



Appeal Decision

Site visit made on 16 May 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th August 2023

Appeal Ref: APP/J1915/W/22/3304107

The Stables, Moor Hall, Moor Hall Lane West, Thorley, Bishops Stortford CM23 4BJ

- 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 David Tinney against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/2813/FUL, dated 8 November 2021, was refused by notice dated 22 April 2022.
 - The development proposed is conversion of stable to ancillary residential property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed conversion could reasonably be considered ancillary to the main dwelling, having regard to its size, scale and any functional link to it.

Reasons

3. The Moor Hall site comprises a grade II listed farmhouse, a range of grade II listed barns to the rear (east) and the former stable building that is proposed to be altered, extended and converted. The former stable building is located approximately 22 metres to the northwest of the farmhouse.
4. As the application was submitted to and determined by the Council on the basis that the stable is curtilage listed, I have dealt with the appeal on the same basis. It is however apparent from historic plans and photographs included in the submitted Design and Access and Heritage Statements that the stable block, which is on the opposite side of an access drive, lies outside of the original farmhouse garden boundary. Paragraph 7.9 of the Heritage Statement states that the application building stands clearly outside the residential curtilage.
5. At the time of my visit there was no boundary treatment between the farmhouse and the stable building. I understand that as part of other recently approved developments, an extended access drive and a parking area to the front of the farmhouse has been approved, utilising the access that runs past the stable building. The details that I have been provided with show no footpath link between the farmhouse and stables, and clear subdivision of the two, by the driveway and landscaping.

6. The proposed two-bedroom annex would be completely self-contained, providing wheelchair accessible accommodation for the appellant's father and a live in carer. It would also have its own parking and outdoor space. Other than the shared vehicular access, there would be no clear functional link between the annex and the main dwelling, as required by Policy HOU13(a) of the East Herts District Plan (October 2018) (the DP). Shared vehicular access and intervisibility exists between many properties but does not, in my view, create a clear functional link between them.
7. Although the annex would be subservient to the substantial main dwelling and would not dominate it, Policy HOU13(b) of the DP requires annexes to provide the minimum level of accommodation required to support the needs of the occupant. I have very limited evidence before me regarding the needs of the intended occupier, the need for a live in carer (in addition to having family close by in the main dwelling) or explanation as to why these needs cannot be met within the main dwelling, or in one of the larger barns to the rear of the house that appear to have a better functional relationship to it. I note from the planning history provided, that change of use of agricultural buildings to residential ancillary use has previously been approved.
8. The appellant has referred to case law¹ and is willing to accept an occupancy condition that would restrict the use of the building to an annex. I acknowledge that such conditions are frequently used and are referred to in the supporting text to Policy HOU13. However, in this case, the imposition of such a condition would not overcome the conflict I have identified with parts (a) and (b) of Policy HOU13.
9. I therefore conclude that the proposed conversion could not reasonably be considered ancillary to the main dwelling, having regard to its size, scale and the absence of any functional link to it. Consequently, it would be contrary to the first two criteria of Policy HOU13 of the DP.

Other Matters

10. Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting.
11. The building proposed to be converted, despite its curtilage listing, is not of any heritage significance and does not contribute to the special character of the listed farmhouse and barns. I note that the Council has already granted listed building consent for the proposed alterations to the building on this basis.
12. I acknowledge that the proposal would make beneficial use of the existing building. However, the building would require substantial alteration and rebuilding to support the proposed new roof. As such I afford this little weight. Whilst I appreciate the proposal seeks to utilise the whole of the existing building, it also seeks to increase its height and floorspace, to provide additional accommodation for which a minimum need has not been demonstrated.
13. As no harm to the significance of a heritage asset has been identified, paragraph 202 of the National Planning Policy Framework is not relevant.

¹ Uttlesford DC v SSE & White 1992

14. In reaching my decision I have also had regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, and to the provisions of the Human Rights Act 1998. These aim to eliminate discrimination, to advance equality, and to foster good relations. I have carefully considered the appellant's family circumstances and acknowledge the requirement for an accessible annex with space for a live in carer. However, I have limited evidence of these needs and it has not been demonstrated that they cannot be met by other means.

Conclusion

15. For the reasons given above I conclude that the proposal conflicts with the development plan taken as a whole and there are no material considerations which indicate a decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

R Bartlett

INSPECTOR