



Appeal Decision

Site visit made on 14 January 2025

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2025

Appeal Ref: APP/A1910/D/24/3347024

The Farriers, River Hill, Flamstead, Hertfordshire AL3 8BY

- 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 Alistair Thorne against the decision of Dacorum Borough Council.
 - The application Ref is 24/00515/RET.
 - The development proposed is conversion of garage to gym and office. Alterations to hard standing area. Retaining wall to front boundary.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of garage to gym and office. Alterations to hard standing area. Retaining wall to front boundary at The Farriers, River Hill, Flamstead, Hertfordshire AL3 8BY in accordance with the terms of the application, Ref 24/00515/RET, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 01, TF:01 and TF:05.
 - 2) Unless within 2 months of the date of this decision a scheme of landscaping, which shall include a planting scheme with the number, size, species and position of trees, plants and shrubs, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 12 months of the date of this decision, all materials brought onto the land for the purposes of extending the hardstanding shall be removed until such a time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 6 months of the date of this decision, all materials brought onto the land for the purposes of extending the hardstanding shall be removed until such a time as a scheme approved by the local planning authority is implemented.

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.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Preliminary Matters

2. For the avoidance of doubt, where reference is made to the National Planning Policy Framework (the Framework), the paragraph numbers quoted are those that appear in the latest version that as revised on 7 February 2025.
3. At the time of my visit it was apparent that the development had taken place, although I noted that what is on site is not fully in accordance with the appeal plans, as it is proposed to reduce the extent of hard standing and introduce an area of soft landscaping to the frontage. For the avoidance of doubt, my consideration of the appeal is as a proposed development, based on the scheme as it appears on the appeal plans.

Main Issues

4. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; and
 - The extent to which the proposed hardstanding and retaining wall would preserve or enhance the character or appearance of the Flamstead Conservation Area (CA).

Reasons

Inappropriate development

5. The appeal site is located within Flamstead which is a selected small village in the Green Belt as defined by Policy CS6 of the Core Strategy (CS). The Framework states, at paragraph 153, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. CS Policy CS5 states that the Council will apply national Green Belt policy to protect its openness and character and is therefore broadly consistent with the Framework.
6. Paragraph 154 of the Framework explains that development in the Green Belt is inappropriate unless one of the listed exceptions apply. Relevant to this appeal is exception 154 h) (ii) and (iv), which allows for engineering operations and the re-use of buildings provided that they are of permanent and substantial construction, such development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
7. Based on the evidence before me, I consider that the garage is a building of permanent and substantial construction and its proposed re-use as a gym would not affect openness or conflict with the purposes of including land in the Green Belt. As such, this element of the proposal falls within the 154 h) (iv) exception and, as such, is not inappropriate development in the Green Belt.
8. The approved plans for the dwelling indicated that on plot parking was to be to its side. However, following the granting of planning permission and subsequent construction of a garage extension, such on plot parking would have been, inevitably, displaced to a position at the front of the property. Accordingly, whilst the extent of hardstanding on the frontage would be greater than that which was

initially approved, the proposal is unlikely to materially increase the prominence and number of vehicles parked within the plot to the extent where the openness of the Green Belt would be affected.

9. Consequently, the proposed hardstanding would preserve the openness of the Green Belt. In addition, for the same reasons, the minimal changes would not result in encroachment into the countryside and, as such, there would be no conflict with any of the purposes of the Green Belt, as identified under paragraph 143 of the Framework.
10. For these reasons, the proposal would not be inappropriate development within the Green Belt and would not conflict with CS Policies CS5 and CS6.

Conservation area

11. The appeal site lies within the Flamstead CA. Accordingly, I am required to pay special attention to the desirability of preserving or enhancing its character or appearance.
12. From the available evidence, I consider the significance of the CA is largely derived from Saint Leonard's Church, a dominant historic building which occupies a central position within the village, and the juxtaposition of several historic properties on the roads that surround it. The diverse and irregular building sizes and the absence of a strong building line contribute to the significance and historic character of the village.
13. The proposal would extend the hardstanding, reducing the extent of soft landscaping at the front of the dwelling, and introduce parked vehicles directly adjacent to the front door. Whilst this represents a change within the plot, it is not an uncommon feature of more modern properties within and adjoining the CA, including the dwelling next to the appeal site. As such, areas of frontage hardstanding are part of the character of the CA and its setting. In addition, the approved area of soft landscaping would not be completely lost, and the reduction in its overall size would be relatively small. In these circumstances, I do not consider that the proposed increase in the extent of hardstanding would result in harm to the CA.
14. Whilst the retaining wall would be visible in views along the adjoining public footpath, it would be low in height and would continue from the rear boundary fence of the adjoining property on Priory Orchard. The blue bricks that top the wall is not a material utilised in the construction of the dwelling, nor is it typical of this historic rural location. Nonetheless, it is found as an edging material to the hardstanding in front of the adjoining dwelling. It would not, therefore, appear as a discordant feature that would be harmful to the character or appearance of the CA.
15. Given the above, I conclude that the character and appearance of the CA would be preserved. It would therefore accord with the requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would also accord with CS Policies CS12 and CS27 which seek to ensure the quality of site design and the historic environment.

Other Matters

16. Reference has been made to several Grade II listed buildings near to the appeal site, Lavender Cottage, Rosemary Cottage, Blacksmith Cottage, River Hill Cottage

and Verlam Cottage. The appeal site is largely enclosed and separated from these listed buildings by intervening structures and a shared access. Consequently, I am satisfied that the proposed development would not harm the setting of such listed buildings or materially affect the way that they are experienced.

Conditions

17. The Council has provided a list of suggested conditions, which I have reviewed and amended in line with guidance and best practice.
18. As the development is not completed it is necessary and appropriate to include a condition specifying that it is carried out in accordance with the approved plans. I have also, in the interests of preserving the character and appearance of the CA, imposed a condition requiring the appellant to agree and implement landscaping.
19. The garage has been converted, the retaining wall constructed, and the hardstanding is in place, albeit it is more extensive than is shown on the submitted plans. As such, permission is being granted retrospectively, and, consequently, it is not possible to use a negatively worded condition to secure the approval and implementation of the proposed landscaping before development takes place. Therefore, to ensure that the development can be enforced against if the requirements are not met, I have included a strict timetable for compliance.
20. Based on the evidence before me, I have not found it necessary to require the approval of details of hard surfacing materials and the means of enclosure as, based on the evidence before me, I find that the proposed materials to be acceptable in their appearance.

Conclusion

21. For the reasons given above I conclude that the proposal accords with the development plan when taken as a whole and there are no material considerations which indicate that the decision should be taken otherwise than in accordance with it.
22. Consequently, the appeal should be allowed.

Elaine Moulton

INSPECTOR