



Appeal Decision

Site visit made on 7 November 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2023

Appeal Ref: APP/J1915/W/23/3320214

Grudds Farm, Unclassified Road U42 North East from Stanstead Hill to Great Hadham Road, Green Tye, Hertfordshire SG10 6JP

- 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 Sam Prior against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/2155/FUL, dated 11 October 2022, was refused by notice dated 17 February 2023.
 - The development proposed is the change of use of land from agriculture to residential use, and erection of outbuilding to provide garage and ancillary accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land from agriculture to residential use, and erection of outbuilding to provide garage and ancillary accommodation, at Grudds Farm, Unclassified Road U42 North East from Stanstead Hill to Great Hadham Road, Green Tye, Hertfordshire SG10 6JP, in accordance with the terms of the application, Ref 3/22/2155/FUL, dated 11 October 2022, subject to the following 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: Site Block & Location Plans PRI110, Proposed Elevations – drawing No.1, Proposed Floor Plan – drawing No.2, and Street Scene – Drawing No.3.
 - 3) Prior to any above-ground construction works being commenced, details of the external materials to be used in the construction of the outbuilding hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.
 - 4) If any contamination is found during the course of the construction of the outbuilding hereby permitted, development on the part of the site so affected shall be suspended. A risk assessment shall then be carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. The approved schemes shall be carried out before the development is resumed or continued.
 - 5) The development hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as Grudds Farm.

Preliminary Matters

2. Notwithstanding the content of the delegated officer report, the Council has subsequently confirmed that the site is not within a Conservation Area.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site contains a house and its associated residential curtilage, as well as an adjoining area of land, currently laid to grass.
5. Policy GBR2 of the East Herts Council East Herts District Plan dated October 2018 (the district plan) seeks to ensure that rural areas beyond the Green Belt are maintained as a valued countryside resource. Although the proposals subject of this appeal do not comprise forms of development that are specifically supported by policy GBR2, the policy is permissive and does not preclude other forms of development.
6. Subject to a series of criteria being met, policy HOU12 of the district plan provides support for the change of use of land to residential garden. Amongst other things, the policy requires the development to; be unlikely to have an adverse effect on the character and appearance of the surrounding area and landscape; be well related to other residential land; and, to not result in harmful incursions into the countryside.
7. There is no physical demarcation between the existing residential curtilage and the area of land subject of the proposed change of use. Even if the parts of the site beyond the residential curtilage were formally used for the grazing of animals, from the evidence and my observations on site, it is no longer in use for such purpose.
8. A mix of trees, hedgerows, and dense undergrowth separate the rear portions of the appeal site from the countryside beyond. Albeit within a rural area, the garden extension would occupy land which is both between the house on the appeal site and a neighbouring residential property, and which is adjacent to a series of agricultural and commercial buildings. The character and appearance of the whole of the well-enclosed appeal site is therefore, more closely aligned with that of the neighbouring buildings and gardens, than that of the open countryside beyond.
9. Although the garden extension would project further back than the garden at Marigolds, the boundaries to the rear section of the extended curtilage would follow the existing tree and hedge lines that enclose the site. There is no proposal to remove this boundary treatment. Furthermore, intervening buildings would prevent the extended curtilage from being readily visible from the road. Therefore, and even if residential paraphernalia were subsequently to be located within the extended curtilage, this would not be harmful to the established character or appearance of the area.
10. Albeit large, and taller than the buildings on the land between the road and the appeal site, the proposed outbuilding would be generally aligned between the host dwelling and the house at Marigolds. It would also be subservient in terms

of its size, scale, and mass, to the host dwelling. Therefore, and given the high degree of enclosure of the site, the proposed outbuilding would not be visually prominent when viewed from the road, the nearby countryside, or Marigolds. Furthermore, those parts of the building that would be visible from such locations, would be viewed in the context of the nearby buildings and development, rather than as a harmful incursion into the countryside.

11. Even if hardstanding were to be formed to the front of the proposed garaging, it would not be readily visible from outside of the site, and it would not have a harmful urbanising effect on the area.
12. For the reasons given, the proposed development would not be harmful to the character and appearance of the area. Consequently, and in respect of the main issue, it would comply with policy HOU12 of the district plan, and it would not conflict with policy GBR2 of the same document. It would also comply with the parts of the National Planning Policy Framework (the Framework) that seek to ensure that development; is sympathetic to local character and landscape setting; maintains a strong sense of place; and which would conserve the natural environment.

Other Matters

13. The appeal site is located close to Grudds farmhouse and the barn at Grudds farmhouse. Both of which are grade II listed.
14. I have a duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the [listed] building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 199 of the Framework guides that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the asset's conservation.
15. The barn is a thatched and tiled timber frame building, which the evidence suggests is partly in a wet moat. The official listing record indicates that sections of the farmhouse date back to the 16th century, and that it also contains the remains of a wet moat. The significance of these heritage assets therefore stems from their historic fabric and use. The setting of the assets is, in part, informed by the nearby outbuildings and agricultural fields.
16. The taller host dwelling and other intervening buildings would separate the proposed outbuilding from the listed buildings. Furthermore, the hedgerows and historic field boundaries would be unchanged by the proposals. For these reasons, the proposals would preserve the setting of the heritage assets, and they would not cause harm to the assets or their significance. That being the case, the requirements at paragraphs 200 and 201 of the Framework are not engaged.

Conditions

17. The Council has suggested a number of conditions, the wording of which has been amended where appropriate. This is for the purposes of clarity and to meet the six tests within paragraph 56 of the Framework.
18. The statutory condition which specifies the time-period for the implementation of the permission is imposed. For clarity, a plans condition is also imposed.

19. A materials condition is necessary to ensure that the development does not cause harm to the character and appearance of the area.
20. Extracts of maps and images dated between 1879 and 2000, indicate that the part of the site upon which the building would be constructed, has historically been undeveloped. That being the case, I am not persuaded that this part of the site has previously hosted an agricultural building. Nevertheless, given the historic agricultural use of the land and the proximity of other farm and former farm buildings, contamination of the site cannot be entirely ruled out. That being the case, and even if no contamination condition was imposed on the permission granted for the host dwelling, it is appropriate to take a precautionary approach in respect of this matter. A contamination condition is therefore found to be necessary. If contamination is encountered during the implementation of the development proposals, the condition requires further actions to be undertaken. This is to ensure that the development would not cause unacceptable harm to either human health or the land and water environments.
21. A condition preventing the use of the building other than for purposes ancillary to the residential use of Grudds Farm is imposed. If the development were not to be used in accordance with the terms of the planning permission, or if there was to be a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required.

Conclusion

22. For the reasons given above and having regard to the development plan as a whole and any other relevant material considerations, I conclude that this appeal should be allowed.

V Simpson

INSPECTOR