



Appeal Decision

Site visit made on 3 June 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 July 2024

Appeal Ref: APP/P1940/W/23/3333829

Ravenswood Farm, Church Lane, Sarratt, Hertfordshire WD3 6HJ

- 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 Mr Michael Grego against the decision of Three Rivers District Council.
 - The application Ref is 23/1078/RSP.
 - The development proposed is change of use of part of existing barn from agriculture to residential accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development and site address above from the application form. Although different to that given on the decision notice, no confirmation has been provided that a change was agreed.
3. Since the Council issued its decision, a revised National Planning Policy Framework (the Framework) was published. The main parties have been given the opportunity to comment on the updates to the Framework during the appeal process and I have taken these into consideration in my decision.
4. Whilst the proposed development has commenced it has not been completed. I have therefore assessed the scheme as 'proposed' development.

Main Issues

5. The main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies, including the effect upon the openness of the Green Belt;
 - the effect of the development on the character and appearance of the area;
 - whether the proposal would provide satisfactory living conditions for the future occupiers;
 - whether the proposal would secure affordable housing; and
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

6. The appeal site relates to land located within the Metropolitan Green Belt. Three Rivers District Council Core Strategy (Core Strategy) Policy CP11 sets out that there is a presumption against inappropriate development, that fails to preserve openness of the Green Belt or conflicts with the purposes of including land within it. Development Management Policies Local Development Document (DMP) Policy DM2 also relates to development in the Green Belt and sets out a number of criteria for the re-use and conversion of buildings and also referencing Green Belt openness and purpose.
7. Paragraph 155 of the Framework establishes that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Paragraph 155(d) allows the re-use of buildings, provided that they are of permanent and substantial construction.
8. The main parties agree the appeal building is of a permanent and substantial construction and based on my observations on site, I find no reason to disagree. Therefore, whether the proposal would be inappropriate development is contingent on whether it would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
9. Alongside the re-use of the building as it is permanent and substantial construction, the use of agricultural land for the domestic curtilage, external storage and parking falls under exception 155(d) provided it preserves openness and does not conflict with the purposes of including land within it. I note the Council assessed this separately as being a material change in the use of land under the Framework paragraph 155(e). However, residential uses do not fall within the 'such as' list of examples within brackets in paragraph 155(e).
10. Notwithstanding the character and appearance of the appeal building and surrounding area, which I return to below, the proposed alterations to the building would be minimal, primarily consisting of alterations to windows and doors. Consequently, these alterations would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
11. However, in addition to the re-use and partial conversion of the existing building, the proposed development would also involve associated development and domestic features. While noting that the appellant states there would be no requirement for a garden area and some ancillary features would remain this would not negate the need for domestic paraphernalia such as washing lines and domestic bins. Additionally, the appellant's statement of case indicates the proposal would provide enough space to sit outside on a warm day. This would result in additional clutter being introduced to the site, which would have an adverse effect on the openness of the Green Belt.
12. The appeal site could be used for the parking of vehicles related to the existing farm. However, the proposal would also see the provision of formalised parking spaces. In the absence of any substantive evidence, these spaces would likely need to be positioned on some form of hardstanding away from the existing agricultural route to the farm buildings beyond.

13. In this context, the domestic paraphernalia that would be introduced to the site would intensify the use of the site and therefore whilst the newly created curtilage and parking areas would not be significant in their size, they would nevertheless, result in visual and spatial harm to the openness of the Green Belt. It would also conflict with the purpose of including land within the Green Belt which is to assist in safeguarding the countryside from encroachment.
14. The framework supports the re-use of buildings and therefore there is an expectation that some change will be required. The Framework does nevertheless require that the re-use of buildings preserve openness of the Green Belt. Therefore, even though the harm would be moderate, any harm fails to preserve the openness of the Green Belt.
15. For the above reasons, I conclude that the proposal would not preserve the openness of the Green Belt and would conflict with the purpose of including land within it. The proposal would not meet the exceptions set out in Paragraph 155(d) of the Framework, nor any of the other exceptions and developments in Paragraphs 154 and 155. It would therefore be inappropriate development in the Green Belt. For similar reasons, the proposal would also be contrary to Core Strategy Policy CP11 and DMP Policy DM2.

Character and appearance

16. The appeal building is located amongst a cluster of agricultural buildings. Although the scale, design and appearance of these agricultural buildings vary, they are all of a form and character that is typical of a rural location. The appeal building, which has now been partially converted into a dwelling, is located close to the main vehicular access into the site and is constructed in block with external timber cladding at first-floor level with a steel profiled roof.
17. At the time of my visit, I observed the existing window openings are relatively small in comparison to the overall size of the building. However, the installed brown uPVC frames are domestic and suburban in design and represent a distinct change in character from the immediately surrounding built form. This harm would be further increased should the window sizes be enlarged.
18. The appeal scheme would also introduce a large albeit similar brown uPVC framed window at first-floor level on the southern elevation. A timber door is also proposed on the northern elevation. Despite the use of timber for the proposed door and whilst the building would be partially screened from external views by the surrounding hedging and agricultural buildings, it is immediately visible upon entering the site. The north and west elevations, which are visible from the highway and immediately greet anyone entering the site, are particularly domestic in appearance and have an urbanising effect. This domestic appearance would be further enhanced through the formal parking of cars and household paraphernalia.
19. As a result, the proposal as a whole would not reflect the relatively simple agricultural form of the existing building and there is little to suggest that it would respect the appearance or characteristic buildings in the area. Given this uncertainty, it would not be appropriate to attach a condition on materials to be agreed upon at a later date.
20. For the reasons above, the appeal scheme would be harmful to the character and appearance of the area. As such, it would conflict with Policies CP1 and

CP12 of the Core Strategy and Policy DM1 of the DMP insofar as they seek high quality development that respects local character and distinctiveness and seek to avoid the gradual deterioration in the quality of the built environment. For similar reasons, it would also conflict with the aims of the Framework.

Living conditions

21. Both the main parties have drawn my attention towards the Technical Housing Standards – Nationally Described Space Standard, March 2015 (NDSS). There is a dispute between the parties as to the amount of internal floor space that should be provided, given the NDSS does not define the required space for a 1 person dwelling set over two floors. However, the NDSS are nationally described standards, not nationally prescribed standards; footnote 52 of the Framework advises policies may also make use of the NDSS, where the need for an internal space standard can be justified.
22. The Council has no adopted policy prescribing minimum internal space standards, so I have no information to justify requiring a minimum quantity of floor space or to contradict the appellant's assertion that the proposal is simply responding to the appellant's required space. Nonetheless, I must assess the proposal in terms of its functionality as a dwellinghouse.
23. The proposed conversion, when complete, would see the dwelling set over ground and first-floor levels, with the remainder of the building retaining its agricultural use. It would provide a kitchen/living area, shower room and first-floor bedroom. The submitted drawings also show an area of curtilage, including parking around the building, but no defined private amenity space is identified.
24. The proposed development would be, in part, a conversion of an existing building where practical considerations of the limitations of the existing structure come into play. However, the submitted drawings provide limited detail to demonstrate that conversion can provide appropriate facilities for day-to-day living. No indicative furniture layout has been provided and based on the location of the stairs and my own observations from within the building, I cannot be sure sufficient room to accommodate a kitchen, seating/dining, sleeping and washing facilities, plus storage can be adequately located within this part of the building.
25. Moreover, the Council has raised concerns related to the overall quality of the dwelling. The dwelling fails to provide a dedicated area of outdoor space for occupiers to adequately separate the building from the other nearby agricultural land, buildings and machinery. In the absence of cogent evidence to the contrary, the future occupiers of the appeal building will be harmfully exposed to odour, noise, and other forms of nuisance, given the proximity of the agricultural-related uses and the times these are likely to occur. These harms would not be overcome by the appellant's ability to walk in the farmland or adjoining footpath. I also find that a condition blocking off of the internal door to agricultural use would also not prevent harmful noise, odour or other nuisance.
26. While I recognise the appellant states the compact nature of the dwelling and lack of garden space would be in keeping with their lifestyle, this does not lead me to reach a different conclusion on the harm to future occupiers of the proposal.

27. For the reasons above, the proposal would not provide adequate living conditions for potential future occupants. It would be contrary to Policies CP1 and CP12 of the Core Strategy and Policy DM1 of the DMP. These policies seek, amongst other things, to ensure that development proposals are of a high standard of design that protect residential amenities. It also conflicts with the provisions of the Framework, which seeks a high standard of amenity for existing and future users.

Affordable housing

28. The Council's fourth reason for refusal refers to the absence of a legal agreement. Core Strategy Policy CP4 requires commuted payments towards the provision of off-site affordable housing. This point is not disputed by the appellant and they have indicated a willingness to provide such a contribution and a draft legal agreement was submitted with the appeal.
29. The Procedural Guide: Planning Appeals – England May 2024 is clear that if the appellant intends to send a planning obligation and wants to be certain that it will be taken into account by the Inspector an executed and certified copy of the planning obligation should be provided at the time of making the appeal.
30. I note the appellant's statement in their final comments that one would be provided. However, a completed planning obligation has not been submitted to provide the necessary commuted payments. As such, the proposal does not make adequate provision for affordable housing. The proposal would therefore conflict with Policy CP4 of the Core Strategy and the Framework, which seek to increase the provision of affordable homes in the District.

Other Considerations

31. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to harm to the Green Belt and "very special circumstances" will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
32. In supporting sustainable development, paragraph 84 of the Framework seeks to avoid the development of isolated homes in the countryside unless particular circumstances apply. This includes the essential need for a rural worker to live permanently at or near their place of work.
33. The development plan policies before me are consistent with the Framework. Policy DM2 of the DMP, alongside Appendix 3, provides details on the Council's policy approach to determining when new residential development in the Green Belt may be justified if it is required for agricultural, forestry and other full-time rural workers. This is assessed based on functional need and financial viability.
34. The primary enterprise of the farm consists of a suckler cow beef herd. An agricultural subsidy providing funding has also been indicated as a source of income. Due to recent personal and financial circumstances, the appellant has not managed to run a full breeding programme for some time and has lived in the appeal building as they have been unable to acquire any suitable alternative accommodation in the area.

35. The appellant's evidence does not dispute the farm enterprise is not large enough on its own to justify a full-time need. Moreover, by the appellant's own admission, despite being employed full-time on the farm, there is not a functional need for a rural worker to be onsite fulltime based on the current herd size.
36. The Council does not dispute that there is a need for an employee to attend the farm at various times. However, I have been provided with only limited information as to day-to-day management and welfare needs of this small herd, and it is not clear to me why this could only be achieved by a permanent on-site presence. Additionally, while trying to improve landscape and wildlife would be a benefit, the general labour requirements do not in themselves justify a permanent on-site presence. I afford these considerations limited weight.
37. Even if I were to accept renting was not appropriate for a rural worker, there is limited evidence to demonstrate that a robust property search, including property types and locations, has been undertaken. As such, while a small number of properties have been found unsuitable, I cannot be sure there are no alternative properties available.
38. Moreover, the evidence before me indicated the initial reason for occupying the building was due to personal and financial reasons rather than the agricultural enterprise. Limited evidence has been supplied in this regard, and there is no cogent evidence to indicate that the business functioned no less efficiently or effectively prior to the appellant moving on site.
39. I recognise that the appellant's comments that the appeal scheme should be looked at holistically. Even if there was to be a reduction in vehicle trips for the appellant to go to work on the farm, the appeal site is some distance from many day to day shops and services. It is therefore likely that there would be a strong reliance on motor vehicles for travel and visitors such that I attract limited weight to the potential reduction in vehicular trips.
40. There is no substantive evidence before me to demonstrate the appeal scheme would prevent or reduce crime. Additionally, no evidence has been provided that less intrusive alternative security measures have been considered. I therefore attach limited weight to the purported security benefits.
41. My attention has been drawn to an appeal¹. However, this was for an equestrian development and, therefore materially different to the appeal scheme and does not weigh in favour of the development.
42. My attention has also been drawn to a development at a property known as The Goslings. However, whilst there may be similarities between the schemes the evidence before me indicates this development was subject to a Certificate of Lawful Use. As such, the scheme and the specific circumstances at that site are materially different to the one now before me. Each proposal should be considered on its individual merits and with appropriate regard to the development plan and any material considerations. Consequently, this consideration carries neutral weight.
43. The appellant has noted that an agricultural occupancy condition could be imposed to prevent general residential occupation. However, given that I have

¹ Ref: APP/P1940/W/22/3291601

found the appeal scheme would not provide suitable living conditions for the future occupier(s) of the dwelling, a condition would not be appropriate. As planning permission would run with the land, future occupier's lifestyles will inevitably change. Therefore, given the limited income generated from the business and even if expenses are set against the farm, I attach little weight to this matter.

44. Accordingly, having considered all the matters raised as other considerations in support of the development, I conclude that they do not clearly outweigh the substantial harm that I have identified by reason of inappropriateness in the Green Belt and any other harm. Consequently, the very special circumstances necessary to justify the development do not exist.

Other Matters

45. The appeal site lies within the Chiltern's National Landscape (CNL), formerly known as Areas of Outstanding Natural Beauty. The Council have found the proposal would not harm the wider landscape, including the CNL and I find no reason to disagree.
46. The appellant has drawn my attention to a 2019 application under Class Q of the General Permitted Development Order. However, as this was refused, it has no bearing on my findings above.

Planning balance and conclusion

47. The Council is unable to demonstrate a five-year supply of deliverable housing sites and therefore, in accordance with paragraph 11 d) of the Framework, policies which are most important for determining the application are out of date and permission should be granted, unless either of the two limbs are met.
48. I have concluded that the proposal would be inappropriate development in the Green Belt and that very special circumstances necessary to justify the development do not exist. In accordance with paragraph 11 d) i of the Framework this provides a clear reason for refusing the development despite the deficiency in the housing land supply. The presumption in favour of sustainable development therefore does not apply in this case. As a result, and taking into consideration the other harms identified above, the development would be contrary to the development plan and the Framework when considered as a whole.
49. For the above reasons, I conclude that the appeal should be dismissed.

A Hickey

INSPECTOR