



Appeal Decision

Site visit made on 15 November 2011

by P E Dobsen MA (Oxon) DipTP MRTPI FRGS

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

Decision date: 18 November 2011

Appeal Ref: APP/C1950/A/11/2151475

Land to the north of Colesdale Farm, Northaw Road East, Cuffley EN6 4RB

- 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. M. Kanal against the decision of Welwyn Hatfield Borough Council.
 - The application (Ref S6/2009/2061/MA), validated on 28 June 2010, was refused by notice dated 1 November 2010.
 - The development proposed is "retention of chicken shed".
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Decision

1. The appeal is allowed and planning permission is granted for the retention of a chicken shed on land north of Colesdale Farm, Northaw Road East, Cuffley EN6 4RB, in accordance with the terms of the application, Ref S6/2009/2061/MA, as validated on 28 June 2010.

Main Issues

2. The main issues in the appeal are: i) whether the proposed development represents an inappropriate development in the Green Belt for the purposes of PPG 2 *Green Belts* and development plan policy, and ii) its effect on the openness and visual amenity of the Green Belt.

The Site Visit etc.

3. Although an accompanied site visit had been arranged, no representative from the Council appeared at the appointed time. With the appellant's agreement, and having been given access to the site, I was able to do an unaccompanied visit.
4. The chicken shed in question was built without the benefit of planning permission some time in 2009, and I am therefore dealing with the application retrospectively.

Reasons

5. The appeal site lies in an open countryside location south west of Cuffley, about 400m. to the north of Northaw Road East, and adjacent to the west of a public footpath. It falls within the Metropolitan Green Belt, and is accessed by a rough vehicular track and surrounded by farmland. The shed is situated alongside the site's eastern boundary, which adjoins the public footpath, and about 50m. north of 2 isolated (waterworks) cottages. The appellant's land

- forms a rectangular, undulating plot about 3 ha. in size, which is mainly grassed, and runs towards a minor ridge to the south west of the chicken shed.
6. The shed is shown in application drawings A3/0106/01-03, (plus unnumbered roof plan). Constructed mainly of timber and roofing felt above a 1m. high brick plinth, it measures some 7.5m. by 5.1m, and has a sloping roof up to about 2.7m. in height. Inside there are various feeding trays and perches etc. for chickens. The shed is screened to some extent from the footpath and surrounding open land by trees and other boundary planting, but can nevertheless be partially seen from the footpath and in other short distance views. There are a few other minor structures on the land, including 2 small sheds (one for the geese and ducks, one for feed storage), 2 small former shipping containers and some beehives.
 7. Relevant Green Belt planning policies are in PPG 2 *Green Belts* and in the Welwyn Hatfield District Plan (2005), which is consistent with the PPG. The district plan also contains a policy, RA10, which seeks to protect the landscape character of certain areas, including the Northaw Common Parkland landscape character area, within which the site also lies.
 8. PPG 2 states at para. 3.4 that the construction of new buildings inside a Green Belt is inappropriate, unless it is for certain stated purposes, including that of agriculture and forestry. The appellant says that his land is a bona fide agricultural smallholding, most of which he uses to graze sheep, but which is also used for the rearing of up to 250 chickens, plus a few geese and ducks. The eggs produced are packed and sold locally and in London, and I was shown samples of typical egg boxes. At the time of my visit, there were about 50 sheep grazing, together with about 100 chickens in the separately fenced chicken run, and a number of other egg-producing fowls.
 9. For its part, the Council points out that the application was initially lacking in clear and adequate documentation (and this is acknowledged by the appellant.) The Council was not convinced that the land could be defined as agricultural for planning purposes, and saw it instead as merely supporting a small-scale, domestic kind of hobby-farming.
 10. I turn now to the 2 main issues. From my own observations on site, and from the fuller documentation now available with the appellant's statement, I accept that the land is a bona fide agricultural smallholding. It follows from this that the chicken shed is an appropriate Green Belt development as defined in PPG 2. Thus, contrary to the terms of the Council's decision notice, there is no onus upon the appellant to justify an inappropriate development by reference to any very special circumstances, as mentioned in para. 3.2 of the PPG.
 11. This brings me to the second issue. The chicken shed is certainly not a very attractive rural building. Instead, like most buildings of its type, it is merely functional, and although fit enough for its purpose, is fairly cheaply constructed. However, it is quite limited in size and height compared with many agricultural buildings, and is generally well screened except in close up views from inside the appellant's own land. It is not prominent or conspicuous even from the nearby footpath, and probably not - although I could not check this on site - from the waterworks cottages. There are no other dwellings or buildings in the vicinity.

12. In sum, to my mind and eye the shed has a negligible effect on the openness of the Green Belt, and a very limited effect on its visual amenity. I find therefore that it does not harm the Green Belt.
13. Given this lack of harm to the Green Belt (or to the landscape character area), and the undisputed continuing need for the shed in connection with the agricultural smallholding and the keeping of chickens, I have decided to allow the appeal. The Council has not suggested any planning conditions in this event, and I agree that none are necessary.

Paul Dobsen

INSPECTOR