



Appeal Decision

Hearing held on 20 October 2009
Site visit made on 20 October 2009

by Mrs H M Higenbottam

BA (Hons) MRTPI

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

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**Decision date:
27 November 2009**

Appeal Ref: APP/C1950/A/09/2108882

Colesdale Farm, Northaw Road West, Northaw, Potters Bar EN6 4QZ

- 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 Michael Marrinan against the decision of Welwyn Hatfield District Council.
- The application Ref S6/2008/2224/MA, dated 3 July 2008, was refused by notice dated 6 February 2009.
- The development proposed is the demolition of existing buildings; conversion and extension of the existing barn structure to create a single family unit and the erection of a part single part one-storey residential building to comprise four units.

Decision

1. I dismiss the appeal.

Procedural Matter

2. The north point on drawing number 14 does not correspond with that on the OS Sitemap plan or drawing number 13. For the avoidance of doubt I will use the OS Sitemap north point for directional references within this decision.

Planning History

3. Planning permission was granted in August 2000 for the demolition of existing buildings on the appeal site and the conversion of barns to create three residential units. This permission was subsequently renewed in August 2005 (the 2005 permission) and is extant. The Council considered at the time of this renewal that the buildings were of sound construction and capable of conversion without substantial alteration and adaptation, other than the addition of new roofing. However, since the conversion application was renewed, in the January storms of 2007, part of the single storey barns collapsed and the remains of this part of the structure were cleared.
 4. The 2005 permission was for the conversion of existing buildings on the appeal site. Whilst the appellant contends this permission always envisaged that there would be some rebuilding, on the information before me I am not convinced that this was the case. The Council considered the 2005 permission related to the conversion of buildings and at the time was considered to be not inappropriate development within the Green Belt. I therefore have severe doubts about whether the 2005 permission is capable of implementation in full, in the light of the collapse of part of the courtyard barn.
 5. There are a variety of employment uses within the existing buildings on the appeal site. However, no evidence that planning permission exists for these
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uses has been provided, albeit I understand the buildings have not been in use for agricultural purposes for around 25 years.

Site and Surroundings

6. Colesdale Farm is located on the north side of Northaw Road West, at its junction with Cattlegate Road. The appeal site comprises a large brick built barn (Building 5 on Drwg No 14), currently used for furniture storage, and a number of other buildings and structures. There are also 6 portable buildings located on the appeal site. The surrounding land is open fields with some agricultural buildings within the landscape. Whilst the frontage boundary is demarcated by a row of conifers which restricts views of the existing buildings, there are clear views of parts of the appeal site when approaching from the west along Northaw Road West and along the two vehicle accesses into the appeal site from Northaw Road West.
7. Colesdale Farmhouse and the row of workers cottages either side of the eastern access drive are in residential use and are outside of the appeal site.
8. The appellant confirmed that he owned about 28 acres of agricultural land around the appeal site. It was also confirmed at the hearing that the western access point would be retained to provide access to this agricultural land.

Main issues

9. I consider that the main issues in this case are;
 - Whether the proposals would constitute inappropriate development within the Green Belt;
 - The effect of the proposals on the openness of the Green belt and on the character and appearance of the surrounding area; and
 - 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 necessary to justify the development.

Reasons

Green Belt

10. Planning Policy Guidance Note 2: Green Belts (PPG2) states that the construction of new buildings inside a Green Belt is inappropriate unless it is for one of the purposes set out in Paragraph 3.4.
11. Both parties accept that the construction of 4 dwellings on the site of the remains of Building 9 (as identified on drwg no 14) would be inappropriate development in the Green Belt. I concur with this view.
12. In relation to Building 5 (as identified on drwg no 14), Paragraph 3.8 of PPG2 advises that the re-use of buildings within the Green Belt is not inappropriate development providing, amongst other things that the buildings are of a permanent and substantial construction, are capable of conversion without major or complete reconstruction and that strict control is exercised over the extension of reused buildings. Policy RA17 of Welwyn Hatfield District Plan 2005 (LP) reflects this guidance.
13. The proposals for Building 5 include an extension to either end of the building and its conversion to form a single dwelling. The footprint of the existing barn is 160 sqm. If a first floor were inserted within the existing building it would

have a floor area of 320 sqm. The proposed extensions would have an agreed floor area of 330 sqm. This would result in at least a doubling of floor area within Building 5 and a significantly greater increase if no allowance is made for a first floor within the existing Building 5 structure. In my view, this would not comply with criterion b of Paragraph 3.8 of PPG2, as the extensions would more than double the size of Building 5 and would not amount to a strict control of extensions to the reused building.

14. I note that the existing open fronted structure to the left of the existing Building 5 (identified as Building 8) has a footprint of 98 sqm and an existing front projection (identified as Building 7) has a footprint of 74 sqm. Buildings 7 and 8 are proposed to be demolished. However, I consider the removal of these structures would not overcome the failure to comply with criteria b of paragraph 3.8 of PPG2. I therefore consider that the proposal in relation to Building 5 would also be inappropriate development within the Green Belt.

Openness and Character and Appearance

15. The existing built footprint on the appeal site is stated by the appellant to be approximately 3,594 sqm. This includes the footprint of the portable buildings. Although the appellant states that these portable buildings were not present in 2000 and have been in situ in excess of four years, it is not clear as to whether they are operational development or a use of land. I am therefore not clear whether or not these portable buildings are lawful. The footprint of the proposals amounts to approximately 950 sqm.
16. The current structures and portable buildings on the appeal site are scattered throughout the site. The proposals would be within the southern part of the site, close to the existing dwellings. The proposals would therefore reduce the overall spread and footprint of built development on the appeal site.
17. However, the existing Building 9 has a maximum height of about 4.8m. The proposed complex of four units would comprise mainly two storey development, with a maximum height of about 9.5m. The bulk and volume of these units would also be greater than the existing Building 9. The height and bulk of the four units would be visible when approaching from the west along Northaw Road West, and in views along the two access tracks which serve the appeal site. In my view, the increase in bulk and volume of these units would reduce the openness of this part of the appeal site.
18. In addition, the proposed extensions to Building 5 would result in an increase in footprint and volume compared to Buildings 7 and 8 which are proposed to be demolished. This would further reduce the openness of the Green Belt in the southern part of the appeal site.
19. The proposals would result in a significant bulk of two storey development in the southern part of the appeal site. Although the proposals would reduce the spread of development, and increase the overall openness within the appeal site as a whole, due to the bulk and height of the proposals, it would reduce the openness within the southern part of the appeal site.
20. The buildings and structures on the appeal site which are proposed to be demolished are mostly modern agricultural buildings and their design and appearance are what is normally expected to be found in the countryside. The design and layout of the proposed four dwellings would be of a more suburban form. The extensions to Building 5 would link to the four dwellings and create

a continuous development. On balance, I consider the bulk, height and design of the proposals would introduce a suburban form of development which would harm the character and appearance of the area. In my view this would fail to respect the agricultural form of the site within this countryside setting.

21. The Council have raised concerns in relation to the extent of the garden areas associated with the proposed dwellings. These proposed gardens are comparable to the garden areas associated with the extant 2005 conversion scheme, albeit that was for 3 residential units and the current appeal is for 5. I acknowledge that sheds and other outbuildings could be controlled by condition were the appeal to succeed. However, such a condition would not prevent other domestic paraphernalia such as garden furniture and children's play equipment being placed within the garden areas, which would detract from the countryside setting of appeal site. This could to some extent be mitigated by a requirement for boundary landscaping; although inevitably such domestic paraphernalia would result in additional suburbanisation of the appeal site. Due to the increase in the number and size of residential units proposed in the appeal scheme, compared to the 2005 permission, the proposals would be likely to result in more domestic paraphernalia and a greater effect on the countryside setting of the appeal site.
22. Therefore, taking the proposals in the round, I consider they would result in an increase in openness on the northern part of the appeal site, but would reduce openness on the southern part of the appeal site, harm the visual amenity of the Green Belt and the character and appearance of the area. This would be contrary to PPG2. It would also be contrary to LP Policy D2 of the Welwyn Hatfield District Plan 2005 which requires development to respect and relate to the character and context of the area.

