



Appeal Decision

Site visit made on 3 August 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2020

Appeal Ref: APP/C1950/W/20/3250534

7 Normans Lane, Welwyn AL6 9TQ

- 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 and Mrs J and C Gumble against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2019/3153/FULL, dated 12 December 2019, was refused by notice dated 13 February 2020.
 - The development proposed is conversion of existing barn to residential dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I note that there are discrepancies in the submitted plans relating to the roof structure of the building, principally including a section of flat roof that is not shown on the plans, and the absence of detail on the left elevation as proposed. I am nonetheless satisfied that the plans are sufficiently clear to allow the appeal to be determined. If I were minded to allow the appeal this is something on which I would have sought the further comments of parties. However, as I am dismissing the appeal this has not been necessary.
3. Both main parties have referred to the emerging Local Plan in their submissions. However, I do not have any details of how close this is to adoption. I am therefore only able to give limited weight to its policies in determining this appeal.

Main Issues

4. The main issues are:
 - Whether the appeal proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies,
 - Whether the appeal proposal would be sustainable development, having regard to its location,
 - The effect of the appeal proposal on the character and appearance of the surrounding area; and,

- If the appeal proposal is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it

Reasons

Whether inappropriate in the Green Belt

5. The site is within the Green Belt. 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. Paragraph 146 of the Framework specifies certain forms of development that are not inappropriate in the Green Belt. These include the re-use of buildings of permanent and substantial construction, provided it would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.
7. Policy D2 of the Welwyn Hatfield District Plan 2005 (the DP) requires all new development to respect and relate to the character and context of the area in which it is proposed. DP Policy H2 states that applications for windfall residential development will be assessed against the physical and environmental constraints of development of land, amongst other criteria. DP Policy RA10 states that development in the rural areas will be expected to contribute to the conservation, maintenance and enhancement of the local landscape character of the area in which they are located.
8. The development proposed involves the conversion of existing linked buildings which I saw during my visit were being used to house poultry and for storage. The conversion would not alter the extent of the footprint of the building. However, it would involve the creation of a residential curtilage around the new dwelling. The curtilage of a residential dwelling will typically be used in a different way to agricultural land, and may include the accumulation of domestic paraphernalia. The site is relatively well-screened in the surrounding area, but from what I saw on site is open to views from Normans Lane and from the neighbouring property, Appledene. I consider that the development proposed would therefore be likely to cause some loss of visual openness as a result of the change in use of the site.
9. Turning to the purposes of including land within the Green Belt, I consider that the development would result in some encroachment of the countryside through the loss of agricultural land and introduction of a residential curtilage.
10. With regard to the alterations to the building, due to the discrepancies set out above, I am not able to conclude on whether or not the proposed appearance of the building would result in harm.
11. I have been invited to consider the potential for the building to be converted to a residential use under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, I am not convinced that it would necessarily be more unsympathetic than the appeal proposal. In any case, that is not the proposal before me, and therefore I cannot give it significant weight in determining this appeal.

12. While the appeal proposal involves the re-use of a building of permanent and substantial construction, it would not preserve the openness of the Green Belt and would conflict with the purposes of including land in it. It would therefore constitute inappropriate development, and would conflict with Policies D2, H2 and RA10 of the DP and the requirements of the Framework.

Location

13. The Framework recognises that opportunities to maximise sustainable transport will vary between urban and rural areas. It also recognises the importance of sustainable transport and avoiding adverse environmental impacts from traffic.
14. At the time of my visit I saw that Normans Lane was unmade and unlit in the vicinity of the appeal site. It is not disputed that the site is more than a mile from the nearest services and facilities, and the site is not served by public transport. Given this, and the distance to services, I consider that the great majority of trips from the appeal site would be likely to rely on private vehicles. The distance, narrow carriageway and lack of lighting are unlikely to make regular trips on foot or by bicycle attractive to future occupiers.
15. I therefore consider that the appeal proposal would not be sustainable development, having regard to its location. It would therefore conflict with DP Policies SD1, H2, GBSP1 and GBSP2 which require, amongst other things, that development be located within the district's towns and specified settlements as these settlements offer opportunities for sustainable development.

Character and appearance

16. The development proposed would result in a change in the character of the appeal site from agricultural to residential. While the impact of the change would be localised and the site is not in a prominent location, DP Policy RA10 expects development to contribute to the conservation, maintenance and enhancement of the local landscape character of the area in which it is located. DP Policies D1 and D2 further require development to be of a high quality standard of design that relates to the character and context of the area in which it is proposed.
17. The appeal site is located within the Datchworth Defined Slopes landscape character area, which is characterised by undulating and gently sloping open arable farmland. Given the relative seclusion of the site, I consider that the effect of the appeal proposal on the landscape character area would be slight, but there would be harm from the loss of land in agricultural use as this contributes to the rural character of the area.
18. I have not been presented with detailed evidence that the site is no longer suitable for use for agricultural purposes. No evidence has been presented that the appellants have explored alternative options for the site that would be in keeping with the rural location.
19. I therefore find that the appeal proposal would be harmful to the character and appearance of the surrounding area. It would conflict with DP Policies D1, D2 and RA10.

Other matters

20. The appellants have stated that the motivation for the appeal proposal is to provide family accommodation to allow them to care for a relative with medical needs. I have considered this in my determination of this appeal, but I am mindful of national guidance that in general planning is concerned with land use in the public interest. I do not have any detailed evidence, for example from medical professionals, to show that the relative's medical needs could only be met by the appeal proposal. I am therefore only able to give limited weight to the appellants' personal circumstances in determining this appeal.
21. I have considered whether the removal of domestic permitted development rights would make the appeal proposal acceptable. However, I do not consider that this would overcome the harm arising from the change in the character of the appeal site from agricultural land to residential.
22. The appellants have suggested that DP Policy SD1 fails to accord with the Framework as it appears to rule out the conversion of existing redundant buildings. I am not convinced that this is the case, as the supporting text does refer to changes of use of land, buildings and conversions. Even if I were to find that the policy failed to accord with the Framework, however, it would not alter my findings overall.
23. The Council states that it does not necessarily accept that the building proposed to be converted is lawful. However, it is not the purpose of this appeal to determine the lawful status of the buildings, and therefore I shall not address the matter further.

Whether very special circumstances exist

24. No arguments have been advanced to suggest that very special circumstances exist. I do not consider that there are any considerations in this case, including the appellants' personal circumstances, that would clearly outweigh the identified harm by reason of inappropriateness and other harm. I therefore consider that very special circumstances do not exist to justify the appeal proposal.

Conclusion

25. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR