
Appeal Decisions

Inquiry held on 16, 17 & 18 July 2013

Site visit made on 16 July 2013

by Clive Sproule BSc MSc MSc MRTPI MIEEnvSc CEnv

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

Decision date: 4 September 2013

Appeal Ref: APP/J1915/A/13/2190695

Tewin Bury Farm, Hertford Road, Tewin, Nr Welwyn, Herts AL6 0JB

- 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 Vaughan Williams against the decision of East Herts Council.
 - The application Ref 3/12/0592/FP, dated 4 April 2012, was refused by notice dated 11 July 2012.
 - The development proposed is retention of an existing area of hard standing for storage of agricultural items only, together with creation of a landscaped edge to the north bank of the river Mimram and associated ecological enhancements.
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Appeal Ref: APP/J1915/A/13/2191177

Tewin Bury Farm, Hertford Road, Tewin, Nr Welwyn, Herts AL6 0JB

- 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 Vaughan Williams, The Williams Bros Partnership against the decision of East Herts Council.
 - The application Ref 3/12/0744/FP, dated 27 April 2012, was refused by notice dated 31 July 2012.
 - The development proposed is erection of an agricultural storage barn which will also house a straw/wood chip boiler for heat generation with PV panels on the south facing roof slope (amended proposal).
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Procedural matter

3. It was confirmed during the inquiry that there is a typographical error on the application form for the Appeal B scheme and the applicant company name should read 'The Williams Bros Partnership'. This has been used above.

Main Issues

4. These are: (a) whether the developments proposed would be inappropriate development in the Green Belt; (b) the effect of the developments proposed on the openness of the Green Belt; (c) the effect of the developments proposed on the character and appearance of the locality; and, (d) whether any 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 the developments proposed.

Reasons

5. The appeal sites are within the Metropolitan Green Belt on land to the north of the River Mimram and west of Tewin Bury Farm Hotel, which has been developed through various planning permissions since the late 1980s. These planning permissions have enabled the conversion of former farm buildings that include a number of Grade II listed structures. An area of hardstanding lies between the appeal site and existing buildings in the hotel complex. The northern part of this hardstanding is used as a car park, while the southern portion has planning permission for the development of a function building in the approximate location of a former marquee.
6. The appeal sites have previously been used for car parking associated with hotel activities. Enforcement notices in relation to the neighbouring marquee and the current appeal sites' hardstanding were upheld (with variations) at appeal in 2011.¹ However, boundary treatment now clearly separates the appeal sites from the hardstanding between it and the hotel complex. Vehicular access to the appeal sites is via a track that runs through the field to the north and west of the hotel complex. Immediately to the west of the appeal sites is a smaller area of the hardstanding that is not the subject of this appeal.
7. The Statement of Common Ground notes that, in addition to concerns regarding heritage assets, the Council considers the current proposals not to be primarily (or necessary) for agricultural use. The reasons for refusal, and subsequent exchanges during the inquiry, reflected this.

Whether the developments proposed would be inappropriate development in the Green Belt

8. Paragraph 89 of the National Planning Policy Framework ("the Framework") indicates that new buildings are inappropriate in the Green Belt unless they would be for certain purposes, including for agriculture. Paragraph 90 lists other forms of development that are also not inappropriate where they would preserve the openness of the Green Belt.
9. Policy GBC1 of the East Herts Local Plan Second Review April 2007 (LP) is not permissive of inappropriate development within the Green Belt, unless very special circumstances are demonstrated. It indicates that a new building in the Green Belt would be inappropriate unless it would be for certain purposes, such as, for agriculture. It also confirms that an engineering operation in the Green Belt would be inappropriate unless it maintains openness and would not conflict with the purposes of including land within the Green Belt. In these respects LP policy GBC1 is consistent with the Framework.

