



Appeal Decision

Site visit made on 31 October 2023

by **G Dring BA (Hons) MA MRTPI MAUDE**

an Inspector appointed by the Secretary of State

Decision date: 22 December 2023

Appeal Ref: APP/X1925/W/23/3317046

Greenfields Cattery, 1 Willian Road , Great Wymondley, Hitchin, Hertfordshire SG4 7ET

- 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 Jack Nethercott, Prime Oak against the decision of North Hertfordshire District Council.
 - The application Ref 22/02731/FP, dated 25 October 2022, was refused by notice dated 20 December 2022.
 - The development proposed is erection of three bay oak framed garage with storage and office space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address above from the Council's decision notice rather than the planning application form as it more clearly reflects the site location.
3. I referred back to the parties requesting further information on what the original building would have been in order to carry out a full assessment against the Framework requirement. The appellant provided further information on the extensions they are aware of which have been carried out since they have occupied the property. I have taken this information into account. The Council did not respond to this request.
4. The National Planning Policy Framework (the Framework) was revised on 19 December 2023 but the amendments do not relate to the issues in this case. However, the relevant paragraphs to this appeal were renumbered and I will refer to the revised numbering in my decision.

Main Issues

5. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect on the openness of the Green Belt; and
 - if the 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 needed to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

6. The appeal site is located within the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence.
7. Policy SP5 of the North Hertfordshire Local Plan 2011-2031 (LP) states that the Council will only permit development proposals in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated. The justification text at paragraph 4.61 for this policy states that proposals for development within the Green Belt will be considered against national policy.
8. Paragraph 154 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless it falls within any of the listed exceptions. The appellant asserts that the proposal falls within exception 154 c) of the Framework, which allows for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
9. The proposal comprises an oak framed garage with office space above in the roofspace along with a single storey storage space to the side. It is proposed to use it in association with the host building which is mixed in use and currently comprises a dwellinghouse, cattery and pet crematorium.
10. The appellant has referred me to case law¹ whereby it was accepted that a detached building could be considered as an extension for the purposes of the Framework test. In the case before me, whilst the proposed building would be physically detached from the host building, it would be sited in close proximity, in a position which would clearly link it to the use of the host building. The accommodation proposed would also support the existing mix of uses carried out at the host building. I therefore consider that it would be classed as an extension for the purposes of the Framework test.
11. In order to fully meet the requirements of paragraph 154 c) of the Framework, the proposal should not result in disproportionate additions over and above the size of the original building.
12. The definition of an original building is identified in the Framework glossary, which states the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally built. I have very little information before me to identify what would have been the original building.
13. The appellant accepts that they only have knowledge of extensions they have carried out in the past 23 years since they have occupied the property. During this time a garage extension to the side and a single storey rear extension have been constructed.
14. However, the planning history provided by the Council in its officer report refers to a two storey rear and single storey side extension granted on 1 March 1995. No drawings are provided in respect of this scheme, or any confirmation as to whether the scheme was built out. Nevertheless, at my site visit, it did

¹ Sevenoaks District Council v Secretary of State for the Environment and Dawe (1997)

appear that the building has been extended in the past other than by those extensions carried out by the appellant. I do not have precise measurements of those other previous extensions, nor what formed the building prior to them. I therefore cannot be confident that the proposal now before me, in addition to the extensions built by the appellant, and other previous extensions would not result in the original building being extended disproportionately.

15. Accordingly, I cannot conclude that the proposal would not be inappropriate development which is, by definition, harmful. I can only consider therefore that the proposal is contrary to Policy SP5 of the LP, the aims of which are discussed above. The proposal would also not meet the requirements of paragraph 154 c) of the Framework. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt.

Openness

16. The Framework states that openness is an essential characteristic of the Green Belt. It has a spatial as well as a visual aspect.
17. Whilst the proposal would have a relatively limited footprint, it would introduce built form on an area where there currently is none, reducing spatial openness.
18. Visually, the proposal would be screened in part by the hedgerow along the front and side boundaries of the site and the mature trees located adjacent to the north. However, there would be glimpsed views of it from the road, particularly in the winter months when vegetation is less dense.
19. Overall, the proposed building would result in the loss of openness, with associated harm to the Green Belt, albeit at a modest and localised level.

Other considerations

20. The appellant has identified that the proposed building is needed to support the operation of both existing businesses which have been running successfully since 2000 and 2015. It is identified that the current office space is not adequate for existing staff and that the proposal would resolve this along with allowing for customers to stay under cover in inclement weather conditions when visiting the pet crematorium. The proposal is also identified as being required to avoid the loss of the business uses, enabling the future expansion of the business uses and the employment of further staff, something that is needed to allow the appellant to retire in the future.
21. I recognise the support for the sustainable growth and expansion of all types of business in rural areas, set out under paragraph 88 of the Framework and within the LP. I note that the appeal site is well contained at the edge of a settlement and that the two existing businesses provide services and facilities to the local area as well as contributing to the local economy and providing some employment opportunities. I give these considerations significant weight.
22. The design of the proposed building would be subordinate to the host building and would respond to the local context in an appropriate way. The proposal would not be harmful to the character and appearance of the area. Due to the proposed siting of the building, it would not be harmful to the living conditions of occupiers of nearby properties. A lack of harm in respect of these considerations is neutral and weighs neither for nor against the proposal. The

lack of any objections from neighbours or consultees is also neutral in my decision.

23. The appellant asserts that a nearby farm site has expanded and a business park has been created. I have very limited information before me regarding this and no planning history has been provided. I am therefore unable to make any detailed comparison to the proposal before me. I attribute limited weight to this.

Green Belt Balance

24. Without substantive evidence to the contrary, in combination with previous extensions, I cannot conclude that the proposed building would not be a disproportionate addition over and above the size of the original building. As such, I can only consider that it would constitute inappropriate development in the Green Belt. The proposed building would detract from openness, albeit by a small amount.
25. Paragraph 153 of the Framework establishes that substantial weight should be given to any harm to the Green Belt. The other considerations raised by the appellant, either individually or cumulatively, are not sufficient to clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.

Other Matter

26. Whilst the area where the proposed building would be sited is not, part of the appeal site is located within the Great Wymondley Conservation Area (CA). Under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing its character or appearance. I have limited information before me on the significance of the CA, however, in my view, it relates to the presence of historic buildings, the siting of built form around a central green area and the presence of grass verges, trees and boundary hedgerows.
27. The proposed wooden construction and design of the building would be of a high standard and would be set back from the road and well contained within the existing parking area of the appeal site. The hedgerows to the front and side would be retained. The proposal would therefore preserve the character and appearance of the CA.

Conclusion

28. I therefore conclude that the proposal would conflict with the development plan as a whole, including the Framework. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. The appeal is therefore dismissed.

G Dring

INSPECTOR