
Appeal Decision

Site visit made on 7 February 2022

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2022

Appeal Ref: APP/J1915/W/21/3273513

Woodside, Broxbourne Common, BROXBOURNE, EN10 7QT

- 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 Mrs Susan Tepper against the decision of East Herts Council.
 - The application Ref 3/20/1529/FUL, dated 11 August 2020, was refused by notice dated 4 November 2020.
 - The development proposed is the conversion of annexe to separate dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of annexe to separate dwelling house at Woodside, BROXBOURNE, EN10 7QT in accordance with the terms of the application, Ref 3/20/1529/FUL, dated 11 August 2020, and the plans submitted with it, subject to the conditions at the end of this decision.

Main Issue

2. The Council has concluded that the development is not inappropriate development in the Green Belt, and I have no reason to disagree. The main issue therefore is whether, having regard to local and national planning policy, because of its location in the countryside, the proposal would be a sustainable form of development.

Reasons

3. Policy DPS2 of the East Herts District Plan 2018 (DP) sets out the strategy for sustainable development in the district, concentrating development in urban areas, on sustainable brownfield sites, and in villages. DP policy TRA1 promotes sustainable transport and indicates that development should primarily be located in places which enable sustainable journeys to be made to key services and facilities, to help reduce carbon emissions.
4. While the annexe stands outside any settlement boundary, it is part of a hamlet. It is not isolated in the terms of the Framework¹. Nonetheless, it is more than a convenient walking distance from the nearest local services and facilities. While surrounding villages are within cycling distance, the lack of street-lighting and the distances to them would deter the elderly, infirm, and those with young children from cycling or walking to them. Moreover, there are no bus services which pass within walking distance of the site. In these circumstances, it is likely that future occupiers would rely on the private car as the means of transport to reach services and facilities, for most journeys.

¹ National Planning Policy Framework, paragraph 80

5. Notwithstanding this, the Council has acknowledged that the building had been converted to ancillary living accommodation and has granted a Certificate of Lawful Use for the ancillary use of a garage/outbuilding as an annexe. Its present use therefore has the potential for its occupiers to generate trips to reach services and facilities by car.
6. The proposal would not change the amount of accommodation. More significantly, there is no substantive evidence that the change of use of the building to a separate dwelling would result in a greater number of trips than may be generated today under its use as ancillary accommodation.
7. I acknowledge that the appeal site lies outside any settlement boundary which suggests that future occupiers would be likely to rely on their own private transport to access services and facilities. However, because of their proximity, they would, at least, be relatively short trips. More significantly, in these particular circumstances, and despite its location in the countryside, because the building already has a residential use, albeit ancillary, I am unable to conclude other than that the proposed change of use to a separate dwelling would be a sustainable form of development.
8. There would be no conflict with DP policies DPS2 and TRA1, nor with the sustainable transport objectives of the Framework which recognises in paragraph 105 that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas, which should be taken into account in decision-making.

Other Matters

9. The new boundary walls and the boarded fences and ledged and braced gates would not look out of place in this rural setting in either their form, height or their siting. These alterations would preserve the significance of the listed building and its setting, to the desirability of the preservation of which section 66(1) of the Act requires me to have special regard, and for which the Council has granted listed building consent² with a condition for materials samples.
10. Similarly, I find no harm to the significance of the grade II listed building, which is described as a house, now 2 houses, or to its setting, from the change of use of the annexe from ancillary residential to separate residential, especially here where the two buildings already appear so clearly physically separated.

Conditions and Conclusion

11. In addition to the statutory time condition [1], a condition for the approved plans [2] is necessary for certainty. The Council suggested that a condition to restrict permitted development be applied. While the Framework indicates that planning conditions should not be used to restrict national permitted development rights, because of the site's location in the Green Belt, and the proximity of the annexe to the listed building, a condition to remove permitted development rights from the new dwelling for enlargements and freestanding buildings, as well as gates, fences, and walls is necessary to preserve openness and the significance of the listed building and its setting. Condition [3] would not prevent such development, but would bring it under planning control. For the reasons above, and taking account of all matters raised, I conclude that the appeal should be allowed.

Patrick Whelan
INSPECTOR

² LPA Ref 3/20/1530/LBC

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:
 - 92/LP01B LOCATION PLAN
 - 92/01 MEASURED SURVEY of Annex to Woodside Cottage
 - 92/02 NEW Boundary Wall Proposed plan
 - 92/03 NEW Boundary Wall Proposed Elevation
 - 92/SP01C EXISTING SITE PLAN of Woodside and Annexe
 - 92/SP02C "WOODSIDE" PROPOSED SITE PLAN of the house at Woodside
 - 92/SP03C "WOODSIDE VIEW" PROPOSED SITE PLAN of the annexe at Woodside
- 3) 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 extensions or enlargements as provided for within Schedule 2, Part 1, Class A, and no buildings etc. as provided for within Schedule 2, Part 1, Class E, and no gates, fences, walls etc. as provided for within Schedule 2, Part 2, Class A of that Order shall be constructed on the new dwelling, as identified on drawing 92/SP03C "WOODSIDE VIEW" PROPOSED SITE PLAN of the annexe at Woodside, as WOODSIDE VIEW 1a, and on the land within the area defined by the red-line indicated on that same drawing.

END OF SCHEDULE OF CONDITIONS