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05 MAR 1999

Mr P C Biggs
Potten End Hill
Water End
HEMEL HEMPSTEAD
Herts
HP1 3BN

Comments
citee ✓
Planotech ✓

Your Ref:
Our Ref:
T/APP/A1910/A/98/300747/P2

04 MAR 1999

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 & SCHEDULE 6 APPLICATION NO: 4/00176/98/RET

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your appeal against the decision of Dacorum Borough Council to refuse planning permission for the continued use of existing farm buildings for alternative purposes, to be reviewed periodically, at G E Biggs & Son Ltd, Potten End Hill, Water End, Hemel Hempstead. I conducted a hearing on 10 February 1999.

2. The appeal site is situated in undulating countryside on the north side of Potten End Hill some 4km north-west of Hemel Hempstead town centre and to the north-east of the village of Potten End. Almost half the approximately 2.5ha site is developed, consisting of a dwelling and numerous small buildings formerly connected with an egg producing enterprise, and the rest is covered by mature woodland. It is located within the Metropolitan Green Belt.

3. The site has a complex planning history. It was used as an intensive poultry farm from the mid 1960s to the mid 1980s, during which time permission was granted for two agricultural dwellings. Egg production declined, and in 1985 a number of redundant poultry houses were made available for use as workshops or for storage. 12 retrospective planning applications for the continuation of such uses were refused permission by the Council in 1989, and an enforcement notice was issued in 1992 requiring these uses to cease. An appeal against the enforcement notice was dismissed the following year (Ref: APP/C/92/A1910/622106), with the period for compliance ending in July 1995. In November 1995 the Council granted permission for the temporary use of the buildings for light industry subject to a phased programme of demolition and site clearance, designed to remove the poultry houses from the site by 1 January 1998. Only a small part of these works has been carried out. At the time that the current application was submitted, in February 1998, two poultry houses remained in egg production, though this activity has now ceased entirely.

4. The development plan for the area comprises the Hertfordshire Structure Plan Review 1991-2011 and the Dacorum Borough Local Plan. Both plans include a general presumption against inappropriate development in the Green Belt which is consistent with Government advice in Planning Policy Guidance (PPG) 2. Structure Plan policy 5 indicates that the re-use of redundant buildings within the Green Belt is not inappropriate if it complies with the criteria in paragraph 3.8 of PPG2. Local Plan policy 100 seeks to apply a stricter control over redundant buildings in the Green Belt, requiring them not only to be of a substantial



nature, but also to be listed buildings or buildings of quality which make a positive contribution to the landscape and rural character of the area. Both plans include policies which require developments to be acceptable in highway and traffic terms, having special regard in the countryside to the safety and environmental character of country lanes. Other relevant policies include those which seek to ensure a sustainable pattern of development, to provide sufficient land for employment generating uses so that full employment can be achieved, and which promote the preservation and improvement of an attractive landscape.

5. The Local Plan is currently under review, the Deposit Draft Dacorum Borough Local Plan 1991-2011 having been published in November 1998. A broadly similar approach is proposed to the re-use of redundant rural buildings, though the requirement that buildings in the Green Belt be of particular quality is replaced by the more general criteria of PPG2, which indicates that they should be of permanent and substantial construction, and of a form, bulk and general design which is in keeping with their surroundings. Other policies repeat the general strategy of the adopted local plan in relation to transport, employment and landscape matters. While the Deposit Draft Plan does not have the force of a statutory plan, I am guided by the advice at paragraph 48 of PPG 1 as to the weight to be attached to it.

6. From all that I have seen, read and heard I consider that there are two main issues in this appeal. The first is whether the continued use of the former agricultural buildings is an appropriate form of development in the Green Belt and, if not, whether there are any very special circumstances which would justify an exception to the policies of restraint. The second issue is the effect of the continued use on highway safety and the free flow of traffic along Potten End Hill.

7. Nine former poultry houses are located in a line extending from the northern boundary of the site towards the road frontage. They are predominantly wooden structures, with external plywood walls fixed to a thin steel frame which supports a corrugated roof, and are either mounted on blockwork piers or a solid plinth. At the time of my visit the one nearest the road was in a partly dismantled state, three were vacant, and the remainder were used for a variety of light industrial and storage purposes including furniture making, light engineering, sign manufacture and a guitar workshop. To the south-west are three more timber clad poultry houses used mostly for storage or car repairs. Three smaller but structurally more substantial buildings lie to the north-east of the poultry houses, two of which are partly used as workshops; these were excluded from the enforcement notice served in 1992.

8. The 1993 appeal Inspector carried out an assessment of the suitability of the buildings for alternative use, concluding that they were not worthy of retention under the terms of the then draft Local Plan policy which sought to restrict conversions to listed buildings or buildings of quality. In this appeal you say that the Government has relaxed its attitude towards the re-use of buildings in the Green Belt, generally encouraging farm diversification and no longer requiring buildings to have special architectural significance. You argue that the buildings provide appropriate, low cost accommodation for small businesses, and several have been used in this way for over 12 years without attracting any complaints. You say that they are well hidden from the road, they have many years of useful life left, and that the Council considers them substantial enough to rate.

9. Whilst I recognise that the advice at paragraph 3.8 of the 1995 revision of PPG2 adopts a less stringent approach to the re-use of rural buildings than Local Plan policy 100,

certain criteria still have to be satisfied. Buildings which have external walls of creosoted plywood sheeting are not, in my opinion, of *permanent and substantial construction*, notwithstanding the internal works carried out to make them suitable for human occupation. I accept that they might exist in a habitable state for some years to come, but they will nonetheless have a lifespan which is substantially less than a typical building constructed of solid materials. Nor are these functional, low profile structures of a *form and general design which is in keeping with their surroundings*, for most of the other buildings in the locality seem to be of traditional style and construction, generally using brick, and are arranged in random groupings rather than a straight line. I appreciate that the poultry houses are not prominent from public vantage points, but despite the surrounding woodland they are nonetheless visible from the road, particularly during the winter months when the trees are not in leaf.

10. In addition, I share the view of the previous Inspector that there is a significant level of activity around the buildings as a result of vehicle parking, the loading and unloading of goods, and so on, which materially changes the former agricultural character of the site. I counted some 15 cars parked around the poultry houses at the time of my visit, a number which would be likely to increase if the site was fully occupied. I appreciate that egg sales to customers previously generated a regular flow of traffic to the site, but as this activity would have involved visits of short duration scattered throughout the day, with customers probably parking in a restricted area within the site, I consider that the impact of the former use on the openness and rural character of the site would have been much less.

11. To my mind the poultry houses are unsightly, utilitarian structures which were designed for a specific purpose and limited life. Their shape and regimented arrangement is not typical of the locality, and in my view they detract significantly from the character of this rural area. As a consequence, I regard the continuation of the light industrial uses, and the associated external activity, to be inappropriate development which is contrary to the advice in PPG2 and to the policies of the development plan.

12. Having concluded that the continuation of the present uses would be inappropriate in the Green Belt and harmful to the character and appearance of the area, it is necessary to consider whether there are any very special circumstances which would outweigh that harm. In your view there is a strong case on employment grounds for allowing the buildings to stay. Over 18 people are currently employed on the site, and you regard the protection of these jobs as a major factor to be weighed against the planning regulations. A number of the tenants indicated at the hearing that there is a shortage of small, affordable workshops in the area, arguing that their businesses would not be viable if they were forced to move from the site. Furthermore, you say that there is a regular demand for the space from small entrepreneurs, many who progress to larger units on industrial sites.

13. I have some sympathy with these views, for I am in no doubt that you provide a number of new businesses with small workshops at a cost which enables them to become viable. However, the fact that these businesses exist does not mean that it is right that they should be allowed to continue to flout the planning system. It is almost 10 years since permission was first refused for light industrial and storage uses in the poultry houses, and there has been ample time for tenants to find alternative premises. The Council's strategy of directing new employment opportunities to the towns and protecting the Green Belt is consistent with national guidance, and the Local Plan makes provision for a variety of sites in suitable locations. I appreciate that many tenants live in nearby villages, but I think that

some workshops are likely to become available in rural areas through the conversion of redundant farm buildings which satisfy the tests of PPG2, as happened recently at the nearby Woodcroft Farm. Whilst it would be regrettable if jobs were lost as a result of the buildings being vacated, I do not believe that this is sufficient reason to outweigh the strong presumption against inappropriate development in the Green Belt.

14. In your view the conversion which has been permitted at Woodcroft Farm, together with the recent development of a rare breeds centre, farm shop and farm museum at Bingham's Park Farm to the north-east of the appeal site, serve only to demonstrate that the Council has been inconsistent in its approach to the re-use of farm buildings. Although I am not aware of the particular circumstances of these cases, from information provided by the Council it does appear that at both locations the converted buildings are of substantial and solid construction and, for the most part, are reasonably attractive. Consequently, on the evidence available there is nothing to suggest that the permitted schemes are directly comparable to the proposal before me. Even if Green Belt policy had been breached in these locations, which I doubt, this would not in my opinion constitute a very special circumstance which would justify another proposal that would further harm the Green Belt and detract from the character and appearance of this rural area.

15. Turning to the second issue, the Council is concerned that the greater number of traffic movements as a result of the current uses, and in particular the increase in heavy goods vehicles, is unsuitable for the rural lane that gives access to the site. The representative of the local highway authority argued at the hearing that traffic is eroding the verges of the lane and damaging the edges of the carriageway. Pedestrians using the lane are vulnerable because it has no footway, and traffic approaching from the west passes through the village of Potten End, where there are potential conflicts with schoolchildren. The proposal is therefore considered to be contrary to Structure Plan policy 29, which seeks to discourage traffic from using roads to which it is not appropriate.

