

Appeal Decision

Site visit made on 6 December 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: 22 December 2016

Appeal Ref: APP/J1915/W/16/3158671

Gregorys Farm, Dane End, Hertfordshire SG12 0PH

- 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 Michael Smyth against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/1359/FUL, dated 10 June 2016, was refused by notice dated 10 August 2016.
 - The development proposed is conversion of buildings from ancillary to Work/Live Units.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Michael Smyth against East Hertfordshire District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposed development would provide a suitable location for housing having regard to the accessibility of services and facilities.

Reasons

4. The appeal site consists of two modern barns within Gregorys Farm. At my site visit, the buildings were vacant and unfurnished, although appeared to have been recently fitted out for residential accommodation. Their planning history and status is unclear, but they are described as ancillary by the appellant. A short distance to the north is the Grade II listed Gregorys Farmhouse, with a curtilage listed barn immediately next to the two appeal buildings. The latter has planning permission for a residential conversion.
 5. The site and wider farm are located within the countryside. The access is via a long narrow farm track from Mill Lane, part of a network of long and narrow country lanes. The nearest substantial settlement, Watton-at-Stone, is around a 2 mile journey to the south via Mill Lane and the A602 and the nearest bus route is approximately 16 minutes by public footpath. The distances involved, and the nature of the roads and footpaths, do not encourage travel by foot or bicycle, especially in darkness and/or inclement weather.
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6. A previous proposal for conversion of the appeal buildings from ancillary to residential was dismissed at appeal¹ in June 2016. The Inspector concluded that the proposal would lead to isolated new dwellings in the countryside due to their distance from essential services and facilities, where the only realistic mode of transport would be by private car. The proposal was thus contrary to local policy and paragraph 55 of the National Planning Policy Framework (NPPF).
7. The Inspector found that Policy GBC9 of the East Herts Local Plan Second Review April 2007 ('the Local Plan') was more prescriptive than the NPPF, which limited the weight he could afford it. I am also aware that the Council cannot demonstrate a five year supply of housing land. In line with paragraph 49 of the NPPF, relevant policies for the supply of housing are not up to date, which would include Policy GBC9. On this basis, I consider Policy GBC9 has reduced weight insofar as it relates to this appeal.
8. Paragraph 14 of the NPPF states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as whole or specific policies in the NPPF indicate development should be restricted.
9. The key difference between this appeal and the previous appeal is the proposed inclusion of a separate office workspace within each building. The availability of office workspace would reduce the need to travel for work. However, there would still be a need for occupants to access everyday services and facilities on a regular basis, which would be reliant on a private car travelling not insignificant distances.
10. Notwithstanding the office workspace, the buildings would have a function as residential units, and so would still be isolated dwellings in the countryside. The presence of the listed farmhouse and curtilage listed barn as existing residential properties would not negate the remoteness of the new dwellings from services and facilities.
11. Paragraph 55 of the NPPF requires special circumstances to be demonstrated for isolated dwellings in the countryside and sets out a number of examples. While the buildings are currently vacant, there is no evidence to indicate that they are redundant or disused. Moreover, they are in a good condition and would require minimal external alteration to accommodate the proposed conversion. The immediate setting of the buildings is satisfactory and in no need of enhancement. I have not been provided with any evidence to support the argument that the building's preservation is essential to the context and setting of the listed farmhouse and barn for aesthetical, financial or any other reason. Therefore, no special circumstances have been demonstrated.
12. The provision of isolated dwellings would have adverse social and environmental impacts in terms of the lack of accessible local services and the inefficient use of natural resources. While reduced weight can be given to Policy GBC9 of the Local Plan, there is still conflict with this policy in terms of (II)(b) as it has not been demonstrated that the retention of the buildings cannot be secured by conversion to non-residential uses. There is also no evidence before me to show why the buildings could not reasonably function as

¹ APP/J1915/W/16/3142833

ancillary accommodation. Furthermore, there is conflict with paragraph 55 of the NPPF. For these reasons, significant weight can be afforded to the adverse impacts of the proposed development.

13. The provision of office workspace would provide some economic benefit, mindful of paragraph 21 of the NPPF which encourages flexible working practices such as the integration of residential and commercial uses. It would also accord with Policy EDE7 of the Local Plan. The provision of two self-contained dwellings would have some social benefits in terms of addressing housing land supply and the option of living and working in the same location. However, due to the limited number of units proposed, these benefits only carry moderate weight.
14. Therefore, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of development. In the circumstances, the presumption in favour of sustainable development does not apply and the proposal would not represent sustainable development.

Conclusion

15. The proposed development would not provide a suitable location for housing having regard to the accessibility of services and facilities, and would conflict with Policy GBC9 of the Local Plan and paragraph 55 of the NPPF. For this reason, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR