
Appeal Decision

Site visit made on 24 August 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2021

Appeal Ref: APP/J1915/W/21/3269740

**Ingleton Cottage, Westfield Farm Lane, Westland Green, Little Hadham
SG11 2AL**

- 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 Leonard Cook against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/1849/FUL, dated 24 September 2020, was refused by notice dated 27 January 2021.
 - The development proposed is described as 'planning application for building which was constructed as an office but has now been repurposed for use as self contained residential unit'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. On 20 July 2021, the Government published a revised National Planning Policy Framework (the Framework). Both main parties have had the opportunity to submit comments on the relevance of the Framework to this case. I have taken any comments received into consideration and I have assessed this appeal in light of the Framework.
3. At my site visit I observed that while some work has been undertaken to the appeal building it is not occupied. Therefore, I have removed the word retrospective from the description in the banner heading. While I acknowledge that the appellant's statement of case refers to changes in the description the appeal form indicates that no change to the description has been agreed. Consequently, I have used the description from the application form and determined the appeal accordingly.
4. The evidence includes some discussion about the lawfulness of the appeal building. However, a determination of such is beyond the scope of a Section 78 appeal. It is open for the appellant to apply to have this matter determined under Section 191 of the Town and Country Planning Act 1990. There is no dispute that planning permission is required for the proposed development.

Main Issues

5. The main issues are (i) whether the appeal site is an appropriate location for the development having regard to national and local planning policies, access to services and facilities and the character and appearance of the area; and (ii)

whether the proposal would provide satisfactory living conditions for its future occupiers.

Reasons

6. Ingleton Cottage is located in Westland Green, a dispersed settlement which includes a range of dwelling types and styles set in a mature landscape and accessed via narrow country lanes.
7. Westland Green is designated as a rural area beyond the Green Belt in the East Herts District Plan (adopted October 2018) (District Plan). In such areas, Policy GBR2 permits the replacement, extension, or alteration of a building and limited infill or the partial or complete redevelopment of previously developed land in sustainable locations where these forms of development are appropriate to the character, appearance and setting of the site and/or surrounding areas and more generally the development is compatible with the character and appearance of the rural area.
8. Under Policy VILL3 of the District Plan, Westland Green is classed as a Group 3 Village. Group 3 Villages are identified in Policy VILL3 as the least sustainable locations for development in the district. However, under the policy, limited infill development in a Group 3 Village which is identified in an adopted Neighbourhood Plan (NP) may be permitted, subject to meeting prescribed criteria. I have not been directed to any adopted NP and therefore the proposal does not gain support from Policy VILL3.
9. These policies are largely consistent with the Framework where it promotes sustainable development in rural areas. Housing should be located where it will enhance or maintain the vitality of rural communities identifying opportunities for villages to grow and thrive especially where it supports local services.
10. Both parties refer to the relevance of Paragraph 80 of the Framework which seeks to avoid isolated homes in the countryside unless one of a number of circumstances apply. Although the appeal site is in a small hamlet and properties are dispersed, there are dwellings adjacent to Ingleton Cottage and I do not consider the appeal building to be isolated. Therefore paragraph 80 does not need to be explored further.
11. Westfield Farm Lane is a narrow rural lane with grass verges to either side. The lane has no street lighting or footpaths for much of its length and has a limited number of passing places. The appellant states that Hadham Ford is 2.1 km by road from the appeal site with a shorter route available via a public footpath. Hadham Ford has a public house, a village hall and bus stops providing a limited service to larger towns and villages. There are also other villages providing facilities at similar distances from the site.
12. Albeit that Westfield Farm Lane and the other rural lanes on the approach to adjacent villages may be suitable for use for recreational purposes during daylight hours, the lanes are not particularly conducive to walking or cycling for access to services and facilities or to access public transport on foot or by bicycle. Given the distances involved and the limited accessibility to services and facilities it is unlikely that future occupiers of the dwelling would have any other means than the private car to access their daily needs.
13. In terms of the character and appearance of the area, the proposal is to use the existing building as a dwelling without extension or major external

alterations, no new access would be created and sufficient parking and turning facilities exist adjacent to the building. Even so, as a detached dwelling generating its own comings and goings for deliveries and visitors and inevitably occupying the space around the building for refuse and external amenity area, the proposed dwelling set back from the lane frontage behind the existing garage to Ingleton Cottage would not be compatible with the character of the Lane which is largely defined by dwellings in spacious plots adjacent to a road frontage. I note the suggested condition to restrict subdivision between the plots but occupied independently the dwelling would appear separate visually and functionally.

14. Therefore overall, the appeal site would not be an appropriate location for the development having regard to national and local planning policies, access to services and facilities and the character and appearance of the area. The proposal would conflict with Policies INT1, DPS2, GBR2, VILL3, DES2, DES4 and TRA1 of the District Plan as set out above and where these policies seek development that reflects and promotes local distinctiveness and is primarily located in places which enable sustainable journeys to be made to key services and facilities. It would also conflict with the Framework where it seeks to ensure that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up and where it will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Living conditions

15. The Council has not directed me to any detailed housing standards within its development plan, instead it has relied on the Government's Technical Housing Standards (2015) (housing standards) to consider the acceptability of the internal floor space. The Planning Practice Guidance (PPG) states that 'Where a local planning authority (or qualifying body) wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard'. Based on the evidence before me it appears that the housing standards are not incorporated within the District Plan. Accordingly, those standards cannot be afforded full weight in this case. Nonetheless, they do provide a useful guide as to the standard of accommodation that would reasonably be expected for day-to-day living.
16. The Council refers to the property providing 24 square metres of floor space, but the appellant confirms the building provides 35 square metres of internal floor space. The housing standards require that a 1 bedroomed, 1 person dwelling should have 37 square metres of floor space where the property has a shower room.
17. The appeal building is located in an area where there is potential for good quality outside space and car parking. Although the floor area would be marginally below the housing standards, in its context, I am satisfied that the property could provide adequate living conditions for its future occupiers in terms of the overall living environment.
18. Policy HOU7 of the District Plan, Accessible and Adaptable Homes, sets out that all new residential development should meet Building Regulations Part M4(2) Category 2 – Accessible and Adaptable Dwellings, unless it is demonstrated that it is not practically achievable or financially viable to do so.

19. To an extent, being a bungalow, the proposed dwelling would naturally promote inclusive access arrangements. In addition, the appellant considers such measures could be achieved through an appropriately worded condition and given my observations during my site visit I see no reason to disagree.
20. Overall, I conclude that the dwelling would provide acceptable living conditions for its future occupiers in accordance with Policies HOU7 and DES4 of the District Plan where these policies require Accessible and Adaptable Homes and where appropriate size and dimension for rooms in dwellings are sought.

Other Matters

21. Evidence has been submitted in respect of the personal circumstances of the appellant's family. Section 149 of the Equality Act 2010 sets out that particular medical conditions are a protected characteristic for the purposes of the Act. In reaching my decision, it is necessary for me to have regard to the Public Sector Equality Duty contained in the Act. This includes having due regard to the need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it, including by taking steps to meet the needs of such persons that are different from the needs of persons who do not share the relevant protected characteristic.
22. I have been provided with a medical letter which confirms that additional help with personal care is likely to be needed for the appellant's wife. Ingleton Cottage is a sizable property with a seemingly large amount of floor space. This is corroborated by the appellant who acknowledges that although space could be made for a carer to live in the main house, the outbuilding is already there and would give the carer a degree of independence when not working.
23. The appellant acknowledges that the proposed dwelling would be self-contained because it would provide a bedroom, bathroom, kitchen and living room but considers that the fact that the occupier would not have to share these facilities with the main house does not disqualify it from being an annex. I have had regard to the appeal decision drawn to my attention by the appellant. The decision refers to relevant case law where it was decided that even if accommodation provided facilities for independent day to day living it would not necessarily become a separate planning unit from the main dwelling, instead it would be a matter of fact and degree.
24. In this case, the distance of the appeal building from the main house and its occupation by a care worker who would live independently and likely have separate comings and goings including visitors, deliveries, and different arrangements for accessing services and facilities away from the site, would result in the property having the character of a separate dwelling. Therefore, I am not satisfied that there would be a clear functional link between the main house and the proposed dwelling, nor do I consider that a condition that would restrict independent living would be enforceable where clearly there would be a degree of independence associated with its proposed occupation.
25. While I sympathise with the appellant's situation, there is insufficient specific evidence for me to draw a clear conclusion that the provision of a detached dwelling is the only reasonable option available to meet the families care needs. As such, taking all relevant matters into account, I can only give limited weight to the personal circumstances identified by the appellant.

Planning Balance and Conclusion

26. Whilst I acknowledge that the Council has a 5-year housing land supply there would be a small benefit associated with the contribution of the proposal to the supply of housing. There would also be some limited economic and social benefits arising from an additional dwelling, particularly when having regard to the appellant's personal circumstances.
27. Against these limited benefits, the proposal would result in moderate harm to the character and appearance of the area and the dwelling would not be sustainably located. As such, it would be contrary to the aims of the development plan and the Framework.
28. The absence of harm in relation to living conditions is neutral in the planning balance as is the proposal to increase biodiversity and native planting within the garden of Ingleton Cottage as such improvements are a requirement of the development plan.
29. Overall, for the reasons given above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR