



Appeal Decision

Site visit made on 2 December 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th January 2025

Appeal Ref: APP/J1915/W/24/3344372

Keepers Cottage, Unclassified Road U31 north from The Street Haultwick to Mentley Lane, Great Munden, Hertfordshire SG11 1JN

- 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 Alice Costley against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/2311/FUL.
 - The development proposed is the construction of the cabin annexe, proposed change of use of land from "Agricultural land" to "Use Class C3" and the removal of the concrete horse walker.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The annexe is present on the site, and I have therefore dealt with the appeal on the basis that planning permission is being sought retrospectively for the annexe and the change of use. I have deleted the word retrospective from the description of development in the banner heading as this is not an act of development under section 55 of the Town and Country Planning Act 1990.
3. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024 and is a material consideration in planning decisions. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version. As a result, I consider that there is no requirement for me to seek further submissions in respect of these matters, and I am satisfied that no party's interests would be prejudiced by taking this approach.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposed development would be ancillary to the host dwelling.

Reasons

Character and appearance

5. The appeal site is part of a larger site located within an overtly rural area. The undulating landscape provides open views across the fields, framed by mature trees and hedges on the field boundaries. The site is remote from the nearest settlement and is partly separated from the host dwelling by a hedgerow and trees. There are public rights of way close to the site, including a right of way beyond the trees forming the rear boundary of the site.
6. The development is for a cabin annexe, which is positioned parallel to the rear boundary of the site. The annexe is set away from the host dwelling and is part of a larger field that is used as a paddock. The annex has a considerable length and occupies an elevated position in comparison to the paddock and road. The annexe includes several large openings giving it an overtly domestic character, notwithstanding the horizontal boarding finish. Consequently, while the trees and hedge to the rear of the building limit views of the annexe from the right of way, the annexe represents a significant incursion of development into the countryside.
7. Two former buildings and a concrete horse walker have been removed, reducing the built form within the vicinity of the site. Whilst I have limited details of the buildings, I note that they were limited in size and comprised timber stables typically found in rural areas. Given the substantial scale and domestic appearance, the cabin annexe is a considerably greater and visually intrusive form of development that is out-of-keeping with the rural character of the site.
8. The appellant states that the cabin annexe is moveable and consequently any harm would be reduced. While the building may be detachable, ensuring that it could be transported, it is of a considerable size and occupies a substantial area, includes a large area of raised decking and is connected to services. Moreover, the description of development does not state that the annexe is to be site on a temporary basis and there is no indication as to the length of time that it will be present on the site.
9. The appellant has suggested that a scheme of landscaping could be secured by way of a condition whilst a condition removing permitted development rights would ensure that there would not be a proliferation of residential paraphernalia. A scheme of landscaping would be likely to reduce the visual impact of the annexe. However, given the scale and raised position of the annexe, the landscaping would provide effective screening of the development, particularly when vegetation is not in leaf. Furthermore, given the limited amount of external space surrounding the annexe, the removal of permitted development rights would not represent a significant reduction in the level of harm.
10. I conclude that the development harms the character and appearance of the area. The development therefore conflicts with Policies GBR2 and HOU12 of the East Herts District Plan 2018 (DP), which collectively require development proposals to be compatible with the character and appearance of the rural area, and that they are not likely to result in an adverse effect on the character and appearance of the surrounding area and landscape, and are well

related to other residential land and does not involve a harmful incursion into the countryside.

Ancillary

11. Policy HOU13 of the DP permits residential annexes where, amongst other things, the accommodation forms a separate outbuilding which is close to and well related to and have a clear functional link to the main dwelling and the scale of the annexe is the minimum level of accommodation required to support the needs of the occupant. The preamble to the policy does not define what is meant by 'functional link' but requires applications to justify the level of accommodation proposed and demonstrate how it is compatible with the requirements of the annexe.
12. The annex is positioned away from the host dwelling beyond other outbuildings and the other driveway. While there is a separate access leading to the annexe and the buildings to the rear of the host dwelling, a footway links the annexe to the host dwelling. The annexe is close to other outbuildings related to the host property and given the access that the footway provides, the annexe would be well related to the dwelling.
13. The level of accommodation is considerable and includes two bedrooms, a bathroom, toilet, storage room and a substantial kitchen, dining and living room. Nonetheless, although these elements would provide the annexe with a degree of independence, the need for the annexe arises from the need to provide accommodation for an elderly relative. In addition, the accommodation would provide a home office for the appellant as well as space for visiting family and friends. Furthermore, there is no substantive evidence before me that requires annexe accommodation to be limited to the minimum standards set out in the Technical Housing Standards 2015.
14. The preamble to the policy notes that annexes for elderly relatives can help to meet social needs. Given that the annexe would provide such accommodation, as well as practical space for the appellant, it is evident that there is a clear functional link to the main dwelling. In order to ensure and retain the functional link to the host dwelling, and in accordance with Policy HOU13 of the DP, a condition can be included requiring the annexe to be occupied only for purposes ancillary to the host dwelling of Keepers Cottage.
15. I conclude that the development is ancillary to the host dwelling. The development therefore accords with Policy HOU13 of the DP, as set out above.

Other Matters

16. The development does not harm the living conditions of the occupants of neighbouring properties. Nevertheless, the absence of harm is a neutral factor that would not outweigh the harm identified.
17. The annexe may contribute to reducing the potential for rural crime, including horse thefts. However, while the annexe provides further surveillance of the property, I have not been provided with any substantive evidence that the area has been subject to crime.

Conclusion

18. The development conflicts with the development plan as a whole. Material considerations do not indicate that a decision should be made other than in accordance with it. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR