
Appeal Decision

Site visit made on 19 August 2019

by J L Cheesley BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2019

Appeal Ref: APP/J1915/D/19/3232061

Shems Barn, The Street, Aspenden, Buntingford, Hertfordshire SG9 9PG

- 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 M. Cheatham against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0426/HH was refused by notice dated 25 April 2019.
 - The development proposed is part conversion of redundant stable block to granny annexe and remaining part to be used as storage serving the residential use of the site.
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Decision

1. The appeal is dismissed.

Conservation Area

2. The appeal site lies within the Aspenden Conservation Area and lies adjacent to a Grade II listed building. The Conservation Area comprises much of the surrounding built up area and identified important open spaces.
 3. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability: firstly at Section 16(2), of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses; and secondly, at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area.
 4. The National Planning Policy Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
 5. The proposal is to convert an existing stable block to a residential annexe and part store. This would include new timber doors and timber framed windows. The Council has not raised concern regarding the location within the Conservation Area or the setting of the listed building. From my observations, due to the design of the proposal, I consider that it would preserve the character and appearance of the Conservation Area and not have an adverse effect on the setting of the listed building.
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Main Issue

6. I consider the main issue to be whether the proposal would constitute the creation of an independent dwelling and if so, whether the proposal would constitute sustainable development in this rural location.

Reasons

7. District Plan Policy HOU13 (a) requires, amongst other matters, that residential annexes in separate outbuildings are close to and well related to and have a clear functional link to the main dwelling. In addition, the scale of the annexe should not dominate the existing dwelling and should be of a minimum level of accommodation required to support the needs of the occupant.
8. The proposal includes the conversion of an existing stable block to an annexe with a garden store. I note that the services to the existing dwelling would be utilised. The annexe is required for a family member who would continue to take most meals with the family in the existing dwelling.
9. Whether the proposal would be an annexe or an independent dwelling is a matter of fact and degree. The distinctive characteristic of a dwelling house is its ability to afford to those who use it the facilities required for day-to-day private domestic existence.
10. The building is some distance to the rear of the existing dwelling. The conversion would provide a bedroom, wet room, lounge and kitchen with a rear patio area. Whilst the rear patio area would not be separated from the rest of the garden, due to its position and particularly its sunken nature, it would appear to provide private external amenity space for the annexe.
11. From my observations, with the provision of a reasonably sized kitchen and a wet room, I see no difference between the proposal and a small independent dwelling. The facilities within the building would make the building capable of being used as a separate dwelling and given the separation distance between the building and the existing dwelling; I see no clear functional link to the main dwelling. In my opinion, this would be more than an annexe to the main house.
12. District Plan Policy HOU13 (b) requires the scale of an annexe to not dominate the existing dwelling and to be the minimum level of accommodation required to support the needs of the occupant.
13. I have not been provided with any information regarding any particular accommodation needs of the family member. The proposed annexe would be of a generous size. From my experience, this would be significantly larger than one would normally associate with the minimum needs of a single person in one bedroom accommodation. Therefore, I consider it reasonable to assume that the accommodation would be significantly greater than the minimum level of accommodation normally required for an annexe for one person.
14. Given the size of the accommodation proposed in the annexe, (without the garden store), in relation to the modest size of the existing dwelling, it would not be subservient to the existing dwelling. As such, it would dominate the dwelling. The character of the site would unacceptably significantly alter from a dwelling with an outbuilding to the rear to two dwellings sharing a vehicular access.

15. For the above reasons, the proposal would be contrary to District Plan Policy HOU13. I consider that the proposed annexe would be tantamount to being a new dwelling in the countryside. Therefore, I have determined the appeal before me in this respect.
16. The appeal site lies within the rural area beyond the Green Belt as defined in Policy GBR2 in the East Herts District Plan 2018. In order to maintain the rural area beyond the Green Belt as a valued countryside resource, this policy restricts development to a list of types of development, providing they are compatible with the character and appearance of the area. One of the acceptable types of development is the alteration of a building provided the size, scale, mass, form, siting, design and materials of construction are appropriate to the character, appearance and setting of the site and/or surrounding area. District Plan Policy DES4 seeks a high standard of design, including the need for new development to respect or improve upon the character of the site.
17. I have found above that the proposed alteration to the building would not be appropriate to the character of the site. This would not contribute towards maintaining the rural area as a valued countryside resource. Thus, the proposal would be contrary to District Plan Policies GBR2 and DES4.
18. I have been referred to Policy HD1 in the Neighbourhood Plan (2017) that covers this area. The Policy allows small scale infill development within or immediately adjoining significant existing clusters of development in the rural areas subject to other policies in the Plan. This is a material consideration. I have not been made aware of the other policies in the Neighbourhood Plan that are referred to in Policy HD1. The development plan has to be read as a whole and where there is conflict, the most up to date policies prevail. In this instance, the determining policies are District Plan Policies HOU13, GBR2 and DES4.
19. It must be acknowledged that at the heart of the National Planning Policy Framework is the presumption in favour of sustainable development. It sets out the three overarching objectives which are interdependent.
20. In terms of the social objective, the Framework seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. It seeks to avoid new isolated homes in the countryside other than in accordance with specified circumstances, including the re-use of a redundant or disused building that enhances the immediate setting. I have found that the proposal would not enhance the setting.
21. In terms of its location, the proposal would contribute little towards maintaining the vitality of this sporadic rural community and thus would make little contribution to the social objective of sustainability.
22. Turning to the economic role, some very small benefit would accrue in relation to the conversion of the building. I now turn to the environmental role. Although the proposal is for a conversion of an existing building, the Framework maintains that development should be sustainable and that the countryside should be protected for its intrinsic character and beauty. By converting the building to living accommodation capable of being used as a completely independent dwelling, but not appropriate to the character of the

site, this would not contribute towards maintaining the rural area as a valued countryside resource.

23. The harm is so significant in terms of both the social and environmental objectives that taking the three overarching objectives together, the proposal would not constitute sustainable development.
24. I have been referred to an extract from Appeal Decision Ref: APP/J1915/W/18/3216376 with regard to the re-use of an existing redundant barn for housing purposes in Aspenden. I have determined the proposal before me on its individual merits, based on the particular circumstances of the appeal site.
25. In reaching my conclusion, I have had regard to all matters raised. I have found that the proposal would be tantamount to the creation of an independent dwelling and would not constitute sustainable development in this rural location. Thus, I dismiss the appeal.

J L Cheesley

INSPECTOR