



Appeal Decision

Site visit made on 11 July 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2023

Appeal Ref: APP/J1915/W/22/3313115

Fryars Farm, Fryars Lane, High Wych, Hertfordshire, CM21 0LB

- 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 Simon Thake against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/1193/FUL, dated 8 June 2022, was refused by notice dated 31 August 2022.
 - The development proposed is change of use of agricultural and forestry stores, workshops and maintenance building to one residential dwelling, including single storey lean-to extension and other external alterations, landscaping, erection of single storey detached garage building and new entrance gate.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of agricultural and forestry stores, workshops and maintenance building to one residential dwelling, including single storey lean-to extension and other external alterations, landscaping, erection of a single storey detached garage building and new entrance gates at Fryars Farm, Fryars Lane, High Wych, Hertfordshire, CM21 0LB in accordance with the terms of the application, Ref 3/22/1193/FUL, dated 8 June 2022, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is whether the site is in a suitable location for a residential conversion.

Reasons

3. The appeal site is located within a small group of dwellings in the open countryside, outside of any identified settlement limits. Consequently, the proposed dwelling would be some distance from services and facilities, and future occupiers of it would be heavily reliant upon a car to access these.
4. Whilst the location of new development is significant in terms of assessing its overall sustainability and its long-term effects on the environment, this is only one of several considerations. In this case, although future occupiers of the proposal would be reliant upon private car use to access services and facilities, neither the length of such journeys, nor the number of journeys generated by a single family dwelling, would be significant. The Local Highway Authority comments on the proposal state that traffic generation will not be significant compared to the existing use.

5. Policy DPS2 of the East Herts District Plan (October 2018) (EHDP) is a strategic policy that makes no reference to conversions in rural areas. Policy TRA1 requires development proposals to be primarily, not solely, located in places which enable sustainable journeys to be made to key services and facilities. This flexibility reflects paragraph 105 of the National Planning Policy Framework (the Framework) and the supporting text to Policy TRA1, which recognise that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
6. The proposal relates to the extension and alteration of an existing building. It is not disputed that these works would be appropriate in terms of scale, design and materials, to the character, appearance and setting of the site and its surroundings. Accordingly, the development would fall within category (d) of Policy GBR2 of the EHDP. There is nothing within this policy that would prevent or restrict the conversion of a rural building to a dwelling. Moreover paragraph 80 of the Framework is clear that isolated homes in the countryside can be acceptable where the development would, amongst other things, re-use a redundant or disused building and enhance its immediate setting. I do not consider category (e) of Policy GBR2 to be relevant as this relates to the re-development of previously developed land, the definition of which specifically excludes agricultural buildings.
7. The building to be converted is in excellent condition. Despite only being built in 2008, it is of traditional design and appearance, which reflects its rural surroundings. It is no longer required for agricultural purposes and its reuse for any other purpose would be likely to result in some related travel by car. The high-quality residential conversion proposed would make effective and beneficial use of this attractive building, ensuring that it continues to enhance its rural setting.
8. I therefore conclude that due to the fact the proposal relates to the conversion of an existing building, the site is a suitable location for a residential use of the scale proposed. The proposal would accord with Policy GBR2(d) of the EHDP, which seeks to maintain the rural area beyond the Green Belt as a valued countryside resource, and Policy INT1, which reflects the presumption in favour of sustainable development set out in the Framework. I also find no direct conflict with Policies DPS2 and TRA1, which do not seek to resist the conversion of buildings in rural areas.

Other Matters

9. My attention has been drawn to three linked appeals in Bennington. These each relate to much larger development proposals, involving new build housing, and as such are not comparable to the proposal before me.
10. Whilst not referred to in its reason for refusal, the Council's appeal statement suggests that the large garden of the proposed dwelling could contain residential paraphernalia that would adversely impact upon the character and appearance of the rural area. However, given the mature landscape screening that surrounds the site and the presence of other nearby residential properties, I do not concur with this view. I also note that the original officer report concluded that the proposal would not be readily seen from outside of the site and would be acceptable in design terms.

Conditions

11. The Council has provided a list of conditions, which the appellant has agreed to. I have considered these in line with the relevant tests set out at paragraph 56 of the Framework.
12. I have imposed the standard time limit condition for commencement of the development and a condition listing the approved drawings for the avoidance of doubt. Conditions controlling external materials and protecting existing trees and hedges are necessary to preserve the rural character and appearance of the area. The removal of some permitted development rights, to restrict roof and upward extensions, is reasonable to preserve the rural character of the building and its surroundings. Biodiversity net gains are necessary to enhance the nature conservation value of the site and water efficiency measures are imposed due to the site being in an area of high water stress.
13. However, I do not consider it necessary to remove all permitted development rights for extensions and outbuildings or to require additional landscaping, as the new single storey extension and garage building would be adequately screened by existing buildings and landscaping. A construction hours condition is not necessary given the relatively small scale nature of the development and the space between the site and neighbouring dwellings. Hard surfaces and boundary treatments are shown on the approved drawings and are largely to remain as existing.

Conclusion

14. For the reasons given above, having had regard to the development plan as a whole and all other matters raised, I conclude that the appeal should be allowed.

R Bartlett

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 hereby permitted shall be carried out in accordance with the following approved plans: 134_PL_001 Rev.B, 134_PL_200 Rev.A, 134_PL_201 Rev.A, 134_PL_202 Rev.A, 134_PL_203 Rev.A, 134_PL_220 Rev.A, 134_PL_221 Rev.A and 134_PL_240 Rev.A.
- 3) The development hereby permitted shall be carried out using the external materials shown on drawing nos. 134_PL_220 Rev.A, 134_PL_221 Rev.A and 134_PL_203 Rev.A.
- 4) All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed, and shall be protected during the course of the development in accordance with BS5837:2012. In the event that any trees and hedges are damaged or destroyed during the course of the development or within 5 years of its completion, these shall be replaced with new trees and hedges of the same or similar species, within the next available planting season.
- 5) Prior to the occupation of the dwelling hereby approved, the biodiversity enhancements set out in section 7 of the submitted Bat Survey, dated July 2022, shall be provided on the site and shall thereafter be retained in perpetuity.
- 6) Prior to the occupation of the dwelling hereby approved, measures shall be provided to ensure the development can achieve a water efficiency standard of 110 litres (or less) per person per day. These measures shall thereafter be retained in perpetuity.
- 7) Notwithstanding the provisions of Schedule 2, Part 1, Class AA, Class B or Class C, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent order, no upward extensions or extensions or alterations to the roof of the dwelling hereby approved, shall be undertaken without the prior written permission of the local planning authority.