

Appeal Decision

Site visit made on 14 June 2016

by Geoff Underwood BA(Hons) PGDip(UrbCons) MRTPI IHBC

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

Decision date: 30 June 2016

Appeal Ref: APP/J1915/W/16/3145800

Land at rear of 3 Pilgrims Row, Westmill, Buntingford, Herts SG9 9LQ

- 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 Jean Walker against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/1044/FUL, dated 1 May 2015, was refused by notice dated 10 September 2015.
 - The development proposed is new detached 2 bedroom house.
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Decision

1. The appeal is allowed and planning permission is granted for a new detached 2 bedroom house at land at rear of 3 Pilgrims Row, Westmill, Buntingford, Herts SG9 9LQ in accordance with the terms of the application, Ref 3/15/1044/FUL, dated 1 May 2015, subject to the conditions in the attached schedule.

Procedural Matter

2. The address on the application form was given as 3 Pilgrims Row however the site is clearly separate from that property and has been more accurately described as "land at rear of..." in section D of the Appeal Form and I have therefore used this more accurate description in the heading above and in my decision. The Council used a similar description (albeit adding "garage site") in notifying interested parties of the application and this appeal, and in their decision notice.

Main Issues

3. The main issues raised by this appeal are whether the proposed development would provide a suitable site for a dwelling, having regard to the character and appearance of the area and local and national policies concerning housing development in the countryside.

Reasons

Character and appearance

4. The slightly tapering appeal site is presently occupied by two flat roof garages and a small timber shed which although single storey do not make a positive contribution to the attractive village setting of the site. It is in a relatively enclosed situation and is separated from properties on Pilgrims Row by single storey, pitched roof outbuildings which run parallel to the cottages. A timber
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storage building lies on the other side and the site is accessed from a gravel yard which serves other properties.

5. The proposed building would be compact and occupy much of the width of the site including being in very close proximity to the Pilgrims Row outbuildings. However, the proposed building would be well proportioned and of traditional appearance. Its pitched roof arrangement would complement the existing roofscape of the village and the small side offshoot would relate well to the adjoining timber building storage shed. Although the proximity of the flank wall to the outbuildings would lead to a slightly uncomfortable visual relationship, the degree to which the proposed house would be set back from the gable of the outbuilding and its relatively low eaves compared to the ridge of the outbuildings' roof would reduce any harmful effect. The overall positive effect on the area's character and appearance would outweigh any limited harm in this respect.
6. Although the building would be a noticeable feature when viewed from the green past the Tea Rooms and Village Hall, it would not be so prominent as to harm the vista of the church tower where mature trees which intervene between it and the appeal site would remain visible. The overall effect of the layout, size, siting, massing and design of the building would complement the existing pattern of development created by variety of buildings arranged around the access and it would not appear as overdeveloped or cramped.
7. Furthermore area's appearance would be improved through the removal of the existing structures. In considering the proposed development's impact on the significance of nearby designated heritage assets and giving great weight to their conservation, the effect of the proposal would enhance the character and appearance of the Westmill Conservation Area and that of the setting of surrounding listed buildings, including 1-6 Pilgrims Row, 1-4 Pilgrims Close, the Pilgrimage, The Sword in Hand pub and the Village hall and attached Cottage. I note that the Council takes a similar view.
8. The proposal would comply with the design requirements of East Herts Local Plan Second Review, 2007 (EHLP) Policy ENV1. Although the site is small and little space available for significant landscaping at the front there would be some. This would not contrast harmfully with other buildings in the vicinity which also have limited garden space to the front but which have been used to attractive effect. As such, the proposal would comply with the landscaping requirements of EHLP Policy ENV2 as long as an appropriate landscaping scheme can be required by way of a planning condition.
9. For the same reasons the proposal would also accord with the National Planning Policy Framework's (the Framework) requirements¹ for good design which responds to, and takes the opportunities for improving, local character, quality and identity as well as conserving and enhancing the historic environment.

Housing in the countryside

10. Westmill is identified in the EHLP as a 'category 3 village' in the Rural area Beyond the Green Belt where development is not permitted by Policies GBC2 or OSV3. This is apart from rural exception affordable housing and other

¹ Paragraphs 58, 64, 131 and 132.

exceptions set out in EHLP Policy GBC3, although none of these include housing development of the type proposed which would therefore be contrary to these policies.

11. However, it is not a matter of dispute between the parties that the Council cannot demonstrate a five-year supply of deliverable housing sites; the Authority Monitoring Report 2014-15 puts the supply at between 3 and 3.4 years. The implication of this is that the National Planning Policy Framework² states that relevant policies for the supply of housing should not be considered up to date in such circumstances and I can therefore attach little weight to those EHLP Policies mentioned above insofar as they affect the supply of housing.
12. In light of my findings on character and appearance, there are no specific policies in the Framework, including those requiring good design and protecting heritage assets, which would indicate that development should be restricted in this case. The limited adverse impacts outlined above would not significantly and demonstrably outweigh the benefits of the proposal set out below.
13. Subsequently considering the proposal in light of the Framework's presumption in favour of sustainable development³ there would be modest economic benefits through the construction phase of the new dwelling and social benefits through the supply of an additional dwelling and support for the limited services and facilities which exist in Westmill.
14. As mentioned above, there would also be environmental benefits through the improvement of the site's appearance and the enhancement of the significance of heritage assets. However, there is little evidence before me to suggest that occupiers of the dwelling would not be reliant on private motor car journeys to meet most of their day to day needs which weighs against the environmental component of sustainable development.
15. However, the appellant has drawn my attention to a recently granted planning permission for a similar, slightly smaller, dwelling on the site (Ref 3/16/0408/FUL). Whilst I have little information about the factors the Council took in reaching this decision, it is a consideration to which I have given considerable weight as it approved a dwelling in the same location as the appeal proposal.
16. The proposal is contrary to development plan policies and there are factors weighing both in favour and against the environmental component that sustainable development needs to demonstrate. However, in light of the considerable weight I have given to the Council's recent decision and the benefits of the proposal in enhancing the area's character and appearance, on balance the appeal site would provide an acceptable site for a dwelling.

Other Matters

17. The dwelling recently approved by the Council on the site differs from the appeal proposal mainly in that it omits the modest side off shoot and is situated further from the boundary with the adjoining outhouses. Notwithstanding that the Council may have found this scheme preferable to that which is subject to this appeal, in light of my findings above I do not

² Paragraph 49.

³ Paragraphs 7 and 14.

consider that this would lead me to alternative view of the acceptability of the appeal proposal.

18. Interested parties have raised concerns about a number of matters including disturbance and inconvenience which may likely during the construction period. However, the period associated with construction of a single house would be limited and there is little evidence that contractors activities would not be carried out in a safe and considerate manner. This would therefore not be sufficient grounds to withhold permission.
19. The traffic associated with the single dwelling is likely to be limited and the number of parking spaces proposed would be less than that which could be accommodated on the site in its current configuration. There is little convincing evidence that vehicles visiting the proposed dwelling would damage surrounding roads, or harm either the living conditions of neighbours or the safety of any users of the access or surrounding roads, including children going between the nursery and outdoor spaces.
20. Notwithstanding that there may be a degree of disturbance from construction activities, there is little substantive evidence either this, or any windows in the proposed dwelling facing the pub play area, would harm local businesses.
21. I can see no reason why the approval of the scheme would negate or supersede any private legal rights relating to land ownership or responsibilities for maintenance of private accesses. Accordingly, issues relating to ownership of the site or land which may be used during construction have not had a material bearing on my assessment of the planning issues in this appeal. Therefore this, and other matters, have not led me to a different conclusion on the appeal.

Conditions

22. I have imposed a condition specifying the relevant drawings as this provides certainty. Given the sensitive location of the proposed dwelling and for the reasons set out above it is necessary to ensure that external materials and a landscaping scheme are approved. It is necessary to ensure the parking spaces are provided and retained to avoid any harmful effects of future occupiers' vehicles not being parked within the site.
23. In light of the site's location in an Area of Archaeological Significance, in order to ensure that any such significance on the site is properly investigated, managed and recorded I have attached a condition to this effect which by its nature requires details to be agreed before any development takes place.

Conclusion

24. For the reasons set out above, and having had regard to all other matters raised, the proposed development would provide a suitable location for a dwelling, in accordance with the development plan, except where other considerations including the Framework have indicated otherwise. The appeal is therefore allowed.

Geoff Underwood

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: S MDN/TB/14/01 and PLAN 1.
- 3) No development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the planning authority. This scheme shall include the submission to, and approval by, the local planning authority of an archaeological report of all the required archaeological works and, if appropriate, provision to be made for publication and dissemination of the analysis and records of any site investigation.
- 4) Prior to the commencement of above ground construction samples of the external materials of construction for the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.
- 5) Prior to the commencement of above ground development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) proposed finished levels; (b) means of enclosure; (c) planting plans (d) schedules of plants, noting species, planting sizes and proposed numbers/densities, and; (e) implementation timetables. Thereafter the development shall proceed in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.
- 6) Prior to the first occupation of the development hereby approved parking spaces shall be provided within the application site as shown on the approved plan. The parking spaces shall thereafter be kept available at all times for the parking of vehicles.

Appeal Decision

Site visit made on 3 May 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 13 June 2016

Appeal Ref: APP/J1915/W/16/3142886

16 Harwood Close, Tewin, Hertfordshire AL6 0LF

- 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 David Brand against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/1563/FUL, dated 24 July 2015, was refused by notice dated 29 September 2015.
 - The development proposed is a detached dwelling within the curtilage of 16 Harwood Close.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note that post-decision advice was provided by the Council to the appellant in a letter dated 3 November 2015. The letter states the Council's preference for the existing dwelling to be extended to the side and split into a pair of semi-detached dwellings with a greater set back from the west boundary and improved landscaping arrangements. I have not seen any details of what such a development might look like. In any case, the advice from the Council is informal and does not represent formal planning permission. Therefore, it has had no bearing on my assessment of this appeal, which has been determined on its own merits.

Main Issues

3. The main issues are:
 - (a) the effect of development on the character and appearance of the surrounding area; and
 - (b) the effect of development on the living conditions of occupiers of neighbouring properties and users of the adjacent footpath, with particular regards to outlook.

Reasons

Character and appearance

4. Harwood Close is a residential development dating from the late 1960s with a mixture of detached and terraced housing. The terraced houses tend to be
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narrower than the detached properties. Spacing between houses varies from very little to generous. The same can be said for the size of front gardens, where off-road parking can dominate. There is a reasonable amount of public grassed areas and established trees along the road and, as such, the overall character and appearance is pleasant, suburban, green and spacious.

5. The existing detached house at 16 Harwood Close is a comparatively large and wide building that mirrors its neighbour at No 17 in terms of size, appearance and spacing. The amount of space to the west side of No 16 between its flank wall and the front wall of the terrace containing 10 to 15 Harwood Close is generous. This is enhanced by the size, openness and greenery of front gardens, largely free from off-road parking, and the provision of a public footpath leading through to Godfries Close. This space is not diminished by the existing flat roofed double garage to the side of No 16 as this is set back from the front of the property.
6. The proposed development, while resembling the appearance of No 16, would be conspicuous as a narrower detached house compared to other detached houses on Harwood Road and would be only slightly more than half the width of No 16. It would therefore have a cramped appearance as a separate dwelling and look incongruous in comparison with the two matching detached houses of Nos 16 and 17.
7. Furthermore, the proposed dwelling would be sited considerably nearer to the road than the existing double garage with a much greater height and massing that would not be alleviated by its slightly subservient ridge height to No 16. While much of the space between No 16 and Nos 10-15 would remain, it would be diminished by the proposed dwelling's height, bulk and siting. The increased area of hard surfacing to accommodate parking for the proposed and existing dwellings would result in the loss of existing lawn space and further erode the quality of the space.
8. I am aware that 22 Godfries Close at the other end of the footpath has built a two storey side extension in recent years. However, I noted at my site visit that there is not the same arrangement of space between properties in this location as there is between No 16 and Nos 10-15 Harwood Close and that the extension to 22 Godfries Close is much smaller in scale and massing than the proposed development. Therefore, it does not set a precedent in terms of character and appearance.
9. Concluding on this main issue, the proposed development would not be in keeping with the character and appearance of the surrounding area and would appear cramped by virtue of its design, height, bulk and siting. Therefore, it would not comply with Policies OSV1, HSG7 or ENV1 of the East Hertfordshire Local Plan Second Review April 2007 ('the Local Plan'), which, amongst other things, seek high quality and sensitive design that respects its surroundings in terms of aspects such as siting and massing. It would also not accord with the aims of the National Planning Policy Framework (NPPF) regarding good design responding to local character.

Living conditions

10. The proposed development would largely follow the rear building line of the existing dwelling at No 16 and maintain a sufficient distance to the flank wall of 21 Godfries Close and rear wall of 22 Godfries Close to minimise any adverse

effects on outlook, privacy or light to occupiers of those neighbouring properties. The outlook from the rear garden to 22 Godfries Close would be altered, but at an oblique angle to lessen any adverse effects.

