



Appeal Decision

Site visit made on 8 February 2022

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 24th February 2022

Appeal Ref: APP/C1950/W/21/3279134

45 Dixons Hill Close, Welham Green, Hatfield AL9 7EF

- 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 Tyrone Agius against the decision of Welwyn Hatfield Council.
 - The application Ref 6/2021/1282/FULL, dated 15 April 2021, was refused by notice dated 5 July 2021.
 - The development proposed is conversion of existing stables into a residential dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing stables into a residential dwelling at 45 Dixons Hill Close, Hatfield AL9 7EF in accordance with the terms of the application, Ref 6/2021/1282/FULL, dated 15 April 2021, subject to the attached schedule of conditions.

Preliminary Matter

2. I note the Welwyn Hatfield Draft Local Plan 2016. However, since there is no certainty that it would be adopted in its current form, I attribute the Policies within limited weight.

Main Issue

3. The main issue is whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies including the effect on the openness of the Green Belt.

Reasons

Inappropriateness and openness

4. The appeal site is situated in the Green Belt. Paragraphs 149 and 150 of the National Planning Policy Framework (Framework) indicate that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. In addition, certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
5. The re-use of buildings provided that the buildings are of permanent and substantial construction and material changes in the use of land provided they preserve its openness and do not conflict with the purposes of including land within it are included in the listed exceptions.

6. Given the construction of the building, I agree with the main parties that it is of substantial construction. However, the issue of whether the development would be inappropriate in the Green Belt will be determined by my conclusion on the effect on Green Belt openness.
7. A fundamental aim of Green Belt policy, as set out in paragraph 137 of the Framework, is to keep land permanently open. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect.
8. The conversion of the building itself would not affect the spatial openness of the Green Belt and the removal of the two outbuildings would provide a modest increase in the openness of the area.
9. The stable building is sited behind the rear building line of the neighbouring buildings and lies immediately adjacent to open fields on two sides. Given the ground levels of the open countryside surrounding the site, it is visible from long distances, including from Dixons Hill Close. The boundary treatment separating the site from the adjacent fields consists of fencing of a low height that retains views of the countryside. As such, the site has a close and open relationship with the adjacent countryside.
10. I note the comments of the Inspector for a similar proposal on the site that was dismissed in March 2021. The scheme subject of this appeal differs in a number of ways. These include a significant reduction of the site area and the number of parking spaces.
11. While the land to the east of the building is not included in the site area, the land to the northwest of the site would be private amenity space, and likely to result in some domestic paraphernalia that would be visible from across the adjacent fields and would project beyond the rear extent of the neighbouring properties. However, given the limited size of the proposed private amenity space, any domestic paraphernalia would be unlikely to be of a scale or massing that would have a greater impact on openness than equipment associated with the use of the land for the stables.
12. Furthermore, since the scheme does not include a large part of the area to the east of the building, the openness of the Green Belt, in the view of the site from Dixons Hill Close compared with the use as a stable, would be preserved. Although the proposal could result in three parking spaces, this would be less than the parking provision for the stable use.
13. I agree with the previous Inspector that the issues in the appeal are finely balanced. While I acknowledge the lack of restrictions on the operation of the stables, it is likely, given the residential nature of the scheme, that it will result in a 24/7 presence on the site.
14. However, on balance, given the significant reduction in the area of the site along with the removal of the outbuildings, in my view, the openness of the Green Belt would be preserved.
15. Consequently, the proposal would not have an adverse effect on the openness of the Green Belt and would therefore not be inappropriate development in the Green Belt in the terms of the Framework. Therefore, it would not conflict with Policies H2, RA17, D1 and D2 of the Welwyn Hatfield District Plan Adopted April 2005 (DP) which seek, among other things, consideration of physical and environment constraints, relate to the re-use of rural buildings, high quality

design and development which respect and relate to the character and context of the area. The proposal would also not conflict with the Framework in this respect.

16. Since DP Policy R10 relates to water conservation, it is not directly relevant to this main issue.

Other Matters

17. The proposal would alter the character of the site to one that would be residential. Given the adjacent ribbon of housing, and that the existing building is sited to the rear extent of the neighbouring dwellings, the proposal would not appear incongruous in this respect.
18. The proposed native hedging would take time to screen domestic activities from wider views. However, it would be in keeping with the countryside setting of the site. In addition, a change in character of the site would inevitably result from any change of use as permitted by paragraph 150 of Framework.
19. The overall number of additional windows has been reduced from the previous scheme, including roof lights. In addition, the proposed tinted windows and external roller blinds would significantly reduce the amount of light spillage that would result from the scheme. Therefore, I see no reason why a suitably worded condition could not mitigate the harm in this respect.

Conditions

20. The conditions relating to time limits and specifying drawings are necessary in the interests of certainty.
21. The conditions relating to external materials, landscaping, tinted windows and black-out blinds and refuse storage are necessary to safeguard the character and appearance of the area.
22. Given the close relationship of the site to the open countryside, there is clear justification for the condition removing permitted development rights with respect to enlargements of the house and roof, buildings incidental to the enjoyment of the dwelling house and means of enclosure. However, since any hard surfaces would not project a substantial distance above ground level, the removal of permitted development rights in this respect is not necessary.

Conclusion

23. For the reasons given above the appeal is allowed subject to conditions.

R Sabu

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development/works shall not be started and completed other than in accordance with the approved plans and details: DHC45-1 Rev B, DHC45-2, DHC45-4 Rev B and DHC45-3 Rev B.
- 3) No above ground development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development must not be carried out other than in accordance with the approved materials.
- 4) No above ground development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development must not be carried out other than in accordance with the approved details.
- 5) The development shall not be occupied until details of the tinted glazed windows and black-out roller blinds, their methods of operation, timings and measures to ensure those timings are strictly adhered to, shall be submitted to approved in writing by the local planning authority. Thereafter, the development shall be carried out, operated, operated and maintained in full working order in accordance with the approved details.
- 6) Details of the location, design and specification of the refuse bin and recycling materials storage bins and areas to serve the residential unit shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the refuse and recycling materials storage bins and areas shall be constructed, equipped and made available for use prior to first occupation and retained in that form thereafter.
- 7) All agreed landscaping comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargements under Class A or development under Classes B or E of Part 1 of Schedule 2 or Class A of Part 2 of Schedule 2 shall take place.

END OF SCHEDULE