



Appeal Decision

Site visit made on 12 July 2024

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 August 2024

Appeal Ref: APP/J1915/W/23/3329668

Morley Hall, Wareside, Hertfordshire SG12 7QP

- 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 Ms Anne Audibert against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/0803/FUL.
 - The development proposed is described as subdivision of house to create 2 new flats (whilst retaining the remainder of the property) and replace the garage door with windows and a door, and the creation of new private gardens for the 2 new properties and off-street car parking spaces.
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Decision

1. The appeal is allowed and planning permission is granted for the subdivision of the house to create 2 new flats (whilst retaining the remainder of the property), and replace the garage door with windows and a door, and the creation of new private gardens for the 2 new flats and off-street car parking spaces at Morley Hall, Wareside, Hertfordshire SG12 7QP in accordance with the terms of the application, Ref 3/23/0803/FUL, subject to the conditions in the attached schedule.

Procedural Matters

2. It is noted that within the first reason for refusal Policy INT of the East Hertfordshire District Plan (DP) is referenced. This is considered a typographical error as the officer report refers to DP Policy INT1. I have therefore taken the latter into account.

Main Issues

3. It is acknowledged that Listed Building Consents¹ (The LBCs) have been granted for the specified works to the Grade II listed building known as "Morley Hall and former stables attached on south" (Ref: 1077973) (Known as Morley Hall from here on). Also, that within proximity of Morley Hall is another Grade II listed building known as "Icehouse at Morley Hall 40metres southwest of house" (Ref: 1342254) (the LB2), and a scheduled monument known as "Morley Ponds moated site, Ware" (Ref 1012332) (the SM).
4. Notwithstanding the existing LBCs, within this decision I am required to give special regard to the impact on listed buildings in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act); and the National Planning Policy Framework (the

¹ 3/22/2232/LBC and 3/23/0804/VAR

Framework) requires great weight to be given to the conservation of scheduled monuments.

5. Therefore, the main issues are:

- whether the proposal would preserve the significance of Morley Hall and any of the features of special architectural or historic interest that it possesses, and the setting of the LB2 and the SM;
- the effect of the proposed development on the character and appearance of the area; and
- whether the appeal site is a suitable location for the proposed development having regard to relevant policies relating to accessibility.

Reasons

Heritage assets

6. Morley Hall is a large 7 bedroomed residential hall set in extensive grounds. The building is broadly T shaped with stables attached to the rear. This has already been converted to provide additional living space, with only external features of the stables left.
7. It is understood from the appellant's Heritage Statement that the building had relatively modest roots as 2 conjoined 17th century cottages. Over time the building has been expanded and remodelled to create a hall within substantial grounds. Significantly the main part of the house was remodelled in the 1960s by Raymond Erith, a classical architect most active between the late 1940s and the 1970s. Therefore, Morley Hall's significance is bedded in the historic fabric of the building and the architectural features related to the 1960s remodel.
8. Within the formal gardens to one side of Morley Hall is the LB2 which dates to the 18th century. Its significance lies in it being a good example of an icehouse and, as part of its group value, how an icehouse represents the aggrandising of Morley Hall's status as a residential dwelling.
9. To the front of Morley Hall is the SM which has been designated due to being a well-preserved example of a Hertfordshire moated site. Limited information is known about the SM, but such structures were often used for domestic or religious buildings and so are important for understanding the distribution of wealth and status in the Medieval countryside. This SM appears to have been largely unaffected by later land uses and so there is a high potential that archaeological remains would be preserved.
10. The proposal would constitute internal works and some minor external works to the stables and rear portion of Morley Hall. It would retain the main part of the house as a 5-bedroom dwelling and convert the stables and rear portion into 2 smaller apartments, one with 1 bedroom and one with 2 bedrooms.
11. The proposed internal alterations would be limited to closing off various doorways and archways and could be reversible. The existing garage doors, which would be replaced by a new door and windows, are not historic and the replacements would be sympathetic to the style of this part of the building. Room sizes and layouts would be retained, and the proposal would only alter the potential use of those rooms. The proposal would not impact the main rooms of the house most obviously altered by Erith. Nevertheless, the works

- would require a small amount of historic fabric to be removed and this would constitute less than substantial harm, at the lower end.
12. Due to the very limited impact the proposal would have on the form or use of Morley Hall, in my mind it would not alter the relationship of Morley Hall with the LB2 and the SM. Therefore, the proposal would have a neutral impact on the setting of these 2 heritage assets.
 13. Nevertheless, the lack of impact on the LB2 and the SM does not overcome the less than substantial harm to Morley Hall. Hence, in accordance with paragraph 208 of the Framework, this harm must be weighed against the public benefits of the scheme.
 14. The optimal use of Morley Hall is residential, and the proposal would retain this. However, due to the large size of Morley Hall as a singular family residence there is potential that this use may no longer be viable in the long run. Therefore, to create 2 further residential units whilst still retaining a large well-proportioned dwelling within the main body of Morley Hall, could secure the future optimisation of use and so would constitute a public benefit.
 15. Considering the very low level of less than substantial harm the proposal would have, in this case, it would therefore be outweighed by the public benefits. It is noted a similar conclusion was drawn by the Council in consideration of the LBCs.
 16. Therefore, in compliance with the Act and the Framework. the proposal would conserve the significance of Morley Hall and the features of special architectural or historic interest that it possesses, and would preserve the setting of the LB2 and the SM.

Character and appearance

17. The Morley Hall estate is located within the countryside but not within the Green Belt. Depending on how you measure the distance Morley Hall is between 0.6km and 0.8km, by country lane, from the village of Wareside.
18. Notwithstanding Wareside, the area beyond the estate is characterised by a patchwork of fields interspersed with traditional farmsteads or small groupings of 2 or sometimes 3 houses.
19. I noted during my site visit that several nearby farmsteads have had outbuildings converted creating further small enclaves of dwellings within the wider bucolic setting. Taking account that the proposal would not significantly increase the capacity of Morley Hall to accommodate people, all be it as 3 separate units rather than 1 large home, the experiential impact such a change would have on the overall character of the area would not be so significant to constitute harm. This is especially relevant within an area where singular large dwellings are less common than small groupings of houses, be that as traditional worker cottages or converted farmsteads.
20. As much of the works would be internal and would represent only minor external alterations, in my mind, the proposal would have no impact on the appearance of the wider area.

21. Therefore, the proposed development would not harm the character and appearance of the area and so comply with DP Policy DES4 insofar as it seeks to protect character and appearance.

Location

22. DP Policy INT1 is a strategic policy which sets out the overarching presumption in favour of sustainable development and that decisions will revert to the Framework when there are no relevant policies. DP Policy DPS2 sets out the development strategy for sustainable development in the district. It proposes a hierarchy of delivery based around brownfield sites and existing towns and villages. It does not refer to development in the countryside.
23. Nevertheless, DP Policy GBR2 is specifically written to guide development in rural areas beyond the Green Belt. This policy provides a list of uses which will be permitted and point e) provides for the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings) in sustainable locations, where appropriate to the character, appearance and setting of the site and/or surrounding area.
24. It has already been shown in the second main issue that the proposal is not considered to harm the character and appearance of the area. Therefore, it is necessary to consider if the appeal site is in a sustainable location. In this instance this would relate to the accessibility of the site. DP Policy TRA1 promotes, amongst, other things that new development should be in places which enable sustainable journeys to be made to key services and facilities.
25. The appeal site's location is in proximity of Wareside. Notwithstanding that access would be down narrow unlit country lanes, the services at Wareside are limited and could not support day to day living requirements. Consequently, it would be necessary for future occupants to travel further afield and this would, in probability, require the use of private vehicles which are considered the least sustainable method of undertaking journeys. The proposal thus fails to comply with DP Policy TRA1 and by association also fails to comply with GBR2.

Other Matters

26. That the proposal is not considered to harm living conditions, highway safety or the environment is noted. However, a lack of harm is considered neutrally so cannot weigh for or against the proposal.

Planning Balance

27. The proposal would fail to comply with DP Policies TRA1 and GBR2 due to the accessibility of the appeal site. However, accessibility is only one element of sustainable development². It is also recognised that by their very nature rural areas require residents to rely more heavily on private vehicles and that services are often spread over several villages or locations. By prohibiting any new residential development in such locations, this could ultimately have a detrimental effect on the vitality of rural communities. Therefore, even small numbers of new dwellings can provide economic and social benefits to sporadic rural communities in relation to supporting services and facilities.

² As described in chapter 2 of the National Planning Policy Framework

28. The provision of 2 new dwellings via the repurposing of an existing building already in residential use, would also have a much-reduced environmental impact in relation to construction or implementation costs to new build homes.
29. Therefore, in combination with the effect the proposal would have on ensuring the continued optimal use of the listed building, I find these benefits would outweigh the limited harm identified in relation to accessibility of the site. The proposal would comply with the ethos of the Framework in terms of providing new homes and sustainable development, and DP Policy INT1.

Conditions

30. The Council has suggested several conditions. These have been considered against the appellants comments and the advice in the Framework and Planning Practice Guidance. As a result, I have amended them for consistency and clarity.
31. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty.
32. Condition 3 and 4 have been imposed to ensure the external development accords with the character and appearance of the building and its immediate setting. Details are not required for approval within condition 3 as the information on the plans is adequate for the external works on the building and details relating to both the internal and external works have been dealt within the extant LBCs.
33. Although it is not necessary to duplicate regulatory requirements in relation to the provision of electric vehicle charge points for new dwellings, condition 5 has been imposed in relation to character and appearance. This is due to the charge points location within the setting of Morley Hall. Condition 6 confirms the necessity for optional Building Regulation standards to be met in accordance with DP policies. However again compliance would be dealt with under that separate regulatory mechanism so not required within the condition in this instance.

Conclusion

34. For the reasons given above the appeal scheme would comply with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, allowed.

RJ Redford

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with drawing nos: L-01; L-02a; L-05a; L-06; L-07 and L-08.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the approved plans and where not specified shall match those used in the existing building.
- 4) Prior to occupation of the 2 new dwellings hereby permitted, hard and soft landscaping works shall be carried out in accordance with details that have first been submitted to and approved in writing by the local planning authority. These details shall include but are not limited to:
 - Means of enclosure;
 - Planting plans;
 - Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
 - Details of hard surfacing, noting materials; and
 - Details of biodiversity improvements.

If, within a period of 5 years from the date of planting, a tree or, specified plant within the landscaping details, (or any trees or plants planted in replacement for it) is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another tree or plant of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree or plant unless the landscaping details state otherwise.

- 5) Prior to occupation of the 2 new dwellings hereby permitted, electric vehicle charging points shall be installed in accordance with siting, design and external finish details that have first been submitted to and approved in writing by the local planning authority.
- 6) The 2 new dwellings hereby permitted shall not be occupied until the Building Regulation optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.

END OF SCHEDULE