The Planning Inspectorate

Appeal Decision

Site visit made on 26 June 2019

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision Date: 30th July 2019

Appeal Ref: APP/J1915/W/19/3226353
The Lordship (C15 North from Winding Hill to New Road), Much Hadham SG10 6HN

- 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 Carl Radley against the decision of East Herts Council.
- The application, ref. 3/18/2503/FUL, dated 1 November 2018, was refused by notice dated 17 January 2019.
- The development proposed is the change of use of existing outbuildings to a dog grooming business with a parking area.

Decision

1. The appeal is allowed and planning permission is granted for the change of use of existing outbuildings to a dog grooming business with a parking area; at The Lordship (C15 North from Winding Hill to New Road), Much Hadham SG10 6HN, Ref: 3/18/2503/FUL, dated 1 November 2018 subject to the conditions attached as an appendix to this Decision.

Preliminary Matter

2. I have taken the description of the proposed development from the appellant's appeal form which is also reflected on the Council's Decision notice as this reflects the nature of the development more accurately than the Application Form.

Main issue

3. The main issue is whether the proposed change of use to the existing building would provide a suitable location for an employment use having regard to Policies GBR2 and ED2 of the East Herts Local Plan (LP) and paragraph 84 of the National Planning Policy Framework (The Framework).

Reasons

4. The appeal property consists of small outbuildings which were constructed in 2008 and lies within the grounds of a large house known as 'The Lordship.' The building is situated close to the boundary of the grounds and lies adjacent to Winding Hill, with its own access from this road into an enclosed yard area. The existing building and enclosed yard appear to be currently used for storage and maintenance for the host dwelling.

5. In terms of its locational aspects, the appeal site lies approximately 200 metres from the settlement boundary of Much Hadham, a 'Group 1' village under Policy VILL1 of the LP which has a large variety of services and facilities and is stated by the policy that such settlements are the most sustainable villages within the district.

6. Policies GBR2 and ED2 of the LP, whilst supporting employment use in the rural area, are not specific to what it defines as sustainable development, however there are a number of considerations to be factored into the planning balance which involve the economic, environmental and social dimensions which are further clarified in the Framework. Whilst I agree with the Council that the site would be likely to be dependent upon vehicular use, the use for dog grooming does not lend itself to many other forms of other modes of transport available, given the location.

7. The building would however occupy an existing building; generate employment opportunities for 2 full time and 1 part-time staff member; and would contribute to social and economic sustainability given its proximity to Much Hadham in that a new commercial use that is utilised by local residents would contribute to enhancing or maintaining local vitality in Much Hadham. This would mean that customers potentially utilising the dog grooming facility may be likely to visit Much Hadham also.

8. In terms of the environmental considerations, the use would be within an existing building which is well screened from the road, with the use being relatively small which should not cause adverse amenity impacts in terms of noise, smell or visual detriment to the surrounding properties; or have adverse impacts as a result of roads, access or parking of vehicles.

9. Having balanced the three dimensions of sustainable development, to me, the change of use would be a suitable location for the employment use and would therefore be in conformity with Policies GBR2 and ED2 of the LP (where both policies seek that employment generated uses outside of settlements are located in sustainable locations).

Other Matters

10. In regard to my duty under Sections 66 and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the site is located within the Much Hadham Conservation Area as well as being within the setting of the Lordship, a Grade II* Listed Building. I note that the Council considers the development not to cause harm to any of the heritage assets, and having assessed the proposed works against the significance of these heritage assets and their setting, I am also of this view. That said, I am satisfied that there would be no harm caused to the character and appearance of the conservation area, including its setting, or the listed building and its setting.

Conclusion and Conditions

11. For these reasons, and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be allowed and planning permission granted, subject to the conditions as detailed in the annex accompanying this decision.

12. I refer to the conditions specified by the Council in their Statement of Case, if the appeal was to be allowed and have considered them in accordance with the Planning Practice Guidance.

13. Suggested conditions 1 and 2 which set the time period for commencement and approved plans are necessary for the avoidance of doubt and in the interests of proper planning.

14. Suggested condition 3 seeks that the existing access onto Winding Hill be surfaced with a bituminous surface where it crosses the highway verge. This condition is necessary in that it formalises and makes the access suitable for the intended use and avoids gravel spilling onto the highway.

15. Suggested condition 4 limits the hours of operation which is necessary in order to protect the living conditions of surrounding properties.

16. Suggested Condition 5 seeks a provision that the use of the site shall not be for the boarding of dogs. However a boarding kennel use on the site could not be undertaken on the site without the benefit of planning permission. As such the condition is not necessary and is deleted.

J Somers

INSPECTOR

Annexe: Schedule of Conditions

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.

2. The development hereby approved shall be carried out in accordance with the approved plans listed at the end of this Decision Notice.

3. Before first occupation of the approved development, the access onto Winding Hill shall be surfaced with a bituminous surface where it crosses the highway verge and shall be completed in accordance with the approved plans and constructed to the specification of the Highway Authority and to the Local Planning Authority's satisfaction.

4. The premises shall not be used except between 0800 hours and 1900 hours Monday – Saturday and at no time on Sundays, Bank or Public Holidays.