



The countryside charity  
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Standing up for Hertfordshire's countryside

Patrick Haran  
Planning and Building Control  
Hertsmere Borough Council  
Civic Offices  
Elstree Way  
Borehamwood  
Hertfordshire  
WD6 1WA

Our Ref:

Your Ref:

11<sup>th</sup> November 2020 (by email)

Dear Mr. Haran,

**Application No. 20/1566/FUL**

**Erection of a non permanent Geodesic dome for the use of yoga, meditation and tutorials  
(Sui Generis) to include change of use of the land.**

**Land North Of Battlers Green Farm, Common Lane, Radlett, Hertfordshire**

CPRE Hertfordshire object to this proposal for development in the Green Belt contrary to the National Planning Policy Framework and policies in the Hertsmere Development Plan.

We note that in the Application Form the applicant describes the proposal as being in Use Class D2 and in the application description it is classed as Sui Generis. We assume that this reflects the changes made to the use classes in September 2020, which moved parts of D2 into Sui Generis.

The red-lined application site plan encloses both the field in which the geodesic dome will sit and a substantial part of the existing car parking associated with the shopping village. The application form indicates no new parking provision is to be provided, none of the existing removed and the proposed development taking place entirely in the field adjoining. In our view, therefore, only the actual development area in the field can be considered as 'the site' for this proposal.

Site plan MA01a04 indicates that this proposed structure is not within the complex of Battlers Green Farm, but in the field adjoining, hence it is an extension into the countryside and Green Belt. It would result in the commercial activities on the Battlers Green Farm Shopping Village expanding on to the surrounding agricultural land in the Green Belt. As the Radlett Neighbourhood Plan notes, the shopping village has grown incrementally over the past half century. Starting with a single farm shop, it has expanded to contain around 20 businesses. To date, these have been contained within the farm complex. This proposal would establish precedent for expansion into the open land surrounding the complex and should be resisted.

CPRE is working nationally and locally for a beautiful and living countryside

CPRE Hertfordshire is a Charitable Incorporated Organisation

President: Sir Simon Bowes Lyon, KCVO  
Chairman: Richard Bullen

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The geodesic dome is described as non-permanent, but no information is provided to indicate its intended life span. Section 18 of the application form states that there will be no employment generated by its use and no business plan is provided, which begs the question of how it is intended that the use will operate and for how long. This is relevant in the determination of the application. The planning status of non-permanent structures has been subject to considerable legal debate. In essence it depends on size, permanence and the degree of physical attachment (*Skerritts v Secretary of State* [2000 2 PLR 102]). The Courts have held that *“one must look at the whole circumstances...in order to see whether the operation has been such as to constitute development.”* Consequently the Council will have to satisfy itself on the permanency of the building before determining the application.

In the covering letter accompanying the application, the applicant states that the proposed development complies with the criteria in paragraph 145(b) of the National Planning Policy Framework and is therefore not inappropriate development in the Green Belt. NPPF 145(b) allows for the provision of outdoor recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Yoga, meditation and tutorials in an enclosed structure do not constitute outdoor recreation and consequently are inappropriate development. The proposed tent is not a small structure. It has a footprint of 113 sq.m and is 6 m high. Consequently it will impact on the openness of the Green Belt. Contrary to the provisions in the NPPF, the proposal is encroachment into the countryside and will not preserve the openness of the Green Belt.

The applicant argues that the site is well screened by existing hedgerow and can not be seen via public footpath or road. However the judgement in *Turner v SSCLG* [2016] EWCA Civ. 466 held that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result of the location of a new or materially larger building there. Notwithstanding the applicant’s arguments, the detailed design of the building combined with its location suggests that light pollution will compound the intrusive nature of the development and add to the planning harm.

It is also stated in the covering letter that the field in which this structure is to be placed “is not used but termed agricultural”. Whether it is in use or not is immaterial, it is designated agricultural land. The Agricultural Land Classification map for the Eastern Region (ALC008) shows it as Grade 2 best and most versatile land, which the NPPF advises should not be developed.

As the applicant considers that this is appropriate development, no ‘very special circumstances’ are put forward to outweigh the harm through inappropriateness and harm to the openness of the Green Belt, or justification of development on best and most versatile land, as required by both the NPPF and Policies CS12 and CS13 of the Hertsmere Development Plan.



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We urge the Council to reject this application.

Yours sincerely,

David Irving