¹ Appeal refs: APP/J1915/C/10/2122521, 2122522, 2122526 and 2122527

Appeal B

10. The uses of the building have been described by parties to the appeal as: grain drying at harvest time; woodchip drying outside harvest time; straw storage outside harvest time; and, the housing of a straw burner that would provide these drying processes, and also heat the adjoining hotel complex. Exchanges during the inquiry explored the degree to which these processes would require a building, and for it to be in the location proposed.
11. The appellant refers to the number of words used in Council evidence to describe activities in the building that could be considered to be agricultural in nature, as opposed to the non-agricultural heating of the hotel complex. However, the words used in paragraph 6.1 of Mr Kernon's evidence do not seek to communicate the relative scales of those activities in regard to the use of the building; that is the subject of paragraph 6.3.
12. Paragraph 6.3 highlights that the building would only need to be used for grain drying for several weeks per year, and the need for this would be dependent on weather conditions. The potential need for woodchip drying is less clear, and it has not been suggested that the possible timescales would differ significantly from those associated with grain drying, or coincide with them. In the absence of the Appeal B scheme, the farm already has recently constructed drying facilities at its Muspatts Farm site, which uses other fuels to run the process and has sufficient capacity to meet the needs of the current farm, including in regard to woodchip drying.
13. An alternative approach for the indoor storage of straw would be to use land or existing buildings at Muspatts Farm. Straw has been produced on the farm for many years, but evidence to the inquiry failed to confirm how it had been stored in the past. The available land at Muspatts Farm includes that between the existing buildings and hardstandings and School Lane, which has residential development on the opposite side of the road. However, this area of land includes a landscaping bund and foul sewers. Overhead electricity transmission wires are also present next to School Lane. There is no convincing evidence to suggest these features would prevent construction of a further storage building on the site, but they would make the development of the site more difficult. Also, fertiliser is stored on the site and this was noted to be inappropriate close to straw storage with its associated combustion characteristics.
14. There is no doubt that the Appeal B building is genuinely intended to fulfil some agricultural purposes. Reference was made to Part 6 A.1.(j) of the Town and Country Planning (General Permitted Development) Order 1995 - Statutory Instrument (SI) 1995 No.418, inserted by SI 2012 No.748, which indicates the circumstances when a building for storing fuel or waste from a biomass boiler would not be a form of agricultural permitted development. This includes, through Part 6 A.1.(j)(i), storing of waste not produced by the boiler or fuel not produced on the land within the agricultural unit. It makes no mention of where the power would be used. Nevertheless, Part 6 A.1.(j)(i) is set within the context of Part 6 Class A, which is clear that to be a form of permitted development any agricultural buildings or operations must be *reasonably necessary for the purposes of agriculture within that unit*.
15. Section 336 of the Town and Country Planning Act 1990 deals with interpretation. It indicates that agriculture includes *horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including*

any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly.

16. In recent years straw has become a more valuable commodity, which is emphasised by its use as a form of renewable energy. Straw that is used for renewable energy can be stored outside, and this type of temporary stockpile is becoming a characteristic of agricultural landscapes. It is also commonplace to see straw stored within agricultural buildings, which provides greater control over its condition during the year, and its value if sold. This would be especially important if it were to be used for bedding. The Appeal B building would be of a size that reflects the quantities of straw produced on the farm, and most of the building, most of the time, would be used for straw storage.
17. However, this is a farm that does not need significant quantities of bedding straw. The context of the straw storage in the Appeal B scheme is clear. It would be stored for use principally as fuel to provide heat and hot water for the hotel, rather than sold or disposed of by some other means. The main purpose of the straw would be associated with the supply of renewable energy for the hotel, as this would occur throughout the year.
18. The hotel business is noted to employ over 100 people and it is a separate, if parallel, enterprise to the farm. Straw stored for use in the straw burner would not be necessary for the purposes of agriculture on the unit, it would principally be necessary for the operation of the hotel. Accordingly, it has been highlighted that as a matter of fact and degree the building would not be for agriculture, it would be for the supply heat and hot water to the hotel. Within the terms of LP policy GBC1 and paragraph 89 of the Framework, the Appeal B scheme would be inappropriate development in the Green Belt.

Appeal A

19. The appellant indicates that the area of the Appeal A hardstanding has been used for machinery (and other) storage in the past. This is, in part, evident on aerial photography taken in 2001, but the area of storage that is apparent in this image is much smaller than that sought now, and it does not appear to have been on a hardstanding.
20. The Appeal A hardstanding is noted to be for large, bulkier, less valuable items such as flat bed trailers. It is suggested that it is not possible to store these at Muspatts Farm due to the need for traffic circulation and to minimise the visual impact of open storage.
21. However, most of the large vehicle movements associated with grain storage would reasonably be expected to occur in the southern yard area between the grain stores and the site access to Muspatts Farm. The main area of open storage would appear to be to the north of the buildings at Muspatts Farm, although there would also appear to be some capacity next to Churchfield Road. It has not been demonstrated that there is insufficient storage capacity for farm equipment at Muspatts Farm.
22. Moreover, given the landforms, vegetation and layout of the Muspatts Farm site, it is unlikely that the storage of machinery in that location (rather than on

the Appeal A hardstanding) would cause an unacceptable visual impact on local residents. This is especially so as the equipment would be agricultural in nature and viewed within the context of the yard areas and adjacent development. In such circumstances, its storage could be considered to be part of an intrinsically rural street scene.

23. Consequently, the evidence in this case fails to indicate an agricultural need for equipment storage on the Appeal A hardstanding. Indeed, its use takes equipment away from agricultural activities at Muspatts Farm (and the appellants previously considered that it would be inappropriate to reintroduce agricultural activities into the area around the hotel²). Straw bales were also being stored on the hardstanding during the inquiry site visit, but their storage is not dependent on the presence of a hardstanding. In any event, a hardstanding for the storage of straw from this farm would not need to be of the size proposed.
24. An agricultural purpose for the hardstanding was also put to the previous Inspector, although there appears not to have been detailed evidence regarding need.³ She found clearly regarding the effect of this engineering operation on the openness of the Green Belt in this location.⁴ Ground levels seemed to have been altered during construction to enable vehicular access and circulation. Even in the absence of parked cars, the hardstanding areas were considered to be a marked contrast to the adjacent fields and woodland. Illumination of car parks during the hours of darkness added to this. The Inspector noted planting around the hardstandings did not diminish the loss of openness, which in those cases were considered to have been severe and to have resulted in encroachment into the countryside.
25. No convincing evidence has been produced to suggest that the Appeal A scheme hardstanding was substantially completed over four years before the date of the enforcement notices that were the subject of the previous Inspector's decisions, and as a consequence, such a possibility attracts no weight in this case.
26. In March 2011, and following the outcomes of the previous appeals in regard to enforcement notices, the Council granted planning permission (ref: 3/10/1200/FP) for a function barn and retention of hardstanding between the current appeal sites and the hotel complex. Planning permission (ref: 3/11/1225/FP) was also granted for an existing barn to be partly used as a temporary function room for a two-year period. This is reflected in the area of hardstanding within the Appeal A scheme, which I understand to be considerably reduced in comparison to that before the previous Inspector.
27. Aerial photographs confirm the Appeal A site was previously open, vegetated and agricultural land. The lack of public access to the Appeal A scheme reduces the need to illuminate the area, but the effect of its presence and use remains. The presence of the current hardstanding reduces openness and encroaches significantly into the countryside through the extension of the developed area westwards from the (now larger) hotel complex. The presence of the smaller compound area to the west of the hardstanding does not alter this effect, but it serves to emphasise it.

² Paragraph 21 and Footnote 4 of appeal refs: APP/J1915/C/10/2122521, 2122522, 2122526 and 2122527

³ Paragraphs 2.12 and 3.22-3.24 of the appellant's previous appeal statement – at Ms Young's Appendix AY14

⁴ Paragraphs 15-17 of appeal refs: APP/J1915/C/10/2122521, 2122522, 2122526 and 2122527

28. It has not been shown that the hardstanding is necessary for agriculture either as an adjunct to the Appeal B scheme, or in its own right. By failing to assist in safeguarding the countryside from encroachment, its presence clearly conflicts with the purposes of including land within the Green Belt. Within the terms of LP policy GBC1 and paragraph 90 of the Framework, the Appeal A scheme is inappropriate development in the Green Belt.

Conclusion on the first main issue

29. Paragraph 87 of the Framework confirms that inappropriate development is, by definition, harmful to the Green Belt. Paragraph 88 continues by stating that substantial weight should be given to *any* harm to the Green Belt, and this is what the harm by inappropriateness attracts in relation to both Appeal A and Appeal B.

