



Appeal Decision

Site visit made on 15 June 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th June 2022

Appeal Ref: APP/X1925/W/21/3281789

Land adjacent to 2 Old Ramerick Barns, Bedford Road, Ickleford SG5 3SB

- 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 Ryan Harper against the decision of North Hertfordshire District Council.
- The application Ref 21/01790/FP, dated 8 June 2021, was refused by notice dated 2 August 2021.
- The development proposed is change of use of land to domestic curtilage and erection of outbuilding.

Decision

1. The appeal is allowed and planning permission is granted for change of use of land to domestic curtilage and erection of outbuilding at land adjacent to 2 Old Ramerick Barns, Ickleford SG5 3SB, in accordance with the terms of the application, Ref 21/01790/FP, dated 8 June 2021, subject to the following 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: Site Location Plan, Proposed Block Plan and 210401417GR1.
 - 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 development as set out in Classes E and F of Part 1 of Schedule 2 to the Order, and Class A of Part 2 of Schedule 2 to the Order, shall be carried out within the land edged red on the Site Location Plan, other than those expressly authorised by this permission.
 - 4) The outbuilding hereby permitted shall not be used other than as part of purposes ancillary to the use of the dwelling known as 2 Old Ramerick Barns.

Procedural Matters

2. The description of development referred to in the banner heading above relates to two different components. The Planning Practice Guidance¹ states that in exceptional circumstances it may be appropriate for the Council to use a planning condition to grant permission for only part of the development, to split

¹ Paragraph: 013, Reference ID: 21a-013-20140306, Revision date: 06 03 2014.

a decision. However, the Council did not utilise a condition when it issued a split decision to grant permission for the 'change of use of land to domestic curtilage'. Instead, the Decision Notice is in two parts, with a separate refusal of permission for 'erection of outbuilding'.

3. I have therefore determined the appeal under section 78 of the Town and Country Planning Act 1990, as being against the refusal of permission, with the whole proposal before me. This is because section 79(1)(b) allows that, on appeal under section 78, the Secretary of State "may deal with the application as if it had been made to him in the first instance". I wrote to the main parties to explain this.
4. The Council has referred to the emerging North Hertfordshire Local Plan 2011-2031 (ELP). I have no information as to its progress through examination, including the extent of any unresolved objections to Policies CGB1, CGB4 and D2 of the ELP, referred to in this appeal. In accordance with the requirements of paragraph 48 of the Framework, these policies currently still attract limited weight in my consideration of the merits of this appeal.

Main Issues

5. The main issue is whether the site is a suitable location for the proposed development, including its effect on the character and appearance of the site and its surroundings.

Reasons

6. The appeal site comprises land to the southwest of the appeal property, one of two semi-detached converted barns, and includes its driveway, and turning and parking areas. It lies within the Rural Area beyond the Green Belt, as defined by the Council's Local Plan and the ELP, and is situated adjacent to houses to the south, east, and west where a large development of modern houses is nearing completion. The latter has significantly altered the character and appearance of the surrounding area from a rural setting to an edge of settlement, semi-urban context. Nevertheless, the converted barns are curtilage listed buildings to Old Ramerick Manor, a Grade II* listed building, so contribute to the understanding of its architectural and historical significance.
7. In granting permission for the use of land, the Council accepted that it was a lawn area that was maintained in such a way that it appeared to be a continuation of part of the curtilage of the barns and, from what I observed on site, I have no reason to disagree with this observation. Given that the land is sandwiched between the curtilages of other houses and other open land within the housing development to the west, the use of land of itself would not be harmful to the character and appearance of the locality or how the barns are appreciated within their context.
8. With the above in mind, although it would be situated somewhat from the barn and its garaging opposite, the proposed home office building could only be read as being within the curtilage of the barn. Its location would also help to preserve the generally open surroundings of the converted barns, including the contribution they make to the character and appearance of the locality and the significance of the listed building.
9. The south and west boundaries of the site are marked by tall close boarded fencing, but a public footpath is situated between the fence and the proposed

home office building. While it would be conspicuous in views from the footpath, its scale would not be out of the ordinary for such buildings, particularly as it would be low-rise with a flat roof. The building would therefore appear visually subordinate to the barn and its modern appearance would be seen within the context of the other housing nearby. It would not therefore have a materially greater impact on the character and appearance of the area.

10. Policy 6 of the Council's Local Plan and Policy CGB1 of the ELP are closed lists for proposals within the Rural Areas beyond the Green Belt. The former states that a development proposal will normally be allowed only if it meets one of four criteria and it does not fall within any of these. In the latter, the proposal relates to an existing rural building, in this case, its association with the barn. Even so, given my findings in relation to character and appearance, the proposal would not undermine the intentions of either policy to protect such areas from inappropriate schemes.
11. In light of this, I conclude that the site would be a suitable location for the proposed development, including having regard to its effect on the character and appearance of the site and its surroundings. Hence, it would not conflict with the aims of Policies 6, 30 and 57 (Guidelines 1 and 2) of the Council's Local Plan and Policies CGB1, CGB4 and D2 of the ELP, in respect of its design and location within the Rural Area beyond the Green Belt. The proposal would also accord with the design aims of Section 12 of the National Planning Policy Framework (the Framework).

Other Matters

12. A third party has raised concerns regarding the proposal. Given the orientation of the site and the scale of the proposed building, it is unlikely that it would result in overshadowing or loss of light to the gardens of the houses immediately south of it. The re-routing of the public right of way that has been undertaken, around the rear of the proposal, is a separate matter that falls outside my considerations for the appeal.

Conditions

13. In addition to the standard time limit for the appeal, in the interests of clarity I have specified the approved plans. In order to protect the living conditions of neighbouring occupiers, a condition is also necessary to ensure that the office building remains ancillary to the appeal property. This differs from the wording of the condition suggested by the Council for 'incidental' use, so it would be a more permissive approach. I therefore sought the views of the main parties, neither of which raise any concerns with the alternative wording.
14. Paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Advice in relation to such matters is also provided in the Planning Practice Guidance², which states that the blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.

² Paragraph: 017 Reference ID: 21a-017-20190723, Revision date: 23 07 2019.

15. When the Council granted planning permission for the change of use of land to domestic curtilage, it imposed a condition which removed permitted development rights for proposals falling under Classes E and F of Part 1 and Class A of Part 2, both of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
16. Having regard to the proximity of the site to the curtilage listed barns and their relationship with the Grade II* listed Old Ramerick Manor, it would be important to impose such a condition to ensure that the Council would be able to retain control over the future development of other outbuildings, hard surfacing, and gates, fences, walls and other enclosures within the site to protect against harm to these heritage assets, but also to the living conditions of neighbouring occupiers. I have amended the condition previously imposed by the Council to omit superfluous information.

Conclusion

17. For the reasons given above, the proposed development would accord with the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. I therefore conclude that the appeal should be allowed.

Paul Thompson

INSPECTOR