



The countryside charity
Hertfordshire

31a Church Street
Welwyn
HERTS AL6 9LW
www.cpreherts.org.uk
office@cpreherts.org.uk
01438 717587

Standing up for Hertfordshire's countryside

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

Our Ref:

Your Ref:

9th September 2020 (by email)

Dear Mr. Gavin,

Application No. 20/1312/FUL
Erection of a yoga tent for a temporary period of two years.
Home Farm, Aldenham Road, Elstree, Hertfordshire WD6 3AZ

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.

The applicant claims that the site has an existing approval (15/0145/FUL) as a glamping site, with permission for 12 yurts and tents, and that this proposal is essentially an extension of that use.

Throughout the Planning Statement accompanying this application the applicant refers to the entire farm as 'the site'. However, the approved plans for the glamping site are ambiguous. The red-lined application site, the approved 'site map' and the plans in the Planning Statement for 15/0145/FUL only cover a field to the north-east of the farm complex, but the 'Planting Plan' and aerial photographs show tents outside this area. The Council will have to form a view on what 'site' was actually approved in 2015.

Notwithstanding, the approval does not cover the whole of Home Farm as a glamping site. In our view this application cannot be considered as part of, or an extension of the glamping use. It is located within the farmyard complex on land between the car park and Burness Cottages, separated from the glamping field by substantial agricultural buildings.

We do not agree that the proposal meets the exception criteria in NPPF 145(b) and 146(e). Those criteria, among others, cover the use of land for outdoor sport and recreation and require any development to preserve the openness of the Green Belt.

Yoga in a tent does not represent outdoor recreation and consequently is inappropriate development. The Court of Appeal [EWCA Civ 1169] held that the definition of outdoor sport

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CPRE Hertfordshire is a Charitable Incorporated Organisation

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

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and recreation covers the uses in Use Class D2(e) “otherwise it would be so wide as to be ineffective as a planning tool.”

Nor does the proposal preserve the openness of the Green Belt. The proposed tent is not a small structure. It has a footprint of 42 sq.m and is 3.62 m high. This compares to the 14 sq.m individual footprints of the approved glamping units.

The applicant rightly refers to the Court of Appeal judgement in *Turner v SSCLG* [2016] EWCA Civ. 466 which held that the concept of openness of the Green Belt is not narrowly limited to the volumetric approach, openness also has a visual element. The applicant argues that as the tent is not a permanent structure and is removable this reduces the impact it can have on the openness of the Green Belt and the proposal is also well screened by existing hedgerow and cannot be seen via public footpath or road. However, the *Turner* judgement also 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. The Council will have to determine what weight to give to this in determining the planning balance.

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, as required by both the NPPF and Hertsmere Development Plan. However a number of points are put forward to support the proposed development:

1: Diversification of rural businesses.

Both the NPPF and the Development Plan recognise the importance of supporting farm diversification (NPPF paras. 80 and 83 and Policy SAD27). This is a material consideration which the Council will have to take into account.

2: A sensitive design within the existing structures and landscaping.

The argument here is that the proposed tent complements those on the glamping site. However, it is not directly associated with them and sits within the farm complex of agricultural buildings. It is a standard yurt tent, which is hardly an exceptional design or sensitive to the farmyard setting.

3: The creation of an outdoor sports and community facility.

As stated above, we do not consider a tent for use as a yoga facility constitutes outdoor recreation. The argument that it can be considered as a community facility is tenuous.



4: No engineering is required for the erection of the tent.

This is of no relevance in planning terms.

5: It will improve users' health and wellness.

This may well be a consequence of the yoga facility, but is not quantified and can only be of limited weight.

On balance, we do not consider that these points outweigh the resulting harm, and urge the Council to reject this application.

Yours sincerely,

David Irving