11. The lack of windows on the side elevation of the proposed development facing 14 and 15 Harwood Close means that there would be no effect on the privacy of occupiers of these two properties. Furthermore, the orientation of the proposed development and spacing from Nos 14 and 15 would result in a relatively limited effect on light to these properties.
12. The existing outlook from the front windows and garden of No 15 is directly towards the flank wall of the existing property at No 16, with the side boundary wall and hedge to No 16 also in the view. This presents quite a dominant appearance although not an overbearing effect given the distance to the flank wall of No 16 and the limited height of the boundary wall and hedge. The outlook from No 14 towards No 16 is similar although more oblique due to its position further along the terrace.
13. The proposed development would be sited much closer to the front windows and gardens of Nos 14 and 15 and would be much taller and bulkier than the side boundary wall and hedge. For the occupiers of No 15 in particular, but also for those at No 14, it would be very dominant and would have an overbearing and harmful effect.
14. The northern half of the public footpath from Harwood Close to Godfries Close is already quite narrow in parts due to existing houses, boundary walls and hedges, but appeared well maintained and safe at my site visit. The front gardens at 12 to 16 Harwood Close provide a more open setting to the southern half. The proposed development would add to the sense of enclosure along the footpath but not have a noticeable effect on light or safety along the footpath due to its relatively short length compared to the overall footpath and the retained openness to the front gardens of Nos 14 and 15. As a result, it would not be particularly overbearing or harmful to users of the footpath who would pass by the site in a few seconds. However, this does not outweigh the harm that would occur to the occupiers of 14 and 15 Harwood Close.
15. The side extension at 22 Godfries Close is nearer to the front windows of 21 Godfries Close and the footpath than the proposed development. However, as noted above, the extension is much smaller in scale and massing. The degree of change to outlook for the occupiers to No 21 and users of the footpath has been much less obvious or harmful than would be the case for the proposed development. Therefore, it does not set a precedent.
16. The appellant also highlights other examples in Tewin of front windows facing side elevations which I viewed on my site visit. However, none are directly comparable to the appeal site, as they either involve houses built at the same time, or older buildings built some time before the adjacent building. Furthermore, they are situated in streets of quite different orientation and layout to Harwood Close. Therefore, they do not set a precedent and I have determined this appeal on its own merits.
17. Concluding on this main issue, the proposed development would be harmful to the living conditions of occupiers of 14 and 15 Harwood Close in terms of their outlook. Therefore, it would not comply with Policies OSV1, HSG7 and ENV1 of the Local Plan which, amongst other things, seek to avoid obtrusive

development and harm to occupiers of neighbouring buildings. It would also not accord with the aims of the NPPF including a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

18. I have considered other matters raised, including the principle of sub-dividing the site for a new dwelling and the potential effects of development on wildlife, parking and highway safety, but these matters do not affect my findings on the main issues. Furthermore, it is not possible to deal with the harm to character and appearance and living conditions through the imposition of planning conditions as it is the overall design, height, bulk and siting of the proposed development which results in the appeal being dismissed.

Conclusion

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

Tom Gilbert-Wooldridge

INSPECTOR



Appeal Decision

Site visit made on 4 May 2016

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 14 June 2016

Appeal Ref: APP/J1915/W/16/3143440

47 Aston Road, Standon, Ware, Hertfordshire SG11 1PY

- 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 Susan Spalding against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/1577/FUL, dated 21 July 2015, was refused by notice dated 21 September 2015.
 - The development proposed is described as "to build a two bedroom house adjoining 47 Aston Road, Standon."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the occupiers of 49 Aston Road, with particular regard to privacy.

Reasons

Character and Appearance

3. This appeal relates to a two-storey dwelling, located on a corner plot within a cul-de-sac of six properties which are set around a small grassed area. The properties in the area are predominately semi-detached, though there are some examples of terraces elsewhere within Aston Road. Some of the properties have later extensions and additions, but nevertheless present a cohesive pattern in terms of their siting and layout. Whilst not a common feature within the street scene, the cul-de-sac does provide an attractive, open aspect to this part of Aston Road. This is compounded by the relatively spacious nature of the plots upon which the properties sit, including 47 Aston Road which has a generous side and rear garden.
4. The proposal would result in the addition of a separate, two-storey property to the side of No 47 which would be of a similar size, proportion and appearance to the existing property and those surrounding it. I agree with the main parties that in terms of the design and appearance of the dwelling, it would not be unduly harmful.

5. Nevertheless, the proposal would fill a large proportion of the spacious corner plot of No 47. The garden area of both the new dwelling and No 47 would be significantly constrained, in stark contrast to the spacious gardens which are prevalent within the area. Moreover, the increased width of built form would reduce the spacing between No 47 and the adjacent property, No 49. As a result, the proposal would erode the positive contribution of the appeal site to the open and spacious character of the street scene.
6. Furthermore, the proposal would result in the existing pairing of No 47 and No 45 being extended to a terrace of three properties, in contrast to the prevailing pattern of semi-detached pairs. Moreover, the appeal site is located at the head of a steep incline and consequently, the proposal would appear unduly prominent in several viewpoints, particularly from the south.
7. I note that the appellant considers the proposed level of garden area would be adequate for the living conditions of future occupiers. I have no reason to disagree. It is, however, the contrast between the size of the proposed plots and the existing gardens within the area that would give rise to a harmful impact upon its character and appearance.
8. I conclude, therefore, that the proposal would have harmful effect on the character and appearance of the area. The proposal would fail to comply with policies HSG7, ENV1 and OSV1 of the LP¹ which seek to ensure new developments are well related to the surrounding environment, are of a high standard of design and respect the character of the surrounding area.

Living Conditions

9. The appeal site and the neighbouring property, No 49, are sited at an oblique angle to one another. The proposal would result in a two-storey dwelling closer to the flank wall of No 49 than at present, with a distance of around 2.6m between the two. The rear elevation of the proposed dwelling would face towards the rear garden of No 49 whilst the side elevation would face towards the front garden of No 49.
10. I note that the proposal would be close to the adjacent property and have first floor windows facing in the direction of the garden of No 49. However, the garden of No 49 is currently overlooked by windows in the rear of No 47 and No 51. Given the oblique angles, direct views into the neighbouring garden would not be easily achieved. Moreover, there is a significant difference in ground levels, with No 49 noticeably higher than the appeal site. In addition, there are substantial boundary treatments between the two properties. As a result, I am satisfied that the proposal would not result in a significant increase of overlooking to the garden area of No 49.
11. I conclude, therefore, that the proposal would not have a harmful effect on the living conditions of 49 Aston Road, in compliance with policies ENV1 and OSV1 of the LP which seek to ensure that new development is not detrimental to nearby occupiers.

Other Matters

12. I note the relatively sustainable location of the site and the contribution the proposal would make towards boosting the housing supply within the District.

¹ East Hertfordshire Local Plan Second Review 2007

However, the proposal would make a contribution of just one dwelling and whilst that is a factor which weighs in favour of the proposal, it does not outweigh the harm identified in respect of character and appearance.

13. I note that the Council has not raised any objections in respect of services, utilities, flooding or parking. On the basis of the evidence before me, I have no reason to come to any alternative conclusion on those matters. However, the lack of harm in respect of those matters is not in itself sufficient to outweigh the harm I have identified to the character and appearance of the area.

Conclusions

14. I have found that the proposal would not have harmful effect on the living conditions of 49 Aston Road. However, I have found harm to the character and appearance of the area. That is the prevailing consideration. Therefore, for the reasons given above, and having considered all other matters, I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR

Appeal Decision

Site visit made on 18 May 2016

by **Kenneth Stone BSc (Hons) DipTP MRTPI**

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

Decision date: 09 June 2016

Appeal Ref: APP/J1915/W/16/3141885

Arboretum, Ware Park, Ware SG12 0DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Keith Joseph against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/1671/OUT, dated 12 August 2015, was refused by notice dated 16 October 2015.
 - The development proposed is described as an 'outline application with all matters reserved for a proposed change of use of previously developed land to a dwelling (use class C3)'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The description of development refers to the proposal as an outline application for a change of use. However, as pointed out by the Hertford Civic Society an outline planning permission relates to the erection of a building. A material change of use does not involve the erection of a building and therefore cannot be the subject of an outline application. That being said the appellant submitted an application with all matters reserved for future consideration. The form that has been used is that for an outline application and the plans submitted with the application include a site plan and illustrative information on the nature of the new dwelling. It is obvious that the intention is for the demolition of the existing barn and its replacement with a new building. The details of that new building are reserved for future consideration. On this basis I have considered the proposals before me as an application for outline planning permission for the erection of a new dwelling with all matters reserved. The form identifies that the building would be a 4+ bedroom house.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies, including the effect on the openness of the Green Belt and the purposes of including land in the Green Belt;

- The effect of the proposals on the character and appearance of the area, including the visual amenities of the Green Belt; and
- Would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so would this amount to the very special circumstances that would be required to justify the proposal.

Reasons

4. The parties agree that the site lies within the Green Belt. The site is located in Ware Park in the open countryside and some distance from any existing settlement. The area is a mix of woodland and farm land and the site has previously been in use as the base for operations for a Tree Surgery business. The proposals seek consent for the demolition of an existing corrugated metal barn located at the end of an unmade access track and its replacement with the erection of a new dwelling.

Whether the proposal would be inappropriate development in the Green Belt

5. Policy GBC1 of the East Herts Local Plan Second Review, 2007 (LP) indicates that permission will not be given for inappropriate development in the Green Belt unless very special circumstances exist that outweigh the harm by reason of inappropriateness or any other harm. To this extent whilst the policy is somewhat dated it still reflects Government policy as set out in the National Planning Policy Framework (the Framework). Where it does depart from Government policy is that it then sets out a list of building types that would be inappropriate unless they meet certain purposes. These are reflective of the previous advice in Planning Policy Guidance 2 on Green Belts but do not reflect the latest advice in the Framework at paragraphs 89 and 90. For this reason this reduces the weight I attach to the policy.
6. The appellant argues that the site is previously developed land and as such it complies with bullet point 6 in paragraph 89 of the Framework. This allows for the limited infilling or the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.
7. The Glossary to the Framework defines Previously Developed Land (PDL) as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. This excludes land that is or has been occupied by agricultural buildings. The appellant contends that the buildings are not used for agriculture as a tree surgery business. I accept that these buildings are not used for agricultural purposes and therefore would not be excluded from the definition of PDL on this basis. However, the existing barn is constructed of scaffold or metal poles and clad with corrugated sheeting. Whilst the metal poles have limited concrete foundations; the building to my mind is not one that could be reasonably described as a permanent structure and in this regard I agree with the Council. On this basis the land would not fall squarely within the definition of previously developed land and therefore bullet point 6 of paragraph 89 would not be applicable.
8. However, for the sake of completeness if I were to conclude that it did fall within the definition of PDL the proposals would also need to meet the test of

having no greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

9. The appellant describes the existing building as 8m in height and is the area contained by the barn and some smaller adjacent structures contained by an existing tree screen. The proposals seek consent for a 4+ bedroom property the illustrative plans for which identify a two storey building with a basement. Given the limited footprint of the site and the need to accommodate the scale of development suggested the proposed dwelling would be of a significant scale and height. To my mind this would be larger, in volume, than the space presently enclosed by the existing structure and would therefore have a greater impact on the openness of the Green Belt. The presence of a large detached dwelling would not be totally masked by the screening, and screening by itself is not justification for accepting development that reduces openness.
10. In the context of the five purposes of the Green Belt these are set out at paragraph 80 of the Framework. The proposed residential development would be an alien form of development in this rural location given the size and scale of the proposed building. The existing structures although not agricultural are rustic in nature and more compatible with the rural setting and location. The increased domestication of the area by a proposed development that is not a countryside use and would introduce built development into the countryside. Whilst the site amounts to a small proportion of the land in this area of open countryside its development replicated on other sites could result in the development of the Green Belt and loss of that area to development. This would conflict with safeguarding the countryside from encroachment and preventing neighbouring towns from merging into one another.
11. I am therefore satisfied that the proposed development would have a greater impact on the openness of the Green Belt and the purposes of including land within the Green Belt than the existing.
12. On the basis of the above I conclude that the proposed development would amount to inappropriate development in the Green Belt as it relates to the construction of a new building and is not excluded by the list of exceptions set out at paragraph 89 of the Framework. Paragraph 87 of the Framework advises inappropriate development in the Green Belt is by definition harmful and should not be approved except in very special circumstances.

Character and appearance

13. The appeal site is in an isolated location and not visible from public vantage points in this regard there would be little direct effect on the perception of the character and appearance of the area for members of the public. However, the proposals would introduce a domestic building unrelated to the rural location and of a scale and size that would appear inappropriate in this rural setting. The domestication of the site would conflict with bullet point 5 of paragraph 17 of the Framework which advises that decision makers should take account of the different roles and character of different areas including recognising the intrinsic character and beauty of the countryside.
14. In this regard I conclude that there would be harm to the character and appearance of the countryside and the Green Belt by the introduction of a new dwelling. However given that this is relatively isolated and screened this

reduces the level of harm that I attach to this matter. For the purposes of my balancing later I ascribe this as moderate harm.

15. The appellant contends that the development complies with policy HSG8, however this policy relates to replacement dwellings in the Green Belt. The proposal is not to replace an existing dwelling but an existing barn this policy is therefore not relevant.

Other considerations

16. Paragraph 88 of the Framework requires the harm to the Green Belt by reason of inappropriateness, and any other harm, to be clearly outweighed by other considerations. The appellant has identified a number of other considerations which it is contended should be weighed in that balance and I deal with each of these in the following section.
17. The appellant suggests that the fact the site is previously developed should weigh in favour of the development. I have addressed this matter in the context of determining whether the proposal represented inappropriate development. As to the other effects resultant from the fact the site might be described as otherwise in use and the consequences that arise from that I do not dispute that the existing use of the site may result in impacts on the locality and that the proposals may result in some or all of those activities ceasing. It is not clear however, if the existing Tree Surgery Use would stop or continue on other parts of the site and therefore I only give limited weight to any benefit that may arise from the removal of the existing barn, either in visual or use terms.
18. The appellant also contends that as the Council cannot identify a 5 year supply of housing land that the proposal, with the provision of additional housing, should be afforded significant weight. The Council accept that they cannot demonstrate a 5 year supply of housing.
19. Paragraphs 49 and 14 of the Framework are therefore engaged. This means that policies for the supply of housing are not to be considered up to date, which could include Green Belt constraint policies and that any adverse impacts of approving the development would need to significantly and demonstrably outweigh the benefits. However para 14 goes on to state 'or where specific policies in this Framework indicate development should be restricted', with footnote 9 stating for example those policies relating to, amongst others, Green Belt.
20. Given that the proposal would only result in the provision of 1 additional unit of accommodation against a yearly requirement of 900 units the weight I give to this positive benefit is limited.

Other matters

21. The appellant contends that the proposals have not raised any objections in terms of noise flood risk, contamination risks or design. However, the lack of harm is not a matter that results in a positive benefit and therefore these matters are neutral factors in the weighting of my balance. I have taken account of positive changes that may result from the scheme above.

Green Belt balance

22. Paragraph 88 of the Framework requires that any harm to the Green Belt by reason of inappropriate development, and any other harm, should be clearly outweighed by other considerations. I have found that the proposal would represent inappropriate development, in association with harm to the openness of the Green Belt and the purposes of including land within the Green Belt. I have also found moderate harm to the character and appearance of the area including the visual amenities of the Green Belt. In accordance with paragraph 88 I give this harm substantial weight. Against that harm are the other considerations identified above. I have ascribed limited weight to these considerations. Overall I am satisfied that together they do not combine to clearly outweigh the substantial harm to the Green Belt related to this development.

Overall Conclusions

23. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. This also contributes to a conclusion that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme, were paragraph 14 fully engaged.

24. For the reasons given above I conclude that the appeal should be dismissed.

Kenneth Stone

INSPECTOR

Appeal Decision

Site visit made on 16 June 2016

by **W G Fabian BA Hons Dip Arch RIBA IHBC**

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

Decision date: 23 June 2016

Appeal Ref: APP/J1915/W/16/3143944

30 Northgate End, Bishops Stortford, Hertfordshire CM23 2EU

- 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 Keith Dewson against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/1801/FUL, dated 1 September 2015, was refused by notice dated 16 November 2015.
 - The development proposed is demolition of existing car showroom and redevelopment to include a single A1, A2 or A3 use, 4 flats & associated undercroft car parking.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the proposal would preserve or enhance the character or appearance of the Bishop's Stortford Conservation Area.

Reasons

3. The existing car sales room is an unprepossessing single storey flat-roofed brick building with large glazed display windows onto both the front street, Northgate End, and Bryan Road at the side. It lies within the Bishop's Stortford Conservation Area, where Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. This is reflected by policy BH6 of the East Herts Local Plan Second Review, 2007, (LP) which seeks to ensure development is sympathetic to and of a quality likely to enhance the character and appearance of the conservation area.
4. Paragraph 131 of the Government's National Planning Policy Framework (the Framework) establishes that account should be taken of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. LP policy BH6 is in broad compliance with this. The Framework also attaches great importance to the design of the built environment, and LP policy ENV1 seeks a high standard of design that reflects local distinctiveness.

5. The conservation area is a locally designated heritage asset of regional importance and its significance is heightened by its historic origins. The appeal site and Bryan Road lie just within the boundary to the conservation area, but are immediately adjacent to a traditional public house, the Wheatsheaf, which is attached to the end of a terrace of buildings opening directly onto the footway.
6. This terrace includes small shop units at ground floor with accommodation above and a pair of very elegant (possibly Georgian) houses, with a striking archway to the rear. The pub and the terrace are variously rendered and brick, but the whole is painted cream with slate roofs and sash windows, such that the terrace has a coherent and charming overall appearance. This is reinforced by the similar but set back pair of small cream rendered traditional houses at the other end and beyond these by a gracious villa set further back behind an attractive garden wall with panelled decorative brickwork.
7. Planning permission has been granted for redevelopment of the property between the pub and the pair of houses, No 26. This may or may not be implemented, but in any event, while it would remove the ground floor shop units, it would essentially reproduce the current roofscape and traditional fenestration onto the street, with a rendered frontage, such that the character of the terrace here would be preserved.
8. Opposite the Wheatsheaf, on a splayed corner plot, prominent by virtue of the higher ground, is an imposing detached brick house, No 2, (also possibly Georgian) with a classical columned door surround. This is set in a large plot with mature trees around it. On the same side, further into the conservation area along Northgate End, is a recent block of brick three storey apartments built directly onto the footway and beyond this other recent development. However, these do not detract from this attractive part of the conservation area, which immediately around the appeal site is characterised by the terraced properties that include the Wheatsheaf. The showroom on the appeal site does not contribute to this character and, given its low stature, has a neutral effect on it.
9. By contrast to the showroom, the proposed block of four residential apartments, with a commercial unit at ground floor would be a substantial building with a much greater impact on the street scene. It would have a large footprint, occupying the whole of the plot, with access via a wide opening to undercroft parking from Bryan Road. It would have a double pitched paired gable roof, with a valley between. Although this would emulate the roof form of the adjacent pub and the eaves would align with that of the main pub building, it would have a substantially higher ridge and a greater span depth, so that it would look wholly out of scale with this adjacent much more modest traditional building and the adjacent terraced houses.
10. The high expanse of pitched roof would appear top heavy and the two large box like dormers proposed facing onto Northgate End would add to the apparent height of the building, making it even more prominent when seen along the street from either direction. This effect would be particularly emphasised by the much lower single storey part of the pub immediately alongside the appeal site, which is also less deep than the main pub building; the proposed block alongside would dwarf this part of the pub. The proposal

would dominate the street at this focal point and detract from its current historic character.

11. At the other side of the Bryan Road from the appeal site is a vacant plot used for parking and another single storey commercial unit. Beyond these are small semi-detached houses that probably date from the 1930s. Almost opposite the appeal site is a new development on Rye Street that comprises a carefully designed series of well articulated terraced properties with some dormered second floor accommodation within the roof; these dormers are modest in size by comparison with those proposed.
12. I am aware that planning permission has also been granted for a development of terraced houses on the commercial site opposite the appeal site, facing onto Bryan Road. This scheme has also not yet been implemented, but has been drawn to my attention in support of the appeal scheme. From the approved drawings supplied to me, if built, this would also incorporate dormered accommodation at second floor, but the roof height, span depth, eaves line and dormer size would be of a scale and massing much more in keeping with the domestic buildings beyond and opposite on Rye Street. The end of the approved terrace, facing onto Rye Street, would comprise a modest hipped roof dwelling with a small pitched roof porch canopy. The proposed large block on the appeal site would also look wholly out of scale and dominant seen alongside this carefully designed scheme, seen either from Rye Street alongside the end of the approved terrace of modest sized dwellings, or opposite on Bryan Road.
13. I conclude that the proposal would fail to preserve or enhance the character or appearance of the Bishop's Stortford Conservation Area. This would result in very serious, although less than substantial, harm to the significance of these heritage assets, contrary to LP policies ENV1 and BH6 and national policy in this regard. This harm must be accorded considerable importance and weight.
14. At paragraph 134 the Framework confirms that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
15. The Framework seeks to boost significantly the supply of housing and at paragraph 14 states that at its heart is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. At the final bullet point in the paragraph it records that where the development plan is absent, silent or out-of-date this means granting permission unless specific policies in the Framework indicate development should be restricted. Footnote 9 to this lists as one example, designated heritage assets.
16. By reference to the Council's most recent Annual Monitoring Report, the appellants suggest there is a substantial shortfall in the five year housing supply for the district. This has not been disputed by the Council.
17. The development plan pre-dates the Government's National Planning Policy Framework (the Framework). However, with reference to the Framework, the policies referred to above are not ones for the supply of housing and so paragraph 49 does not apply in this case.

18. Nevertheless, the provision of four additional dwellings and a new commercial unit are public benefits that would result from the proposal. These are economic and social benefits that attract moderate weight for the proposal. However, the very serious, although less than substantial, harm that would result to the designated heritage asset of the conservation area outweighs these moderate public benefits.
19. Accordingly, for the reasons set out above and taking into account all other matters raised, the appeal should be dismissed.

Wenda Fabian

Inspector



The Planning
Inspectorate

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Mr Ben Musk
2 Mayflower Close
Hertingfordbury
HERTFORD
SG14 2LH

Your Ref:
Our Ref: APP/J1915/W/16/3147969

24 June 2016

Dear Mr Musk,

Town and Country Planning Act 1990
Appeal by Mr Ben Musk
Site Address: 2 Mayflower Close, Hertingfordbury, HERTFORD, SG14 2LH

I refer to the above appeal(s).

We are unable to accept appeals unless all the essential supporting documents are received before the 6 months deadline expires. Unfortunately, there are some documents outstanding. We requested these in our emails dated 19 May and 26 May but they have not been submitted, and the appeal period deadline has now expired. We are therefore, unable to take any action on the appeal(s).

I have sent a copy of this letter to the local planning authority.

Yours sincerely,

Adam Hill
Adam Hill

Appeal Decision

Site visit made on 18 May 2016

by **Kenneth Stone BSc (Hons) DipTP MRTPI**

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

Decision date: 09 June 2016

Appeal Ref: APP/J1915/W/15/3141323

Elbow Lane Farm, Elbow Lane, Hertford Heath, Hertfordshire SG13 7QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Paragraph Q of the Town and Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by Ladkarn Holdings against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/2015/ARPN, dated 1 October 2015, was refused by notice dated 26 November 2015.
 - The development proposed is described as 'conversion of an existing agricultural atcost barn into 3 residential units'.
-

Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Paragraph Q.2 of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) for the conversion of an existing agricultural atcost barn into 3 residential units at land at Elbow Lane Farm, Hertford Heath, Hertford, Hertfordshire SG13 7QA in accordance with the details submitted pursuant to Schedule 2, Part 3, Paragraph Q.2 of the GPDO.

Procedural matters

2. I have taken the description of the development from the Council's decision notice as this more concisely and accurately describes the proposals.
3. Schedule 2, Part 3, Class Q of the GPDO defines development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) (Q(a)) and building operations reasonably necessary to convert the building to a use falling within C3 (dwellinghouses) (Q(b)), as permitted development. Paragraph Q.1 provides a list of exclusions as to when development would not be permitted by Class Q. The Council do not raise any issues with regard to these matters and the Officer's report provides its assessment of these matters. I have no evidence before me to take a contrary view and in this regard I conclude that the proposals would not fall within any of the categories which would not be permitted by Class Q.
4. The permitted development provisions in Class Q are also subject to conditions set out at Q.2, which Q.2(1) requires the developer to apply to the local planning authority for a determination as to whether its prior approval would be required as to the issues identified at Q.2(1)(a)-(f). In this regard the

Council are concerned that, given the isolated location of the site in the countryside in an unsustainable location and its proximity to a close by equestrian building, the location or siting of the building would make it otherwise impractical and undesirable to change from an agricultural use to a use falling within class C3 (dwellinghouses) and thereby contrary to Q.2 (1)(e).

5. The Council has not raised any other issues related to any of the other matters for which its prior approval would have been required and therefore these matters do not require prior approval.
6. I have considered the appeal on this basis.

Main Issue

7. Given the above the main issue is whether the location or siting of the building makes it otherwise impractical or undesirable for it to change from agricultural use to a use falling within Class C3 (dwellinghouses).

Reasons

8. The building is a large atcost barn which it is proposed to convert into 3 dwellings. As noted above the proposals meet the criteria for the development to be permitted development, subject to prior approval of the Council. The development has in effect been granted planning permission by the GPDO and it is therefore only the question of those matters that require the prior approval of the Council that are to be considered. In this case that refers to Q.2(1)(e) of the GPDO.
9. Paragraph W of part 3 of the Schedule 2 of the GPDO sets out the procedure for applications for prior approval under part 3 and this notes at W(10) that the Council must have regard to the National Planning Policy Framework (the Framework) so far as relevant to the subject matter of the prior approval, as if the application were a planning application, amongst other matters.
10. In terms of interpretation the Planning Practice Guidance (PPG) gives advice, at paragraph 13-108-20150305, to the effect that the permitted development right deliberately does not apply a test in relation to the sustainability of location as many agricultural buildings will not be in settlements. It further advises as to what is meant by impractical or undesirable at paragraph 13-109-20150305 and that a Council should start its consideration from a premise that the permitted development right grants planning permission subject to prior approval requirements.
11. The Council have challenged the interpretation set out in the PPG and sought legal advice which it advises confirms that that it is appropriate and necessary to take account of the Framework, including sustainability matters, when considering such applications. However, this advice has not been tested or accepted in the courts, as far as I am aware, and I have not been provided with a copy of it. It therefore remains only as opinion and of limited weight in my view. In light of the Government advice as to the interpretation of what is meant by impractical or undesirable, to which I give significant weight, the Framework is only relevant in so far as it is relevant to the subject matter of the prior approval and the advice makes it clear that locational sustainability is not a relevant matter.

12. The building which it is proposed to change the use of is within a complex of existing buildings including dwellings and other agricultural and equestrian buildings. These buildings are serviced have existing road access and circulation and parking areas within the wider site and are close to other dwellings and farms in the locality. On this basis the building is not in an impractical location.
13. The Council are also concerned with the relationship with an equestrian building which is within 8m of the barn it is proposed to convert. The proposed dwelling units would have bedroom windows facing the equestrian building and it is suggested this would lead to restricted outlook for the future occupiers. The space between the buildings is to my mind open and relatively spacious. It would afford sufficient light into the proposed properties and although outlook would be somewhat reduced this is in a wider context of a farm holding and would be in-keeping with the nature of the surroundings. The principal outlook would be to the front of the building and the main living spaces, including the living area and kitchen, would have uninterrupted views across open fields in this direction. In this regard I do not consider that the level of amenity provided for future occupiers by virtue of outlook would be so poor as to warrant refusal.
14. I am also satisfied that the nature of the use of the equestrian building in terms of noise, smell or other activities would not be such as to warrant refusal of prior approval, and I note the Council did not raise noise as an issue requiring prior approval.
15. I conclude that the location or siting of the proposed dwellings would not be impractical or undesirable and therefore the proposals would not conflict with Q.2(1)(e) of the GPDO.

Conclusions and conditions

16. I have considered the conditions suggested by the Council. Paragraph Q.2(3) requires the development permitted under Class Q to be completed within a period of 3 years starting with the prior approval date. Also paragraph W(12) requires that the development must be carried out in accordance with the details provided in the application. Therefore further conditions setting out a time limit and approved plans are not necessary.
17. The Council have suggested conditions related to external materials, contamination and access constraints. It has not suggested that it refused prior approval on the basis of contamination and there is no evidence before me to suggest that there may be contamination on the site. I have no historical mapping or other evidence. Given the limited size of the curtilage to which the application relates and the lack of evidence to suggest that there may be contamination this would be excessive. The access routes are outside the applicants control and there is not firm evidence that the additional vehicle movements would be prejudicial to highway safety. The general materials are identified on the plans.
18. Moreover the suggested conditions relate to matters that are relevant to other matters that could have been the subject of the Council's prior approval but it chose not to require such approval. Paragraph W(13) notes that I may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. These suggested conditions do not

reasonably relate to the subject matter of this prior approval, but other matters that the Council did not raise.

19. For the reasons given above I conclude that the appeal should be allowed.

Kenneth Stone

INSPECTOR

Appeal Decision

Site visit made on 6 June 2016

by Christa Masters MA (Hons) MRTPI

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

Decision date: 20 June 2016

Appeal Ref: APP/J1915/W/16/3142497

Woodside Barn, Cock Lane, Broxbourne Common, Broxbourne EN10 7QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Paragraph Q.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mrs Sue Tepper against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/2038/ARPN, dated 6 October 2015, was refused by notice dated 24 November 2015.
 - The development proposed is conversion of agricultural barn to one dwelling located within agricultural field to the south of Woodside Cottage within the Hamlet of Broxbourne Common to the West of Broxbourne.
-

Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Paragraph Q.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the conversion of agricultural barn to one dwelling located within agricultural field to the south of Woodside Cottage within the Hamlet of Broxbourne Common to the West of Broxbourne at Woodside Barn, Cock Lane, Broxbourne Common, Broxbourne EN10 7QT in accordance with the terms of the application Ref 3/15/2038/ARPN, dated 6 October 2015, and the plan submitted with it, subject to the following conditions:
 - 1) Prior to the first occupation of the dwelling, details of the surfacing of the initial 5m stretch of access road to the site as measured from the back of the edge of the Cock Lane carriageway shall be submitted and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and permanently retained on the site.
 - 2) Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority.

Application for costs

2. An application for costs was made by Mrs Sue Tepper against East Hertfordshire District Council. This application is the subject of a separate Decision.
-

Main Issue

3. Whether the proposal would accord with the requirements for permitted development as defined by Schedule 2, Part 3, Paragraph Q.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Reasons

4. This appeal relates to a detached agricultural barn. It comprises corrugated sheeting and is part blockwork in structure and has a mezzanine level. It is set back from the main road frontage but relatively close to an established cluster of residential properties.
5. The GPDO advises at W (10) (b) that in terms of prior approval, the local planning authority must have regard to the National Planning Policy Framework March 2012, so far as relevant to the subject matter of the prior approval. The Planning Practice Guidance (PPG) provides the most up to date guidance on the interpretation of Class Q and I have attached substantial weight to this document. It states at paragraph 108 that the permitted development right does not apply a test in relation to sustainability of location. The text goes on to state that this is deliberate as the right recognises that many agricultural buildings will not be in a village settlement. Instead, the PPG goes on to explain at paragraph 109 that the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change to a house. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.
6. Notwithstanding this text, the Council contend that the proposal would create an isolated dwelling in the countryside and the location of the building is unsustainable. On this basis, the Council state the building is undesirable for a use falling within Class C3. To my mind, the PPG makes it clear that it does not apply a test in relation to the sustainability of the location. As such, I cannot agree with the approach adopted by the Council in terms of the sustainability issues raised in relation to paragraphs 49 and 55 of the Framework. The Council state that there is a conflict between the PPG and the requirements of the Order. In my view, there is no conflict between the general presumption in favour of sustainable development set out within the Framework and the very clear guidance identified at paragraphs 108 and 109 of the PPG in relation to this part of the GPDO. Furthermore, the Council advise that they have sought legal advice on this matter. However, this has not been made available and as such, limits the weight which I can attach to it in support of the Council's case.
7. My attention has been drawn to a number of appeal decisions¹ where the interpretation of sustainability in relation to Class Q has been considered. These decisions are consistent with my approach set out above. I have had regard to these decisions in reaching my conclusions below.
8. The Council have confirmed that the alterations proposed to the building would be in keeping with the character and appearance of the building and the rural area. The Council have also confirmed that the site access would be acceptable. There would also be no contamination, noise or flood risk issues at

¹ APP/J1915/W/14/3001263, APP/J1915/W/14/3001168, APP/J1915/W/15/3031280

the site. I can see no reason to take a contrary view in relation to these matters. As matters stand, it can therefore not be argued that it would be impractical or undesirable to convert the building to residential use.

9. I therefore conclude the proposed development would accord with the requirements for development permitted under Schedule 2, Part 3 Class Q.

Conditions

10. Paragraph W.(13) of the GPDO sets out that procedurally a local planning authority is entitled to grant prior approval subject to conditions, where they reasonably relate to the subject matter of the prior approval. Paragraph 3 of section Q2 of the GPDO requires the development to be completed within a period of three years starting with the date of this decision. The Council have not put forward any suggested conditions. In the interests of highways safety, I have attached a condition regarding the surfacing of the initial 5m part of the access road to the site, as suggested by the Highways Authority. However, I have amended the wording of this condition in the interest of enforceability and precision. I have also attached a separate condition to require details of the proposed drainage at the site to be submitted and approved by the local planning authority, in order to ensure that the development does not result in surface water on the public highway.

