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# Appeal Decision

Site visit made on 19 December 2023

**by R Gee BA (Hons) Dip TP PGCert UD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 January 2024**

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**Appeal Ref: APP/J1915/W/23/3325533**

**Bourne Farm (North of Bourne Villa), Bakers End, Wareside, Ware  
SG12 7SH**

- 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 John Bashforth against the decision of East Hertfordshire District Council.
  - The application Ref 3/23/0119/FUL, dated 23 January 2023, was refused by notice dated 17 April 2023.
  - The development proposed is described as proposed part change of use of existing barn to holiday let, including the installation of doorway, windows and two rooflights and existing stable to be used in conjunction with the holiday let.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. In my banner heading I have used the revised description agreed between the parties when the planning application was validated as this more accurately describes the proposal.
3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

## Main Issues

4. The main issues are:
  - i) the effect of the proposal upon the character and appearance of the area; and
  - ii) whether the site would be an appropriate location for the proposed use having regard to local planning policies.

## Reasons

### *Character and appearance*

5. The proposal includes the part change of use of an existing barn for holiday-let purposes. The building is constructed of breeze block with an external finish of timber weatherboarding under a tiled roof. There is an existing door to the

single storey element of the building and a roller shutter door to the west elevation. The appeal site comprises an irregular shaped parcel of land, which also contains a stable and store, set back from the highway behind mature landscaping to its eastern boundary. To the north of the existing barn is a paddock. To the south of the appeal site are residential properties. The surrounding land to the west and east is characterised by fields interspersed with tree lines and field boundaries.

6. The conversion would introduce new window and door openings that would change the external appearance of the building. Whilst the domestication of the building would introduce a large area of glazing, this elevation of the building would be largely screened from wider views due to its orientation away from the highway and by existing vegetation. The two small rooflights proposed would have only a limited impact on the visual appearance of the barn.
7. The proposed patio area would be relatively small, and any furniture would be moveable and would not result in material harm to the character and appearance of the surrounding countryside.
8. For the reasons stated above, the proposal would not harm the character and appearance of the area. I therefore find no conflict with Policies DES4 and GBR2 of the East Herts District Plan 2018 (District Plan). Collectively these policies seek a high standard of design where the size, scale, mass, siting, design and materials of construction are appropriate to the character, appearance and setting of the site and surrounding areas. Nor do I find conflict with the Framework which seeks to secure high-quality design.

#### *Appropriate Location*

9. The proposal is for holiday accommodation and would result in a building with the facilities required for day-to-day private existence. In planning terms, this would be a new dwelling. However, occupancy could be controlled by a condition to ensure that it was used for holiday accommodation as intended. It is therefore appropriate to have regard to District Plan policies that relate to tourism enterprises.
10. The appeal site lies within the Rural Area Beyond the Green Belt. Amongst others, Policy GBR2 of the District Plan is supportive of new employment generating uses where they are sustainably located, in accordance with Policy ED2. Policy ED2 of the District Plan allows for proposals that create new employment generating uses or support the sustainable growth, expansion of existing businesses in the rural area. Proposals will be supported, in principle, where they are appropriately and sustainably located and do not conflict with other policies within the Plan. Policy ED5 of the District Plan states that new tourism enterprises, and extensions to existing tourism enterprises will be supported in principle where the facility meets identified needs which are not met by existing facilities, is appropriately located and does not conflict with other policies within the Plan. Furthermore, Policy TRA1 of the District Plan states that developments should primarily be located in places which enable sustainable journeys to be made to key services to reduce carbon emissions.
11. The District Plan sets out a village hierarchy listed 1-3, reflecting their relative sustainability, with 1 being the most sustainable. Bakers End is defined as a Group 3 Village, which is the least sustainable. Whilst the settlement boundary

at Bakers End is not defined in the District Plan the appeal site lies beyond the existing cluster of properties.

12. The site is not well served by public transport. I saw that local roads are narrow lanes with no footway or lighting. Anyone working at or visiting the site, or accessing services and facilities from the site, would be highly reliant on the private motor vehicle as there are no facilities within a reasonable walking distance. The appellant indicates that they would be willing to accept a planning condition limiting the management and servicing of the unit to the occupiers of Bourne Villa. However, having regard to the Planning Practice Guidance, I do not consider that this would be reasonable. In any event, such a condition would not overcome the accessibility concerns relating to the future occupiers of the holiday-let. In my view the site is not in a sustainable location having regard to the village hierarchy.
13. I am mindful that the Framework supports the re-use of brownfield sites and a prosperous rural economy. I note the appellants submission that the proposal would provide for accommodation specifically related to an equestrian use which would be operated and managed by the occupier of the residential property opposite the appeal site. However, there is no evidence of a specific need for such accommodation, and, in any event, no mechanism has been put forward to limit the occupation of the holiday-let to those taking part in equestrian activities. I therefore afford this limited weight.
14. For the reasons stated above, I conclude that the proposed use would not be in an appropriate location having regard to local planning policies. Accordingly, I find conflict with Policies GBR2, ED2, ED5 and TRA1 of the District Plan. Collectively these policies require development proposals to be sustainably and appropriately located and to meet an identified need.

### **Other Matters**

15. The proposal would be accessed via an established vehicular access point and would have a limited impact on the number of vehicles accessing the site. Furthermore, the site is of sufficient size to accommodate the parking of vehicles associated with the proposed use. Consequently, there are no highway safety concerns. The distance between the proposal and nearby residential properties is significant, with intervening boundary treatments and roads. As such it is unlikely that any unacceptable harm to the living conditions of neighbouring occupiers would arise.
16. The development would give rise to some economic and social benefits including contributions to local employment, visitor accommodation, supplier chain spend, the use of local contractors and the contributions to the local economy and through spending in local shops and services. Visitors may benefit from personal well-being given the countryside location with access to footpaths, bridleways and other tourist destinations in Hertfordshire. Whilst these elements weigh in favour of the scheme, given the small scale of the development proposed, they attract limited weight.
17. The appellant suggests that the site is in residential use. It is not for me, under a section 78 appeal, to determine whether or not that use is lawful. It is open to the appellant to apply to the Council for a separate determination under sections 191/192 of the Act, regardless of the outcome of the appeal.

## **Conclusion**

18. Although I find no harm to character and appearance, I have identified that the proposal would not be in an appropriate location having regard to local planning policies. My overall assessment is that the proposal would conflict with the development plan as a whole. There are no other considerations, including the Framework, that outweigh this conflict.
19. For the reasons given above, I therefore conclude that the appeal should be dismissed.

*R Gee*

INSPECTOR