
Appeal Decision

Site visit made on 10 November 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday, 17 December 2020

Appeal Ref: APP/J1915/W/20/3252551

Unit 1 and 2, Monks Green Farm, Mangrove Lane, Hertford, Hertfordshire SG13 8QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr William Ashley (William Ashley and Partners) against East Hertfordshire District Council.
 - The application Ref: 3/20/0422/FUL, is dated 25 February 2020.
 - The development proposed is a barn conversion to create two dwellings, creation of first floor insertion of windows and doors to all elevations and four roof lights.
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Decision

1. The appeal is allowed, and planning permission is granted for a barn conversion to create two dwellings, creation of first floor insertion of windows and doors to all elevations and four roof lights at Unit 1 and 2, Monks Green Farm, Mangrove Lane, Hertford, Hertfordshire SG13 8QL in accordance with the terms of the application, Ref: 3/20/0422/FUL, dated 25 February 2020, and the plans submitted with it, subject to the attached schedule of conditions.

Application for costs

2. An application for costs was made by Mr William Ashley (William Ashley and Partners) against East Hertfordshire District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The proposed development is described on the planning application form as 'improvements/alterations', however, on the appeal form it is described as a 'barn conversion to create two dwellings, creation of first floor insertion of windows and doors to all elevations and four roof lights'. I have proceeded based on the description on the appeal form in the interests of precision.
4. The Council's Statement of Case was received after the initial deadline. However, given the importance of this document, I have considered it as part of my assessment. Furthermore, as the appellant has had the opportunity to comment, I am satisfied that no party has been prejudiced by this decision. I have therefore proceeded on this basis.

Main Issues

5. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt and the effect on openness; and
- the suitability of the site as a location for a residential development.

Reasons

Whether inappropriate development and effect on openness

6. The site is located within the Green Belt. The National Planning Policy Framework (the Framework) regards the erection of new buildings within the Green Belt as being inappropriate. However, the proposed development is for the conversion of an existing building, rather than a new one. Instead the physical changes amount to amendments to the elevations of the building and internal alterations involving the insertion of a mezzanine floor.
7. These new works amount to changes to the existing structure, rather than the erection of a completely new building. In consequence, the provisions of Paragraph 145 of the Framework do not apply in this specific instance.
8. Paragraph 146 of the Framework states that certain other forms of development are also not inappropriate in the Green Belt. These include the re-use of buildings that are permanent and of substantial construction. It would appear that the building that is the subject of this appeal has been in-situ for a significant period of time. Furthermore, on my site visit, I observed that the building had been constructed from blockwork, in addition to metal cladding. In consequence, the building meets the provisions of being of permanent and substantial construction.
9. For a development to be regarded as not inappropriate for the purposes of Paragraph 146 of the Framework, the development should preserve the openness of the Green Belt and not conflict with the purposes of including land within it.
10. In this instance, the proposed development, as a building conversion, would not add to the growth of large built up areas. In addition, as the appeal site is not within, or adjacent, to a settlement. Therefore, the proposed development would not result in neighbouring towns merging together or further encroachment into the countryside. The evidence before me is not indicative of the development effecting the setting or character of historic towns or would conflict with urban regeneration. In consequence, the development would not conflict with the purposes of including land within the Green Belt.
11. In respect of openness, the development before me would not result in a larger building than is currently present on the site. In addition, the proposed building would be located alongside a mixture of other buildings, including others of a similar construction. These include some buildings that have been converted to dwellings and others that are in use for commercial purposes. In result, the proposed development would be viewed as part of a cluster of buildings. These buildings would also provide some screening of the proposed building. The appeal site is also near to a some bunding, which would also lessen the prominence of the development upon the surrounding area.

12. There is likely to be some vehicle movements associated with the development. However, given the existing use of the building and its proximity to various other buildings, the presence of cars and other vehicles would not appear to be particularly unusual. In consequence, these would not lead to a detrimental effect upon the level of openness within the surrounding area.
13. I note that as a domestic dwelling, there is a likelihood that residents of the proposed dwellings might require some domestic paraphernalia (such as garden structures) outside of the buildings. However, any such paraphernalia is likely to be relatively small in scale by reason of the plot sizes of the development. It would be further screened by the surrounding buildings. In consequence, I do not believe that the proposed development would erode the spatial and physical sense of openness that is a feature of the Green Belt.
14. In considering this appeal, I have been directed towards Policy GBR1 of the East Hertfordshire District Plan (2018) (the District Plan). Amongst other matters, this policy seeks to ensure that planning proposals within the Green Belt are assessed against the requirements of the Framework. For the preceding reasons, I have concluded that Paragraph 145 of the Framework is not applicable to the specific development before me and the proposal complies with the requirements of Paragraph 146. Accordingly, the objectives of this policy have been complied with, although I note that this policy has not been suggested in the Council's putative reason for the refusal of planning permission.
15. I therefore conclude that the proposed development does not represent an inappropriate development within the Green Belt and would not have an adverse effect on openness. It would therefore be in conformity with the requirements of Policy GBR1 of the District Plan and the Framework.

Suitability of the site

16. The appeal site consists of a barn that is surrounded by other buildings. Many of these have been converted to residential accommodation or business uses. Other dwellings are nearby.
17. My attention has been drawn to Policy DPS2 of the District Plan. Amongst other matters, this states that new development should be delivered in a hierarchy of settlements, in order to ensure sustainability. Whilst the proposed development would be located amongst other buildings, their form and function would mean that the immediate surroundings could not be appropriately described as a village.
18. Furthermore, whilst the proposed development would be near to other dwellings, the nature of their use is such that residents would need to travel to other settlements in order to access the services and facilities that they are likely to require on a day-to-day basis. Residents would not have immediate access to public transport and the nature of the surrounding road and footpath network may deter some residents of the proposal from undertaking journeys by means of methods such as walking and cycling.
19. In consequence, the development would lead to a conflict with Policy DPS2. It is therefore incumbent upon me to assess whether any harm would arise from this breach.

20. In this instance, a prior approval has previously been granted to convert the building into two dwellings. Although some details are still to be agreed due to the imposition of conditions, I note that there is still some time before this permission would expire. In addition, owing to the time period before the permitted works are required to be completed, there does not appear to be a reason as to why this permission is incapable of taking effect. Accordingly, this permission should be given weight in my assessment.
21. Whilst the appeal scheme would result in bigger dwellings than the extant scheme as they would have a mezzanine floor and an additional bedroom, the extant scheme as a two-bedroom dwelling has the potential to accommodate a family. In consequence, the proposed development is unlikely to result in a greater number of trips on the surrounding road and path network than the extant scheme.
22. In result, the potential increase in the number of journeys being made by private cars is unlikely to be significantly greater and as such, the proposed development, is unlikely to result in a reduction in the overall level of sustainability.
23. Proposals should be assessed against the requirements of the Development Plan unless material considerations indicate otherwise. In this instance, whilst the proposal would not be compliant with Policy DPS2, the harm arising from the scheme before me would not be significant owing to the presence of an extant scheme at the site.
24. The evidence before me is also not indicative of the proposed development having any other adverse effects; including on the highway system, highway safety, flood risk and the living conditions of the occupiers of the surrounding properties. In addition, the evidence is indicative that occupiers of the development would experience appropriate living conditions.
25. Accordingly, with reference to the Framework, which states that planning decisions are to be considered in accordance with the Development Plan unless material considerations indicate otherwise, I conclude that the proposed development would be within a suitable location.

Conditions

26. I have had regard to the conditions as suggested by the Council. In addition to the standard implementation condition, a condition specifying the approved plans is necessary in the interests of precision.
27. Given the location of the site, I conclude that details of boundary treatments to be agreed by the Council is necessary in order to maintain the character of the surrounding area. For similar reasons, a condition requiring the agreement of external facing materials is appropriate. However, given the nature of the proposed development, I have amended this condition to require these details to be agreed prior to the commencement of development.
28. Given the proximity of the appeal site to other dwellings, a condition limiting the hours in which building works can take place is necessary. Furthermore, owing to the proximity of the appeal site to commercial properties, a condition requiring the agreement and installation of noise mitigation measures is necessary and reasonable in order to ensure appropriate living conditions for the future occupiers. In order to provide appropriate living conditions, it is

appropriate that a condition secures the provision and retention of refuse storage.

29. I have noted the Council's suggested condition that existing trees and hedges are retained. However, the evidence before me indicates that these are not the subject to any form of statutory protection, as such I do not believe such a condition to be reasonable. However, in order to ensure that the development respects its surroundings, conditions requiring the agreement, and implementation, of a landscaping scheme are appropriate.
30. In order to ensure that the development does not have an adverse effect on the highway system, conditions requiring that the parking areas are appropriately surfaced and retained for that purpose, in addition to the provision of cycle storage are appropriate.
31. The Council have requested a condition requiring that the details of any external lighting are agreed. Such a condition would be necessary given the rural setting of the development, however, in the interests of precision I have amended this condition.

Conclusion

32. For the preceding reasons, I conclude that the appeal should be allowed, and planning permission granted subject to conditions.

Benjamin Clarke

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Block Plan; MGF001; MGF002; and MGF003.
- 3) Prior to the first occupation of any dwellings hereby approved, means of enclosure shall be erected in accordance with the details of all boundary walls, fences or other means of enclosure having been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be retained thereafter.
- 4) No development shall take place until details of all external facing materials 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.
- 5) Prior to first occupation of the development hereby approved, facilities 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 be provided prior to the first occupation of the development and thereafter retained.

- 6) Prior to first occupation of the development hereby approved, full details of a scheme for external lighting shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be provided prior to the first occupation of the development and thereafter retained.
- 7) Prior to first occupation of the development cycle parking facilities shall be provided in accordance with details having been submitted to and approved in writing by the Local Planning Authority. These details shall be provided prior to the first occupation of the development and thereafter retained.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any amending Order, the areas shown for parking on the approved plans shall be retained for such use.
- 9) Prior to first occupation of the development hereby approved the areas the hard surfaced areas of the development, including roads, pavements, driveways and car parking areas shall be surfaced in accordance with details that have been submitted to, and approved in writing by, the Local Planning Authority.
- 10) Prior to first occupation of the development hereby approved the site shall be landscaped in accordance with landscaping details having been submitted to and approved in writing by the Local Planning Authority. Where relevant the details shall include full details of both hard and soft landscaping proposals, finished levels or contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes and density of planting
- 11) All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved.
- 12) Prior to first occupation of the development hereby approved the dwellings shall be insulated against the transmission of noise and vibration in accordance with a scheme of mitigation that has been submitted to, and approved in writing by, the Local Planning Authority. This scheme shall be provided prior to the first occupation of the development and thereafter retained.
- 13) In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 0730hrs on Monday to Saturday, nor after 18:30hrs on weekdays and 13:00hrs on Saturdays; nor at any time on Sundays, Bank Holidays or Public Holidays.