
Appeal Decision

Site visit made on 17 May 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 12 June 2017

Appeal Ref: APP/C1950/W/17/3167278

West End Farm, West End Lane, Essendon AL9 6AZ

- 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 Welwyn Hatfield Borough Council.
 - The application Ref 6/2016/2314/FULL, dated 5 May 2016, was refused by notice dated 11 January 2017.
 - The development proposed is the conversion of existing garage into a single dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development as it appears on the appeal form. This most accurately describes the development to which the appeal relates. It is clear the Council are content with this approach since the same description appears on their decision notice. I have proceeded on this basis.

Background

3. The appeal site is in the Green Belt. I have regard to the relevant tests set out by the Framework¹ in this regard. It is common ground between the Council and the appellant that the proposed development would not be inappropriate development in the Green Belt and there would be no harm to openness. Having regard to the nature, siting and scale of the proposed development I do not disagree with this conclusion. In the absence of harm in these respects I will not engage with the very special circumstances test set out by paragraph 88 of the Framework.

Main Issue

4. With the above in mind, the main issue in the determination of this appeal is the principle of the proposed development with specific regard to its location.

Reasons

5. The appeal building is a substantial detached garage within the expansive residential curtilage of West End Farm. It is located directly opposite the host dwelling and accessed via the same entrance from West End Lane. The lane is

¹ The National Planning Policy Framework 2012

a long, narrow and rural single track road that leads west from Essendon village. By definition and in character terms, the appeal site is in the open countryside.

6. Saved Policy SD1 of the Local Plan² advocates sustainable patterns of development. A principle that is supported by the Framework in its assertion that new isolated homes in the countryside should be avoided³. With this, along with saved Policy H2 of the Local Plan, the Council seeks to direct new development to within settlements that have a range of services that can be accessed via sustainable means.
7. I accept that there is no clear definition in paragraph 55 of the Framework as to what is meant by isolated and the appeal building is not completely so by virtue of the host dwelling and others in the immediate area. Nonetheless, the appeal site can be described as being remote. This is both in the sense of its rural location and how close it is to the nearest settlement.
8. The nearest settlement to the appeal site is, in any event, significantly lacking in its range of services. The evidence does state that there is a bus service. This does appear however to be within Essendon itself, as well as being infrequent. The length and rural nature of the unlit lane that connects the appeal site to Essendon means that it is very likely residents would rely on the use of the private car for journeys accessing day to day service needs. This is the least sustainable travel option.
9. The proposed development would be for the re use of a building and not the erection of something wholly new. It is clearly of permanent and substantial construction in accordance with relevant Green Belt tests. However, and with regard again to paragraph 55 of the Framework, the building is neither redundant nor disused and there is nothing notable in the scheme that could be argued to enhance the immediate setting given the overall scale of the proposed conversion works.
10. I can only conclude that the granting of a planning permission in this case would serve to support the growth of unsustainable patterns of development in the open countryside. Journeys from the site would, I accept, be limited in their number given the scale of the proposed development. Nevertheless this is an argument that could be relied upon too often in my view. Particularly in the absence of any other clear reason in the evidence to depart from the principles I have set out above.
11. For these reasons therefore, the proposed development would fail to accord with saved Policies SD1 or H2 of the Local Plan. These Policies, along with the principles established by the Framework, seek to ensure that new development is sustainable and new housing in the countryside is restricted.

Other Matters

12. The Council make reference to saved Policies H1 and GBSP2 of the Local Plan. The former identifies allocated housing sites and the latter those areas within the Green Belt (settlements) where development will be restricted to being within them. I do not consider H1 to be directly relevant to the main issue in the determination of this appeal given the scale of the proposed development.

² Welwyn and Hatfield District Plan 2005

³ Paragraph 55

Considering also the sufficiency of saved Policy H2. With regard to GBSP2, this does restrict new development to within settlements but in the interests of limiting harm to the Green Belt. Given the views of both parties and my own findings in this respect, no harm would arise to the Green Belt. GBSP2 is therefore not directly relevant to the main issue.

13. The proposed development would no doubt preserve the character and appearance of the area. The access is acceptable; there would be no harm to the living conditions of existing or future occupiers or the Green Belt. These are not contentious matters in the determination of this appeal and would have to be the case to make the scheme acceptable in any event. There would be an additional dwelling provided and any works could assist in sustaining employment in the local construction industry and support other local services. These matters would be of benefit socially and economically. They could thus be argued to weigh in favour of the proposals. The benefits would however be limited in scale and thus not sufficient to outweigh the harm that I have identified.
14. The appellant has brought a large number of appeal decisions to my attention. As far as I can see, these have been cited to demonstrate where planning permission has been granted in situations where new housing development has been outside of settlements, in the Green Belt in some cases, and where it could normally be considered 'unsustainable'.
15. I will not address each one individually. It is nonetheless relevant to point out that each case is considered entirely on its own merits. Having reviewed each of the cases before me however, the reasons for the granting of a planning permission vary. Weight being ascribed to matters of, amongst other things, personal circumstances, the lack of a supply of housing sites, silent policies of a development plan, infill new development and enforcement matters. Put simply, there are no examples presented that draw sufficiently clear parallels with the scheme before me that would justify me granting planning permission.
16. I have reviewed saved Policy RA2 of the Local Plan. To my mind however, this directly applies to new development within Essendon (amongst other settlements in the Green Belt and my emphasis). Given my findings above with specific regard to the location of the proposed development, I would not define the appeal site as being within Essendon. Consequently, I do not consider the provisions of saved Policy RA2 would directly apply to the scheme before me.

Conclusion

17. For the above reasons, the appeal is dismissed.

John Morrison

INSPECTOR