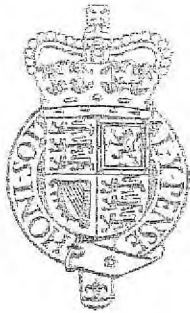


A1259



Appeal Decision

Site visit made on 4 January 2006

by **Andrew Dale BA (Hons) MA MRTPI**

an Inspector appointed by the First Secretary of State

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Date

10 JAN 2006

Appeal Ref: APP/C1950/A/05/1190297

Unit D, Wells Farm, Northaw Road East, Cuffley, Potters Bar, Hertfordshire, EN6 4RD

- 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 Graham Crick T/A Blue Jigsaw Limited against the decision of Welwyn Hatfield Council.
- The application (Ref: S6/2005/941/FP), dated 10 July 2005, was refused by notice dated 19 September 2005.
- The development proposed is described on the application form as use of former agricultural building for the operation of a mail order and rental business involving table linen and catering tables and associated other activities.

Preliminary matter

1. The Council's decision notice describes the development proposed more simply as change of use of former agricultural building to storage and distribution (Class B8). The appellant's representations confirm that the proposal is essentially to provide a secure distribution warehouse. I have therefore determined the appeal on the basis of the Council's description.

Decision

2. I allow the appeal and grant planning permission for change of use of former agricultural building to storage and distribution (Class B8) at Unit D, Wells Farm, Northaw Road East, Cuffley, Potters Bar, Hertfordshire, EN6 4RD in accordance with the terms of the application (Ref: S6/2005/941/FP) dated 10 July 2005, and the plans submitted therewith, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
 - 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development set out in Classes A, B or C of Schedule 2 Part 8 of the Order shall be carried out without the prior written permission of the local planning authority.

Information

3. Attention is drawn to the requirements of section 76 of the Town and Country Planning Act 1990 concerning provisions for the benefit of persons with disabilities.

Reasons for the decision

4. Unit D, a former agricultural building of concrete block construction with external timber cladding, is situated in the Green Belt about 300 metres to the south-west of the settlement of Cuffley. There are four other former agricultural buildings at Wells Farm (Units A, B, C and E). Unit A is used as a joinery workshop pursuant to the grant of planning permission. Unit B is unoccupied but benefits from an extant planning permission for Class B1 uses. Planning permission for the appeal building to be used by a blacksmith and for wrought iron manufacturing expired in the relatively recent past.
 5. The relevant policies of the development plan and PPG2 provide, in principle, for the re-use of rural buildings in the Green Belt. Policies RA1 and RA17 of the Welwyn Hatfield District Plan 2005 do not go as far as to specifically rule out the re-use of rural buildings in the Green Belt for B8 purposes. The proposal is for a small scale B8 use. The floorspace of Unit D extends to only about 135 square metres. No extensions or external alterations are proposed. The appellant states that four workers would occupy the building and that there would be a maximum of six vehicular movements (transit vans and cars) to and from the premises on a typical day. As a matter of fact and degree, I do not consider that the intensity of use of the site would be substantially increased when compared to an agricultural use of the building or to the previously approved commercial use at Unit D.
 6. Most of the vehicular parking and manoeuvring would be likely to take place within the existing hard surfaced yard which is immediately to the north-east of Unit D and largely screened from public view by a wall. Hedging and fencing along the roadside further screens the building and yard in most views from Northaw Road East. These factors, added to the limited scale of the enterprise, lead me to the view that there would be no material loss of openness in the Green Belt or harm to its visual amenities.
 7. It would be reasonable to impose a condition, as suggested by the Council, to remove those permitted development rights for industrial and warehouse developments which if exercised could result in adverse impacts upon the Green Belt. On this basis I conclude that the proposal would not amount to inappropriate development in the Green Belt and would not conflict with Policy 5 of the Hertfordshire Structure Plan Review 1991-2011, Policies RA1 and RA17 of the District Plan or PPG2.
 8. With its reference to Policy EMP8 of the District Plan in the second reason for refusal, I can only assume that the Council considers Wells Farm to be an existing employment site outside one of the designated employment areas. I find no conflict with the criteria in this policy. In particular, there is nothing to suggest that the development would be out of scale with the existing or approved business activities at Wells Farm (Units A and B). It is envisaged in respect of Unit B that it could be occupied by up to ten office workers. I consider that the project would contribute to the aims of sustainable employment development; it would involve the business re-use of an existing building located on a bus route and within comfortable walking distance of Cuffley and it would sustain the rural economy by facilitating the relocation of a local company from similar premises a short distance away also within the Green Belt.
 9. For these reasons and having regard to all other matters raised, I have decided that the appeal should be allowed. As well as the condition referred to in paragraph 7, I have imposed the standard time limit condition on the commencement of development. This covers a period of five years and not the three year period suggested by the Council as the
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provisions of section 51 of the Planning and Compulsory Purchase Act 2004 do not apply to applications that were submitted prior to 24 August 2005 and which were determined after that date.

A handwritten signature in black ink, appearing to be 'D. Ste' or similar, written in a cursive style.

INSPECTOR

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