Openness of the Green Belt

30. Framework paragraph 79 is clear that the *fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*
31. The appellant has referred to an Inspector's comments regarding the effect of agricultural buildings on Green Belt openness on a site elsewhere.⁵ However, the development in that case was found not to be inappropriate and the Inspector's comments were made in that context. That is not the case in relation to these appeals.
32. Both main parties to the current appeals agree that the Appeal B scheme would impact on the open character of the GB. Due to the scale of the building, the effect would be significant and harmful to the openness of the Green Belt.
33. The Appeal A hardstanding has introduced a structure into a location that was previously open, with vegetation, some agricultural storage and a cultivated field. It is unlikely that the Appeal A scheme would have an effect on openness that would be directly comparable to the previously proposed car parking use (with agricultural storage). However, in concluding that the loss of openness had been severe, the Inspector in those cases considered the effect both with and without vehicles being present, and with boundary planting in place that continues to be there.
34. It would appear that the extent of proposed storage on the hardstanding would be much greater than that shown on the aerial photograph taken 2001. The proposed retention of the Appeal A hardstanding would result in a loss of openness. While it would not be as severe as previously determined, it would nonetheless be unacceptably harmful to the Green Belt and contrary to the fundamental aim of Green Belt policy as described by Framework paragraph 79.
35. For the reasons above, this harm also attracts substantial weight against the appeal schemes.

Character and appearance

36. Provided that all three of its criteria are met, LP policy GBC7 is permissive of proposals for agricultural buildings that require planning permission. However

⁵ Appeal decision letter ref: APP/J1535/A/12/2188033

and as concluded above, the Appeal B scheme would not be an agricultural building. Therefore I turn to LP policy ENV1 which expects all development proposals to reflect local distinctiveness and, amongst other things, consider the impact of any loss of open land on the character and appearance of the locality.

37. This is consistent with the *Core planning principle* that seeks planning to, amongst other things, take account of the different roles and character of different areas, protect Green Belts and recognise the intrinsic character and beauty of the countryside. Framework paragraph 81 indicates that planning decisions should seek to enhance the beneficial use of the Green Belt by, for example, retaining and enhancing landscapes, visual amenity and biodiversity.
38. Tewin Bury Farm lies next to the River Mimram (and the associated habitats) within a rolling, agricultural landscape on valley slopes that rise up from the river. Trees and wooded areas are frequent. Infrastructure is present, along with occasional residential development between the settlements in the wider area. Within this landscape the transition between settlements and the openness of the Green Belt countryside around Tewin Bury Farm is a clear and strong characteristic.
39. Both main parties agree that: neither development would impact on the landscape of the Mimram Valley; but the Appeal B building would have an effect on the open Green Belt character of the locality. They disagree as to whether the hardstanding is a visually dominant feature.
40. It is also a *Core planning principle* that planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve places. As noted above, planning permissions have been granted for developments in the area between the appeal sites and the hotel buildings. In doing so, the Council sought to address the needs of the hotel business. The presence of these developments will alter the relationship between the hotel complex and the surrounding Green Belt countryside, and the setting of heritage assets in this location.
41. The previous Inspector's site visit was in December. Views from the B1000 to the south and on the footpath northwards to Tewin are referred to.⁶ She is clear that planting would not have screened the developments in those cases from elevated views.
42. At present vegetation restricts principal public views of the appeal sites from the footpath that crosses through the hotel complex and climbs up the valley side toward Tewin. However, this screening would be reduced by loss of foliage during winter months, and in any event, vegetation can be lost or removed, whereas the Appeal A and Appeal B schemes would be considerably more permanent.
43. The Appeal A scheme includes landscaping along the river bank that would replace non-native species with a wetland mix and introduce improved habitat for water vole. Habitats in this location would also be expected to benefit from the proposed grazing pasture for Longhorn cattle. The appellants' cooperation in these matters would support the objectives of the East Herts Green Infrastructure Plan.

