
Appeal Decision

Site visit made on 10 January 2017

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 7th February 2017

Appeal Ref: APP/J1915/W/16/3159890

Jepps Farm, Mangrove Lane, Hertford, Hertfordshire SG13 8QJ

- 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, Class Q(a) and Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by H J Brooks and Sons against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/1613/ARPN, dated 13 July 2016, was refused by notice dated 5 September 2016.
 - The development proposed is the change of use of an agricultural barn to 1no, two bed, dwelling.
-

Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q(a) and Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the change of use of an agricultural barn to 1no, two bed, dwelling at land at Jepps Farm, Mangrove Lane, Hertford, Hertfordshire SG13 8QJ in accordance with the terms of the application Ref: 3/16/1613/ARPN, dated 13 July 2016, and the plans submitted with it.

Procedural matter

2. The supporting information with the application describes the proposed development as 'Change of use of agricultural building to dwelling' whereas the decision notice issued by the Council uses the description 'Change of use of an agricultural barn to 1no, two bed, dwelling'. The latter more accurately describes the proposal and I have therefore used this for the purposes of the appeal.
3. Paragraph Q.2(3) of the GPDO requires that development permitted by Part Q be completed within a period starting with the prior approval date. Paragraph W(12) requires that the development must be carried out in accordance with the details provided in the application.

Application for costs

4. An application for costs was made by H J Brooks and Sons against East Hertfordshire District Council. This application is the subject of a separate Decision.
-

Main Issues

5. The main issue in this appeal is whether the location or siting of the building makes the change of use to a dwelling otherwise impractical or undesirable in terms of (a) access to services and facilities, and (b) living conditions for the future occupiers, with particular regard to noise and disturbance.

Reasons

Access to services and facilities

6. Paragraph W(10) of the GPDO sets out the approach that the local planning authority must take when determining a prior approval application and W(10)(b) specifically requires a decision maker to have regard to the Framework, so far as relevant to the subject matter of the prior approval, as if the application were a planning application. The Council has referred to Paragraph 55 of the Framework relating to sustainable development in rural areas.
7. The appeal building is part of an existing farm steading and is one of a number of buildings on the wider site of Jepps Farm which includes a group of large agricultural sheds to the south of the appeal building, and to the east, Jepps Farm house and a number of dwellings, some of which are associated with the farm and others that are used as holiday lets. To the north west, on the opposite side of Mangrove Lane, is a further group of buildings which includes additional holiday cottages. Just to the south of Jepps Farm is another small group of houses.
8. The appeal building is located approximately 2.5 kilometres from Hoddesdon to the east and Hertford is approximately 3 kilometres to the north. It sits in countryside consisting of a patchwork of small to medium sized fields and large blocks of woodland, and there are scattered groups of buildings and small hamlets within the landscape. The Council makes reference to Paragraph 55 of the Framework which states that new isolated homes in the countryside should be avoided unless there are special circumstances. Given that the appeal building is situated in proximity to a number of other residential properties, albeit some of these are let as holiday accommodation, and there is a further small residential enclave a short distance to the south of the appeal building, the appeal building is not isolated. In this respect the proposal would comply with Paragraph 55 of the Framework and it would, in any event, re-use a redundant building. Whilst the proposal may not necessarily result in an enhancement to its setting, I note from the planning officer's report that the Council considers that the design of the building would not look out of place in the rural setting.
9. Impractical or undesirable are not defined in the regulations but the Planning Practice Guidance (the Guidance) advises at Paragraph 13-109-20150305 that these should be given a reasonable dictionary meaning in making any judgment. In this context impractical reflects that the location and siting would "not be sensible or realistic", and undesirable reflects that it would be "harmful or objectionable".
10. There are no public transport facilities within reasonable walking distance of the site and I saw on my site visit that, whilst it would be possible to cycle to Hoddesdon or Hertford, the roads to these settlements are narrow, winding and

unlit and, as such, are unlikely to be attractive to cyclists, particularly during the winter months. On this basis I accept that the occupiers of the proposed dwelling would be largely dependent on the private cars to meet their transport requirements. However, Paragraph 37 of the Framework seeks to encourage people to minimise their journey lengths for employment, shopping leisure and education and due to the proximity to Hoddesdon and Hertford, car journeys would necessarily be short. The Framework also recognises at Paragraphs 29 and 34 that the opportunities to maximise sustainable transport solutions and minimise travel will be different in rural areas from urban areas.

11. The appeal building is located within a short distance, between 2.5 and 3 kilometres, of substantial settlements with a wide range of shops and facilities. I saw that there are other residential properties adjacent to the appeal site, from which it is evident that there are utilities such as power and water available, and the Council has not raised the capacity of such services to accommodate a further dwelling as an issue. Within this context, the appeal building is not in a location where it would be impractical or unrealistic for someone to live.
12. I therefore find that, having regard to the Framework and the Guidance, the proposal is not impractical or undesirable in terms of access to services and facilities.

Living conditions of the future occupiers

13. Linked to the Council's argument that the change of use is undesirable, is the location of the appeal building in proximity to the agricultural use and the potential for noise and disturbance resulting from the agricultural activities. Neither party has submitted any substantive technical evidence in respect of noise levels at the site or arising from the agricultural use.
14. I saw when I visited the site, that the front of the building looks out onto an open area that was formerly the farm yard, although there was little evidence of it being used for farming related purposes at the time of my visit and I note that the appellant states that this area is to be tidied up following completion of a new barn to the south of the appeal building. With the exception of the appeal building, one other agricultural building, which is used as a grain store, is accessed from this area. The appellant states that the yard is no longer in use of the movement of farm traffic other than the grain store and that with the exception of a two week period at harvest time access to the grain store is infrequent. I saw that a substantial new access has been created to the south of the appeal site that provides access to the remainder of the agricultural buildings associated with the farm. This access is more conveniently located for the area where the activities associated with the day to day running of the farm are occurring and its use would significantly reduce activity in the area adjacent to the appeal building.
15. Whilst there would be a degree of disturbance arising from the operation of the grain store, this would be for limited periods only. As such it would not, in my opinion, result in an overall level of disturbance throughout the course of the year that would result in poor living conditions of the future occupiers of the proposed dwelling.

16. In the absence of any evidence to the contrary, I conclude that the development would provide suitable living conditions for the future occupiers, with particular regard to noise and disturbance.

Other matters

17. The Council also suggests that the introduction of a new residential use, together with the associated activity and residential paraphernalia would result in a harmful impact that cannot be mitigated. The nature of this harm is not elaborated on other than suggesting that the development would have an urbanising impact. This slightly contradicts the Council's assessment of the design and external appearance of the development in the officer's report, wherein it is stated that the resulting building would not look out of place in this rural setting. The resulting dwelling maintains the size and form of the agricultural building, and whilst the creation of a residential curtilage will result in an alteration in the appearance of the land immediately around the building this is small in scale and adjacent to a number of other residential buildings.
18. Within this context, it is difficult to see an argument that a small scale increase in residential character would result in substantial or irredeemable harm to the character and appearance of the of the Countryside.
19. I have been referred to a number of extracts from Inspector's decision letters in respect of similar appeals in the area. I do not have the full details of these cases, and so cannot be certain the circumstances are comparable to the appeal before me. In any event, I have determined the appeal on its own merits.

Conditions

20. The Council has not suggested that any conditions over and above those set out in the GPDO are required. Paragraph Q.2(3) of the GPDO requires that development permitted by Part Q be completed within a period starting with the prior approval date. Paragraph W(12) requires that the development must be carried out in accordance with the details provided in the application.

Conclusion

21. It is not in dispute that the development proposed is permitted development under the terms of the Order and it is common ground between the parties that the development would not have any material effect on the highway network, is not at risk from flooding, that there are no known contamination risks on the site, and that the design and external appearance of the building is acceptable.
22. I have found that the appeal building is in a location for where it is not impractical or undesirable for the building to change from an agricultural use to use as a dwelling house. I have also found that it would provide suitable living conditions for the future occupiers with regard to noise and disturbance. The proposal would therefore not conflict with Q2(1) (b) and (e) of the Order.
23. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

John Dowsett

INSPECTOR