

Appeal Decision

Site visit made on 23 September 2024

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2024

Appeal Ref: APP/C1950/W/24/3341182

Brocksfield Stables, Homerswood Lane, Welwyn AL6 9AD

- 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 R Fyson against the decision of Welwyn Hatfield Borough Council.
 - The application reference is 6/2024/0042/FULL.
 - The development proposed is the change of use of existing stables with external alterations to form a four bedroom detached dwelling with associated car parking and use of existing vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of existing stables with external alterations to form a four bedroom detached dwelling with associated car parking and use of existing vehicular access at Brocksfield Stables, Homerswood Lane, Welwyn in accordance with the terms of the application, reference 6/2024/0042/FULL, subject to the conditions set out in the attached annex.

Main Issues

2. The main issues are whether the proposal would represent inappropriate development within the Green Belt; the effect on the character and appearance of the area; and whether the site represents an accessible location for a dwelling.

Reasons

3. The proposal would result in the conversion of the existing stable building to a dwelling within the Green Belt. The hard surfacing within the quadrangle would be landscaped and three parking spaces provided. The existing access would be retained. The red line of the site is relatively closely associated with the structures and surfaced areas on the site.

Whether inappropriate development

4. Policy SADM 34 of the Welwyn Hatfield Borough Council Local Plan 2016-2036 (2023)(LP) advises that within the Green Belt, planning permission will be granted for development in accordance with national policy and other policies in this plan, subject to various criteria. With regard to a change of use, a
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number of criteria within the policy are not relevant to whether a proposal would be inappropriate development and these are considered separately. The policy does require that it be demonstrated that the proposal would preserve the openness of the Green Belt and that the buildings are of permanent and substantial construction and capable of conversion without the need for substantial demolition and rebuilding.

5. The *National Planning Policy Framework 2023* at paragraph 155(d) advises that the re-use of buildings; or (e) the material change of use of land, would not be inappropriate in the Green Belt provided the proposal preserved openness and would not conflict with the purposes of including land within the Green Belt; and provided that the buildings are of permanent and substantial construction.
6. Although the roofing material of the stable would require replacement, the roof supports and the walls, appear to be suitably robust to be retained to allow conversion. Substantial internal alterations would be required but overall, with an appropriate approach, the building could be converted. The proposal would not increase the scale of built development and would reduce the surfaced areas of the site. Whilst the small area of land to the rear did not fall within the land associated with the certificate of lawfulness, its change of use would not result in any physical development that would change its openness. The area associated with the stables is already clearly and quite tightly defined and this would remain the case. Overall, the proposal would satisfy paragraph 155 of the *Framework* and would not represent inappropriate development in the Green Belt. It would not conflict with the elements of LP policy SADM 34 that are relevant to openness and inappropriateness.

Character and appearance

7. Policy SADM 34 requires that proposals minimise any impact on the landscape. The stables are located in a woodland setting with a backdrop of mature trees. The roadside landscaping alongside both Ayot St Peter Road and Homerswood Lane ensure that there are few opportunities for views towards the site. The only public views are from the existing access gate. The dwelling would be inward looking, into the enclosed courtyard. The additional residential use of the site may increase nighttime lighting and activity generally but not significantly given the requirements of the current use.
8. There is no guarantee that the new dwelling would remain associated with the neighbouring land and this may increase activity and result in additional vehicle activity and parking outside the red line boundary, as suggested by the layout plan. The change of use may therefore increase overall activity, but not significantly. There may also be some pressure for new stable buildings but any requirement for new buildings would be subject to assessment by the council.
9. Generally, the existing stabling use and the appearance of the site represents a typical countryside use. A replacement residential use would change the character of the site to some extent. However, subject to landscaping requirements and the removal of permitted development rights for further surfacing, domestic fencing and new domestic buildings and extensions, the change to a more domestic character would not result in unacceptable harm to the wider character or appearance of the area. I am not satisfied that it would enhance the appearance of this site but as conditions could ensure that any

impact on the landscape would be minimised, there would be no conflict with this element of LP policy SADM 34.

10. Retaining the form of the existing buildings and limiting the scale of the residential curtilage would satisfy the design objectives of LP policy SP 9. The proposal is to retain existing trees and reduce the amount of imperviable surfacing. The landscape condition would secure these matters and include measures to ensure that the proposal would satisfy the ecological requirements of LP policy SADM 16.

Whether this is a suitably accessible location for a new dwelling

11. Policy SP 1 sets out the need to plan positively for growth in a way which supports economic growth, increases the supply of housing and helps to reduce social and health inequalities. It is clear that the location of new development should deliver a sustainable pattern of development which includes prioritising previously developed land; and minimising the need to travel by directing growth to those areas with good transport networks which are well served by jobs, services and facilities. The supporting text advises that in order to make the most effective use of resources, the strategy towards the location of new development throughout the borough is based on maximising the use of previously developed land before greenfield sites. It promotes the delivery of high quality sustainable housing within walkable neighbourhoods where residents can easily access services to meet their day to day needs.
12. The proposal relates to previously developed land and would result in the provision of an additional house in an area that has failed to deliver sufficient housing completions. The site is not easily accessible to a range of services and facilities by transport modes other than the car. However, it is only a mile to Welwyn High Street. It is served by a narrow single track road with no lighting, no footpath and no bus service. It would be possible to cycle to nearby facilities and to walk, at certain times of the day, but generally, most journeys would inevitably be by private vehicle. The accessibility of the site reduces its sustainability credentials but it would, nevertheless, contribute to local economic development and the new residents would contribute to social and economic objectives as they would be likely to utilise facilities and services in the local area and contribute to the life of local communities. In these circumstances, although not being the most sustainable location for development, given that this represents the conversion of an existing building on previously developed land; and given the housing shortfall, it would not undermine the sustainability objectives of the Local Plan.
13. The LP includes policy SP 24: Rural Areas, which supports the conversion of rural buildings advising that the re-use or conversion of existing buildings will be supported where these are compatible with their Green Belt location, the settlement strategy and the protection of critical assets. The supporting text advises that 'The Local Plan directs the majority of development towards the towns and larger villages that are excluded from the Green Belt as these are the most sustainable locations for development. Outside of these excluded settlements, however, there is a need to ensure the rural areas remain economically and socially viable in a manner which does not impact on the openness of the Green Belt or the purposes of including land within the Green Belt, or damage critical assets'. Given my findings with regard to the Green

Belt; and the lack of conflict with the objectives of the settlement strategy, despite not being fully supportive of it, I find direct support for this proposal from this policy.

14. Policy SADM 34 also relates to changes of use, specifically in the Green Belt. It requires that the change of use is consistent with both the settlement and rural areas strategies as well as the principles of sustainable development. The supporting text advises that support will be given for commercial reuses of buildings which benefit the rural economy. It makes no reference to residential uses. Whilst it does not offer support for residential conversions in locations such as this, as the proposal would not conflict with the principles of sustainable development set out in policy SP 1; or harm the achievement of the rural areas strategy, it would not conflict with this element of the policy.
15. Policy SADM 1 advises that planning permission for residential development will be granted provided a number of criteria are met including that it would be previously developed and would be accessible to a range of services and facilities by transport modes other than the car. It would not satisfy all criteria as required, but given the particular circumstances, including the re-use of a building on previously developed land in an area with housing provision shortfalls, it would not undermine the policy objectives which seek to direct development to settlements.
16. Policy SADM 2iii requires that developments are designed to allow safe and suitable means of access to and from the site for all users and policy SADM 3 seeks provisions, where appropriate, for cyclists, pedestrians and public transport. The proposal makes provision for cycling but is not able to alter the physical characteristics of its location or access. Whilst not gaining overall support, I am not satisfied that this results in conflict with these policies as no appropriate provisions could reasonably be achieved.
17. This is not a location ideally suited to new residential development as it would not help to deliver a sustainable pattern of development which minimises the need to travel. It would however, contribute to important elements of sustainable development such as providing new housing and doing so on previously developed land. The proposal would not conflict with policies SADM 2 or SADM 3 or, in these circumstances, policies SADM 1, SP 1 or SADM 34. It would gain support from LP policy SP 24.
18. With regard to the *Framework*, it advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities; and policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Although not in an ideal location in relation to existing settlements, or with regard to accessibility, the residents of this house would help to enhance or maintain the vitality of rural communities and would contribute to the housing supply, which is a key objective.
19. Paragraph 84 of the *Framework* advises that decisions should avoid the development of isolated homes in the countryside unless one or more of a number of circumstances apply. These include that the development would re-use redundant or disused buildings and enhance its immediate setting. Although not a significant distance from other properties or the nearest

settlement, these stables have no close relationship with other properties. They are bounded to the rear by woodland and have open countryside to the west. I consider that the proposal would represent an isolated new home. These stables are not claimed to be and do not appear to be redundant or disused. Whilst the imposition of conditions would help to ensure that the proposal would not be harmful to the existing setting of these buildings, the setting would not be enhanced. I therefore find conflict with this element of the *Framework*.

Other matters and conclusions

20. Reference has been made to two local appeal decisions APP/C1950/W/20/3250534 & 3250656. In those cases, the inspector found that the introduction of a residential curtilage and activity within it, would result in visual harm, a loss of openness and encroachment into the countryside, contrary to one of the purposes of including land within the Green Belt. The decisions pre-date the current Local Plan. Although I do not have full details as I only have the decision letters, given the enclosed and highly screened nature of this very well contained site and the characteristics of the immediate surrounds of these stables, including surfaced areas for parking, turning and associated storage, I am not satisfied that this proposal is entirely comparable.
21. The dwelling would provide economic and social benefits and contribute to the local housing stock. Residents would also provide economic and social benefits to the nearby communities, their facilities and services. Whilst not gaining full support from the Local Plan policies that relate to the council's locational strategy, the proposal would not, given the re-use of the existing building, the previously developed nature of the site and its limited distance from services, undermine its objectives. I also find clear support from the conversion policy of the Local Plan which is perhaps of greatest importance given the lack of Green Belt conflict. It would also contribute to the social and economic objectives of the *Framework*.
22. Weighing against these matters is that the site is not ideally suited to residential use given that residents would rely on private vehicles, given its location and the nature of the access road. It also clearly conflicts with the *Framework's* objective of resisting isolated dwellings.
23. With regard to the development plan, on balance, given that this represents the re-use of an existing building and previously developed land, I find that the policy support for the proposal outweighs the harm that results from the shortcomings with regard to its accessibility to a full range of transport modes.
24. The council advise that due to their housing delivery performance, paragraph 11d of the *Framework* should be engaged. This means that permission for new dwellings should be granted unless: (i) the application of policies in the *Framework* that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the *Framework* taken as a whole.
25. The Green Belt is an area of particular importance with regard to part (i) above. However, I have not found that there would be harm to the Green Belt

- so the specific *Framework* policies relating to the Green Belt do not provide a clear reason for refusing the development.
26. With regard to part (ii), there would be adverse impacts from allowing development that would not generally be accessible by means other than a private car. There would be direct conflict with the *Framework* which advises that decisions should avoid the development of isolated homes in the countryside. I am mindful of the limited distance to the nearest settlement and I am satisfied that allowing such a development, in these particular circumstances, utilising an existing building on previously developed land, would not undermine the *Framework's* objectives. The harm to environmental objectives, in these circumstances, would therefore be relatively limited. The conversion works and the provision of a new dwelling to the housing stock, together with the future activities of the residents, would bring economic and social benefits to the local area.
27. I conclude that, in the particular circumstances of this case, the adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the policies of the *Framework* taken as a whole. I therefore allow the appeal.
28. I have imposed conditions relating to the commencement of development and the details of the approved plans for the avoidance of doubt and in the interests of proper planning. As this is a conversion and as the application form sets out the details of the existing and proposed materials, a condition requiring that these details be used is necessary. The council have suggested conditions with regard to the protection of retained trees and hedges and the development of a hard and soft landscaping scheme, including biodiversity enhancements. As all trees and hedgerows are to be retained, I have amended the conditions accordingly.
29. The council have suggested a condition regarding energy-efficient construction materials and processes to accord with policy SP 10. The policy requires that a Sustainable Design Statement and associated plans be required. I have amended the condition to refer to such a document which should also show how the existing structure of the building would be retained to ensure that it remains a conversion and re-use of the building.
30. The council have requested conditions regarding bin and cycle storage; and electric charging points. Given the retention of a building for cycle storage and given the scale of the site and the requirements of other regulations, I am not satisfied that these conditions are necessary.
31. A condition to take away various permitted development rights is necessary to ensure that there would be control with regard to the future openness of the Green Belt. I have not included Class D (porches) as the provisions are very limited and would not result in significant harm with regard to openness. I have however, included hard surfaces and gates, fences or other means of enclosure, to protect openness and ensure that the development would continue to have a satisfactory appearance.

Peter Eggleton
INSPECTOR

Annex: Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1074/P004, 5 & 6.
- 3) The works hereby permitted shall be carried out in accordance with the description of materials set out in the application form.
- 4) No development shall take place until a landscaping scheme including full details of both hard and soft landscape works; and measures to enhance biodiversity, have been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land and set out measures for their protection throughout the course of development. No tree or boundary hedges shall be cut down, uprooted or destroyed. If any existing tree or boundary hedge is removed, uprooted or destroyed or dies, another tree or section of hedge shall be planted at the same place and that tree or section of boundary hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority. The landscaping scheme shall include:
(a) all means of enclosure and boundary treatments including gates (b) hard surfacing and other hard landscape features (c) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing (d) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife. The development shall not be carried out other than in accordance with the approved details. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All hard landscaping, driveways, hard surfacing, boundary treatments, gates and physical measures to enhance biodiversity, shall be completed prior to first occupation of the dwelling and shall be retained as such thereafter.
- 5) No alterations to the building shall take place until a Sustainable Design Statement and associated plans have been submitted to and approved in writing by the local planning authority to demonstrate how the use of renewable resources, insulation, sustainable drainage, heating and power systems would be incorporated into the existing structure. The development shall not be carried out other than in accordance with the approved details.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Class A (Enlargement, improvement or alteration), Class B (Additions to the roof), Class E (Outbuildings) and Class F (Hard surfaces) of Part 1 of Schedule 2; and Class A (Gates, fences or other means of enclosure) of Part 2, shall be undertaken.