16. Potten End Hill is a local distributor road which varies in width from 4.5m to 5.5m. From my visits it seemed that it carries a level of traffic which is fairly typical of country lanes close to built up areas. You say that the site generates about 50 small vehicle movements on a weekday, including customers for egg sales and domestic vehicles, and does not cause a traffic problem. Though no information was produced about the daily flow of vehicles along Potten End Hill, you refer to a limited survey you carried out which demonstrates that traffic to the appeal site represents only about 1% of the flow along the road. Whilst the figures you produced suggest that the proportion visiting the site was closer to 5% during the survey period, because this was outside the morning and evening peaks I see no reason to doubt that the overall percentage is low.

17. I have some reservations about your claim that the level of traffic generated by the light industrial activities on the site is no greater than when the site was in full egg production. I find it difficult to believe that the much greater intensity of use as a result of many different businesses on the site does not lead to more vehicles visiting on a regular basis, though I recognise that much depends on the amount of space that is used solely for storage purposes. I do accept, however, that any increase in the daily flow of vehicles to and from the site is unlikely to represent a significant change in the volume of traffic using Potten End Hill. Even if, as the Council suggests, there is a disproportionate growth in heavy goods vehicles, I do not consider that the relatively small numbers involved would have such an adverse impact on Potten End Hill as to render the development unacceptable. I also share

your view that the volume of traffic from the appeal site is likely to be far less than that associated with the nearby rare breeds farm and museum, to which the local highway authority had no objection. In these circumstances I do not consider that the proposal would be contrary to Structure Plan policy 29 or Local Plan policy 49.

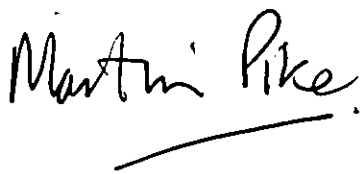
18. Paragraph 3.9 of PPG2 advises that proposals for the re-use of buildings in the Green Belt should not be rejected without first considering whether the planning objections could be overcome by the imposition of conditions. You indicated at the hearing that you would be prepared to remove several of the older poultry houses and plant trees in their place, and to clad the remaining buildings in suitable materials. Although limited demolition would undoubtedly improve the appearance of the site, I do not believe that cladding the structures which remain would be sufficient to make their retention acceptable; in any event, this would be likely to amount to the major reconstruction which PPG2 seeks to prevent. I am also aware that the 'periodic review' which forms part of your application implies an acceptance of a temporary permission. A medium to long term permission would clearly not overcome the harm which currently exists, however, and your unwillingness to comply with the phased withdrawal from the site following the 1995 permission suggests to me that a further short term permission is unlikely to lead to the site being voluntarily vacated. I do not consider, therefore, that the profound planning objections I have identified could be overcome by the imposition of conditions.

19. Although I have found that the continued use of the former agricultural buildings would not be detrimental to highway safety and the free flow of traffic along Potten End Hill, I have concluded that it represents an inappropriate form of development which would be harmful to the Green Belt. There are no very special circumstances which would outweigh the harm I have identified, and I consider that the proposal is contrary to PPG2 and the policies of the development plan. I have therefore decided that it is unacceptable.

20. I have taken account of all the other matters raised, but I find nothing to outweigh the conclusions which have led to my decision.

21. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully



MARTIN PIKE BA MA MRTPI
Inspector

DOCUMENTS

- Document 1 List of persons present at the hearing.
- Document 2 Letter of notification and list of persons notified.
- Document 3 3 letters of representation.
- Document 4 Appendices to Miss Moloney's statement.
- Document 5 Schedule of current use of buildings on site.
- Document 6 Bundle of correspondence between Mr Biggs and Dacorum Borough Council.

PLANS

- Plan A Application plan - site location.
- Plan B Application plan - 1:500 scale site layout.
- Plan C Annotated site layout plan.



PLANNING

Civic Centre Marlowes
Hemel Hempstead
Herts HP1 1HH

MR P C BIGGS
THE CHICKEN FARM
POTTEN END HILL
WATER END HEMEL HEMPSTEAD
HERTS
HP1 3BN

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/00176/98/RET

G.E.BIGGS & SON LTD., POTTEN END HILL, WATER END, HEMEL
HEMPSTEAD, HERTS, HP1 3BN
CONTINUED USE OF BUILDINGS FOR LIGHT INDUSTRIAL PURPOSES

Your application for retention of development already carried out dated 04 February 1998 and received on 05 February 1998 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 16 April 1998

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/00176/98/RET

Date of Decision: 16 April 1998

- 1. The site is within the Metropolitan Green Belt on the adopted Dacorum Borough Local Plan wherein permission will only be given for agricultural use or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. Reuse of existing buildings of permanent and substantial construction and of a form, bulk and design which is in keeping with their surroundings may be acceptable. However, the existing buildings do not satisfy the requirements of this policy and the proposal is therefore inappropriate development in the Green Belt.**
- 2. The continued use of the buildings for light industrial and storage purposes is likely to generate a level of traffic movements far greater than that which would normally be expected to result from an agricultural use. The adverse impact of cars and commercial vehicles will have an urbanising effect that will significantly detract from the rural character of the site and the surrounding area.**