



Appeal Decision

Hearing held on 5 February 2002

by **J O Head** BSc(Econ) DipTP MRTPI

an Inspector appointed by the Secretary of State for Transport,
Local Government and the Regions

HoP	ENF	DP	DC	BC	PR	DN	CON
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Date

28 FEB 2002

Appeal Ref: APP/A1910/A/01/1074352

West Leith Farm, West Leith, Tring

- 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 & Mrs R Burchmore against the decision of Dacorum Borough Council.
- The application (Ref. 4/01645/00/FUL), dated 7 September 2000, was refused by notice dated 29 March 2001.
- The development proposed is the change of use of a barn from agriculture to a mixed use of agriculture and equestrian use.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Procedural Matters

1. It was agreed at the Hearing that the proposal is for the mixed use of the whole of the barn rather than a subdivision of its floorspace into separate uses. As the mixed use of the barn is already in operation, I shall treat this appeal as one against the refusal of planning permission for its continuation.
2. At the Hearing an application for costs was made by Mr & Mrs R Burchmore against Dacorum Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The appeal site is within the Metropolitan Green Belt and the Chilterns Area of Outstanding Natural Beauty (AONB). The main issue is the impact of the proposal on the appearance of the surrounding rural locality, having regard to the aims of prevailing policies to protect the Green Belt and AONB.

Planning Policy

4. The adopted development plan comprises the Hertfordshire Structure Plan Review 1991-2011 and the Dacorum Borough Local Plan 1995. Policies for the Green Belt reflect the approach of Planning Policy Guidance (PPG) 2 *Green Belts* that the general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Paragraph 3.8 of PPG 2 explains that, subject to compliance with certain criteria, the re-use of buildings is not inappropriate. At the Hearing, the Council confirmed that they consider the appeal proposal to fall within the categories of appropriate development in the Green Belt.

5. Policies for the AONB reflect Government policy that, in general, development control decisions affecting AONBs should favour conservation of the natural beauty of the landscape. The re-use of rural buildings for equestrian activities may be acceptable in the AONB under local plan policies 76 and 100. Amongst other things, equestrian facilities are required to be carefully integrated into the rural landscape and careful attention should be paid to the impact of jumps and other related equipment. Proposals for re-use should not result in the displacement of the existing use or in the requirement for a new building. It was agreed that the references in policies 76 and 100 to the need for the buildings to be redundant did not accord with current advice in PPG 7 *The Countryside - Environmental Quality and Economic and Social Development*.
6. Insofar as the appeal proposal is concerned, the emerging replacement Dacorum Local Plan Deposit Draft 1991-2011 has similar aims and requirements to the adopted plan and takes account of up-to date Government policy for the countryside and the Green Belt.

Reasons

7. The appeal site is restricted to the footprint of a modern steel-framed agricultural barn measuring some 24.7 metres long x 15.3 metres wide, situated in a natural hollow to the south-west of the group of dwellings and former farm buildings that front the narrow lane known as West Leith. Following the conversion of the former farm buildings to dwellings, the appeal barn is the only agricultural building available to serve the holding of about 28.3 hectares. It was erected in 1994, at which time the Land Agent of Hertfordshire County Council considered that a "general purpose building" would be appropriate to replace the former concrete framed building and timber pole barn that were used for winter cattle housing, hay and feed storage and garaging of various items of equipment. He noted that these facilities will be "essential for the present, albeit 'low-key' traditional farming activities to continue". Permitted development rights for the erection of agricultural buildings at the farm were removed when permission was granted for conversion of the former farm buildings.
8. Activities on the farm in 1994 were noted by the Land Agent to comprise "the fattening of a small number of autumn store cattle and the production and sale of quality hay in small lots", together with farm contracting work, with supplementary income from letting of stables on a livery basis. No mention appears to have been made at that time of the need to replace the stabling accommodation that existed in the 19th century range of former farm buildings.
9. The horses currently kept on the farm are used by the appellants' daughters, who attend equestrian events. The appellants say that horses have occupied and grazed the land for over 20 years and that the farm has always had a mixed use for cattle and horses. Mrs Burchmore explained at the Hearing that the number of horses varies from time to time, there being 10 at present, and that the number of cattle also varies. That situation had not changed since the Land Agent's assessment. Following the BSE crisis, there were no cattle at all for a while. A number of cattle had recently been sold and 3 bullocks remained.
10. Both cattle and horses are kept in the barn. At the site visit I saw that there were 9 movable pens in the barn, which I was told were used for both horses and cattle, as appropriate. I saw that some were occupied by the bullocks. Other items in the barn at the time of my visit comprised bales of hay and feed and tools and equipment. It appeared to me that there was some capacity remaining in the barn for further storage to take place, but I doubt

whether that capacity would be sufficient to accommodate all of the items of agricultural equipment that I saw stored in the open around the farm. Nevertheless, I consider the present situation to be somewhat unusual. At the Hearing, Mrs Burchmore explained that her husband collected items of old agricultural equipment as a hobby. In my experience, not all of the equipment that I saw would be essential in order to work the farm, which is a holding of limited size. Furthermore, Mrs Burchmore explained that she and her husband were in the process of moving to Wales and that much of the old equipment would be taken with them when they leave. I understand that it is intended that the farm would continue to be operated by Mr & Mrs Burchmore's family, using contractors to undertake work for which some of the existing equipment would have been used. Bearing that in mind, it seems to me that the continued use of no more than 50% of the floor area of the barn for equestrian purposes would leave sufficient capacity for the storage of the essential agricultural equipment that would be necessary in order to work the farm. There would, in my view, be no need for any extensive storage to take place in the open in order for the existing agricultural operations to continue. The continuation of the mixed use of the barn would not, therefore, result in any significant displacement of existing activity, nor would it create a need for the erection of a further building.

11. I understand the Council's concerns about the harmful visual impact on the landscape that can result from the outside storage of tools, equipment and "clutter". I note the consideration that the Council has given in the past to the service of a S215 Notice. In my judgment, however, the mixed use of the barn would not result in any significant increased need for such outside storage. As to "clutter" relating to equestrian activity, I agree that jumps and related items can also have a harmful visual impact. I saw that some of the fields around the farm contained jumps, and that the field containing the barn is partly divided into paddocks. That is not unusual, however, bearing in mind that both horses and cattle have been accommodated on the farm for many years. I have no reason to suppose that the existence of those items is directly related to the appeal proposal. There are no jumps in the vicinity of the barn and the appellants say that the area in which some excavation has taken place is not used as a manege. I saw no evidence that it had been, or was intended to be, used for that purpose.
12. The proposal is not for the establishment of a commercial equestrian use nor would there be any change in the number of horses accommodated at the farm. There is an existing Vehicle Operators Licence allowing 2 lorries to operate from the farm. With appropriate conditions to prevent commercial use, I see no reason why the mixed use of the barn would result in any change in the existing pattern of traffic generation or any additional use of the local bridleway network.

Conclusions

13. PPG 7 advises that the Government wishes to see a positive approach towards planning applications for horse-based development which respect the rural environment. The appeal proposal does not relate to any change in the activities that I heard had been carried on at West Leith Farm for many years. Whilst there is, following conversion of the former farm buildings, less covered accommodation available on the farm than previously, the existing barn is, in my view, capable of serving the present and future agricultural needs of the farm without the need for any significant outside storage to take place. The continued mixed use of the barn would not, in my judgment, result in any increased agricultural or equestrian "clutter" or activity. In my opinion, the proposal relates to a small-scale equestrian activity

that is not for commercial purposes and would not conflict with the aims of development plan policy for the protection of the countryside. It would not harm the openness of the Green Belt or conflict with the purposes of including land within it. I conclude that, subject to appropriate planning conditions, the continuation of the mixed use of the barn would cause no harm to the appearance of the surrounding rural locality or to the natural beauty of the landscape of the AONB and that it is, accordingly, acceptable.

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Conditions

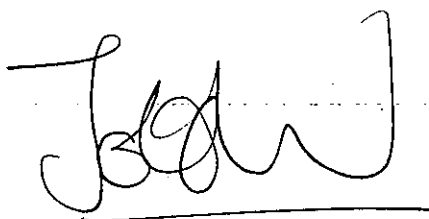
15. The conditions suggested by the Council were discussed at the Hearing. To ensure that a sufficient area of the barn remains available for agricultural activities I have imposed a condition to restrict equestrian use to half of the floor area. For reasons already given I have imposed a condition preventing business or commercial use of the equestrian facilities in the barn. I have considered whether a condition is necessary to control the visual impact of the siting of jumps in the field in which the barn is situated. However, because jumps have historically been sited in various locations on the farm and the situation regarding horses on the farm has not changed as a result of the appeal proposal, such a condition would, in my view, be unreasonable.

Formal Decision

16. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the change of use of a barn from agriculture to a mixed use of agriculture and equestrian use at West Leith Farm, West Leith, Tring, in accordance with the terms of the application Ref. 4/01645/00/FUL dated 7 September 2000, and the plans submitted therewith, subject to the following conditions:
- 1) The equestrian use hereby permitted shall not occupy more than half of the floor area of the barn.
 - 2) The use of part of the barn for equestrian purposes, as hereby permitted, shall not include business or commercial activity.

Information

17. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
18. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.



INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Mr R Higginson LLB(Hons)	Lawplan and Associates, Fiddlers Green, Nr. Tring, Herts HP23 6JT
Mrs Burchmore	Appellant, West Leith Farm, West Leith, Tring, Herts HP23 6JR
Mr Burchmore	Attended site visit only

FOR THE LOCAL PLANNING AUTHORITY:

Mrs J Ambrose BA(Hons) BTP MRTPI	Senior Planning Officer, Dacorum Borough Council, Civic Centre, Hemel Hempstead, Herts HP1 1HH
Mr S Mills	Ward Councillor and Vice-chairman of Development Control Committee, Dacorum Borough Council

DOCUMENTS

Document	1	List of persons present at the Hearing.
Document	2	Letters of notification of Hearing and list of persons notified.
Document	3	Bundle of 4 letters received in response to notification.
Document	4	Mr Higginson's statement and Annexes 1 – 13.
Document	5	Mrs Ambrose's statement and Annex A.
Document	6	Vehicle Operator's Licence relating to West Leith Farm.
Document	7	Committee Report and papers relating to application 4/1691/93FL.

PLANS

Plan	A	Site Plan (1:1250) (<i>Application plan</i>).
Plan	B	Extract from Local Plan Proposals Map showing extent of appellants' land holding.

Dacorum Borough Council Planning Department

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FIDDLERS GREEN
TRING
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MR & MRS R BURCHMORE
WEST LEITH FARM
WEST LEITH
TRING
HERTS
HP23

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/01645/00/FUL

WEST LEITH FARM, WEST LEITH, TRING, HERTS, HP23
CHANGE OF USE OF BARN FROM AGRICULTURE TO MIXED USE OF
AGRICULTURE AND EQUESTRIAN USE

Your application for full planning permission dated 07 September 2000 and received on 13 September 2000 has been **REFUSED**, for the reasons set out overleaf.

Daniel Noble

Development Control Manager

Date of Decision: 29 March 2001

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/01645/00/FUL

Date of Decision: 29 March 2001

1. The use of part of the barn for equestrian purposes is likely to result in clutter such as paddocks, jumps and similar visual eyesores, including car parking, horse boxes and delivery vehicles, which will cause harm to this part of the Chilterns Area of Outstanding Natural Beauty and which would be detrimental to the visual amenities of the Green Belt.