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## Appeal Decision

Site visit made on 10 August 2020

**by M Chalk BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 September 2020**

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**Appeal Ref: APP/J1915/W/20/3252334**

**Stelfox House, 7 Chapel Lane, Letty Green SG14 2PA**

- 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 B Farrell against the decision of East Hertfordshire District Council.
  - The application Ref 3/19/2587/FUL, dated 13 December 2019, was refused by notice dated 13 February 2020.
  - The development proposed is conversion of existing stables to create two bedroom residential dwelling with associated parking, amenity area and turning area.
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### Decision

1. The appeal is dismissed.

### Background

2. Planning permission has previously been granted by the Council for two additional houses on the wider site. The appeal proposal would result in up to four dwellings on the wider site if these other permissions were implemented. There is nothing before me to suggest that the other permissions would not be built out if I were to allow this appeal, and therefore I have assessed the development proposed having regard to the cumulative effect of the approved and proposed developments.

### Main Issues

3. 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 site is in a sustainable location, having regard to local and national policies; and,
  - Whether the appeal proposal would represent overdevelopment of the site, having regard to the established grain of development in the area.

### Reasons

*Whether inappropriate development*

4. The appeal site lies 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. Paragraph 146 of the Framework specifies certain types of development that are not inappropriate within the Green Belt. These include the re-use of buildings of permanent and substantial construction, provided that the re-use would preserve its openness and not conflict with the purposes of including land within the Green Belt.

5. Policy GBR1 of the East Herts District Plan October 2018 (the DP) states that planning applications within the Green Belt will be considered in line with the provisions of the Framework.
6. It is not in dispute that the stables building is of permanent and substantial construction, nor that the change of use of the building itself would preserve the openness of the Green Belt and not conflict with the purposes of including land within it. I have no evidence before me to cause me to conclude otherwise.
7. A garden area would be formed from part of the paddock adjacent to the stables building. This area would include a hardstanding for parking of two cars and be likely to result in the introduction of domestic paraphernalia into the site. The main parties differ in whether they consider the paddock to be part of the curtilage of the host property, however I do not consider that this matter is determinative to this appeal. I saw on site that the rear boundary fence of the paddock follows a property line shared by the neighbouring properties on Chapel Lane, and the development proposed would not encroach further into the countryside than the existing boundary. If I were minded to allow this appeal I could restrict the Permitted Development rights of the new dwelling by means of an appropriately worded condition to limit the addition of domestic paraphernalia to the site. I therefore consider, given the specific circumstances of the site and scale of the development proposed, that the appeal proposal would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.
8. I therefore consider that the development proposed would not be inappropriate development in the Green Belt. It would therefore accord with Policy GBR1 of the DP and the requirements of the Framework.

*Whether a sustainable location*

9. Policy TRA1 of the DP states that development should, amongst other things, primarily be located in places which enable sustainable journeys to be made to key services and facilities.
10. The appeal site is part of the settlement of Letty Green, which offers limited services for local residents. Residents would need to travel into larger neighbouring settlements for day-to-day services. I have been provided with little evidence regarding the availability and frequency of public transport in the vicinity of the site and, given the distances involved, I consider it unlikely that residents would routinely walk or cycle to the larger settlements. While there are neighbouring settlements within walking distance, it is not clear what level of services and facilities are available in these settlements compared to the larger and more distant settlements of Hertford and Welwyn Garden City. I therefore consider that the appeal proposal is likely to result in an increase in the number of regular trips using private vehicles.

11. While the use of electric vehicles is becoming more commonplace, there is no mechanism before me to guarantee that occupants of the proposed dwelling would only use electric vehicles, and so I can only give this possibility limited weight.
12. While planning permission has previously been granted by the Council for two additional dwellings on the wider site, I have not been provided with the full details of those applications. I have assessed the development proposed on its own merits, which includes the cumulative effects of the existing, approved and proposed dwellings.
13. The appeal proposal would involve development located in a place that does not enable sustainable journeys to be made to key services and facilities. The appeal site is therefore not in a sustainable location, in conflict with DP Policy TRA1.

#### *Whether overdevelopment*

14. Letty Green is classed as a Group 3 village under DP Policy VILL3. Within Group 3 villages limited infill development will be permitted subject to specific criteria, including that it be of a scale appropriate to the size of the village having regard to the potential cumulative impact of development in the locality and that it be well designed and in keeping with the character of the village. DP Policy HOU2 further requires that housing development make efficient use of land, and demonstrate how the density of new development has been informed by the character of the local area. DP Policy DES4 requires that new development be of a high standard of design and layout to reflect and promote local distinctiveness.
15. Backland development is uncommon in the vicinity of the appeal site. However, the development would involve the conversion of an existing building on the site and the conversion of part of a paddock to a garden and parking area. The scale of the development proposed is modest and would not result in an increase in the scale of built development. I do not consider that the appeal proposal would result in an unacceptable change in the character of the site or harm to the wider area.
16. While the cumulative effect of implementing the approved and proposed development would result in four dwellings on the wider site, given the specific circumstances in this instance I am satisfied that it would not amount to overdevelopment. It would not therefore conflict with the requirements of DP Policies VILL3, HOU2 and DES4.

#### **Conclusion**

17. While I have found that the development proposed would not be inappropriate development in the Green Belt or an overdevelopment of the site, it would result in development of a site in an unsustainable location where residents would be dependent on private transport for access to day-to-day services and facilities.
18. Therefore, the appeal fails.

*M Chalk*

INSPECTOR