



Appeal Decision

Site visit made on 3 December 2019

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2019

Appeal Ref: APP/X1925/W/19/3236028

Land between Stevenage Road to the east and railway line to the west, Stevenage Road, Knebworth, Stevenage SG2 8QQ

- 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 Ms Catherine Martin (Conrad Energy (Developments) Limited) against the decision of North Hertfordshire District Council.
 - The application Ref 18/02907/FP, dated 31 October 2018, was refused by notice dated 28 February 2019.
 - The development proposed is the installation of four gas fuelled generators with radiator arrays, a DNO building, HV building, transformers, gas kiosk, client building, CCTV cameras on 4m posts, waste and clean oil tank and associated infrastructure for the generation of electricity during times of peak demand.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site address above is taken from the application form. For reasons of precision, I have added the description of its position in relation to Stevenage Road and the railway line.
3. The appellant has submitted a surface water drainage strategy that was not with the Council when it made its decision. As the Council has submitted comments on its contents, I have taken the strategy into account. In addition, the appellant has provided an addendum to the drainage strategy which sets out different drainage proposals. The Council has not commented on this addendum and so it may cause prejudice or injustice if I take it into account. As such I have had no regard to the addendum in my assessment.
4. The Council's decision notice refers to the emerging North Hertfordshire Local Plan Proposed Submission Document 2016. This plan may be the subject of future amendment, so I attach limited weight to its policies in my assessment.

Main Issues

5. Albeit for different reasons, the main parties agree that the proposal represents inappropriate development in the Green Belt as defined under the National Planning Policy Framework (the Framework). I agree with this position. As such, the main issues are:
 - the effect of the proposed development on the openness of the Green Belt and the purposes of including land within it; and

- the effect on highway safety by reason of heavy goods vehicle (HGV) movements; and
- whether the proposal would incorporate acceptable surface water drainage; and
- whether the harm to the Green Belt by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Openness and the purposes of Green Belt

6. The appeal site consists of part of an open field and an unmade track that leads from Stevenage Road along the southern field boundary. Immediately to the west lies a railway line set on an embankment.
7. Apart from a fence on the field boundary, there is no development on the appeal site. Its openness contributes to the spacious rural character of the field and the area in general. By reason of their height, volume and overall extent, the proposed buildings and structures would undoubtedly have a significant impact on the spatial openness of the site.
8. A roadside hedgerow would partially screen the proposed development from the highway, although gaps would allow views from the roadside footway, particularly during times of leaf-fall. Also, the hedgerow lies outside the control of the appellant and therefore it would be unreasonable to secure its retention through a planning condition.
9. Furthermore, by reason of its height and proximity, the development would be visible to train passengers passing the site. It is unlikely that proposed planting would fully screen the taller elements of the scheme from the railway. In addition, the proposed works to the track would formalise a discrete field access, thereby introducing a form of development visible from the road.
10. The appellant is willing to accept a condition that requires the removal of the appeal development after 25 years. Even so, the proposal would still have an impact on the openness of the area for a significant length of time. As such, the identified impact on the spatial and visual openness of the Green Belt could not be made acceptable through a temporary permission or any other measure.
11. For the above reasons, the proposal would cause a visual and spatial loss of openness. The effects in these regards would go against the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. Also, by introducing development on part of an open field, the proposal would go against the purpose of Green Belt to safeguard the countryside from encroachment. Furthermore, as the site lies in a narrow stretch of open land between Stevenage and Knebworth, the proposal would prejudice the Green Belt purpose to prevent neighbouring towns merging into one another.

HGV movements

12. The proposed works to the access would enable HGV movements on and off the site during construction of the development. The appellant has submitted plans that indicate how the access would accommodate HGV's and that show visibility splays to facilitate safe egress from the site.

