
Appeal Decision

Site visit made on 12 March 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 April 2024

Appeal Ref: APP/J1915/W/23/3323512

Greens Farm, East End, Furneux Pelham, Hertfordshire SG9 0JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by G Watson & Son against the decision of East Hertfordshire District Council.
 - The application Ref is 3/22/2613/FUL.
 - The development proposed is replacement of existing outbuilding with new annex and garden store/workshop.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of existing outbuilding with new annex and garden store/workshop at Greens Farm, East End, Furneux Pelham, Hertfordshire SG9 0JU in accordance with the terms of the application, Ref 3/22/2613/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.

Main Issues

3. The main issues are:
 - a) the effect of the proposed development on the character and appearance of the area,
 - b) whether the proposed development would be ancillary to the existing dwelling, and
 - c) whether the proposed development would be adaptable to climate change.

Reasons

Character and appearance

4. The appeal site is set towards the eastern end of the dispersed and linear village of Furneux Pelham which, in the general vicinity, is characterised by detached homes in generously sized plots with a cluster of working farm buildings set to the immediate rear of the site. Beyond these buildings, the area is otherwise open to gently rolling fields.

5. The site itself comprises a small, broadly rectangular, parcel of land that sits adjacent to Greens Farm. It is bounded by hedges and trees of varying size and maturity to all sides. The proposed annex and garden store building would be set within this parcel following a loose 'building line' between Greens Farm and Farmcroft next door.
6. The proposed building has a low profile, is clearly subordinate to the main dwelling at Greens Farm and is effectively screened to all sides by existing buildings and landscaping. Even without the screening, the proposed building would still be neat and diminutive in its context. For these reasons, I conclude that the proposed development would not be harmful to the character and appearance of the area and would comply with policies GBR2, DES4 and HOU12 of the East Herts Local Plan 2012 (EHLP). These policies, amongst other things, promote a high standard of design and layout to reflect and promote local distinctiveness.
7. It has been nominated by the Council that the land is in agricultural use. This is not disputed by the appellant. However, I am mindful that this piece of land is very small in modern agricultural terms, and unlikely to contribute greatly to any rural enterprise. Moreover, it is in proximity to the main dwelling and, from my site visit, appeared to have more of an affiliation with this home, than to the remainder of the agricultural land beyond. I have noted that the appellant owns and operates the farm and that the proposed building would facilitate this for the foreseeable future, in conjunction with other family members, being mindful of the appellants health. Given these matters and given that I have not found any harm to the character of the area, any loss of productive agricultural land would be minimal.

Ancillary use

8. Policy HOU13 of the EHLP sets out the requirements for residential annexes to be permitted. In summary these must have a clear functional link to the main dwelling, not dominate the existing dwelling and be appropriate in design terms with sufficient vehicle parking.
9. The proposed building is modest in size. It features a single bedroom, bathroom and living area in addition to a garden workshop, shed and log store. The level of living accommodation provided is 54 square metres which, although comfortably above the minimum Nationally Described Space Standard, is far from excessive in terms of overall size or scale; particularly when considered in the context of the 'parent' dwelling at Greens Farm. In any case, this is not a test of the policy requirement.
10. The proposed building would be set in an area which is only accessible via the garden to Greens Farm. The annex would, in the configuration proposed, have no direct access to the highway with parking provision being available to the side, on the existing driveway. Although the parcel of land in question is separated from the main dwelling by a low fence and hedges, it is nevertheless very close to it. There is a clear functional link between the two. As such, I conclude that the proposed annex would be ancillary to the main dwelling and the development complies with policy HOU13 of the EHLP. This is subject to a condition to ensure the building is not severed from Greens Farm and is occupied in connection with it.

Climate change adaptability

11. The appellant submitted a Sustainability Statement (SS) with the appeal. The Council has not directly commented upon this; however, it had the opportunity to do so. The SS provides examples of sustainability measures which could be incorporated into the development in order to achieve compliance with policies DES4, CC1, CC2 and WAT4 of the EHLP. These policies all address matters relating to climate change and sustainability measures that can be incorporated into development.
12. However, the SS does not specify which of these example measures are to be implemented in the development. Even so, given the small scale of the proposed development, it could comply with the provisions of these policies to render it sufficiently adaptable to climate change. Therefore, subject to a condition, the development can comply with policies DES4, CC1, CC2 and WAT4 of the EHLP.

Other Matters

13. I have noted that the main dwelling, Greens Farm, is a grade II listed building. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of this heritage asset. Given the small scale of the proposed development, context and its subordinate nature; there would be no material harm to the setting of this nearby listed building.

Conditions

14. I have imposed the recommended conditions of the Council, with modifications and corrections, to accord with the Planning Practice Guidance. Condition 1 is a general time limit condition. Condition 2 is to accord with the approved plans for certainty. Condition 3 is imposed to ensure a satisfactory external appearance and to ensure the development of the site is not detrimental to the appearance of the area and being mindful of this rural location and the proximity to the heritage asset. Condition 4 is imposed to restrict the occupancy of the annex such that it remains ancillary to Greens Farm and does not result in the creation of a new dwelling and to comply with policy HOU13 of the EHLP.
15. I have imposed a further condition, number 5, relating to sustainability measures and to comply with EHLP policies DES4, CC1, CC2 and WAT4. Both parties have been consulted on this condition.

Conclusion

16. For the reasons given above, I conclude that the proposed development would not be harmful to the character and appearance of the area, would be ancillary to the existing dwelling and, with a condition, can be adaptable to climate change. The development, therefore, complies with the policies of the development plan, read as a whole, and material considerations do not indicate that a decision should be made other than in accordance with the development plan. The appeal is allowed.

Nick Bowden

INSPECTOR

Schedule of Conditions

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the approved plans – 350 001, 350 002, 350 003.
3. Prior to any above ground construction works being commenced, the external materials to be used in the construction of the development 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. The outbuilding shall only be used for purposes incidental to the enjoyment of the dwellinghouse known as Greens Farm. The building shall not be used as an independent residential dwelling.
5. Prior to any above ground construction works being commenced, details of the sustainability measures to be incorporated into the design of the building shall be submitted to and approved in writing by the Local Planning Authority. These sustainability measures shall thereafter be implemented in accordance with the approved details.

End of Schedule