



Appeal Decision

Site visit made on 4 July 2019

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2019

Appeal Ref: APP/J1915/W/18/3210005

1 Home Farm Cottages, Hunsdon Road, Stanstead Abbots SG12 8LJ

- 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 C Altoft against the decision of East Herts Council.
 - The application Ref 3/18/0365/FUL, dated 16 February 2018, was refused by notice dated 13 April 2018.
 - The development proposed is the conversion of garage/store to create an ancillary residential annexe.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of garage/store to create an ancillary residential annexe at 1 Home Farm Cottages, Hunsdon Road, Stanstead Abbots in accordance with the terms of the application, Ref 3/18/0365/FUL, dated 16 February 2018, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 13129-S001; 13129-P001-A.
 - 3) The external materials and finishes shall match those of the existing building.

Procedural Matters

2. Since the Council's decision, the East Herts District Plan 2018 (DP) has been adopted and now forms part of the development plan. The policies of the East Herts Local Plan Second Review 2007 (LP) no longer have effect.
 3. The Council and third parties have indicated that the conversion of this building would not result in an ancillary annexe to the main house and would represent a new dwelling. The proposal would have no physical link to the main dwelling or its curtilage. Although the appellant may wish to use the accommodation in a manner that has an association with the use of the dwelling, it would offer all the facilities and independence of a separate dwellinghouse. If allowed, it would result in a new dwelling. Although I have retained the suggested description, I have considered its merits on this basis.
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4. The Council have not identified what harm would result from the use of the building as a dwelling. An appeal statement has not been provided. I have therefore had regard to the most relevant Guiding Principles of the DP which seek to prioritise the use of brownfield land and other appropriate sites within the settlements; focus development in locations where the impacts on the historic and natural environment would be minimised; and protect and enhance the rural area and the Green Belt to maintain the countryside and the rural character of the District.

Main Issue

5. As the Council accepts that the proposal would not represent inappropriate development in the Green Belt and would not harm the character or appearance of the area, the main issue is whether the new dwelling would be in a suitable location with particular regard to its access to employment, services and facilities.

Reasons

6. The proposal relates to an outbuilding associated with the dwelling at 1 Home Farm Cottages. The property lies within the Green Belt. Its current use is described as being a garage/store. It forms part of a range of buildings that it would appear were originally part of a farm complex and many of these are now in industrial use. The appeal building is separated from the house, its garden and its driveway by a track which leads between the buildings to the rear.
7. The Council refer to LP policy ENV8 which relates to annexes. This has been replaced by DP policy HOU13. This is a permissive policy which accepts annexes in certain circumstances. These include when a building has a clear functional link to the main dwelling. The proposal would not satisfy this policy. The supporting text advises that within the Green Belt permission would be unlikely to be granted for the later sub-division of a property and its annexe to two separate residential units, unless the proposal meets the planning criteria which would be applied to new proposals for a separate dwelling. Although not directly relevant, as this proposal would result in two separate dwellings, it should be considered under the requirements for new dwellings.
8. DP policy ED2 provides guidance with regard to the conversion of buildings that are in agricultural or employment generating uses. These seek to maintain employment uses. I have not been directed to any other policy that addresses the potential for the conversion of buildings which do not have a lawful commercial use. As there has been no suggestion that the domestic use of this building is unlawful, I have considered it on this basis.
9. As the DP housing policies are silent with regard to the conversion of a building with no employment use to a dwelling, it falls to be considered under paragraph 11(d) of the Framework. This advises that where there are no relevant development plan policies, permission should be granted unless (i) the policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

10. With regard to paragraph 11(b)(i) the policies relating to the Green Belt are of relevance. DP policy GBR1 advises that applications in the Green Belt will be considered in line with the provisions of the National Planning Policy Framework (the Framework). Paragraph 146(d) accepts that the re-use of buildings of a permanent and substantial construction is not inappropriate in the Green Belt. The Council accept that the building is of permanent and substantial construction and have not suggested that the proposal represents inappropriate development in the Green Belt. The Green Belt policies do not therefore provide clear reason for refusing the development. It is therefore necessary, with regard to paragraph 11(b)(ii), to consider whether any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

Suitability of the location

11. The appeal property is not within a settlement and is located on an unrestricted country lane. It is not a significant distance from local settlements which benefit from a range of facilities and services, including a train station. Although no evidence has been put forward, it appears that there may be a bus service along this road. However, given the nature of the location, the character of the road and the distances involved, I anticipate that most journeys would inevitably be by private car. I acknowledge that many of the necessary journeys would be relatively short and as this would not be a family dwelling, such journeys would be fewer in number compared to a larger house. However, whilst some residents may be able to access services by other means, this is not a highly accessible location and the likely reliance on private vehicles for most journeys would not support sustainable transport objectives and would result in environmental harm from carbon emissions.

Other matters

12. The proposal would result in social benefits, supported by paragraph 59 of the Framework, in providing an extra dwelling which would contribute to housing supply. The weight I afford the addition of a single dwelling is limited given the approved supply of housing identified in the newly adopted DP. The residents of this one or two person property would be likely, in a small way, to contribute to the life of the nearby local communities and support their services.
13. Although I have limited information, the personal circumstances of the appellant are such that in the first instance, the house would facilitate the provision of care. Although I must consider the long term impact of a dwelling, this arrangement would bring some social benefits and may reduce demands on care facilities elsewhere in the future. I am satisfied that the land outside the property and within the appellant's control would provide adequate amenity and parking space for a dwelling of this nature.
14. There would be economic advantages from the conversion works. Residents would contribute to the economy by their use of local shops and services and by their own economic activity.
15. Paragraph 118(d) of the Framework promotes and supports the development of under-utilised land and buildings. I am mindful also that paragraph 79 accepts isolated homes in the countywide if the development would re-use redundant or disused buildings and enhance the immediate setting. Whilst this building is

in the countryside, it would not represent an isolated home given the development around it. I consider however that the Framework offers some support for the principle of such development.

Conclusions

16. The provision of a small dwelling would provide some social and economic benefits. These benefits would be commensurate with the small scale of the property and limited due to the current housing land supply within the district. There would however be no harm to the character or appearance of the area and the proposal would make a more effective use of this building. Whilst there would be some environmental concerns, these relate only to the likely reliance on private vehicles. The numbers and lengths of journeys would be limited given the size of the property and its location not too distant from nearby settlements. There is also some potential for the use of other means of travel. The nature of the location does however weigh against the proposal and results in some environmental harm.
17. The development plan is silent with regard to the conversion of existing domestic buildings to new dwellings. Whilst it does not gain support from its policy on annexes, I have found no clear conflict with its housing policies. Although it does not offer clear support for the Guiding Principles of the DP, it would also not undermine them. I do not therefore find conflict with the development plan overall. Paragraph 11(b)(ii) of the Framework is relevant and whilst I have identified some environmental harm, this needs to be balanced against the benefits which I have also found to be relatively limited given the housing supply position and the scale of the dwelling proposed.
18. Whilst finely balanced, I conclude that the limited environmental harm resulting from the use of private vehicles by the residents of this small dwelling would not significantly and demonstrably outweigh the social and economic benefits of the proposal. In these circumstances, the Framework is clear that permission should be granted.
19. I have considered all the matters put forward including the concerns raised by the neighbouring resident. However, as the development plan is silent with regard to the conversion of non-commercial buildings and as the harm would not significantly and demonstrably outweigh the benefits of an additional dwelling, I allow the appeal.
20. I have imposed conditions with regard to the commencement of the development and the details of the approved plans in the interests of certainty. I have also required that the materials match to ensure that the works would have a satisfactory appearance. The Council have not suggested that the use should be restricted to an ancillary use and I agree that such a condition would not be appropriate in these particular circumstances.

Peter Eggleton

INSPECTOR