

Appeal Decision

Site visit made on 15 November, 2016

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 30th January, 2017

Appeal Ref: APP/J1915/W/16/3157050

Flanbury Oaks, Ashendene Road, Bayford, SG13 8PY

- 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 Lee Baynham against the decision of East Hertfordshire District Council.
 - The application Ref: 3/16/1425/FUL dated 20 June, 2016 was refused by notice dated 16 August, 2016.
 - The development proposed is change of use and conversion of an existing barn to 1 no. dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether or not the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt;
 - whether any harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations, and if so, whether this would amount to the very special circumstances necessary to justify the proposal.

Reasons

The Development Plan

3. The Council has not referred to the provisions of the East Herts Local Plan Second Review 2007 (the LP) in their reasons for refusal. This predates the Framework and the Inspector determining the a recent appeal relating to the same form of development at Flanbury Oaks (ref. APP/J1915/W/15/3140184) found that the LP policies for the re-use of rural buildings, as set out in Policies GBC1 and GBC9, and including an assessment of worthiness of retention, are more restrictive than, and consequently inconsistent with the relevant policies in the Framework. I see no reason to disagree with this assessment, and have attached greater weight to the approach to the Green Belt set out in the Framework.
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Whether or not the development would be inappropriate development in the Green Belt

4. Flanbury Oaks is a single storey shed of utilitarian blockwork construction, currently in use for storage and as a workshop. It is set back some metres along its own track from Ashdene Road to the east, and adjoins a detached house, now known as Bucks Warren. There is a raised rubble and gravelled area to its south; while on the eastern part of the site are a number of temporary structures.
5. The appeal site is around 1km outside Bayford, and is located within the Metropolitan Green Belt. It looks over rolling countryside to the north and west, while to its south it adjoins the hedgerow lining the track leading to Bucks Farm. The countryside around is scattered with individual or small groups of houses and large agricultural buildings.
6. The appeal proposal is for the change of use of the appeal structure to a three bedroom dwelling. External works would include new windows and doors in existing apertures, and application of timber cladding to the exterior.
7. The National Planning Policy Framework (the Framework) at paragraph 90 advises that certain forms of development are not inappropriate within the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. One of these forms of development is the re-use of buildings provided that the buildings are of permanent and substantial construction. The appeal building is of such construction. However, the fundamental aim of Green Belt Policy, explained in paragraph 79 of the Framework, is to prevent urban sprawl by keeping land permanently open.
8. The appellant suggests that the appeal building remains within the domestic curtilage of Bucks Warren. Although the boundary between the two was largely open at the time of my site visit, I note from the former appeal decision and photographs submitted by the appellant case that it was formerly much more clearly defined by planting, which has now been cleared. In any case, the appellant also indicates that the ownership of the two elements of the site is now split.
9. The appeal proposal would insert a new domestic use into a building formerly in low intensity use either as an outhouse or, now, for storage. It would thereby extend domestication into land which was formerly ancillary to domestic purposes and would, as a result, conflict with the fundamental aim of preventing urban sprawl. It would therefore constitute inappropriate development in the Green Belt. In accordance with paragraphs 87 and 88 of the Framework I give this significant weight.
10. The appellant is willing to contain the amenity space for the dwelling to the south west of the appeal building in an area partially screened by planting and to accept a condition limiting permitted development rights for extensions, outbuildings and means of enclosure. However I consider that this would not prevent other domestic paraphernalia such as garden furniture, washing line or dryers, children's play equipment etc. appearing around the dwelling, and would not therefore counteract the inappropriate introduction of a new domestic use into the Green Belt.

The effect on openness

11. The development would not include any addition to the volume of the existing building, and would not result in any further loss of openness as a result of the alterations. I note the willingness of the applicant to accept a condition restricting permitted development rights for the enlargement of the dwelling, new structures within its curtilage or new means of enclosure. However, this would not prevent increased parking or other forms of domestic paraphernalia which would have some effect on openness, although this would remain limited in extent. Overall, therefore, the development would cause only minor harm to the openness of the Green Belt.

Other Considerations

12. I note the improvements made to the design of the proposed dwelling compared with the previous appeal scheme in respect of new windows and doors in order to retain the appearance of a stable building in the landscape. This is a minor benefit.
13. I have considered the appellant's point that reuse of existing buildings accords with Government policy to support the transition to a low carbon future through reusing existing resources. However, the re-use of a single building would have only a very small effect in meeting this objective, and the benefit would therefore be minor.

Very Special Circumstances

14. Paragraph 87 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. There would also be harm, albeit limited, in respect of the effect of the development on openness. Although there are some limited benefits to be gained from the provision of an additional dwelling designed in a rural idiom, and in the sustainability of re-using the existing structure, these benefits are small and I accordingly give them only limited weight. As therefore the harm is not clearly outweighed by other considerations, the very special circumstances required to allow inappropriate development in the Green Belt do not exist.

Other matters

15. I note the appellant's contention regarding the Council's handling of the case, but this is not a matter for my determination.

Conclusion

16. For the reasons given above, and taking matters into account, I conclude that the development would not comply with relevant national policies in respect of the Green Belt, and that the appeal should be dismissed.

S J Buckingham

INSPECTOR