



Appeal Decision

Site visit made on 28 June 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 15th August 2023

Appeal Ref: APP/J1915/W/22/3311426

How Green Farm, Baldock Road, Buntingford, Hertfordshire SG9 9RH

- 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 Seamus Deezan against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/0786/FUL, dated 9 April 2022, was refused by notice dated 23 August 2022.
 - The development proposed is described as 'retention of conversion of workshop to 1 detached house, raising the roof height to create first floor accommodation, Two storey side extension, single storey rear extension, 4 front dormers, 4 rear dormers and alterations to fenestration'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has indicated on the Application Form that the works had started but had not been completed, at the time of submitting the application. The Council has considered the appeal proposal as retrospective development. The built development I observed during my site visit did not match the application plans, for example there was additional fenestration on the dwelling that has been built. My decision is based upon the application plans only, and I will therefore refer to the works as the proposed development throughout my decision; albeit certain aspects have already been constructed.
3. The appellant has indicated within their representations that they believe the site is in the Green Belt. However, the site is not within the Green Belt.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the appeal site is an appropriate location for the proposed development, having regard to the development strategy and the accessibility of services; and
 - the effect of the proposed development on the living conditions of future occupiers of the proposed dwelling and residents of How Green Farm, with regard to privacy, noise, and disturbance.

Reasons

Character and appearance

5. The appeal site is the farmyard associated with How Green Farm. The proposal would convert and extend a smaller, shorter workshop and would be sited close but perpendicular to the existing farmhouse on the same hardstanding.
6. The farmyard is accessed via a long narrow driveway, leading from Baldock Road, and is largely surrounded by open fields with agricultural buildings further beyond the farmhouse. Whilst there are several agricultural buildings within the farmstead these are largely screened by the farmhouse and trees. Given its size, massing and prominent location within the farmyard, the farmhouse is one of the most dominant features within long range views from the site access and Baldock Road.
7. The surrounding area is characterised by a patchwork of fields, largely free from development, which alongside low hedgerows creates a spacious and verdant character. The farmyard includes a significant amount of built development, in a relatively small area and therefore it appears as a densely developed farmyard. However, most of this development appears to be associated with an agricultural use which contributes to the rural character.
8. Given the size and prominence of the existing farmhouse, it has a suburbanising effect on the site and wider area, but the prevailing character is of an agricultural site associated with a working farmstead, surrounded by open fields.
9. From the evidence before me, it is not clear whether the original workshop was utilised as part of the wider agricultural unit or whether it was used in association with another type of business, or as a standalone workshop. Regardless, based on the application plans, it was utilitarian in appearance and looked similar to an agricultural building. This would have contributed to the wider rural character.
10. The proposed dwelling would be similar in height, but slightly shorter than the existing farmhouse, and it would utilise similar materials for the external surfaces including the windows. It would therefore be similar in appearance. Notwithstanding, the proposed development would not be sympathetic to the existing farmhouse as it would lead to the subdivision of the farmyard, for further residential development, and therefore it would interrupt the rural setting of the farmhouse.
11. The proposed dwelling would be sited on existing hardstanding and not on open fields. Nevertheless, it would be sited closer to the road and would therefore appear as a more dominant feature in wider views and incongruous when compared to the surrounding agricultural buildings and rural character. The introduction of an additional dwelling would appear visually intrusive when viewed alongside the surrounding fields which are generally free from development. This would have a suburbanising effect on the character of the wider area due to its domestic appearance. Given its proximity to the existing farmhouse, this suburbanising effect would be amplified as there would be two dwellings, domestic in appearance, sited close together.
12. The appellant accepts that the introduction of a new dwelling would lead to an intensification of use of the site. The increase in activity associated with the

residential properties would also have a suburbanising effect. Nevertheless, the appellant contends it would improve the appearance of the site. However, the existing workshop is in keeping with the wider rural character, but the appeal proposal would not be for the reasons given above.

13. The appellant contends that upward extensions should be allowed where they are consistent with the prevailing height of surrounding buildings. However, in this instance, it would lead to a large dwelling which is at odds with the rural character of the area. Furthermore, whilst the appeal proposal would potentially make an efficient use of the land it would not maintain the area's prevailing character and setting. Finally, there is no substantive evidence before me that either the workshop or the surrounding land was underutilised or could not be utilised more effectively without the proposed change of use. Therefore, I cannot conclude that the appeal proposal would lead to a more effective use of the land and building.
14. Having come to the conclusions above, the proposed development would have a materially harmful effect on the character and appearance of the area. It would therefore conflict with DP policies GBR2 and DES4 that seek amongst other thing to ensure that development proposals must be of a high standard of design and are compatible with the character and appearance of the rural area. In reaching this conclusion I have had regard to paragraphs 120, 124, 126 and 130 of the Framework.

Appropriate location

15. DP Policy DPS2 sets out the strategy to deliver sustainable development and provides a hierarchy of where development will be directed to. Sustainable brownfield sites are top of the hierarchy, followed by sites within identified settlements, urban extensions to other identified settlements and limited development in villages.
16. The appellant contends that the appeal site is not outside of a village as it is within the curtilage of the existing farmhouse. Notwithstanding, it is accepted by both parties that the site is outside of the recognised village boundaries. Therefore, for the purposes of the development plan, the appeal site is not within a village, and it is located within the rural area beyond the Green Belt.
17. DP Policy GBR2 outlines specific exceptions where development would be supported in the rural area beyond the Green Belt. Criterion (e) supports the complete redevelopment of previously developed sites in sustainable locations, where appropriate to the character, appearance and setting of the site and/or surrounding area.
18. As above, there is no substantive evidence before me on the previous use of the workshop for me to conclude that it was not being used for agricultural purposes. Therefore, I cannot conclude on whether it could be considered as previously developed land, as per the definition in the Framework.
19. Nevertheless, even if the workshop and surrounding land could be considered as previously developed land, the appeal proposal would be harmful to the character and appearance of the area for the reasons given above.
20. The appeal site is remote from the nearest settlement which accommodates key services and facilities. This section of Baldock Road is a single carriageway road and is subject to the national speed limit and it does not benefit from a

footpath or street lighting. Moreover, the appellant acknowledges there is no public transport provision in this rural area and has not demonstrated how the proposal would contribute to or support local transport networks. Therefore, given the significant distance to key services and facilities and the above characteristics of Baldock Road, future residents would be disincentivised from using sustainable transport modes (cycling/walking) and are likely to be highly reliant on the use of private transport.

21. The appellant has identified that a family member would reside in the proposed dwelling, and they would use an electric car. The application is for a dwelling with an unfettered use and there is no substantive evidence before me which indicates that the family member is required to reside close to the existing farmhouse. The proposed use of an electric car is acknowledged; however, the proposed dwelling may not always be occupied by the appellant's family and therefore the ongoing availability and use of an electric car is not guaranteed.
22. In conclusion, the appeal site is not an appropriate location for the proposed development, having regard to the development strategy and the accessibility of services. The appeal proposal would be contrary to DP Policies DPS2, GBR2, INT1 and TRA2 that seek amongst other things to direct development to the most sustainable locations. In reaching this conclusion I have had regard to paragraphs 111, 119, 120 and 130 of the Framework.
23. As the appeal site is in the rural area beyond the Green Belt there is no conflict with DP Policy VILL3 as this specifically relates to development in identified villages only.

Living conditions

24. The proposed dwelling would include dormers to the front of the property which would be in proximity to the existing farmhouse. Given, the siting of the proposed dwelling, perpendicular to the existing farmhouse, there would be no direct views toward the farmhouse, but there would be indirect views.
25. The section of the existing farmhouse closest to the proposed dwelling only accommodates ground floor windows, the proposed dormers would be above these windows. Whilst there would be obscured views, given the lack of fenestration on the farmhouse in proximity to the proposed dormers and direct views would be of a shared space, the proposed development would not lead to an increase in the extent of perceived overlooking.
26. The number of bedrooms within the proposed dwelling is not quantified; however, it appears to be capable of accommodating a single family. There would be an increase in vehicle movements, nevertheless, the increase in movements is not expected to be significant given the scale of the proposed development.
27. The limited increase in vehicular movements associated with a single dwelling would not materially affect the residents of the proposed dwelling. Likewise, the vehicular movements associated with the existing farmhouse would be limited and would not have a harmful effect on future residents of the proposed dwelling.
28. I conclude that the proposed development would not have a harmful effect on the living conditions of future occupiers of the proposed dwelling and residents of How Green Farm, with regard to privacy, noise, and disturbance. In this

respect it would be in accordance with DP Policy DES4 where it explains that development should avoid significant detrimental impacts on the amenity of occupiers of neighbouring property and land. Also, in this regard, it is in accordance with paragraph 130 of the Framework, which indicates that planning decisions should ensure developments create places with a high standard of amenity.

Other Matters

29. The Council acknowledge that they cannot demonstrate a five-year supply of deliverable housing sites. Accordingly, the presumption in favour of sustainable development, identified within paragraph 11 of the Framework is engaged. Consequently, the provision of 1 additional dwelling would be a benefit, although the proposal would have a negligible impact on addressing the recognised shortfall in housing supply. The scheme has been designed with the aim of reducing carbon emissions as such this would be a limited environmental benefit given the modest scale of the development.
30. I have no reason to doubt that the proposal would result in little disturbance to neighbours as it would be in proximity to only one property; also, that there is not a need for significant earthworks or major landscaping. The provision of off-street parking, the retention of the existing security arrangements, a lack of an effect on the trees, the workshop not being listed, the appeal site not being within a Conservation Area or subject to Article 4 directions are all highlighted within the appellant's representations. Nonetheless, these are all neutral factors.
31. The appellant has provided 3 examples of where they consider that the Council has permitted similar developments. However, each of these examples include sites which are within a recognised village boundary and are therefore materially different to the appeal proposal.
32. The appellant contends that the proposed development would preserve a heritage asset. There is no substantive evidence before me that there are any designated assets within or close to the appeal site. Without further evidence, I cannot conclude that the proposed development would preserve a heritage asset.
33. It is acknowledged that a farmhouse is already sited within the appeal site. However, the application for a replacement farmhouse was approved in 1985 and was assessed against a different development plan. On the evidence before me, it is not clear whether that permission was implemented, or whether the existing farmhouse predates that application. For these reasons, the existing residential use holds little weight when considering the appeal proposal.

Planning Balance and Conclusion

34. The main benefit of the appeal proposal is the provision of an additional dwelling. Moreover, I accept that there would be a very limited environmental benefit from the proposal. Furthermore, I have found that the proposal would not result in harm to the living conditions of future occupiers of the proposed dwelling and residents of How Green Farm.
35. However, I have found that the appeal site is not an appropriate location for the proposed development, having regard to the development strategy and the accessibility of services and that material harm would be caused to the

character and appearance of the area. Consequently, the proposed development conflicts with the development plan when considered as a whole and there are no material considerations including the provisions of Paragraph 11 of the Framework, either individually or in combination, that outweigh the identified harm and associated development plan conflict.

36. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR