



The Planning Inspectorate

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Our Reference:
T/APP/C/92/C1950/622754-5
T/APP/C1950/A/92/205513
Date - 1 DEC 92

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTIONS 174 AND 78 AND SCHEDULE 6
PLANNING AND COMPENSATION ACT 1991
APPEALS BY C V G BARTLETT AND J M H BARTLETT AND NYN MANOR FARMS
LAND AT PARK FARM, NORTHAW ROAD, WEST NORTHAW, HERTS

1. I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeals. These appeals are against an enforcement notice issued by the Welwyn Hatfield District Council and against a refusal of planning permission by the same Council concerning the above-mentioned land. I have considered the written representations made by you and by the Council and I inspected the site on 4 November 1992.

The enforcement notice

2. The appeals are proceeding on ground (a) of Section 174(2) of the 1990 Act as amended by the Planning and Compensation Act 1991, that is to say, that in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted.

3. a. The date of the notice is 23 July 1992.
- b. The breach of planning control alleged in the notice is change of use to a mixed use of agricultural and storage of antique bus and coach vehicles.
- c. The requirements of the notice are the discontinuance of the use for the storage and parking of antique bus and coach vehicles and the removal of all of the vehicles from the land.
- d. The period for compliance with the notice is two months.



The Section 78 appeal

4. The development for which planning permission was refused is change of use of agricultural compound to use for storage of antique buses and coaches.

The planning merits

5. Regarding the appeals against the enforcement notice on ground (a) and the planning merits of the Section 78 appeal the appeal site lies within the Metropolitan Green Belt. Within the green belt there is a general presumption against inappropriate development. The site also lies within a Landscape Conservation Area as defined in the draft District Plan. Within such areas the Council seek to conserve and enhance existing landscape features.

6. I take the view that there are three main issues in each of the appeals before me. These concern: first, whether the unauthorised use is one which is appropriate in a green belt area; second, the effects of the development on the appearance and character of the area; third, whether there are very special circumstances to justify the development in the green belt, where there is, as I say, a general presumption against inappropriate development.

7. Regarding the first issue paragraph 13 of Planning Policy Guidance 2 sets out what constitutes development appropriate to a green belt. The advice says that inside a green belt planning permission should not be given, except in very special circumstances, for the construction of new buildings or for the change of use of existing buildings for purposes other than agriculture and forestry, outdoor sport, cemeteries, institutions in extensive grounds or other uses appropriate to a rural area. Having regard to that advice and to the Council's own specific policies on green belt development I am firmly of the opinion that the use of the appeal site for the storage of buses and coaches is development of a very different kind from that regarded as appropriate to the green belt. I conclude that the development is damaging to the green belt.

8. On the second issue I observed at my inspection that the assortment of old vehicles on the appeal site occupies a sizeable area of land. About 9 large vehicles were present at the time of my visit. I concluded that although the compound is partly screened from view by adjoining buildings and bales the old vehicles are nonetheless clearly visible from a number of residential locations on the opposite side of the valley and from the dwelling to the east of the appeal site. Although of historic and engineering interest in themselves I take the view that the vehicles form an obtrusive and alien feature in their setting of attractive open countryside and in their immediate surroundings of traditional farm buildings. They give the place a more urban and built up appearance than it would otherwise have. Although I understand that the vehicles are not moved very often they are obviously visited by their owners periodically. The storage use thus brings additional activity and traffic to a relatively unspoilt rural area, detrimental to its peaceful rural character.

9. I do not consider that these weighty objections to the development could be overcome by the imposition of conditions on a planning permission or by other means of planning control. Thus in my view it would not be possible to control or restrict the amount of activity, and the number of vehicle movements, associated with the use, by reasonable conditions on a planning permission. It would also not be possible to screen the vehicles effectively from views from across the valley, because of the difficulties in screening tall vehicles and the configuration of the site. In any event the fact that a development can be screened, or partly screened, is not a good reason for giving permission in the countryside. The unsightly development would still

be there, even if screened, and the argument that development can be screened could be repeated too often. In my view the present development is in conflict with the Council's policies to protect the Landscape Conservation Area. I conclude that the grant of permission in this case would lead to demonstrable harm to the appearance and character of an attractive rural area, interests of acknowledged importance.

10. Turning to the third issue I have considered the case in the light of Government advice on small business development and on the economic needs of rural areas. However in my opinion there are specific and convincing objections to the development in this case, set out under the second issue, which override the economic and business considerations. I note that the Appellants undertake organic farming, with benefits to the landscape, and are seeking to raise additional revenue from the land to offset their lower returns from agriculture. I appreciate their intentions but in my opinion this particular diversification is not an acceptable one, for the reasons given. I do not regard the compound where the vehicles are stored as redundant, in agricultural terms. It forms part of a complex of farm buildings and in my opinion is suited to further agricultural use.

11. You say that the use began many years ago, in about 1978, and that in the circumstances planning permission should be given. However I have very little specific evidence as to the history of the use, and in particular as to the extent of the use in the past. I have no evidence which would support a claim that the use is authorised. What is clear is that when the Council found out about the use, in about 1987, they sought to take steps to secure its cessation at once. On the evidence before me I do not regard the history of the use as of such significance as to justify the grant of planning permission in the face of the weighty objections set out above.

12. You draw my attention to the coming into force of the new "ten year rule" regarding the immunity of uses of land from enforcement action and you claim that the Council have acted at the last minute with regard to the appeal development, having ignored the existence of the use in earlier times. While I note what you say it is clear to me that the legislation was not intended to be retrospective with regard to the new ten year rule. It is also clear to me that the Council had sought to act against this use some years ago, but had held up their action on what I see as reasonable grounds.

13. Pulling together the evidence relevant to the third issue I conclude that the special circumstances in the case are not of sufficient weight to justify the grant of planning permission in the face of the objections to the development on the grounds of damage to the green belt and to the appearance and character of the area.

14. Turning to the other matters raised I have considered the representations about highway safety. I take the view that, as it stands, the access to the appeal site is very poor in regard to visibility considerations. I see that there are plans to improve the access, and these may be such as to overcome the highway objections to the appeal development. However these considerations do not lessen the other weighty objections to the development set out above. I see that your clients have put in an application for a certificate of lawfulness for an existing use, and note that they have the support of the Parish Council in their present appeals. However, having examined all of the evidence before me I conclude that the factors supporting the grant of planning permission are substantially outweighed by those indicating that planning permission should be refused. The appeals on ground (a) fail. The Section 78 appeal also fails.

15. I have examined all of the other matters raised but find nothing to change my decisions.

FORMAL DECISIONS

The appeals against the enforcement notice, by C V G Bartlett and J M H Bartlett, referenced T/APP/C/92/C1950/622754 and T/APP/C/92/C1950/622755 respectively

16. For the above reasons and in exercise of the powers transferred to me I hereby dismiss your client's appeals, uphold the notice and refuse to grant planning permission on the applications deemed to have been made under Section 177(5) of the 1990 Act.

The Section 78 appeal by Nyn Manor Farms, reference T/APP/C1950/A/92/205513

17. For the above reasons and in exercise of the powers transferred to me I hereby dismiss this appeal.

RIGHT OF APPEAL AGAINST DECISIONS

18. This letter is issued as the determination of the appeals before me. Particulars of the rights of appeal against the decisions to the High Court are enclosed for those concerned.

I am Gentlemen
Your obedient Servant



A J J STREET MA(Oxon) DipTP MRTPI
Inspector

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