

Appeal Decisions

Hearing held on 12 October 2016

Site visit made on 12 October 2016

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 11 November 2016

Appeal Ref: APP/C1950/W/16/3146672

Northaw Equestrian Centre, Northaw Road West, Northaw, Potters Bar EN6 4NT

- 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 Heronslea Group against the decision of Welwyn Hatfield Borough Council.
 - The application Ref S6/2015/1159/MA, dated 28 May 2015, was refused by notice dated 23 December 2016.
 - The development proposed is residential development including the conversion of the listed barn to a dwelling and erection of 13 dwelling-houses following demolition of existing structures.
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Appeal Ref: APP/C1950/Y/16/3146676

Northaw Equestrian Centre, Northaw Road West, Northaw, Potters Bar EN6 4NT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Heronslea Group against the decision of Welwyn Hatfield Borough Council.
 - The application Ref S6/2015/1160/LB, dated 28 May 2015, was refused by notice dated 9 December 2015.
 - The works proposed are residential development including the conversion of the listed barn to a dwelling and erection of 13 dwelling-houses following demolition of existing structures.
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Decisions

1. The appeals are both dismissed.

Application for costs

2. At the Hearing an application for costs was made by the Council against the appellant. This application is the subject of a separate Decision.

Preliminary Matters

3. The descriptions of the proposal used above are agreed as accurate by both main parties and are set out in the Statement of Common Ground.
4. The Council's reasons for refusal originally included one relating to the effects of the proposal on the highway network. The Highway Authority has since reached agreement with the appellant and the Council now withdraws that

reason for refusal. The County ecology service, Hertfordshire Ecology, has also confirmed that the proposal is satisfactory in relation to the provisions for bats on the site. On this basis the Council no longer resists the proposal on biodiversity grounds.

5. The appellant has submitted a completed Unilateral Undertaking which the Council accepts as overcoming its reason for refusal on this matter.

Main Issues

6. Taking account of the above, the main issues in these appeals are;
 - The effects of the proposal on the listed building
 - Whether the site is in an accessible location for the proposed development
 - The effects of the proposal in relation to the Green Belt
 - Whether there is an agricultural need for the existing dwelling on the site.

Reasons

The effects on the Listed Building

7. The appeal site contains a large barn which is grade II listed. The listing description states that it dates from the 17th Century and is constructed from timber weatherboarding with a slate roof. It has a replacement hipped roof at one part and an extension dating from the 18th or 19th Century. It sits within a former farmyard setting with other buildings of an agricultural appearance and character, with open land beyond.
8. The exterior of the barn is largely intact and has not been subjected to additional openings. The interior is one open space and displays its impressive open timber frame roof. The use for stabling has resulted in some low level partitions but these have not prejudiced the openness of the interior. I consider that the largely intact exterior and the retained openness of the interior are important features of the listed building which contribute to its significance.
9. The area around the barn clearly conveys its former agricultural use and character. It forms the southern edge of the former farm yard, which is also bounded by other agricultural/rural buildings. I consider that these elements of its setting make a strong contribution to its significance. The site also contains a number of other features such as walls, open storage and vehicles which compromise the setting of the listed building to some degree.
10. The proposal would involve the sub-division of the interior of the barn to form individual rooms and accommodation at the first floor. These would be served by the insertion of new windows, doors and roof-lights. I consider that the internal sub-division would destroy the character of the internal space. The loss of the single large and open area would have a considerable and negative effect on the significance of this aspect of the building. The addition of numerous openings to serve the various rooms would further compromise the character of the building, eroding its agricultural appearance. Although some effort has been made to replicate a layout to reflect a yard in front of the barn, the use and character of the new dwellings would be obviously domestic, as would the use and character of the land around it. It would result in a

domestic, sub-urban character which would fail to preserve the setting of the listed building. This would further compromise its significance. In relation to the Framework, I judge that the harm that would arise would amount to 'less than substantial harm' as referred to in paragraph 134. I attach considerable importance and weight to this harm in determining these appeals.

11. There is no doubt that there are some elements on the appeal site that have a negative effect on the setting of the listed barn, including the storage and ad hoc placement of various items. I have taken account of the benefit of the removal of these features which the scheme would bring about. However, I judge that these benefits would be far outweighed by the harm that I have identified. As a consequence, I conclude that the proposal would fail to preserve the special architectural and historic interest of the listed building and its setting, contrary to the aims of Policy D1 of the LP.

Accessible/Sustainable Location

12. The appellants have stated that the settlement of Northaw is 'highly sustainable' and contains a number of facilities. They make reference to the paragraph 4.13 of the LP which states that Northaw supports a number of facilities. However, the Council states that this aspect of the LP is out of date and the number of facilities now present is limited and as such, means that Northaw is not an accessible location.
13. Based on what I saw and the evidence presented, I consider that the village only offers a very limited scope of services and I would expect that most residents would rely on car journeys for their day-to-day needs, including shopping and employment, although there is some scope for using the bus service. Therefore, I do not consider that the appeal site is in an accessible location.
14. The existing use of the site is said to employ 15 people and these would be lost as a result of the proposal. The appellant points out that the construction of the scheme would support 25 jobs. However, the construction jobs would only be supported for a temporary period. The appellant also adds that the equestrian centre only has a short term lease on the site. However, without any other evidence, I consider that there is no strong reason to doubt the continued use of the site for equestrian purposes (setting aside the proposed redevelopment). Therefore, in this respect, the proposal is contrary to Policies H2, RA16 and SD11 of the LP.

Green Belt

15. The appeal site has a frontage onto Northaw Road West, along its northern edge and sits within the metropolitan Green Belt. The site is used as a riding/equestrian centre and contains maneges, storage bays, offices, ancillary facilities and a dwelling. Generally, the buildings are sited within the eastern part of the site and the open areas are in its west.
16. Policy GBSP1 of the Welwyn Hatfield District Plan 2005 (LP) defines the Green Belt within the area. The supporting text of the policy sets out the aims of the Green Belt and its purposes, consistent with the National Planning Policy Framework (the Framework). Paragraph 89 of the Framework states that the construction of new buildings within the Green Belt is inappropriate unless it is for one of a number of specific exceptions. The 6th point within these

exceptions includes "...*partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*" Annex 2 of the Framework includes the definition of "previously developed land" which specifically excludes land occupied by agricultural buildings. Within this context, the Council suggest that some of the buildings on the site may be used for agricultural purposes, at least in part.

17. The appellant has provided calculations which set out the volume and footprint of existing buildings, and the footprint of hard surfaced areas. The Council has not sought to challenge these figures, which show a significant reduction in all 3 measures as a result of the proposal. However, the Council consider that the 2 storey form of the proposed houses along with domestic paraphernalia, domestic layout including fences, parking areas etc, would mean that the Green Belt would suffer from an 'urbanisation' and an encroachment of an inappropriate built form, contrary to the purposes of the Green Belt in relation to encroachment and urban regeneration. With respect to urban regeneration and directing development to towns, Policy GBSP2 of the LP identifies specific 'Towns' and states that development will mainly be concentrated within them.
18. In relation to the existing use of the buildings within the site, there is no evidence before me to contradict the appellant's evidence that they are all used in connection with the equestrian use of the site. Whilst I acknowledge that the definition of previously developed land states that "...*it should not be assumed that the whole of the curtilage should be developed*", the reduction in built volume and footprint are significant. I have had regard to the Council's contention that the specific form of the development would mean that it would have a greater impact on the Green Belt but, having balanced this against the reduction in built form, I consider that the proposal would not have a greater impact on the openness of the Green Belt than the existing development. In relation to the alleged harm to the purposes of the Green Belt, I consider that, in this case, the issue of "encroachment" is addressed by the consideration of the amount of development above and the proposal would not encroach any more than the existing development. In relation to the purpose "to assist in urban regeneration, by encouraging the recycling of derelict and other urban land", the fact that the proposal would replace an existing development with a lesser built form with no greater effect on openness means that it is not inappropriate development in the Green Belt. In so far as the LP and the Framework accepts not-inappropriate development within the Green Belt, it therefore accepts that some forms of development will not specifically contribute to urban regeneration. In this case, the redevelopment of a previously developed site assists in the broader sense by using previously developed land, with no greater effect on the Green Belt and whilst not achieving the recycling of derelict urban land, it does not prejudice that aim in my view.

Agricultural Need for the Dwelling

19. The existing dwelling on the appeal site was erected under planning permission which was the subject of an Agreement (under S52 of the 1971 Act) that it shall be for an agricultural worker only associated with the agricultural unit. The Council express concerns that if this agricultural workers dwelling is removed, it could give rise to a need for an additional agricultural workers

dwelling nearby. For their part, the appellants state that the dwelling is not occupied by an agricultural worker but by people associated with the equestrian use, and this has been the case for some time. They add that there is no connection between the appeal site and the agricultural land, which is serviced by Meadow Farm House.

20. From the evidence presented, it seems clear that the surrounding agricultural enterprise has not relied on the dwelling on the appeal site for some considerable time, even though its occupation was restricted by the Agreement. In this context I consider that it would not be appropriate to seek to resist the proposal on the basis of an agricultural need for a dwelling when it appears that it has not been used in that way for over 20 years. Notwithstanding the provisions of Policy RA20 of the LP, which in any case allows for exceptional circumstances to prevail, I see no harm arising from the proposal in this respect.

Other Matters

21. Although it was not identified as an area of dispute in the Statement of Common Ground, the appellant and the Council disagree on whether the Council can demonstrate a 5 years supply of housing sites. The Council considers that it can demonstrate 5.03 years and the appellant's calculation arrive at 3.96 years. I have given this matter careful consideration and I conclude that, even taking the appellant's figure for housing supply, the harm that I envisage arising from the proposal would be sufficient to significantly and demonstrably outweigh its benefits. In addition, footnote 9 to paragraph 14 of the Framework acknowledges the importance of designated heritage assets (amongst other things) in considering proposals in the context of out of date policies.
22. The appellant has submitted a completed Undertaking relating to contributions for open space, play equipment and other matters. As the appeal is dismissed for other reasons it is not necessary to consider the Undertaking in detail.

Conclusions

23. I have taken account of the fact that the proposal would bring about new homes and, in some senses, would tidy up the existing site, as well as providing public open space. Whilst I have concluded that the proposal would amount to development in the Green Belt that is not inappropriate, I have found that the scheme would cause clear and unacceptable harm to the listed barn and to its setting. Whilst there are some environmental benefits associated with the scheme, they are insufficient to outweigh the harm that would arise.
24. My finding that the appeal site is not in an accessible location and so one where reliance on the private car is likely to be high adds to my concerns in relation to its environmental effects. The loss of 15 jobs gives rise to an economic concern, particularly when the jobs supported by the scheme would only be temporary in comparison. I do not see the additional spending in the limited facilities in the village as off-setting this adverse economic effect.
25. Taken as a whole, I consider that the proposal does not represent a sustainable form of development which is contrary to policies in the LP as set out above

and the Framework. There are no matters which outweigh the harm and so the appeals are dismissed.

S T Wood

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

S Brown
J Craig
M Sanderson

FOR THE LOCAL PLANNING AUTHORITY:

R Collard
A Robley
R Webster

INTERESTED PERSONS:

R Stubbs
A Allgood

DOCUMENTS

1. Completed Undertakings
2. Appellant's not of housing supply
3. Council's note on housing supply
4. Email from Hertfordshire Ecology
5. Letter from ACD Environmental dated 11/10/2016
6. Extracts from Draft Local plan Proposed Submission Document
7. Updated bus timetable.