
Appeal Decision

Site visit made on 17 September 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2019

Appeal Ref: APP/J1915/W/19/3232440
The Pavilion, Bell Lane, Widford, SG12 8SH

- 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 G J J Pawle against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0213/FUL, dated 1 February 2019, was refused by notice dated 26 March 2019.
 - The development proposed is residential unit created in existing first floor storage area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether or not the appeal site is an appropriate location for a new dwelling, including with regard to its countryside location, current use as a sports facility, and the impact of the development on the character or appearance of the Widford Conservation Area.

Reasons

3. The appeal site comprises an existing pavilion building located on the edge of a cricket ground within Widford Conservation Area (CA). The site lies in a 'Rural Area Beyond the Green Belt' as depicted by the East Herts District Plan October 2018 (the District Plan) and therefore, for the purposes of planning policy, it is in the countryside. Policies DPS2 and GBR2 of the District Plan aim to facilitate the delivery of housing in urban or village areas, or on brownfield sites, and permit only a limited number of exceptions in rural areas such as this. The proposal, to change the use of part of the pavilion building to a dwelling in the countryside, is not included in the list of permitted exceptions.
4. Based on my site visit and the evidence before me, I consider that the significance of the CA derives, in part, from the use, character and appearance of the site and its surroundings. The function of the appeal site as a cricket ground and its verdant and open characteristics gives it a quintessentially English village feel. The sports pavilion is a focal point and an important component of the wider sport and recreational function of the land which surrounds it.
5. The proposed external alterations to the appeal building would be minimal and not harmful to the character of the area. However, the use of part of the pavilion for residential purposes would be a permanent form of residential

occupation, as opposed to the current occasional use of it as a sports pavilion. It would be at odds with the historic and established use of the appeal site and its surroundings as a cricket ground, which would be detrimental to the character of the CA.

6. Furthermore, the red-line boundary of the appeal site is drawn tightly around the appeal building. The internal living space would be small, and no outdoor amenity space is proposed. Whilst I have concerns regarding the extent of external amenity space which would be afforded to future occupants of the proposed dwelling, I note that the Council have not raised this as a specific concern. However, and notwithstanding this, I agree with the Council that the lack of outdoor amenity space proposed would be likely to lead to additional future pressure to create a suitable outdoor amenity space, which itself may lead to additional encroachment, to the detriment of the character and appearance of the CA. The imposition of a planning condition to ensure the dwelling would be used in connection with the groundsperson it is intended for would not mitigate the harm I have identified.
7. Whilst the cricket ground is private, numerous matches take place each year, and it is an established sporting facility. The use of the first floor as a dwelling would reduce the space available within the building in order for it to function as a sports pavilion. The appellant states that the proposal is to adapt the current upstairs rest and storage area, but there is no evidence to suggest that the facility in its current form is no longer needed. Furthermore, it is put to me that the residential accommodation would be required for a groundsperson, and whilst I understand why this might be desirable, there is no evidence before me to suggest why residential accommodation on-site for maintenance of the cricket ground would be necessary.
8. The Council's officer report refers to paragraph 79 of the National Planning Policy Framework (the Framework) insofar as the proposed dwelling would be 'isolated'. The appeal building lies within a short walking distance of dwellings which lie generally to the north, associated with the settlement of Widford. Having regard to a recent court judgment concerning isolated homes in the countryside¹, I find that the appeal site is in a position which is not unduly remote from the nearest settlement and I am satisfied that in the particular circumstances of this case, the proposal would not constitute an isolated home in the countryside. Neither is there anything in the evidence before me to suggest that the dwelling would be so inaccessible that it would not fulfil the requirements, set out in paragraph 78 of the Framework, to maintain the vitality of rural communities and support local services.
9. Nevertheless, the harmful effect I have identified, in accordance with the Framework, would result in less than substantial harm to the CA. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that this matter carries considerable importance and weight. Set against this harm, an additional dwelling would make a small contribution to the Council's housing targets as set out in the District Plan. I acknowledge that the introduction of a residential dwelling would also increase the level of surveillance over the cricket ground, which may deter anti-social behaviour. However, it seems to me that other methods of crime prevention may be available which would be less harmful to the character of the CA. I have also been informed that a

¹ Braintree District Council v SSCLG & Ors [2017] EWHC 2743 (Admin)

family member of the appellant donated a separate field in the village for the purposes of sport and recreation at some point in the past, but that does not appear to be directly related to the proposal before me. Having considered these as potential public benefits, I am not satisfied that collectively they would be sufficient to outweigh the less than substantial harm I have identified, which would be contrary to paragraph 196 of the Framework.

10. For the foregoing reasons I conclude that the rural location of the site would be inappropriate for a new dwelling. The proposal would be contrary to Policies DPS2 and GBR2 of the District Plan which prohibits new dwellings of the type proposed in rural areas. Furthermore, it has not been demonstrated to my satisfaction that the cricket pavilion is no longer needed in its current form; thus, the proposal would result in the partial loss of a sports facility, contrary to Policy CFLR1 of the District Plan. The proposed use of the appeal site would diminish the contribution the site makes to the significance of Widford Conservation Area, harming its character, contrary to Policy HA4 of the District Plan. The development would also conflict with paragraph 196 of the Framework as the public benefits would not outweigh the less than substantial harm.

Other Matters

11. There are a number of other cases where planning permission has been granted locally for new dwellings and extensions to dwellings by the Council. However, those examples appear to comprise different development proposals, in different locations. Therefore, I am not satisfied that the circumstances of each case are sufficiently similar to the appeal scheme such that it would warrant me reaching a different conclusion on the main issues. In any event, I have determined the appeal case on its own merits, whilst having regard to the evidence submitted.

Conclusion

12. For the reasons given above, the appeal is dismissed.

Matthew Woodward

INSPECTOR