⁶ Paragraph 19 of appeal refs: APP/J1915/C/10/2122521, 2122522, 2122526 and 2122527

44. Retention of the hardstanding, and the construction of the Appeal B scheme, would result in a layout that reflects the positioning of the hotel complex within the valley. The *Landscape, Visual and Cultural Heritage Assessment* notes the Appeal B scheme to have considered the height, scale, form and materials of the building in relation to existing development at Tewin Bury Farm, and that is how it would appear.
45. However, due to their scale these developments would noticeably extend development along the river bank. This would significantly detract from the open character of the area, and the landscaping within the Appeal A scheme would not off-set this. The loss of openness would be sufficient to be unacceptably harmful to local character and conflict with LP policy ENV1 and the Framework objectives referred to above. This harm attracts significant weight against the appeal schemes.

Significance of heritage assets

46. Section 12 of the Framework addresses the conservation and enhancement of the historic environment, with paragraph 131 focussing on the determination of planning proposals. It indicates that account should be taken of: the desirability of sustaining or enhancing the significance of the heritage asset and that this should be consistent with its conservation; the contribution assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness.
47. Buildings at Tewin Bury Farm Hotel include a number of Grade II listed 18th and 19th century detached buildings arranged around a loose courtyard. They include the farmhouse, stable block, a Tithe Barn and former wheel house, and a cow shed and granary. The Council highlights that in this case the significance of the heritage asset is the sum of its character. Characteristic construction materials, the layout in relation to function and the loose arrangement of the listed buildings around the yard were apparent during the site visit.
48. At the inquiry the Council clarified its evidence and confirmed that it was now taking the view the appeal schemes would result in *less than substantial* harm to the heritage assets. Framework paragraph 134 indicates that where less than substantial harm would occur it should be weighed against the public benefits of the proposal.
49. Annex 2 to the Framework provides a Glossary of terms including in relation to the *setting of a heritage asset*, which is stated to be *the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.* This reflects the English Heritage document referred to by the appellants.⁷
50. Ground level views from within the hotel complex and in close proximity to the east of it indicate that, in these views, there would be limited visual continuity between the developments proposed and the heritage assets.
51. While the heritage assets (and their immediate setting) are largely contained by development, landscaping and topography, they are not wholly so. The

⁷ The Setting of Heritage Assets (2011) – Appendix B to Mr Surfleet's proof of evidence

appellant's evidence is clear that *the wider setting of the farm group is the open landscape of the Mimram Valley where there are direct visual relationships*. It is possible to appreciate the group and its buildings from outside the loose courtyard, even if that is not as comprehensive as when entering the courtyard from the B1000, or the layout communicated by the aerial photographs supplied.

52. More distant views of the buildings in their loose courtyard arrangement would be expected from across and around the Mimram Valley, especially in the absence of summer foliage. The previous Inspector concluded that the developments before her were essentially functional spaces; their design made little reference to the historic setting, and had a negative impact on the significance of the heritage assets.
53. The Appeal B application's *Landscape, Visual and Cultural Heritage Assessment* concluded that the proposed development would not dominate or compete with the heritage assets, and in regard to the Framework, no loss or harm would occur to them.
54. The English Heritage guidance sets out *Key Principles for Understanding Setting*. It states that the extent and importance of setting is often expressed by reference to visual considerations, but also highlights that many other environmental factors will also contribute to setting. Included in this are spatial associations and the historic relationship between places, to which public rights of access are not necessary for the contribution the setting makes to the significance.
55. Reference has been made to the Inspector's reasoning within appeal ref: APP/B1740/A/12/2176509. While the extended setting in that case was defined primarily by a listed water tower's presence in certain longer view points, the nature of the heritage asset and its location within a settlement, would appear to have resulted in an extended setting that differed markedly from Tewin Bury Farm and the Green Belt land around it.
56. The granting of planning permission for the hardstanding car park and future function barn has modified the extended setting of the heritage assets at Tewin Bury Farm, especially when experienced from the area of the appeal sites, and in more distant views. Also, the proposed PV panels would be in keeping with the context provided by the existing PV panels within the hotel site, and the form and proportions of the building proposed.
57. Immediate settings and those experienced on the southern, eastern and northern sides of the heritage assets would remain. The appeal proposals would add to the evolution of the extended setting on the western side of the farm, which includes other buildings between the recently permitted development and the listed structures. However, the Appeal A and B schemes would permanently change (and not preserve) the extended setting of the heritage assets at Tewin Bury Farm, principally through significant erosion of the open character to the west. This would amount to less than substantial harm to the significance of the designated heritage assets.
58. Framework paragraph 140 has been referred to. It indicates that where a proposal conflicts with planning policy, the planning decision should consider whether the future conservation of heritage assets outweighs the disbenefits associated with the policy conflict. Although the Appeal B scheme would be

advantageous for the running of the hotel, it has not been shown that the appeal schemes are necessary to secure the future conservation of the heritage assets at Tewin Bury Farm.

Other considerations

Ecological enhancements

59. Natural England commented on the proposals and raised no objections to them, noting the: Appeal A scheme would not appear to affect any statutorily protected sites or landscapes; and, while features suitable for bat roosting have been recorded in the locality, planning permission could be granted and enhancements should be sought.
60. Proposed ecological enhancements have been set out above. Such enhancements were also before the previous Inspector.⁸ Presently, they form part of the development proposed by the Appeal A scheme. Although the proposed landscape works would not off-set the loss of characteristic openness, the ecological enhancements provide some weight in favour of the Appeal A scheme and meet the biodiversity aims of Framework paragraph 81 and LP policy ENV1.

Renewable energy

61. It is a *Core planning principle* of the Framework that planning should encourage the use of renewable resources, for example, by the development of renewable energy. Framework paragraph 97 states that local planning authorities should *identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers*. Framework paragraph 98 continues by highlighting that a demonstration of the overall need for renewable energy developments should not be required, and such applications should be approved if the impacts of it are, or can be, made acceptable.
62. LP policy ENV1 is consistent with this by seeking development proposals to incorporate sustainable initiatives in design, layout and construction that would include matters such as renewable energy. The appeal schemes seek to reduce the use of heating oil at the hotel by 98% and generate 25% of the hotel's electricity requirement through the proposed PV panels. Transport of straw to distant users would also be reduced.
63. Given the relative newness of the drying facilities at Muspatts Farm, it is unlikely that the appellants would wish to replace the existing heat source with a straw burner. Nor has it been shown that it would be likely to be cost effective to provide the hotel with heat and hot water from a remote straw burner at Muspatts Farm.
64. PV panels have already been installed on the temporary function barn. It is one of the closest buildings in the hotel complex to the appeal sites. The straw burner and PV panels within the Appeal B scheme would provide a considerable amount of additional renewable energy capacity, and this attracts significant weight in favour of the proposed development.

⁸ Including paragraph 36 of appeal refs: APP/J1915/C/10/2122521, 2122522, 2122526 and 2122527

65. However, despite the appellant's preference to store all of the straw that would be used to fuel the straw burner within the Appeal B building, it has not been shown that this level of storage would be necessary. In such circumstances a smaller building could be used to provide the hotel with heat and hot water from renewable sources. In arriving at this conclusion, the overall need for renewable energy developments is recognised.
66. Framework paragraph 91 confirms that elements of many renewable energy projects will be inappropriate development when located within the Green Belt, and that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

Security

67. Straw stored within a fully enclosed building is more secure, for example in relation to acts of arson, than bales kept outside. Nevertheless, the ability to stack straw safely and monitor sites remotely through CCTV reduces the need for storage facilities to be in close proximity to security staff. In addition, the appeal schemes would place stored materials and equipment in close proximity to people on the hotel complex.
68. During the inquiry various incidents were highlighted as serving to demonstrate the potential for acts of vandalism or arson to occur in the locality. However, the diary entries referred to have not been provided (even in a redacted form), to confirm the nature of the records. Nor is there sufficient supporting evidence in the form of police, newspaper or alternative records to corroborate the statements and indicate that there is a pattern, or increased likelihood, of events in this area. In the absence of these, only some weight can be attributed to the potential for safety and security to be increased through the Appeal B scheme.

The rural economy

69. Framework paragraph 28 confirms that economic growth in rural areas should be supported to create jobs and prosperity by taking a positive approach to sustainable new development. The sustainability of current operations is reflected in the hotel sending all of its waste for recycling. In addition, the farm supplies beef, eggs and water to the hotel, and it is intended to also provide herbs, fruit and vegetables.
70. The Appeal A and B schemes would benefit both of the (farm and hotel) businesses through the utilisation of a renewable energy supply, and in this respect they would be sustainable. Straw from this farm has been valued at £15,000-£18,000 per annum. However, the evidence is not as explicit in regard to the relative importance of the commodity's contribution to the businesses and the rural economy. Accordingly, while the potential benefits of the developments to the rural economy provide significant weight in favour of the appeal schemes, the scale of those benefits is not clear.

Permitted development

71. If the furthest section of existing hardstanding were to remain, its physical separation from the remainder of the farm complex would prevent it having the same elongating effect as a continuous hardstanding. It is suggested that even if planning permission were to be refused for the hardstanding, it could be

provided over a number of years. However, the context of such works is not known and therefore the likelihood of them being a form of permitted development only attracts limited weight in favour of the Appeal A scheme.

Whether any 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 the developments proposed

72. Reference has been made to developments on other farms in the locality. However, each application and appeal falls to be determined on its individual merits, within the context of the particular circumstances and planning policies that apply to it. Consequently, other developments do not set a precedent in relation to these cases.
73. If, as is suggested, the straw produced on the farm were to be principally used for renewable energy, it has not been shown that a suitable quality of straw is dependent on internal storage. External storage would result in straw stockpiles for at least for part of the year, but such temporary features would be expected in a rural landscape. Within this context, the evidence fails to suggest that the scale of the proposed building would be necessary for the provision of renewable energy through the burning of straw.
74. Furthermore, PV panels could be installed on other buildings in the locality. In this respect, and while those proposed in the Appeal B scheme would be an efficient use of a southerly facing roof slope, the capture of solar energy would not be dependent on the use of PV panels in this location.
75. There are other matters that weigh in favour of the developments proposed, and that lead to compliance with LP policy ENV1 and the Framework regarding aims for biodiversity. However, the other considerations, including the scope of possible planning conditions, do not clearly outweigh the identified harms. Looking at the cases as a whole, the very special circumstances necessary to justify the appeal schemes have not been shown to exist.
76. As set out above, the Appeal A and Appeal B schemes would not be necessary and sustainable developments of this Green Belt land. They conflict with: LP policy GBC1 and the Framework policies in relation to the Green Belt; and, LP policy ENV1 and the objectives of the Framework in relation to taking account of the different roles and character of different areas, protecting Green Belts and recognising the intrinsic character of the countryside.
77. The developments would fail to preserve the setting of the heritage assets in this location, and the less than significant harm to heritage assets is not outweighed by public benefits from the proposals. This causes the Appeal A and Appeal B schemes to conflict with the policies and objectives of the Framework in relation to the historic environment.
78. No matters have been found that indicate planning permission should be granted in these cases.

Conclusions

Appeal A

79. The Appeal A proposal should be dismissed.

Appeal B

80. The Appeal B scheme should be dismissed.

C Sproule

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

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DOCUMENTS

- 1 East Herts Local Plan Second Review April 2007 - Green Belt and Countryside & Built Heritage Policies – GBC8, GBC9, GBC10, BH4, BH5, BH6, BH7 & BH8
- 2 Suggested conditions
- 3 (a) Plans and photographs indicating the line of sewers and the location of inspection chambers at Muspatts Farm and,
(b) Decision notice 3/07/0127/FP, dated 15 March 2007, regarding a new grain store and landscaping bund at Muspatts Farm
- 4 A plan indicating Thames Water foul sewer drainage plant in an area of Tewin that includes Muspatts Farm
- 5 An e-mail from the Building Control Team Manager at East Herts District Council regarding possible re-routing of drainage
- 6 A document entitled *JO references to "Sustainability Credentials"*, dated 16.07.13, with a print-off of a webpage regarding Tewin Bury Farm Hotel with text entitled *What's happening on The Farm*
- 7 Part 6 – Agricultural Buildings and Operations regarding permitted development, including parts inserted by SI 2012 No.748
- 8 Statement of Common Ground
- 9 Council minutes regarding Appendix 4 of Ms Orsborn's proof of evidence

If you require an alternative accessible version of this document (for instance in audio, Braille or large print) please contact our Customer

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