



Appeal Decision

Site visit made on 16 March 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2020

Appeal Ref: APP/C1570/W/19/3243843

Foxglove Farm, Dunmow Road, Hatfield Heath CM22 7BL

- 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 K Gregory against the decision of Uttlesford District Council.
 - The application Ref UTT/19/1314/FUL, dated 31 May 2019, was refused by notice dated 18 October 2019.
 - The development proposed is described as "demolition of existing tractor store and conversion of existing stables/carriage store to create a new four bedroom dwelling. Change of use to garden and to nature reserve with marsh or heathland and woodland."
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing tractor store and conversion of existing stables/carriage store to create a new four bedroom dwelling. Change of use to garden and to nature reserve with marsh or heathland and woodland at Foxglove Farm, Dunmow Road, Hatfield Heath CM22 7BL in accordance with the terms of the application, Ref UTT/19/1314/FUL, dated 31 May 2019, subject to the conditions set out in the attached schedule.

Procedural Matter

2. I have taken the description of the development proposed from the appeal form as this is a more complete description that includes the proposed nature reserve area.
3. The Council has referred to the emerging Local Plan in their submissions. I note that the examining Inspectors recommended withdrawal of the emerging plan in their letter of the 10 January 2020. The Council had not formally responded to this recommendation at the time of my decision. Given the uncertain status of the emerging plan I have given it limited weight in determining this appeal.

Main Issues

4. The main issues are:
 - whether the development proposed would be inappropriate development in the Green Belt; and,
 - the effect of the development proposed on the character and appearance of the building.

Reasons

Whether Inappropriate Development in the Green Belt

5. The site is within the Green Belt, outside of any settlement boundary and within the open countryside. Paragraph 143 of the National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. With regard to development in the Green Belt paragraph 2.2.7 of the Uttlesford Local Plan January 2005 (the LP) states that development within the Green Belt will only be permitted if it accords with national planning policy.
7. Paragraph 146 of the Framework sets out that certain forms of development are not inappropriate in the Green Belt, including the re-use of buildings of permanent and substantial construction and material changes in the use of land, where they would preserve its openness and not conflict with the purposes of including land within it.
8. The Council does not dispute that the buildings are in sound structural condition, and from what I saw during my site visit I have found no reason to disagree with this conclusion. It is therefore reasonable to consider that the buildings are of permanent and substantial construction.
9. The development proposed involves the conversion of existing buildings, with an existing tractor store demolished as part of the conversion. This would reduce the extent of built form on site. Two existing paddocks would be used as the garden of the proposed house. A residential garden will typically be used in different ways to an equestrian paddock and this may include the accumulation of domestic paraphernalia. However, I have given weight to the seclusion of the site and the limited scale of the domestic curtilage relative to the wider appeal site.
10. The remaining paddocks and the manège would become a nature reserve with areas of heathland, wetland and woodland. This would involve removing the fencing separating the paddocks from throughout the site, significant tree planting and other works.
11. Overall, there would be little or no harm to the visual openness of the Green Belt from the appeal proposal, and the spatial openness of the appeal site would be increased. I therefore consider that at worst the development proposed would have a neutral impact on the overall openness of the Green Belt in this location.
12. Turning to the purposes of including land within the Green Belt, the appeal proposal would not involve unrestricted sprawl of a large built-up area or contribute to the merging of neighbouring towns. There would be no encroachment of the countryside arising from the proposals and the development would not be harmful to the setting and special character of any historic town.
13. Based on the evidence before me the stables/carriage store buildings are of permanent and substantial construction. The conversion of the buildings to a residential use and the associated works would preserve the openness of the Green Belt and would not conflict with the purposes of including land it as set

out in the Framework. It would therefore not be inappropriate development in the Green Belt.

Character and Appearance

14. Policy H6 of the LP specifies criteria against which the conversion of rural buildings to residential use will be assessed. Of these criteria, the Council contends that the appeal proposal conflicts with the requirement for the building's historic, traditional or vernacular form to enhance the character and appearance of the rural area.
15. In reaching this conclusion, the Council states that the Policy is intended to address barn conversions involving buildings with historic or landscape merits, and the supporting text states that permission will not be granted for residential conversion of barns if they have no environmental qualities.
16. No evidence has been submitted to show that the existing stables/carriage store buildings are of historic or landscape merit. The buildings have timber walls and corrugated sheet roofs, and in my experience their appearance is typical of agricultural and equestrian buildings found in rural areas. The development proposed would preserve the general form of the buildings and would not be harmful to the character and appearance of the rural area, but neither would it enhance it.
17. The development proposed is therefore in conflict with Policy H6 of the LP.

Other Matters

18. The Council in its appeal statement states that it does not necessarily accept that all or any of the buildings proposed to be converted are lawful. The Council has confirmed that the buildings are not subject to any Enforcement action, and no further evidence has been placed before me to suggest that the buildings are not lawful. It is not the purpose of this appeal to determine the lawful status of the buildings, and therefore I shall not address this matter further.

Planning Balance

19. I have found that the proposal would conflict with LP Policy H6. However, in this instance I am satisfied that there are material considerations that justify my making a decision other than in accordance with the development plan. The LP was adopted prior to the publication of the Framework which encourages the re-use of previously developed land, including the conversion of existing buildings. LP Policy H6 is only partially consistent with the Framework, which sets out the most recent government policy on this matter. In accordance with paragraph 213 of the Framework, I therefore only attach limited weight to the conflict with LP Policy H6 in determining this appeal.
20. The Council has acknowledged in its submissions that it can currently only show a 2.68 years supply of housing land supply. In those circumstances, having regard to footnotes 6 and 7 and paragraph 11 d) of the Framework, permission should be granted unless sub-sections i) or ii) of that paragraph apply.
21. I have found that the proposal would not be inappropriate development in the Green Belt and I have no evidence to indicate that the application of policies in

- the Framework that protect areas or assets of particular importance would provide a clear reason for refusing the proposal. As such, sub-section i) does not apply in this case.
22. Sub-section ii) requires a balance to be undertaken whereby permission should be granted unless the adverse impacts of doing so would clearly and demonstrably outweigh the benefits when weighed against the policies in the Framework taken as a whole.
23. The appellant has not specifically identified benefits arising from the development proposed. However, the Place Services consultee response does recognise that the development would deliver biodiversity enhancements, and the development would deliver a single new family dwelling. A limited amount of social and economic benefits would result from the conversion works and the occupation of the new dwelling. I have given these benefits moderate weight.
24. Set against this is the conflict with LP Policy H6. While the appeal proposal would not enhance the character and appearance of the rural area, I have found that it would not be harmful to that character and appearance. Given my findings on the first main issue, there would be no adverse impacts to clearly and demonstrably outweigh the benefits when weighed against the policies in the Framework taken as a whole.
25. This presumption in favour of sustainable development is a material consideration which weighs in support of the proposal. In this case it is a material consideration which outweighs the conflict with the development plan as a whole.

Conditions

26. I have had regard to the Council's suggested conditions. Where necessary, and in the interests of conciseness and enforceability, I have altered the suggested conditions to better reflect the relevant parts of national Planning Practice Guidance. Both main parties have been given the opportunity to comment on the conditions, which I have identified as being reasonable, relevant and necessary. I have included standard conditions relating to the commencement of development and confirmation of the approved plans for the sake of certainty.
27. I have imposed a condition requiring approval of external materials and details of glazing to ensure that the finished appearance of the development would be appropriate to its rural setting.
28. I have imposed conditions relating to the design, implementation and management of the nature reserve and landscaping works and the protection of biodiversity during construction. This is to secure the proposed biodiversity enhancement measures and prevent harm during construction. It is necessary for the details of the biodiversity protection measures to be submitted and approved prior to commencement of works so the approved measures can be implemented from the start of works.
29. I have imposed a condition requiring that an electric car charging facility be installed as part of the development and retained. This is in the interests of sustainable development and given that the site is not located in a particularly accessible location.

30. I have also added a condition requiring that the development be carried out to an accessible standard in line with the Building Regulations 2010. This is to ensure that the development will be accessible for all users.
31. I have considered the recommended condition requiring details of surface water management. However, from the evidence before me there are no new hardstandings proposed as part of the development proposed and the site is not vulnerable to surface water flooding. I do not therefore consider that this condition is necessary.
32. I have also considered the recommended conditions relating to provision of a residential travel information pack and an approved facility for bicycle parking. With regards to the information pack, there is no evidence before me to show what this should include, and therefore I do not consider it reasonable to condition this. With regards to the cycle parking facility, the appeal proposal includes a courtyard and a garden, and I do not consider that separate cycle parking is necessary.

Conclusion

33. For the reasons given above I conclude that the appeal should be allowed.

M Chalk

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2705-500a, 2705-501a, 275-502, 2705-503, 2705-504a, 2705-505b.
- 3) No works pertaining to the conversion of the stables shall take place until details of all external facing materials and glazing have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 4) Prior to first occupation of the dwelling hereby permitted all mitigation and enhancement measures and/or works shall have been carried out in accordance with the details contained in the Ecological Report (CSA Environmental, June 2019) as submitted as part of the planning application to which this permission relates. Such measures and/or works may include the appointment of an appropriately competent person e.g. an ecological clerk of works to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
- 5) Prior to commencement (including any demolition, ground works or site clearance) a Biodiversity Method Statement for Protected and Priority Species shall have been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the following:
 - a) Purpose and objectives for the proposed works;
 - b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - c) Extent and location of proposed works shown on appropriate scale maps and plans;
 - d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) Persons responsible for implementing the works;
 - f) Initial aftercare and long-term maintenance (where relevant);
 - g) Disposal of any wastes arising from the works.

Prior to first occupation the works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.
- 6) Prior to installation of any glazing to the dwelling an ecological design strategy (EDS) shall have been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
 - a) Purpose and conservation objectives for the proposed works.
 - b) Review of site potential and constraints.
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
 - d) Extent and location/area of proposed works on appropriate scale maps and plans.

- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f) Persons responsible for implementing the works.
 - g) Details of initial aftercare and long-term maintenance.
 - h) Details for monitoring and remedial measures.
 - i) Details for disposal of any waste arising from works. Prior to first occupation the EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
- 7) Prior to first occupation of the dwelling hereby permitted, an electric car charging facility shall be installed to the property and thereafter retained as such.
- 8) The residential conversion approved by this permission shall be completed in accordance with the standards of Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition prior to first occupation.