



Appeal Decision

Site Visit made on 13 September 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2021

Appeal Ref: APP/B1930/W/21/3272537

Land at Miriam Lane, Noke Lane, Chiswell Green, St Albans AL2 3NY

- 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 Convene Construction Ltd against the decision of St Albans City Council.
 - The application Ref 5/20/1265, dated 5 June 2020, was refused by notice dated 18 February 2021.
 - The development proposed is described as, "Temporary use of existing car/coach park for 12 months for car/van collection, delivery and storage".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the site visit, I observed that the appeal site was being used as a car/coach park. Nevertheless, for the avoidance of doubt, this appeal decision only relates to the proposed development as shown on the submitted appeal plans and described above.
3. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. The main parties were provided with an opportunity to comment. I have had regard to the 2021 version of the Framework in my decision.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt; and
 - if the proposal would be inappropriate development, 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 it.

Reasons

Whether Inappropriate Development

5. Paragraph 150 of the Framework provides that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, including

material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds). Although certain aspects of Policy 1 of the Local Plan¹ are consistent with the Framework, the exceptions to inappropriate development in the Green Belt listed within it are not. Accordingly, Policy 1 has been given limited weight. These policies assist in safeguarding the five purposes of the Green Belt. Of particular relevance is the Green Belt's purpose in relation to its assistance in safeguarding the countryside from encroachment.

6. The Framework denotes openness as an essential characteristic of the Green Belt. The openness of the Green Belt has a spatial aspect as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
7. Comparisons have been made between the proposal and the former Butterfly World visitor attraction, with respect to car storage, vehicle turnover, times of operation, and visual impact. In these respects, the appeal site would previously have been used as a car park serving Butterfly World, and accordingly its use would have been limited to those times when the attractions were open. In contrast, the proposal would entail the storage of vehicles at all times of the day throughout the week.
8. Hence, the proposal would result in an intensification of the use of the site, with a more permanent impact on the openness of the Green Belt, in both visual and spatial terms. Thus, the openness of the Green Belt would not be preserved by the proposal. For the same reasons, the proposal would conflict with the purpose of including land in the Green Belt in terms of its assistance in safeguarding the countryside from encroachment.
9. The proposal would therefore constitute inappropriate development in the Green Belt for the purposes of the Framework. Inappropriate development is, by definition, harmful to the Green Belt.

Other Considerations

10. The Framework makes it clear at paragraph 148 that substantial weight is given to any harm to the Green Belt. It establishes that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
11. A temporary planning permission is required as the appeal site has been put forward as a suggested allocation in a future plan. The temporary nature of the development would still give rise to the same level of harm to the Green Belt, albeit for a shorter period of time. I would afford this matter moderate weight, taking into account there is limited justification, having regard to the Planning Practice Guidance, for the granting of a temporary planning permission in this case. In addition, there is no indication that the appeal site would be positively considered for future development and the plan is at an early stage. I would therefore afford this matter limited weight.

¹ St Albans District Local Plan Review (adopted 1994)

12. The proposal could provide security to the site and employment for up to 40 people. Considering that these factors appear not to be intrinsically reliant on the particular scheme before me, I have given these matters moderate weight.

Conclusion

13. The proposal would be inappropriate development in the Green Belt. This matter carries substantial weight. Whilst a temporary permission has been sought in the plan-making context described above, and the proposal would provide moderate positive benefits with respect to security and employment, for the reasons given, they would not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist. Therefore, the proposal would not comply with the Green Belt aims of both Policy 1 of the Local Plan, or the Framework, and consequently would be unacceptable. The appeal should therefore be dismissed.

Alexander O'Doherty

INSPECTOR