Conclusion

11. For the reasons given above, and having regard to all other matters raised, the appeal should be allowed subject to the conditions listed.

Christa Masters

INSPECTOR

Appeal Decision

Site visit made on 16 June 2016

by **W G Fabian BA Hons Dip Arch RIBA IHBC**

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

Decision date: 21 June 2016

Appeal Ref: APP/J1915/D/16/3149581

Mandevilles, Bonks Hill, Sawbridgeworth, Hertfordshire CM21 9HS

- 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 M Conroy against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/0210/HH, dated 28 January 2016, was refused by notice dated 30 March 2016.
 - The development proposed is two storey side extension and single storey rear extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - i. whether the proposal is inappropriate development in the Green Belt;
 - ii. the impact of the proposal on the openness and other purposes of the Green Belt; and
 - iii. if the proposal is inappropriate development, whether the harm to the Green Belt 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 development.

Reasons

3. Mandevilles is a large attractive detached two storey dormered house in a very large and secluded plot, set back from a main road into Sawbridgeworth. It lies at the end of the long drive shared with the neighbouring property in front to one side, and is surrounded by dense mature trees and shrubs, with open countryside on two sides.
4. It is located within the Metropolitan Green Belt, where policy GBC1 of the East Herts Local Plan Second Review, 2007, (LP) states that permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm. Amongst the types of development listed by policy GBC1 as not inappropriate are limited extensions or alterations to existing dwellings in accordance with policy ENV5. Policy

ENV5 expects extensions to a dwelling to be of a scale and size that either by itself, or cumulatively with other extensions, would not disproportionately alter the size of the original dwelling or intrude into the openness or rural qualities of the surrounding area. The objectives for policy GBC1 set out in the LP are to prevent the coalescence of settlements and urbanisation in the Metropolitan Green Belt.

5. Despite the age of the development plan, these policies are in general accordance with the most recent Government policy in the National Planning Policy Framework (the Framework). This sets out that the Government attaches great importance to Green Belts. The fundamental aim of the Framework policy on Green Belts is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. At paragraph 87 it establishes that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 sets out that extensions to dwellings in the Green Belt should not result in disproportionate additions over and above the size of the original building.
6. According to the Council the property was originally a three bedroom house and has been much extended over the years; these have extended the original 11m width of the house by some 21m to the east. There is a very long single storey side extension housing a swimming pool linked to the house by flat roofed accommodation (the swimming pool wing also projects well beyond the front and rear of the dwelling). From the submissions it seems that there is also another previously authorised two storey extension at this side of the original house. In addition there is a large detached building behind and to the west side of the house comprising two double garages, as well as a previously existing detached building housing two single garages. According to the Council, the previous extensions and the newer double garage building together amount to an increase of some 216% over the original dwelling (this is over double its former size).
7. The proposal is for a two storey extension for the full depth of the house that would extend the main roof form sideways by around 6m and there would be a single storey rectangular bay window added to the rear of the property. These would both be built on the existing generous gravel turning area at the side and rear of the property at the opposite side to the previous extensions. It is proposed to demolish the single storey garages as well as a long detached timber shed at the rear corner of the garden.
8. According to the appellants the original two storey dwelling, taken together with the two single garages and the timber shed, provided a total floor area of some 278m². However, the proportion of this area occupied by the subsequent extensions has not been confirmed. The appellants state that cumulatively and following the removal of the two single garages and shed, the proposal would amount to only a 9% increase in the quantum of building now on the site.
9. This may be so, but it would be a 9% addition on an already much expanded property. I have not been supplied plan details to show the extent of the original dwelling but the original 11m width recorded by the Council has not

been disputed¹; on this basis, the proposed two storey extension, would be over half again the original width of the dwelling. The objective of national and local policy for the Green Belt is unequivocal and seeks to limit the amount of extensions to the original building so that they are not cumulatively disproportionate. The timber garages and shed that would be demolished are both single storey and much lower in height than the proposed extension would be, so that in combination with the substantial extensions already permitted, the proposed extension would overstep this line and amount to a disproportionate extension.

10. I conclude that the proposed extension would be inappropriate development in the Green Belt, which is by definition harmful to the Green Belt.
11. As inappropriate development the proposed extension, even taken with the demolitions proposed, would still by definition encroach into the openness of the Green Belt to a limited degree and contribute to urban sprawl by a very small amount, causing harm to it. The site is very secluded and not visible from public vantage points. Thus the proposal would have little tangible effect on the character and appearance of the Green Belt or the surrounding countryside. As it would be built within the existing large curtilage of the dwelling, on an existing gravel hardstanding, and at the side of the site that adjoins other dwelling plots, it would not materially encroach into the countryside. It would also have little effect on the other purposes of the Green Belt. However, the neutral effect on these purposes does not weigh positively in its favour.
12. Turning to the other considerations raised, while the development plan is dated it accords with the Framework in respect of Green Belt policy. Although the previous extensions may appear to conflict with the policy aims set out above and were allowed under the same development plan policy, the planning circumstances at the time of those decisions are not known to me, nor are they the subject of this appeal; this consideration is not a justification for allowing the appeal. The appellants consider further that the line of the Green Belt boundary at this point should exclude the appeal property as it is no more harmful to it than development on Pishiobury Drive, which is excluded from it. The designation of the boundary is also not a matter for consideration in this appeal.
13. The permitted development rights for the property could result in extensive rear additions in addition to a single storey side extension of a similar width to the proposal. However, there is little to show that the appellants intend to exert these rights or that such extensions would fulfil their requirements; as such this implied 'fall back position' is not demonstrably realistic. Further there is little to prevent such permitted development rights being exercised before any planning permission resulting from this appeal were implemented, so compounding the harm to the Green Belt that I have identified. Accordingly, this consideration too attracts little weight in favour of the proposal.

¹ I note that in referring to permitted development rights, the appellants suggest that a 6.5m width of extension could be built – this implies a greater width for the original dwelling (13m), but even on this basis my conclusions above stand, albeit that the proposed extension would be just less than half the width of the original house.

The overall balance

14. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In this case, the inappropriate nature of the development and its limited impact on openness both attract substantial weight against the proposal.
15. The matters put forward in favour of the proposal would not be sufficient to clearly outweigh the harm identified. Having considered the case as a whole I conclude that the very special circumstances necessary to justify the grant of planning permission do not exist in this case. The proposal would fail to accord with development plan and national policy relating to the Green Belt and the appeal should be dismissed.

Wenda Fabian

Inspector