



Appeal Decision

Site visit made on 23 July 2019

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 06 August 2019

Appeal Ref: APP/X1925/W/19/3221696

Friends Green Farm, Weston, Hitchin, Hertfordshire SG4 7BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Luke Papworth against the decision of North Hertfordshire District Council.
 - The application Ref 18/02911/S73, dated 14 November 2018, was refused by notice dated 29 January 2019.
 - The application sought planning permission for: *Erection of stable block for 12 stables, garage workshop and feed store/tack rooms following demolition of existing stables without complying with a condition attached to planning permission Ref 17/04137/S73, granted at appeal Ref APP/X1925/W/18/3198084, dated 28 September 2018.*
 - The condition in dispute is No 2 which states that: *The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No BDS/1516/19/2/B and Location Plan.*
 - The reason given for the condition is: *In the interests of certainty.*
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have confirmed during the appeal that the drawing numbered LP10 is the approved drawing BDS/1516/19/2/B.
3. Although the appellant states that former barns and buildings at the former Friends Green Farm have been sold off to different parties and given permission for conversion to dwellings, the application form states that the entire site, which I take to be that within the red line on the site plan, is within the appellant's ownership. This includes the buildings that appear to be the existing stables, as well as the field with the current extant permission. However, it is not particularly determinative to my reasoning and I have not found it necessary to seek additional information in this regard.

Main Issue

4. The main issue is whether the disputed condition is necessary and reasonable and whether it meets the other tests for conditions set out in the National Planning Policy Framework (the Framework) and the Local Plan.

Reasons

5. The appellant has permission to construct a stable block, and combined garage workshop, store and tack room (utility building). The stable block and utility building were granted approval in 2016, on condition that the existing stables were removed¹. This condition was removed at appeal². The utility building has been partially constructed.
6. The site lies within the Green Belt. The previous Inspector concurred with the Council for the 2016 permission that the approved stable block and utility building would represent an exception under Paragraph 145 of the National Planning Policy Framework (the Framework) in that the development would comprise the provision of recreational facilities, and would not compromise the openness of the Green Belt. I see no reason to disagree with the previous Inspector in this regard.
7. Moreover, the appellant has confirmed that the former farm was only used in connection with equestrian purposes. Consequently, the exception set out in Paragraph 145 of the Framework regarding new buildings for agricultural and forestry use would not apply in this instance.
8. The approved drawings show a U-shaped stable block facing the utility building. The long low form of the utility building, together with its shallow pitched roof, would have an agricultural appearance. This would assist its assimilation into this predominantly agricultural landscape. Moreover, its form, roof pitch and proportions would also appear in keeping with the typology and proportions of the stable block, and its overall height would be about 1 metre higher. The approved buildings' quasi-agricultural layout, proportions and design would be sympathetic to their rural location and would not have an adverse effect on the openness of the Green Belt.
9. The appellant wishes to amend the design of the utility building by raising its eaves height by 0.5 metres, and increasing the roof pitch, resulting in a ridge height 1 metre higher than that approved. This would allow the provision of additional floor area by effectively creating an extra storey within the roof space.
10. However, the utility building would have notably greater height, mass and bulk than what was approved, and its form would no longer appear particularly agricultural or reflective of the built form of the stables. It would also be two metres or so taller than the stables, and this, combined with its overall dimensions would result in a building that would appear disproportionately large by comparison. Moreover, the stable and utility building would be fairly remote from any other buildings, as the cluster of former farm buildings, including the existing stables and barns, are some distance away. Even if the proposed utility building was not in the Green Belt, given its size and scale I would find it incongruous, intrusive and rather monolithic in this setting.
11. Openness in the Green Belt has been found by the courts to have two elements, visual and spatial impact. In this case the utility building would be taller and considerably more bulky than what has been approved. It would also be unrelated in form to the stables, or any other structures in the vicinity. Consequently, the utility building would be more prominent and intrusive than

¹ Ref 15/02582/1

² APP/X1925/W/18?3198084

- the approved building, and I conclude it would significantly reduce both the visual and spatial dimensions of openness. As the proposed alterations would not preserve the openness of the Green Belt, the proposals would be inappropriate development. Paragraph 144 of the Framework sets out that substantial weight should be given to any harm to the Green Belt.
12. The appellant argues that other considerations should be taken into account and that these would outweigh the harm to the Green Belt arising from inappropriateness. These considerations concern the future use of the stables and utility building as a livery business.
 13. The barns and tack room used for the existing livery business have a combined floor area of about 118 sqm. Although the approved utility building would have a ground floor area of around 190 sqm, it is argued that half of the ground floor would be needed for garaging for a tractor and various attachments and other equipment, all of which appear to be related to the maintenance of land and fences.
 14. However, this list of equipment to maintain grazing land and fences for a livery business based on 12 stables seems extensive, particularly as it is unclear what areas of land would be used for grazing and under whose ownership that land would be. The appellant argues that adjoining land would be available but there is nothing to support this assertion. In my experience small rural businesses do not necessarily make investment in equipment that would be used only on a seasonal or sporadic basis. With twelve stables to be provided, and in the absence of other information to the contrary, to it seems to me that the scale of livery operations proposed here is relatively modest and the requirement for this amount of agricultural equipment disproportionate. Moreover, the original permission was for the same number of stables. Whilst I can appreciate that space requirements may change, this would be a considerable increase.
 15. Furthermore, there is nothing before me to indicate the current scale or viability of the current livery business, to support the argument that the business would not be viable if the proposed enlargement to the utility building was not allowed.
 16. In any case, even if I accepted the arguments with regards to storage needs, the proposed first floor tack room would occupy only half the building. This does not explain why the increased wall and ridge heights would need to extend across the entire building. The appellant argues that the usable space within the first floor tack room would be limited by the eaves but it seems to me that a ridge height of 5.6 metres could allow use of most of the roof space, with a standard ceiling height below. Furthermore, even if I agreed that only a limited proportion of the first floor floorspace would be usable, this again reinforces my conclusions that the proposals would result in a building of far greater height, bulk and volume than required to support the livery business.
 17. This leads me to conclude that there is insufficient evidence to support the argument that the additional building height and floor space is required to support the livery business. In any case, even if I concluded that additional floor space was required, it would not require the amendments proposed and there is nothing before me to indicate that alternative solutions to storage, with a lesser impact on openness, could not be found.

18. The proposed amendments to the utility building would lead to inappropriate development in the Green Belt. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The other considerations put forward by the appellant in support of the proposal, as set out above, are not of sufficient weight to outweigh the substantial weight to be given to the harm to the Green Belt. Consequently, very special circumstances do not exist.

Conclusion

19. A condition that requires the development to conform to the approved drawings is therefore both reasonable and necessary and meets the other tests for conditions set out in the Framework. The appeal is dismissed.

A Blicq

INSPECTOR