



Appeal Decision

Site visit made on 2 November 2023

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2023

Appeal Ref: APP/J1915/D/22/3310824

The Stables, London Road, Hertford, Hertfordshire, SG13 7NS

- 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 Chris Abbiss against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/0310/HH dated 11 February 2022, was refused by notice dated 23 September 2022.
 - The development proposed is described on the appeal form as "Conversion and alterations to garage/store/office to create residential annexe to include raising of roof, insertion of rooflights, doors and windows".
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Decision

1. The appeal is allowed and planning permission is granted for conversion and alterations to garage/store/office to create residential annexe to include raising of roof, insertion of rooflights, doors and windows at the Stables, London Road, Hertford, Hertfordshire, SG13 7NS, in accordance with application Ref 3/22/0310/HH dated 11 February 2022, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr Chris Abbiss against East Hertfordshire District Council. This application is the subject of a separate decision.

Procedural matters

3. The description on the application form does not accurately describe the proposed development. I have therefore considered the scheme on the basis of the description shown on the decision notice & appeal form and am satisfied that dealing with the appeal on this basis has not prejudiced the interests of any party.
4. The revised National Planning Policy Framework ('the Framework') was published on 5 September 2023. Having reviewed this document, I am satisfied that the policy applicable to the scheme before me remains unchanged from the previous Framework¹. As a consequence, I did not consider there to be a need to reconsult the parties and have determined the appeal in light of the new Framework document, which is a material consideration that should be taken into account.

¹ National Planning Policy Framework, Ministry of Housing, Communities and Local Government, 20 July 2021.

Main issues

5. The main issues are:

- whether the development would result in the creation of a separate unit of residential accommodation in an inappropriate location;
- whether the proposal would be inappropriate development in the Green Belt, and if so, the effect of the development on the openness of the Green Belt;
- if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Appeal site context and background issues

6. The appeal site, which falls within a small cluster of dwellings in the open countryside and Green Belt, consists of;- (1) a barn-style residence converted from former farm buildings/stables ('the main dwelling'); and (2) a separate outbuilding approximately 20m to the south of this originally constructed as a carport and store.
7. A previous scheme to convert the carport and store to an annexe was granted planning permission at appeal in 2015². Although the appellant says the Council previously accepted this as implemented and therefore extant, the Council's case officer report states that this has not been carried out and that the permission has therefore lapsed.

Whether the development would result in the creation of a separate unit of residential accommodation in an inappropriate location

8. The appellant states that the scheme is needed to house their parents who are in need of care and that the amount of accommodation proposed is necessary to allow them to maintain a sense of independence and afford them sufficient space for people to visit them.
9. The residential annexe would contain a large open plan lounge/kitchen/diner together with two double bedrooms, a shower room and washing machine & dryer cupboard. Given the scale of this accommodation and the potential for it to operate independently of the main dwelling, I do not consider it unreasonable of the Council to have formed the view that the scheme would be tantamount to the creation of a separate unit of residential accommodation.
10. However, I also consider it reasonable that future occupants of the annexe might wish to maintain some degree of functional independence from the main dwelling and also be able to receive guests/family for overnight stays and/or have sufficient space for a live-in carer if future needs dictate. Set against this context, it is important to recognise that dependence on the main dwelling is likely to vary in its intensity depending on the needs of the occupants of the annexe who may wish to prepare the majority of their meals and carry out other household chores such as washing if they are physically able to do so.

² Planning appeal APP/J1915/W/15/3023008 dated 24 December 2015.

However, this does not mean to say that there would be no functional reliance on the main dwelling;- they may for example require assistance, care and help from its occupants for medical issues, transport to appointments, or just as security in the event that they are frail or disabled and at risk from falls. As a consequence, whilst I consider the scheme to be at the upper limits of the minimum level of accommodation required to support the needs of the occupants, I do not consider it to be so large that it goes beyond this threshold.

11. Furthermore, in assessing this appeal, I am obliged to consider the scheme actually applied for, which is that of a residential annexe and not a separate residential dwelling. I am satisfied that the development before me is capable of falling within the scope of such a use and that this could be controlled by planning condition. If the land owner subsequently wished to use it as a self-contained dwelling, they would be required to apply for planning permission to do so. In the event that the annexe strayed outside of its lawful permitted use into that of a self-contained dwelling, the opportunity would exist for the Council to take enforcement action.
12. The Council has also raised concerns that there would be no clear functional relationship between the annexe and main dwelling given the distance between the two. I recognise that the Council considers the carport & store to fall outside the curtilage of the main dwelling, but given that this building already has a lawful residential use in association with the main dwelling³, I see no reason why this functionality would not continue given their relatively close proximity to each other.
13. In terms of its sustainability, given that the scheme would be an annexe to the main dwelling, I consider it likely that there would be a reasonable degree of trip generation interdependence between the two in terms of sharing household activities such as shopping or attending leisure activities elsewhere. As a consequence, I am satisfied that the scheme would not result in a significant increase in car movements to and from the site or result in an unsustainable form of development outside of the adopted settlement hierarchy. Furthermore, given its location within a small cluster of dwellings, neither would I consider it to be a visually intrusive form of development in the open countryside.
14. In view of the above, I conclude that the proposal would not conflict with Policies HOU11, HOU13, DES4, TRA1 and DPS2 of the District Plan⁴, which seek, amongst other things, to ensure; (1) that extensions to residential outbuildings are of a size, scale and design appropriate to the character, appearance and setting of the existing dwelling and surrounding area; (2) that detached residential annexes are well-related to the main dwelling; (3) that development proposals should primarily be located in places to enable sustainable journeys to key services and facilities; and (4) that development follows the District Plan settlement hierarchy.
15. I also find that the scheme would not conflict with Paragraph 9 of the Framework which seeks to ensure, amongst other things, that planning decisions play an active role in guiding development towards sustainable solutions, taking local circumstances into account.

³ Certificate of Lawful Use or Development Ref 3/21/0293/CLXU dated 10 June 2021.

⁴ East Herts District Plan, October 2018, East Herts Council.

Whether the proposal would be inappropriate development in the Green Belt

16. Policy GBR1 of the District Plan states that planning applications within the Green Belt will be considered in line with the provisions of the Framework. Paragraph 149 of this document states that a local authority should regard the construction of new buildings as inappropriate in the Green Belt, aside from a number of exceptions, which include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
17. I recognise that the scheme would result in a modest increase in roof height and volume, but given that it's footprint would remain the same and its general form would not fundamentally change, it is my view that the overall development would be proportionate to the existing building. As a consequence, I find that the scheme would not be a disproportionate addition to the original building, which means that it does not constitute inappropriate development in the Green Belt.
18. The scheme does not propose a change of use of the appeal site and neither am I of the view that it would give rise to this in view of the building's existing lawful use for residential purposes in association with the Stables. As a consequence, there is no need for me to consider the scheme against the exceptions outlined in Paragraph 150 of the Framework.
19. In view of the above, I conclude that the proposal would comply with Policy GBR1 of the District Plan which seeks, amongst other things, to ensure that Green Belt planning applications are considered in line with the provisions of the Framework. For the same reason, I also find that it would accord with Paragraph 149 of the Framework.

Conditions

20. A condition has been imposed to ensure the scheme is carried out in accordance with the approved plans. I have not attached a condition regarding materials as this was not requested by the Council and in any event, these details are specified on the approved plans. In view of the building's potential to operate as a self-contained dwelling, I have considered the suggestion made by the appellant in their statement and attached a condition restricting occupancy to that of an annexe.

Conclusion

21. In view of the above, having had regard to all other matters raised, I conclude that the appeal should be allowed.

Robert Fallon

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 details:- Drawing nos. NWA-21-026-LOC_E; NWA-21-026-1; and NWA-21-026-2 (Rev A).
- 3) The annexe shall not be occupied at any time other than for purposes ancillary to the residential use of the dwellinghouse known as the Stables, London Road, Hertford, Hertfordshire, SG13 7NS.

End of Schedule