by the appellant and enclosed to form part of No 9's private garden area. A footway has been retained between the terraces.
5. Although it formed part of the planned pattern of open spaces within the estate the land seems to have had little function other than to provide visual relief to the built environment. I saw that the fence that has been erected fits well into the street scene. It is not so tall that it is unduly overbearing or imposing when seen from public viewpoints. The retained footway between the terraces is wide enough to allow pedestrians and landscape maintenance equipment to pass with ease. Its short length, width, and the staggered layout of the

terraces are such that an intimidating impression is avoided and the area remains attractive. Existing trees have been retained and extensive landscaped areas in front of the terraces provide generous planting. The loss of the former relatively small grassed area from the public domain has therefore not significantly harmed the visual relief to the built environment provided by landscaping and vegetation. The gap between the gable walls of the terraces has been retained and continues break up the built development. I consider for these reasons that the development that has taken place has not been detrimental to the street scene. I conclude that its retention would not be harmful to the character or appearance of the area.

6. The most relevant of the planning policies that I have been referred to is Policy ENV7 of the *East Herts Local Plan Second Review (LP)* (April 2007). This relates specifically to proposals for the extension of curtilages of residential properties. Section (III) seeks to ensure the retention of communal amenity land around housing developments and states that planning permission for the enclosure of such land into private gardens will not usually be given. As explained in the accompanying text, this policy reflects the fact that in many instances the extension of private gardens involving the enclosure of amenity land around housing development might have a detrimental affect on the appearance of an area. However, each proposal must be assessed on its individual merits. The use of the word 'usually' in the Policy recognises that there will be instances, such as this, where the enclosure of amenity land would not be harmful to the character or appearance of an area. I therefore do not consider that retention of the development that has taken place would conflict with LP Policy ENV7. As each proposal must be assessed on its individual merits my decision will not set a precedent for development elsewhere that would be harmful. It therefore does not over-ride the Council's policy. Nor should it lead to harmful change in the appearance of housing developments within the Council's area.
7. For the reasons given above I consider that the development that has taken place is of sufficiently high standard of design and layout to be acceptable. It reflects local distinctiveness and is compatible with the structure and layout of the surrounding area and connections with existing routes and spaces. It complements the existing grain of development. The loss of open land has not had an adverse impact on the character or appearance of the locality. No important landscape feature has been lost. There has been no adverse effect on the amenity of occupiers of neighbouring buildings. I therefore do not consider that its retention would conflict with the relevant sections of LP Policy ENV1. As there has been no significant net loss of trees or other landscape features I do not consider that its retention would conflict with LP Policy ENV2. Nor do I consider that there would be conflict with the objectives of protecting and enhancing the quality of the environment that underpin national planning policy set out in Planning Policy Statement 1 (PPS1)¹.
8. I conclude for the above reasons that the appeal should be allowed. No conditions have been suggested and I do not consider that any are necessary.

A D Poulter

INSPECTOR

¹ PPS 1, paragraphs 13(iv)(Key Principles), 17 – 20 (Protection and Enhancement of the Environment), and 33 – 39 (Design)



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by **A D Poulter BA BArch RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 January 2011

Appeal Ref: APP/J1915/A/10/2135715

Frogmore Farm, Frogmore Hill, Watton at Stone, Hertford SG14 3RR.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Wicked Management Limited against the decision of East Hertfordshire District Council.
 - The application Ref 3/10/1105/FP, dated 17 June 2010, was refused by notice dated 13 August 2010.
 - The development proposed is demolition of existing stables and store, and erection of replacement outbuilding consisting of leisure/games room, workshop and store, with ancillary staff accommodation above.
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Decision

1. I dismiss the appeal.

Main Issue

2. This is: if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other circumstances, so as to amount to very special circumstances necessary to justify the development

Reasons

3. The appeal relates to a property which is situated within the Metropolitan Green Belt. There is no dispute that it is in a rural area, outside main settlements or Category 1 or 2 villages. The main dwelling is a Grade II Listed former farmhouse. It is set in substantial grounds. The proposed development would replace a stable block and a store. It would be located opposite an existing garage/stable block, which would be retained, thus forming a group of buildings facing each other across a yard. At its closest point it would be some 30m from the main dwelling.
4. Policy GBC1 of the *East Herts Local Plan Second Review (LP)(2007)* resists inappropriate development in the Green Belt unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm. It reflects national planning policy and guidance set out in out in *Planning Policy Guidance 2: Green Belts (PPG2)*, paragraph 3.2 of which states that *very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*

5. The proposed building would have a close physical relationship with the retained garage/stable block and would be a substantial distance from the main dwelling. Although the use of proposed building would be ancillary to the main dwelling, I consider for these reasons that the proposed building should be considered as a free-standing outbuilding, rather than a limited extension or alteration to the existing dwelling. It would therefore not fall within the type of development envisaged in category (d) of LP Policy GBC1, or paragraph 3.6 of PPG2. It would not fall into any of the other categories of development that these policies define as being not inappropriate. I consider for these reasons that the proposed development would be inappropriate, for the purposes of Green Belt policy. In accordance with paragraphs 3.1 and 3.2 of PPG2, inappropriate development is, by definition, harmful to the Green Belt and there is a presumption against it.
6. The footprint of the proposed building would be larger than that of the stables and store it would replace, and it would be taller. As it would therefore have a greater bulk, it would have an adverse effect on the openness of the Green Belt. As there would be an increase in bulk and loss of openness there would also be an intrusion and encroachment of additional built development into the Green Belt, and the development would tend towards the merging of towns.
7. In the context of the Green Belt as a whole the degree of harm would be small, but as openness is the most important attribute of the Green Belt, and there would be conflict with two of the purposes of including land in Green Belts, it would be significant.
8. In accordance with the list description, Frogmore Farmhouse has its origins in the 16th Century and was altered in the 17th century. Two cross-wings were added in about 1935, in a matching style. Although its original setting was within a working farm that has gone. The setting is now more domestic, albeit that the grounds are substantial and contain outbuildings that would not look out of place within a farm yard.
9. The walls of the proposed building would be clad with horizontal feather-edged boarding. The accommodation at first floor level would be with the roof space and would be lit by dormers and roof lights. Whilst the design would not be similar to the farmhouse, it would have affinity with the retained outbuildings and would be in keeping with the domestic character of the setting of the listed building. I therefore do not consider that the proposed development would conflict with the special regard to be given to the desirability of preserving listed buildings or their setting. I therefore find no conflict with the aims and objectives of *Planning Policy Statement 5: Planning for the Historic Environment* (PPS5) or the requirements of Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*.
10. As the proposed building would be in keeping with its immediate surroundings, and bearing in mind that the existing stables and store could be retained, I do not consider that there would be harm to the character and appearance of the appeal site. I therefore do not consider that there would be conflict with LP Policy ENV1, which requires all proposals to be of a high standard of design, or with the criteria set out in LP Policy ENV6. There would, however, be conflict with LP Policy ENV5 which resists the erection of outbuildings which would intrude into the openness or rural qualities of areas outside main settlements and Category 1 and 2 villages. As there would be harm in this respect I consider that the size of the proposed building would be disproportionate to

that of the buildings that would be replaced. As discussed above, the degree of harm would be small but significant.

11. Conditions could be used to ensure that the proposed accommodation would be used as a residential annex. In some circumstances LP Policy ENV8 permits the extension of existing buildings or the conversion of outbuildings for such a purpose. It is silent about the construction of new or replacement outbuildings to form residential annexes, but in circumstances where there would be no harm I see no reason in principle why such proposals should not be accepted. However, in this instance there would be significant harm, thus bringing the proposal into conflict with the objective of avoiding harmful impacts on the locality which lies behind LP Policy ENV8.
12. It is intended that the proposed accommodation would provide accommodation for staff assisting with the care and maintenance of the listed building. It could also provide accommodation for relatives, who may be elderly or in need of care. However, there is no evidence that such accommodation could not be provided within the existing dwelling or in a nearby settlement. In any event, the benefit of providing such accommodation to matters of public interest would be small.

Summary and Conclusions

13. I have concluded that the proposed development would be inappropriate for the purposes of Green Belt Policy. By definition, it would therefore be harmful to the Green Belt. In addition, I have identified harm to the openness of the Green Belt, and harm by reason of encroachment and the tendency towards the merging of towns. These are considerations that add significant weight to the harm by reason of inappropriateness that I have identified.
14. I have not identified harm to the setting of the listed building or the character or appearance of the appeal site. This does not, however, weigh in favour of the proposed development or diminish the harm to the Green Belt.
15. I have concluded that the benefit of providing a residential annex at the appeal property would be small. No other benefits to matters of public interest have been put forward or identified. On balance, I do not consider it has been shown that the harm by reason of inappropriateness, and the harm that I have identified, is clearly outweighed by other circumstances. I conclude that very special circumstances necessary to justify the development have not been demonstrated.
16. I further conclude that the appeal should be dismissed.

A D Poulter

INSPECTOR