



Appeal Decision

Site visit made on 29 September 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st October 2020

Appeal Ref: APP/J1915/W/20/3256475

The Courtyard, Garden Lodge, Coles Park, Westmill, Buntingford, Hertfordshire SG9 9LT

- 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 Leslie Morgan against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1170/FUL, dated 31 May 2019, was refused by notice dated 17 January 2020.
 - The development proposed is the change of use from the courtyard building (D1) and attached stables to residential (C3).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from the courtyard building (D1) and attached stables to residential (C3) at The Courtyard, Garden Lodge, Coles Park, Westmill, Buntingford, Hertfordshire SG9 9LT in accordance with the terms of the application, Ref 3/19/1170/FUL, dated 31 May 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: 8225 A4 LP (Location Plan) and 2 (Site plan) insofar as they relate to the site area of the change of use.

Main Issues

2. The main issues are whether the change of use of the existing building is an appropriate use for its rural location and whether the proposal would unacceptably result in the loss of an employment or community facility.

Reasons

Use

3. The appeal site is located in a rural location with only a very limited amount of development in the area. As I understand it Westmill village is around 1.3km from the site but this has only limited facilities such as a tea room, public house and a church. There is also only occasional public transport from there too. The nearest town which has a range of facilities is Buntingford which is around 3km away.

4. The appeal building itself is clearly of substantial and permanent construction and has previously been used as an Environment Studies Education Centre (ESEC) for which planning permission¹ was granted for that change of use in April 2010. The Appellant has stated that this use ceased in April 2016. At my site visit I saw that the interior of the building appeared to be in domestic use, although it is unclear whether a domestic use has already commenced.
5. Given the rural location of the site, the occupiers of the proposed dwelling would be heavily reliant on the private motor car to gain access to even the most basic of services, which is the least sustainable mode of transport. This is particularly the case as the surrounding road network is characterised by country lanes with no footpaths or street lighting. These roads do little to encourage walking or cycling to such facilities.
6. Notwithstanding that, I am also conscious that the appeal development would result in the re-use of an existing building which is very much domestic in scale. It is also clear that alternative uses of this building would invariably result in levels of traffic generation which would also be likely to be by private motor vehicle. To my mind, this is a significant factor in this case.
7. Taking this into account, despite the harm as a result of the unsustainable location of the site, I consider that this is not a factor which should prevent the reuse of this existing building for residential purposes.
8. For the above reasons the proposal would be broadly consistent with the aims of Policy GBR2 of the East Herts District Plan (2018) (EHDP) which amongst other matters seeks to protect the rural area beyond the Green Belt as a valued countryside resource. It would also accord with the overarching aims of the National Planning Policy Framework (the Framework).

Community/employment facility

9. The Council have also raised concern over the loss of a community facility and/or an employment site. As I have already noted, the use of the building for the ESEC ceased some time ago. From the limited information before me, this was very much a private enterprise and not open for members of the general public to freely and openly utilise the facility. As such, despite the use class of the building, I am not convinced that the facility was truly a community use in the context of Policy CFLR8 of the EHDP.
10. Notwithstanding that, there is some evidence which indicates that the facility is no longer needed in its current form (or form prior to any works being undertaken to facilitate the domestic use of the building). This is key as one of the supportive criterion set out in Policy CFLR8 allows for the loss of a community use in such circumstances.
11. Similarly, a Class D1 use is such that it would not normally be considered to be an employment use in the traditional sense. Whilst I have not been provided with any details on the amount of people employed by the business, given its nature, the level of employment was unlikely to be significant.
12. In addition to all of the above, I am also conscious of the planning history to the site which indicates that the two-storey element of the building was previously part of the domestic use of Garden Lodge. Whilst there have clearly

¹ Reference 3/09/1279/FP

been changes to the building (and the stable block element) since that time, the fact that the site has been in domestic use historically also weighs in favour of the current proposal.

13. Taking all of these issues together, I consider that whilst the proposal would result in the loss of a building with a Class D1 use in a rural area, such a loss would not be unacceptable and would be consistent with Policies CFLR8 and ED2 of the EHDP which amongst other matters seek to ensure that employment and community uses are not lost without sufficient justification. The proposal would also be in accordance with the Framework.

Other matters

14. To the north-east of the appeal site is Garden Lodge which is a Grade II Listed Building. Additionally, part of the appeal building itself is a curtilage Listed Building to Garden Lodge.
15. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of this building.
16. The Council have not identified any harm to this Listed Building and in my view the change of use would have a neutral impact on the setting of the principle listed building. Similarly, it would have a neutral impact on the character of the curtilage building itself. I therefore consider that the proposal would accord with the heritage aims of the Framework and the Development Plan.
17. The Council has also made reference to the lack of correct detail on the plans. From my site visit I saw that the internal layout of the building was not exactly as shown on the plans before me. That said, the variances between the building on site and the plans themselves were largely insignificant given that the Council have not raised any issues other than matters relating to the use of the building and its location.
18. Finally, the Council have referred to Policy DES4 of the LP in their reason for refusal. However, I note that this is not referenced in the Officers' report in the assessment of the proposal and no specific conflict with it has been identified. Considering that this policy is largely concerned with design aspects, such as the alterations to buildings or landscape, I consider that the proposal does not conflict with any aspect of this Policy.

Conditions

19. The Council has suggested a number of conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance.
20. Other than the standard time limit condition restricting the implementation of the permission to within 3 years, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. However, given that the floor and elevation plans do not exactly match the building I observed on site (and that no alteration works are proposed as part of the development) I consider that it is not necessary to specify these plans.
21. The Council has suggested conditions relating to refuse storage and collection and the restriction of permitted development rights for extensions and

alterations to the dwelling and for buildings within the curtilage of the dwelling which would normally be permitted under Classes A, B, C and E of Part 1 of the Second Schedule of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

22. However, given what I observed on site, and the obvious refuse collection point, I consider that further details in respect of refuse storage and collection are not necessary. In respect of permitted development rights, I do not find there to be any exceptional circumstances that would justify their removal.

Conclusion

23. Taking all matters into consideration, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR