



Appeal Decision

Site visit made on 12 June 2017

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 20th June 2017

Appeal Ref: APP/J1915/W/17/3168262

The Annexe The Lodge, Dene Lane, Aston, Hertfordshire SG2 7EP

- 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 and Mrs Burton against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/1891/FUL, dated 18 August 2016, was refused by notice dated 25 October 2016.
 - The development proposed is the conversion of existing annexe and double garage to form an independent residential dwelling unit including a single storey link extension and alterations to form new openings.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the existing annexe and double garage to form an independent residential dwelling unit including a single storey link extension and alterations to form new openings at The Annexe The Lodge, Dene Lane, Aston, Hertfordshire SG2 7EP, in accordance with the terms of the application, Ref: 3/16/1891/FUL, dated 18 August 2016, subject to the following conditions.
 - 1) The development shall be begun within three years of the date of the permission.
 - 2) The development shall be carried out entirely in accordance with the following approved plans/drawings: 1149:03A, 1149:01A, 1149:02A, Site Plan at a scale of 1:1250 and Topographical Survey TS16-153W/1 and TS16-153W/2

Application for Costs

2. An application for costs was made by Mr & Mrs Burton against East Hertfordshire District Council. This application will be the subject of a separate Decision.

Main Issue

3. The main issue in this appeal is whether the proposal would be inappropriate development in the Green Belt.

Reasons

4. The appeal site is located towards the northern end of Dene Lane, a rural thoroughfare on the outskirts of Aston. It encompasses a former lodge house (The Lodge) which has been cumulatively extended. Located to the west of The Lodge is a brick built double garage and a timber annex structure. Both are

detached buildings. Dene Lane becomes a footpath to the south of the appeal site with a thick hedge marking the boundary.

5. The appeal scheme would involve the construction of a linking extension between the existing annex and the garage. The newly extended structure would then be the subject of a conversion and change of use to an independent dwelling. Parking would be provided in the existing driveway and the area around the pond would become the garden of the new dwelling.
6. The appeal site is located in the Green Belt. Policy GBC1 of the East Hertfordshire Local Plan Second Review 2007 (LP) states that planning permission will not be given for inappropriate development in the Green Belt unless there are special circumstances that clearly outweigh the harm by reason of inappropriateness and any other harm. The Policy goes on to list the type of development that is not inappropriate. This includes the limited extension or alteration of existing dwellings and the re-use of rural buildings. The Council allege that as The Lodge has already been substantially extended, the linking extension now proposed would cumulatively amount to a disproportionate addition, which would be inappropriate development that is by definition harmful to the Green Belt.
7. Paragraph 89 of the National Planning Policy Framework (the Framework) states that the extension or alteration of a *building* is not inappropriate provided it does not result in disproportionate additions over and above the size of the original building. This is a material change from the wording in the now superseded Planning Policy Guidance Note 2 – Green Belts (PPG2), which refers to the extension of *dwellings* as not being inappropriate development. The wording in Policy GBC1 flows from PPG2. The Council have taken the term 'dwelling' to include domestic outbuildings.
8. However, the redrafting in the Framework, with the substitution of *dwelling* for *building*, now means that in principle, the Framework permits the extension of a building in the Green Belt provided that extension would not be disproportionate. I have not been presented with substantive evidence, including case law, to suggest I should not take the term 'building' on its usual definition and common meaning. The annex and garage are part of a dwelling but they are also buildings in their own right. As such, they are subject to Paragraph 89 of the Framework.
9. The consequence of the above is that part (d) of Policy GBC1, which pre-dates the Framework, is inconsistent with it. Paragraph 215 of the Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. As Policy GBC1 is partially inconsistent with the Framework any conflict with the inconsistent part of the policy is a matter of limited weight. Moreover, the policies in the emerging Local Plan are not at a stage of preparation where they can be given decisive weight.
10. The extension to the annex and garage, which are distinct buildings, would be very modest with the Council suggesting it would amount to around 7.4 square metres in size. The appellant suggests this would be about 10% of the combined floor area of the garage and annex. There is nothing before me to suggest the garage or annex has already been extended. As a consequence, the proposed 10% uplift in floor area could not reasonably be considered a disproportionate addition. This is especially so as the extension would have a subservient scale and massing to the existing buildings. The consequence of this is that the proposed extension would not be inappropriate development.

11. Turning to the proposed conversion of the buildings. Paragraph 90 of the Framework permits the re-use of buildings in the Green Belt provided the buildings are of a permanent and substantial construction, the development would preserve openness and it would not conflict with the purposes of including land in the Green Belt. This wording is similar to part (h) of Policy GBC1 of the LP. I observed that the buildings are of a permanent and substantial construction and substantive evidence has not been provided to suggest otherwise.
12. The conversion would be facilitated by a modest extension but this extension would not be disproportionate for the reasons already given and thus it would not harm the openness of the Green Belt. The land around the buildings, which would act as the domestic curtilage, is already garden land and consequently its re-use as a single domestic curtilage to serve as the garden of the new dwelling would not erode the openness of the Green Belt. The new curtilage could be used more intensively but it is well screened by the boundary hedge and is a generous area relative to the size of the dwelling it would serve. Consequently the intensification would not be harmful and the Council have not suggested permitted development rights need to be withheld in the event of an approval.
13. The appeal buildings are already in situ and used for domestic purposes and thus the proposal would not conflict with the purposes of including land in the Green Belt by, for example, resulting in urban sprawl in a strategic part of the Green Belt or from a failure to safeguard the countryside from encroachment. The proposed conversion would not have a materially greater impact on the openness of the Green Belt relative to the use of the existing annex and garage. As such, the conversion would not be inappropriate development when considered against Policy GBC1(h) of the LP and Paragraphs 80 and 90 of the Framework.
14. I therefore conclude that the proposal overall would not be inappropriate development in the Green Belt. As a consequence it is unnecessary to demonstrate very special circumstances. The Council have not alleged any other harm. The proposal therefore adheres to aspects of Policy GBC1 and Section 9 of the Framework.

Other Matters, Conditions and Conclusion

15. I have had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and conclude that the development would preserve the character and appearance of the nearby conservation area.
16. I have had regard to the Planning Practice Guide and the Council's list of suggested conditions. In addition to the standard commencement period it is necessary, in the interests of safeguarding the character of the area and the Green Belt, for the development to be implemented in accordance with the approved drawings.
17. The appeal scheme would be contrary to aspects of the development plan. Nevertheless, material considerations indicate planning permission should be forthcoming in this instance. In particular the proposals adherence to Framework. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude the appeal should be allowed.

Graham Chamberlain
INSPECTOR