Other Considerations

23. The removal of buildings and other structures would result in less built development on the appeal site. However, the proposals would increase the bulk and height of development on the southern part of the site which would reduce openness on that part of the appeal site. Overall, I consider that there would be some increase in the openness of the Green Belt, which is its most important attribute.
24. I am not convinced that the previously permitted scheme could be implemented for the reasons set out above. The appellant has provided information on the financial viability of the previously permitted scheme and the current appeal scheme. I appreciate that if a scheme is not viable it would be unlikely to proceed. However, the viability information provided is dependant on the value of the site. There was no marketing evidence to demonstrate that the value of the site used within the financial viability evidence was reasonable. Furthermore, the reuse of existing buildings within the Green Belt is not of itself inappropriate development and I have no evidence to demonstrate any specific reason for seeking to remove the existing uses from the appeal site, albeit that the appeal proposal would facilitate the removal of built development which would increase openness within the Green Belt. I therefore give the viability evidence minimal weight.
25. In relation to housing land supply, the Council's Annual Monitoring Report (AMR) 2007/2008 which was published in December 2008, demonstrated that the Council had a 5 year housing land supply at that time. The Council are in

the process of completing a Strategic Housing Land Availability Assessment and those findings will be incorporated into the next AMR. On the information before me, I consider that there is no justification on the basis of housing land supply figures to justify inappropriate development in the Green Belt.

26. The appellant stated that if the proposals were not allowed the existing buildings would be sold off individually. In my view, whilst this may well happen, I see no reason why this would of itself be harmful to either the countryside or the Green Belt.

Other Matters

27. Bats and their roosts are protected under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitats &c) Regulations 1994. The appellant has submitted a Protected Species Report. This identified that bats roost in the south west barn (Building 9 on drwg no 14) which is identified for demolition as part of the proposals. Natural England has raised no objections to the proposals subject to adequate mitigation measures are undertaken as set out in the recommendations of the appellant's report. On the information before me, I am satisfied that adequate mitigation measures could be required by the imposition of suitable conditions.
28. In relation to the reuse and extension of Building 5 the Council have raised concerns in relation to the loss of the employment use at the appeal site. Policy RA17 of the Welwyn Hatfield District Plan 2005 states that residential re-use will only be permitted where it can be demonstrated by the applicant that business re-use would be inappropriate and unviable. However, the Council have already granted planning permission for the reuse of this building for residential purposes and accepted that the 2005 planning permission insofar as it relates to the reuse of this building could still be implemented. Furthermore, the removal of other buildings on the appeal site which are currently in employment use was required as part of that permission. In the light of this, I consider that the loss of employment use within Building 5 would be acceptable.

Conclusions

29. The proposal would be inappropriate development in the Green Belt. I have also found that it would harm the character and appearance of the area. This adds to the substantial weight that has to be given to the harm by reason of inappropriateness. Set against this are the other considerations that I have dealt with above.
30. Overall, I conclude that the improvement to the openness of the Green Belt does not clearly outweigh the totality of harm to the Green Belt and the other harm identified. As such very special circumstances to justify the development do not exist. The proposed development would, therefore, conflict with PPG2 and LP Policies D2 and RA17.
31. For the reasons given above I conclude that the appeal should be dismissed.

Hilda Higenbottam

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr N Bennett BA Hons MRTPI	Metropolis pd, agent for the appellant
Mr Tash FRICS	MDL Consulting, agent for the appellant
Mr Michael Marrinan	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr P Jefcoate	Senior Planning Officer, Welwyn Hatfield Borough
BA BArch MA MRTPI RIBA	Council

DOCUMENTS AND PLANS SUBMITTED AT THE HEARING

- 1 Planning Application Forms and A4 Reduced Plans for application reference S6/2000/0922
- 2 Extract from Council's Local Development Framework Annual Monitoring Report 2007/2008.
- 3 Appellant's summary statement.
- 4 Tables of footprints, site coverage, heights and floor areas of existing development, extant permissions and appeal proposal.
- 5 Plan with footprints of buildings to be demolished, remain and proposed new build identified.