13. From my observations, there would be reasonable visibility from the access in both directions along the highway. Furthermore, no evidence has been submitted that demonstrates the appellant's swept analysis plans are inaccurate or unrealistic. Also, the proposal would only attract HGV movements for a temporary period.
14. For these reasons, I conclude the proposal would not have an unacceptable harmful effect on highway safety by reason of HGV movements. Consequently, and in this regard, the proposed development would be in accordance with the Framework, which aims, amongst other things, to prevent development that would cause an unacceptable impact on highway safety.

Surface water drainage

15. Whilst raising objection to the appellant's surface water drainage strategy, Hertfordshire County Council as local lead flood authority have suggested alternative measures such as above ground storage facilities. These comments indicate that suitable surface water drainage could be provided to serve the development. The plans show the appellant controls land surrounding the appeal site and so I am satisfied that sufficient space would be available to provide a drainage system that would prevent flood risk elsewhere. A planning condition could be imposed that requires the details of such a drainage system to be submitted and approved by the Council.
16. For these reasons, I conclude the proposal would incorporate acceptable surface water drainage. Consequently, it would accord with the Framework, which aims to ensure development does not increase flood risk.

Other considerations

17. The proposal would not cause noise that harms the living conditions of the occupiers of any properties and would be acceptable in terms of air quality and ecology. Acceptability in these regards is a neutral factor in my assessment.
18. The proposal would be close to a substation with capacity, a gas supply and an available grid connection. However, no explanation has been provided as to why the appellant's site selection exercise rules out allocated employment land as an alternative location. Furthermore, the exercise fails to convincingly explain why access would be unviable to the one alternative site identified. As such, I am unconvinced by the evidence that the appeal site is the only suitable location for the proposed development. Therefore, I attach limited weight to this factor in support of the proposal.
19. The development may provide an income that would contribute towards the stability of the farm. However, there is no evidence before me to show the farm is threatened or how the income from the proposal would contribute towards its on-going viability. I attach limited positive weight to this point.
20. The proposed facility would be supplied with natural gas and generate emissions. Whilst not in itself representing a renewable energy scheme, the proposal would support the development of such facilities by contributing towards a secure electricity supply. As such, the proposed development would have an indirect role in moving to a low carbon economy and thereby would contribute to the aim to reduce greenhouse gas emissions as set out in the Framework and Climate Change Act 2008. Furthermore, the proposal would help boost energy supplies for the local area when required. Consequently, the

proposal would be promoted by various Government white papers that encourage the generation of power to secure an affordable supply and redress previous underinvestment. Also in this respect the development would help economic growth and productivity.

21. The proposal would not constitute a nationally significant energy infrastructure project. As such, the cited parts of the National Policy Statement for Overarching Energy regarding the weight to be attributed to development proposals are not entirely relevant. Even so, I attach positive weight to the benefits in the previous paragraph in my assessment of the appeal.

Green Belt balance

22. The Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. These would only exist where the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In carrying out the balancing exercise, substantial weight is to be given to any harm caused to the Green Belt.
23. As well as harm by reason of inappropriateness, the proposal would cause a loss of openness and prejudice purposes of Green Belt policy. The harm caused in these respects attracts substantial weight.
24. On considering all matters, I conclude that the benefits of the appeal scheme and all other considerations would not clearly outweigh the totality of harm the development would cause to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the development would conflict with the Framework and policy 2 of the North Hertfordshire District Local Plan No 2 with Alterations 1996. Amongst other things, these aim to resist inappropriate development in the Green Belt unless very special circumstances exist and to preserve its openness.

Other Matter

25. The appellant refers to the presumption in favour of sustainable development as set out at paragraph 11 of the Framework. However, the proposal would be contrary to the Framework's Green Belt policy which seeks to protect areas of particular importance. This provides clear reason for refusing the development proposed as set out at sub-paragraph 11 d)(i) with reference to footnote 6 of the Framework. As such, any presumption in favour of granting planning permission as set out under paragraph 11 of the Framework does not apply in this case.

Conclusion

26. For the reasons given above, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR