



Appeal Decision

Site visit made on 8 August 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 24th August 2017

Appeal Ref: APP/C1950/W/17/3176514

Warrenwood Manor, Hornbeam Lane, Brookmans Park, Hatfield, Hertfordshire AL9 6JF

- 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 Nigel Brunt against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2016/2098/FULL, dated 5 October 2016, was refused by notice dated 2 December 2016.
 - The development proposed is retention of maintenance and storage outbuilding associated with the maintenance and upkeep of the estate and grounds of Warrenwood Manor.
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Decision

1. The appeal is allowed and planning permission is granted for maintenance and storage outbuilding associated with the maintenance and upkeep of the estate and grounds at Warrenwood Manor, Hornbeam Lane, Brookmans Park, Hatfield, Hertfordshire AL9 6JF in accordance with the terms of the application, Ref 6/2016/2098/FULL, dated 5 October 2016, subject to the following conditions:
 - 1) The development shall not be used other than in accordance with approved Drawing Nos. 703/LP1, 703 601, 703/402 Rev B, 703/403 Rev A, 703/404 Rev A, 703/405 Rev A.
 - 2) The development hereby permitted shall not be used other than for storage and maintenance equipment, as detailed within the application, in association with the upkeep of the Warrenwood Estate.

Main Issues

2. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies.
 - The effect on the openness of the Green Belt.
 - The effect of the proposal on the character and appearance of the area.
 - If the proposal were to be inappropriate development in the Green Belt whether the harm for this reason, and any other harm, would be clearly

outweighed by other considerations. If so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. The Warrenwood Manor estate falls within the Metropolitan Green Belt as defined by Policy GBSP1 of the Welwyn Hatfield District Plan 2005 (DP). As set out in Part 9 of the Framework, the Government attaches great importance to Green Belts where the fundamental aim is to prevent urban sprawl by keeping land permanently open and where inappropriate development should not be approved except in very special circumstances.
4. Under paragraph 89 of the Framework the construction of new buildings should be regarded as inappropriate in Green Belt other than in the case of specified exceptions. Other forms of development are cited in the following paragraph 90 as not inappropriate in the Green Belt provided these preserve its openness and do not conflict with its purposes.
5. The application was made retrospectively for a single storey maintenance and storage building located close to Warrenwood Manor; a very large country house. This dwelling is set in an estate of some 24 hectares which comprises the surrounding residential outbuildings and more formally landscaped grounds, a substantial equestrian area including stables and manège, extensive areas of pasture, meadow and grazing land, some established woodland and newly planted parkland.
6. The maintenance and storage outbuilding is single storey with a clay plain tiled roof and weather-boarded walls and surrounds three sides of a service yard onto which the openings to its nine sections face. It is accessed from a paved drive leading from that serving as the main entrance to Warrenwood Manor. The building is set beyond a tennis court which abuts the formal gardens to the main house.
7. The nine bays of the building provide space for a variety of uses connected with the running and management of Warrenwood Manor and of the estate. These include for the storage and cutting up of the substantial volume of logs required to support the burners which provide the passive air heating system for the house and for winter storage of a large volume of garden furniture as well as outdoor play and sport equipment and recreational vehicles, such as quad bikes.
8. There is storage for an all-terrain vehicle and loader and various items of machinery required to manage the grassland, woodland and hedging, including a tractor and trailer. The estate contains ponds and the building stores the bulk bought supplies of fish and duck food. There is storage for gardening tools and workshop, office and mess accommodation for the estate workers which comprise three full time and two part time employees. The appellant manages the estate on a self-sufficient basis, without reliance on external contractors, which is put forward in support of the need for adequate storage space for the plant and machinery required.
9. Paragraph 89 of the Framework considers buildings for agriculture and forestry as an exception to new buildings regarded as inappropriate in the Green Belt. The Council views the site of the building as outside the residential curtilage of

Warrenwood Manor where the existing land use is agricultural. There is an intention to use a small part of the estate to keep pygmy goats and rare breed sheep but currently there is not, as far as I can ascertain, any agricultural use taking place on this estate. The sourcing of logs for domestic heating and the planting of trees as part of the estate landscaping programme indicates a degree of forestry activity but not as any ongoing business. On balance, and given that it is mainly used for purposes connected with the management and enjoyment of the dwelling and its estate, the building is not considered to be for agriculture or forestry and therefore does not fulfil this exception to being considered inappropriate within the Green Belt.

10. The building was built on a site previously occupied by an earlier structure, apparently stables. The evidence is that the appeal building occupies a materially larger site area than this and therefore clearly has a greater impact on the openness of the Green Belt and its purpose to safeguard the countryside from encroachment. Consequently, the appeal structure would not benefit from the exception in paragraph 89 in respect of the redevelopment of previously developed land, or indeed that addressing a replacement building.
11. DP Policy RA3 regarding extensions to dwellings in the Green Belt applies to outbuildings. However, the exception to being inappropriate within the Green Belt in the third bullet point in paragraph 89 of the Framework refers only to the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. This lack of consistency with the Framework means that Policy RA3 can be given only limited weight. Furthermore, I agree with the Council that the appeal building is outside the residential curtilage of Warrenwood Manor and would not be a domestic outbuilding potentially permitted by Policy RA3. Therefore I do not consider that this exception applies to the storage building.
12. I am not persuaded that the uses shown for the building are for the provision of appropriate facilities for either outdoor sport or outdoor recreation which might be considered as not inappropriate by virtue of Framework paragraph 89. There is some ancillary storage of machinery and equipment associated with the overall management of the estate which includes 30 acres used for equestrian purposes, with a stable block, storage building, manège and riding areas as well as large areas of associated grazing and exercising land. However, the existing buildings in this part of the estate appear mainly to meet this need and, in any event, this exception would only apply to buildings which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, which I have already established is not the case.
13. Paragraph 90 of the Framework states that certain other forms of development, including engineering operations, are also not inappropriate in Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The Council's decision considers the hardstanding, on which the building is built and which provides its central service yard, as an inappropriate engineering operation by conflicting with the purpose of the Green Belt to safeguard the countryside from encroachment. Whilst preserving openness the hardstanding and the extended paved drive created to access this building do have an urbanising effect contrasting with the wider rural character of the area which I consider inappropriate in the Green Belt.

14. The Council's decision is that the building is inappropriate through comprising a change of use of the site from agricultural land to residential although this was not part of the application. However, the application was for a building required for maintenance and storage for the Warrenwood estate as a whole. I am not persuaded that it is necessary to find that a change of use has occurred since it is my view that the operational development alone would, for the reasons set out above, be inappropriate development within the Green Belt which by definition would result in harm.

Effect on the openness of the Green Belt

15. There is no definition of openness in the Framework but, in the Green Belt context, it is generally held to refer to freedom from or the absence of development. The evidence is that there had been a building previously in this location. However, the appeal building occupies a significantly greater site area than this earlier structure and consequently its construction has clearly reduced the openness of the Green Belt in a spatial sense.
16. Public views of the building are limited from roads, footpaths and bridleways. However, as many parts of Green Belt are secluded from public view this does not provide a strong case for permitting a reduction in openness since to do so would support a continual and cumulative loss. Nevertheless, in this case, the building is situated within a hollow and set against vegetation within a more widely undulating topography which, combined with surrounding hedges and tree belts, limits the visual harm to the wider Green Belt such that the overall harm to its openness would be moderate.

Character and appearance

17. The low-level form of the building, which is well proportioned, not of excessive bulk, built with an acceptable choice of materials and of a traditional agricultural design, would not be particularly incongruous or harmful to the landscape setting within this part of the West End to Brickendon Wooded Slopes Character Area. The proposal would satisfy DP Policy D2 which requires all new development to respect and relate to the character and context of the area and, as a minimum, maintain its character.
18. There would be a general conflict with the purpose of the Green Belt to assist in safeguarding the countryside from encroachment. However, apart from this and the acknowledged loss to the openness of the Green Belt, I find limited further harm arising to the overall rural character and appearance of this locality.

Whether very special circumstances exist

19. There are other considerations put forward which lend weight to the building. I have allowed for the parts of the development which depend on the outcome of separate applications, such as the swimming pool and tennis court, and have not taken these into account. Furthermore, I agree that matters which mitigate the harm caused by the building, such as the planting that has taken place and the relative level of visibility, are neutral factors which can be afforded no weight.
20. I also consider that the choices made in respect of the use of the space available in the main house and the existing domestic outbuilding and garaging, and the resulting additional storage needed for garden furniture and

other items incidental to the enjoyment of the dwelling, means that limited weight can be given to the additional storage required to accommodate these.

21. However, I agree that as with comparably sized estate houses, there is a need for a building to store the material and equipment needed to manage this very large land holding, which is otherwise curtailed through the removal of permitted development rights. Such management is required for the effective maintenance of the estate including conservation of its habitats, woodland and biodiversity and which thereby helps to conserve, maintain and enhance the character of the local landscape. This would comply with DP Policy RA10 and is given significant weight.
22. I find there to be moderate harm to the Green Belt resulting from the inappropriateness of the building and its paved access and from the loss to its openness to which I must give substantial weight.
23. However, I am not persuaded that the building, for which there is an accepted need and which is generally of an acceptable scale, height and design, is materially any larger than necessary to meet the current and future need in properly managing the Warrenwood estate. I find that the other considerations in this case clearly outweigh the harm that I have identified. I consider that very special circumstances exist which justify the development and which would comply with the Framework.

Conditions and Conclusion

24. The conditions suggested by the Council are necessary in the interests of certainty and to ensure the building is used for the purposes stated in the application. I find that the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development. Therefore, for the reasons set out above and having taken into consideration all other matters raised, I conclude that the appeal should be allowed.

Jonathan Price

INSPECTOR