



Appeal Decision

Site visit made on 29 May 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 9th June 2020

Appeal Ref: APP/J1915/W/19/3243449

Moorwood House, Moor Green, Ardeley, Nr Stevenage SG2 7AU

- 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 Mrs K Luetchford against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1763/FUL, dated 27 August 2019, was refused by notice dated 31 October 2019.
 - The development proposed is change of use of existing residential annexe to an independent dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of existing residential annexe to an independent dwelling at Moorwood House, Moor Green, Ardeley, Nr Stevenage SG2 7AU in accordance with the terms of the application, Ref 3/19/1763/FUL, dated 27 August 2019, subject to the following 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: NH/807/01, NH/807/04 and NH/807/05.
 - 3) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any amending Order, no development as specified in Schedule 2, Part 1, Classes A, and E shall be undertaken without the prior consent, in writing, of the local planning authority.
 - 4) Prior to first occupation of the development hereby approved, facilities for the storage and removal of refuse from the site shall be provided, in accordance with details having been submitted to and approved in writing by the local planning authority. The facilities shall thereafter be maintained in accordance with those details.

Main Issue

2. The main issue is whether the proposed development would provide a suitable location for housing with particular regard for accessibility of services and facilities and the character and appearance of the area having regard to local and national policies.

Reasons

3. The site is located outside of settlement boundaries within the open countryside and in an area designated within the East Herts District Plan October 2018 (DP) as a Rural Area Beyond the Greenbelt (RABGB).
4. The site consists of a plot of land adjacent to Moorwood House, a detached dwelling, that is occupied by a number of outbuildings. These include an annexe that is currently in incidental use as a residential annexe and a stable building. The proposal seeks subdivision of the land and the use of the annexe as a separate permanent residential dwelling.
5. Since there are other dwellings along the road a short distance away, the site is not isolated in the terms of paragraph 79 of the National Planning Policy Framework (Framework). In any event, even if the site was isolated, there is no definition of dwelling in the Framework or DP to suggest that part (d) of paragraph 79 only relates to the primary building and does not include any ancillary outbuildings. Therefore an 'existing residential dwelling' can reasonably be defined as a primary building and any ancillary outbuildings. From the evidence before me the outbuilding was constructed as an annexe to support the main house known as Moorwood House. It is in close proximity to the host dwelling and is ancillary to it. Therefore, even if the provisions of paragraph 79 of the Framework were engaged in this case, the proposed development would accord with it.
6. The nearest settlement is Wood End, which, as indicated by the evidence, has no services or facilities. Ardeley is a larger settlement to the north which has limited services and facilities including a school and shop. In addition, the road linking the site with these settlements largely lack footpaths and streetlights such that future occupiers would be mostly reliant on the private vehicle for access to services and facilities.
7. However, the larger settlements of Buntingford and Stevenage with a wide range of services and facilities, are a short car journey away and, given the modest scale of the annexe with one bedroom, the number of future occupiers and number of car trips generated by the proposal would be limited. Moreover, given the existing, incidental use, any increase in trips resulting from the proposal would be nominal. Therefore, the harm in this regard would be limited such that refusal of permission on these grounds alone would not be justified.
8. Turning my attention to character and appearance, no physical changes are proposed to the existing buildings and the appellant has indicated that no changes are proposed to the access or driveway. A fence would be erected between Moorwood House and the appeal site, and some landscaping changes have been suggested in the evidence.
9. Since the site currently lies within the existing residential property of Moorwood House and given that the proposal would result in the permanent rather than temporary occupation of the one bedroom annexe, any additional domestic paraphernalia would be unlikely to be to an extent that would adversely affect the character and appearance of the area. Furthermore, given the tall trees along the boundary of the site with the road, views of the development from the public realm would be limited.

10. DP Policy GBR2 lists a number of types of developments that will be permitted in the RABGB provided that they are compatible with the character and appearance of the area. While I have found that the proposal would not harm the character and appearance of the area, since the proposed development does not fall within these criteria, in strict terms it would conflict with this Policy.
11. However, since DP Policy GBR2 does not mention the change of use of existing buildings, and the policies before me do not relate to such development, the development plan appears to be silent on these types of developments. DP Policy INT1 states that where there are no policies relevant to the application, then the Council will grant permission unless material considerations indicate otherwise taking into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole.
12. Since the proposal includes the provision of a single dwelling to the local housing supply, the benefit in this regard would be limited. However, since the harm that would result from the location of the proposal outside of settlement boundaries would also be limited, the adverse impacts would not significantly and demonstrably outweigh the benefits. Therefore, the proposal would not conflict with DP Policy INT1.
13. DP Policy DPS2 permits developments in sustainable brownfield sites. Since the site has permanent structure and is previously developed land, it constitutes a brownfield site. Given my findings regarding the accessibility of services and facilities, the size of the appeal building and its current use, the proposal would not conflict with this Policy.
14. Consequently, the proposed development would provide a suitable location for housing with particular regard for accessibility of services and facilities and the character and appearance of the area. While the proposal would conflict with DP Policy GBR2, it would not conflict with DP Policies DPS2 and INT1. Given that the development plan appears to be silent regarding this type of development and that the limited harm would not significantly and demonstrably outweigh the benefits, in this particular case, other considerations outweigh the development plan conflict. In addition, for the foregoing reasons, the proposal would not conflict with the Framework.

Other Matters

15. The appellant has indicated that the 'L' shaped building would continue its current use as a stable building and that the land to the north would be retained as part of the appeal scheme. Therefore, this point has not altered my overall decision.
16. I note the comments of the Inspectors for the cases at Hill Farm¹ and The Oaks². However, these schemes have different positions in relation to their nearest settlements when compared to the appeal scheme such that they do not provide direct comparisons. In any event, each case must be determined on its individual merits and they have not altered my overall decision.

¹ Appeal Ref: APP/J1915/W/18/3205317

² Appeal Ref: APP/J1915/W/18/3210408

Conditions

17. I note the Council's suggested conditions and have made some minor amendments having regard to paragraph 55 of the Framework and in the interests of precision and clarity.
18. Conditions relating to the standard time limit and specifying the approved drawings are necessary in the interests of certainty.
19. Since the scheme does not involve the construction of new buildings, the suggested conditions relating to details of the proposed buildings and construction are not necessary.
20. Given the rural location of the proposal and proximity to the existing dwelling, a condition removing certain permitted development rights is necessary to safeguard the character and appearance of the area.
21. While I note that there appears to be sufficient space for the storage of refuse and recycling, since the proposal would result in a separate dwelling and given the proximity of the proposal to the existing dwelling, a condition relating to the location of refuse and recycling storage is necessary.

Conclusion

22. For the reasons given above, the appeal should be allowed.

R Sabu

INSPECTOR