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## Appeal Decision

Site visit made on 18 January 2022

**by D Szymanski BSc (Hons) MA MRTPI**

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

**Decision date: 1<sup>st</sup> February 2022**

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**Appeal Ref: APP/J1915/W/21/3273613**

**Craycombe, Parsonage Lane, Sawbridgeworth CM21 0ND**

- 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 Anthony O'Conner against the decision of East Hertfordshire District Council.
  - The application Ref 3/20/2045/FUL, dated 16 October 2020, was refused by notice dated 3 February 2021.
  - The development proposed is Conversion of existing office and outbuildings to two bedroom dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Council's first reason for refusal relates to its view there is insufficient information regarding the outbuilding to enable proper consideration of the merits of the proposal. Having regard to the further reasoning set out in the delegated report, the concern relates to the assessment against Green Belt policies. My findings in relation to the matters raised are set out in my assessment in respect of the Green Belt issues below.
3. The revised National Planning Policy Framework (2021) (the Framework) was published on 20 July 2021 and the 2021 Housing Delivery Test (HDT) results were published on 14 January 2022. I have given the Council and the Appellant the opportunity to comment upon the implications of these for their cases and taken them into account in determining this appeal. The revisions to paragraph numbering in the Framework are reflected in my findings below.

### Main Issues

4. The main issues are:
  - whether or not the proposal would be inappropriate development in the Green Belt;
  - the effect of the proposal on the openness of the Green Belt;
  - whether or not the proposal would be in a suitable location having regard to the Council's development strategy and sustainable access to services and facilities; and,

- if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

## **Reasons**

### *Inappropriate development*

5. Policy GBR1 of the East Herts District Plan (2018) (the EHDP) states applications in the Green Belt will be considered in line with the provisions of the Framework. The Framework states that inappropriate development is harmful and should not be approved except in very special circumstances (paragraph 147). The construction of new buildings is regarded as inappropriate development, subject to certain exceptions. One of the exceptions in paragraph 149c) of the Framework is the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.
6. The appellant's aerial photograph from 2000 shows a building of the size, shape and extent set out on the plans before me within what I am told is the garden of the host property, and Estate Agent's information from 2003 and 2007 also refers to an outbuilding. Therefore, I have no reason to believe the building has not been on the site for in excess of 20 years. However, this evidence does demonstrate what comprises the 'original building' against which my assessment under paragraph 149c) is required to be made.
7. The building appears to comprise three sections of differing construction and appearance, referred to in the Structural Engineer's letter. Their shape, design and construction strongly suggest the current building is not the original building, and there have been 2 additions to what was the original building. If I were to take the largest section to be the original, the smaller sections taken together with the proposed new roof would result in a considerable increase in volume and floor area. Therefore, based upon the evidence before me the development would result in disproportionate additions over and above the size of the original building, not meeting 149c). As the proposal is for a conversion, it would not constitute a replacement building under paragraph 149d).
8. Paragraph 150 of the Framework states, b) engineering operations, and d) the re-use of buildings of permanent and substantial construction, are also not inappropriate provided they preserve openness and do not conflict with the purposes of including land within the Green Belt. The Structural Engineer's letter states the ground slabs and walls can be used for conversion. However, it is very limited in scope. It does not list the plans submitted with this appeal in reaching its findings, state the loads of the new roof, or confirm that the walls can bear the increased roof. So, it does not provide adequate assurance the building can be converted. The increased built extent of hardstanding would also not safeguard the countryside from encroachment. Therefore, the development would conflict with a purpose of including land within the Green Belt under paragraph 138c) of the Framework.
9. Paragraph 149g) of the Framework lists an exception to inappropriate development as the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development. My findings in respect of openness will be

determinative as to whether or not the development constitutes an exception to inappropriate development.

### *Openness*

10. Even if I were to take the view the enclosure of the largely open covered porch area was not harmful to openness, the provision of a new pitched roof with an up to 0.8m increased height over a significant proportion of the building would markedly increase the volume, bulk, and massing of the building. New fencing defining a new western garden boundary and the proposed shed and bin store would result in further development adversely affecting the openness of the Green Belt. Even if the bin store and shed were to be omitted by suitably worded planning conditions, the new roof and a new fence would still result in an adverse effect upon the openness of the Green Belt.
11. The visibility of new fencing and hardstanding would be likely to be limited. However, the increased height and volume of the roof would be significantly visible above the boundary fence when passing on Parsonage Lane and from the car park of the neighbouring commercial use. Therefore, the proposed development would have a limited but harmful effect upon the visual and spatial openness of the Green Belt. Conditions could not adequately overcome the harm. The subdivision of the site would also result in limited increased residential paraphernalia, vehicular movements, parked cars and associated domestic activity. The increases would be small but would further negatively impact upon openness.
12. For the reasons set out above the proposed development would result in a limited harmful effect to the visual and spatial openness of the Green Belt, thereby constituting inappropriate development. The development would conflict with Policy GBR1 of the EHDP and paragraphs 137, 149g), 150b) and 150d) of the Framework insofar as these seek to keep Green Belt land permanently open and define and resist inappropriate development.
13. The Council has referred to paragraph 145 of the Framework in its second reason for refusal. However, as this relates to the beneficial use of the Green Belt with respect to matters such as access, outdoor sport, and recreation, retaining and enhance landscapes, biodiversity, and damaged and derelict land, it is of less relevance to this main issue than the paragraphs I have referred to.

### *Location*

14. Policy DPS2 of the EHDP sets out the development strategy, seeking to deliver sustainable development in accordance with the specified hierarchy, of which the first location is sustainable brownfield sites. Being within a garden outside a built-up area, the site falls within the definition of previously developed land in Annex 2 of the Framework. Paragraph 3.1.2 of the EHDP defines sustainable development as providing growth while mitigating adverse economic, environmental, and social impacts. It is not put to me the development would meet any other locations in the hierarchy. Therefore, my findings in relation to Policy DPS2 are dependent upon whether the site is sustainable in the round, which I will return to later, in balancing any harm and benefits.
15. There are few services and facilities for day to day living in the immediate surrounds of the appeal site, although given its proximity to other dwellings

and businesses in the wider cluster, I do not regard it as isolated under the terms of paragraph 80 of the Framework.

16. However, it is approximately 500m from the A1184, which benefits from lighting, bus stops and a footway. Approximately 450m south of the junction is a public house, leisure centre and academy. Many services and facilities required for day to day living such as food stores, a post office, pharmacy, takeaways, public houses, professional services, schools, and clothing shops are located around Cambridge Road/ Station Road/Bell Street, a further approximately 0.5 – 1.5km into Sawbridgeworth, approximately 1.5 – 2.5km from the appeal site. The train station is some distance further. The limited facilities in Spellbrook are a similar distance to the north.
17. The section of Parsonage Lane to access the footway and bus routes is a narrow curving section of national speed limit road with no street lighting. Some sections of the verges are narrow, high, and lined with mature vegetation. Therefore, it would not be a particularly attractive or convenient route for many potential future occupiers seeking to walk or cycle to the A1184, for onward travel.
18. Access to larger supermarkets, more retail outlets and access to employment opportunities may necessitate trips to larger settlements such as Bishop's Stortford a short distance further to the north. Walking, cycling, or taking the bus would also not be particularly attractive or convenient given the route and distance. Therefore, it is unlikely that many trips to services and facilities would be by walking, cycling, or bus, with future occupiers mostly reliant upon a motor vehicle. Opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and the number of trips generated by this development and the distances to travel would be relatively limited. However, it would soon add up to a significant number of vehicular miles per year and associated vehicular emissions.
19. For the reasons set out above the development would not be well located to enable sustainable journeys to services and facilities. It would conflict with Policy TRA1 of the EHDP, which amongst other things seeks to ensure a range of sustainable transport options are available to occupants which enable sustainable journeys to be made to key services and facilities to help aid carbon emission reduction. The harm may be limited, but nevertheless it attracts weight against the proposal.

#### *Other considerations*

20. Paragraph 147 of 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 148 of the Framework is clear that substantial weight should be given to any identified harm to the Green Belt.
21. The development would result in a small economic benefit during construction and a small, sustained benefit to the local economy, services and facilities once occupied. The Council's 2021 HDT results show a delivery of 130% of housing requirements over the previous 3 years. I have not been provided with evidence in respect of the Council's housing land supply position. However, even if it were very acute, the provision of one additional dwelling making a more efficient use of the building and land would be a limited benefit. The development would improve the character and appearance of the building, and

further landscape planting and biodiversity enhancements could be secured by a suitably worded planning condition. However, given the nature of the proposal and the site, the evidence suggests the benefits in respect of these matters would be limited. I attribute the collective benefits moderate weight in favour of the scheme.

22. Planning permissions a short distance to the south of the appeal site permitted the conversion of and replacement of commercial buildings resulting in a small number of additional dwellings. However, given the plans, merits, material considerations and other circumstances surrounding their approval are not before me, I cannot make a fully reasoned comparison between those developments and this proposal. However, as they appear to relate to commercial buildings, the planning considerations such as the planning policies, pre-existing levels of activity and vehicle movements, is likely to have differed markedly to that of this domestic outbuilding. Therefore, those decisions are only attributed limited weight.
23. Compliance with policies such as those in respect of access, parking provision, the living conditions of neighbouring properties, and resource and energy efficiency, are all neutral matters in the planning balance.

### **Planning Balance**

24. The factors and benefits set out by the appellant attract moderate weight overall. They would not clearly outweigh the harm identified to the Green Belt and the other harm in respect of sustainable access to services and facilities which taken together in combination carry substantial weight, so as to amount to the very special circumstances necessary to justify the proposal. Therefore, the development conflicts with the development plan and the Framework, as there are not very special circumstances demonstrated, that clearly outweigh the harm to the Green Belt.
25. Having regard to the findings above and the economic and social benefits of the development not outweighing the environmental harm to the Green Belt and other harm in respect of sustainable access to services and facilities, the site would not be a sustainable brownfield site, so the location of the development conflicts with Policy DPS2 of the EHDP.

### **Conclusion**

26. The proposed development would be contrary to the development plan and the National Planning Policy Framework taken as a whole, and there are no considerations, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

*Dan Szymanski*

INSPECTOR