



Appeal Decision

Site visit made on 25 February 2025

by **G Dring BA (Hons) MA MRTPI MAUDE**

an Inspector appointed by the Secretary of State

Decision date: 20 March 2025

Appeal Ref: APP/J1915/W/24/3355054

Redricks, Redricks Lane, Sawbridgeworth, Hertfordshire CM21 0RL

- 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 Ruane Developments Limited against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/0500/FUL.
 - The development proposed is change of use of an agricultural building to a 4-bed dwelling, with replacement side and rear extensions, new windows, doors and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address in the banner heading above has been taken from the application form, however, the property name has been corrected from Redbricks to Redricks, in line with the clarification provided by the appellant.
3. The National Planning Policy Framework (the Framework) was revised in December 2024. The main parties were able to comment on the updated Framework through the appeal process. Any reference to the Framework in this decision is to the most recent version including the revised paragraph numbers.

Main Issues

4. The main issues are:
 - whether or not the appeal proposal is inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect on the character and appearance of the area; and
 - whether any harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances required to justify the proposal.

Reasons

Inappropriate development

5. The appeal site is located within the Green Belt. Policy GBR1 of the East Herts District Plan October 2018 (EHDP) states that planning applications within the Green Belt, will be considered in line with the provisions of the Framework. The

Framework states that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 of the Framework sets out the five purposes of the Green Belt including safeguarding the countryside from encroachment. The appeal proposal includes the conversion of an existing agricultural building to a dwelling including the erection of two extensions along with the change of use of land to form the associated outside space. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless identified exceptions apply. In this case I am referred to three exceptions.

6. Paragraph 154 h) iv. states that the re-use of buildings is an exception provided that the buildings are of permanent and substantial construction and that they preserve openness and do not conflict with the purposes of including land within the Green Belt. Based on the evidence before me, I consider that the main part of the appeal building appears to be of permanent and substantial construction. I am referred to the fact that a prior approval application under Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 was granted by the Council in May 2023 which would allow for the change of use of the main part of the appeal building to a dwelling. There is no dispute between the parties that this alternative scheme could be carried out, and thus I find that it does represent a realistic fallback position.
7. The principle of converting the main part of the appeal building has therefore been accepted under the prior approval scheme. I therefore find that in isolation, the conversion of the main part of the existing agricultural building, would preserve the openness of the Green Belt and would not conflict with any of the purposes of including land within the Green Belt.
8. Paragraph 154 c) of the Framework states another exception as the extension and alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The appeal proposal includes the removal of two single storey lean to structures and replacement with two new extensions. These extensions were not part of the prior approval scheme granted by the Council. Nevertheless, the proposed extensions would be sited largely within the footprint of the existing building, where the lean to structures are currently located. These existing lean to structures are clearly visible and contribute to the appearance, both spatially and visually, of the built form currently present on site.
9. The proposed side extension would extend slightly less to the east than the existing lean to structure attached to that side elevation. The roof form of the side extension would remain lower than the main appeal building, and it would slope away in a manner similar to the existing situation. The footprint of the proposed rear extension would be largely the same width and depth as the existing rear lean to structure. The proposed roof form of the rear extension would be different to that of the existing, being a dual pitched roof instead of a mono pitch design.
10. However, whilst the height of the proposed rear extension would be higher than the existing lean to structure, it would remain lower than that of the main appeal building. The increased roof height and additional volume resulting from the pitched roof over the rear extension would result in a modest increase in built form compared with the existing situation. I therefore do not find that the proposal would result in a disproportionate addition over and above the size of the original building in this case. As a result, I find that the proposed extensions to the rear and side

would comply with the exception set out under paragraph 154 c) of the Framework.

11. The appeal proposal also includes the change of use of the land around the appeal building to outdoor space associated with the proposed dwelling. Paragraph 154 h) v. identifies an exception as the material change in the use of land provided that it would preserve openness and would not conflict with the purposes of including land within the Green Belt. The outdoor space included as part of the appeal proposal is significantly more than that identified under the prior approval scheme granted by the Council.
12. I acknowledge that the presence of parked cars would occur as part of the accepted fallback position. I also note the appellant's assertion that between the front of the building and the road is already an area of hardstanding, that is currently green over with moss and leaves, but which could be reinstated through some limited maintenance works. Nevertheless, the appeal site boundary includes an area to the west of the appeal building which is currently covered in trees. There is currently no development apparent on this part of the appeal site and it appears as part of the countryside in visual terms.
13. The appeal proposal includes the removal of two trees and the provision of an area of hardstanding extending out to the western side of the appeal building. The hardstanding would jut out into an area which currently appears more in keeping with the existing woodland area to the west. A boundary treatment is identified to separate the front and rear elements of this space and a bike store is also proposed in this area. These would all be domestic features that would result in development where there is currently none. As a result of the presence of such features in combination with the residential use of the appeal site, it would become more domestic in its character and appearance, and this would be apparent both spatially and visually. As a consequence, it would result in a reduction in the openness of the appeal site. The domestic character and appearance of the external space would also lead to this residential use encroaching into the countryside which would be at odds with one of the purposes of the Green Belt.
14. I acknowledge that a condition removing certain permitted development rights would limit the amount of development that could take place, however, other domestic paraphernalia that would not require permission and the landscaping of the newly formed garden area would still be possible. I recognise that the fallback position would also result in domestic paraphernalia. However, given the more limited area identified under the prior approval scheme for outside space and the closer relationship that it would have with the building, any domestication in that case would not be as extensive as the appeal proposal before me now.
15. If the building were returned to agricultural use, paraphernalia related to that use could be parked or stored outside of the building at certain times of the year. However, I find it likely that it would be stored within the existing hardstanding area or within the building due to the practicalities of needing such equipment to be located where it is accessible or under cover. I also consider that the effect on openness could vary over the seasons whereas a residential use would be more likely to result in more continuous effects.
16. I do not consider that the provision of a native hedgerow to the north and east would have a significant impact on the openness of the Green Belt, due to the fact

it would reflect other field boundary treatments in the local area which are more natural in appearance. However, this would not outweigh my concerns above.

17. I therefore find that the re-use of the building and the proposed extensions would not be inappropriate development and I do not find conflict with paragraph 154 h) iv. or paragraph 154 c) of the Framework. However, I find that the change of use of the land around the appeal building in this case would not preserve the openness of the Green Belt nor would it safeguard the countryside from encroachment. The appeal proposal would therefore be inappropriate development in the Green Belt, which is, by definition, harmful. It would conflict with paragraph 154 h) v. of the Framework and as a result would also be contrary to the aims of Policy GBR1 of the EHDP.

Character and appearance

18. The appeal site is located within open countryside with a small area of woodland directly to the west. The presence of the existing agricultural building and the verdant surroundings provide for an area of rural character. This rural character is reinforced by the open agricultural land to the north and east. Directly opposite the appeal site is a group of agricultural type buildings with a large, detached dwelling further west. This group of buildings opposite are also surrounded by trees and open agricultural land. Given the location of the surrounding network of public rights of way, wider views of the appeal site are more limited. Nevertheless, the appeal site is clearly visible when moving along Redricks Lane.
19. The appeal site includes not only the existing agricultural building and the area between it and the road, but also areas to the east, north and west. The areas to the north and east are more limited in size and appear more closely related to that of the existing building. However, the area to the west, which is covered in established trees, appears as part of the wider woodland area to the west rather than being closely associated with the building in visual terms.
20. The removal of trees, albeit a limited number, along with the provision of additional hardstanding to the west, the provision of a boundary treatment across the site with a bike store located behind, along with the residential use of the site would lead to an area of domestic character and appearance, which would infiltrate into the woodland area to the west. This would appear as a harmful incursion into the surrounding countryside which would be clearly discernible in public views from Redricks Lane.
21. I find that the proposed extensions to the side and rear of the existing building would be limited in scale and would be subservient in design. The extensions would appear in keeping with the form and appearance of the existing building. As a result, I do not find that the extensions would result in harm to the character and appearance of the existing building or the surrounding area. However, this would not overcome my concerns set out above.
22. I therefore find that the proposal would be harmful to the character and appearance of the area. It would be contrary to Policies DES2 and DES4 of the EHDP. These policies seek, amongst other things, that proposals must demonstrate how they conserve, enhance or strengthen the character and distinctive features of the district's landscape and that proposals must be of a high standard of design and reflect and promote local distinctiveness.

Other considerations

23. The proposal would be inappropriate development in the Green Belt. Substantial weight should be given to the harm to the Green Belt and very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations, as set out in paragraph 153 of the Framework. In addition to harm to the Green Belt, the proposal would result in harm to the character and appearance of the area.
24. Against those harms, the scheme would provide one additional dwelling to the housing supply. The appellant has provided an appeal decision from August 2024 at land east of A10 where it was concluded that the Council could not demonstrate a sufficient housing land supply. The appellant asserts that the Council's current supply is approximately 3.5 years. Whilst the Council has not provided a specific figure, it also identifies that its housing supply is currently deficient. However, this is tempered by the fact that there is an extant fallback position under which a dwelling could also be provided. Economic benefits would result during the construction phase and after with future occupants supporting local services and facilities. Given the scale of the proposal these benefits would be limited.
25. I note that the proposal would result in the stopping up of one of the existing accesses and the replacement of this gateway with a hedgerow. However, I find that any improvements related to these works would be limited and would not be sufficient to amount to a very special circumstance.
26. Whilst I give the fallback position significant weight as I find that it is likely that it would be implemented, I have found that the granted prior approval scheme would result in less impact on the Green Belt and the character and appearance of the area. As a result, it does not lead me to find in favour of the appeal proposal before me.
27. The appellant has referred me to several appeal decisions. Those at North Barn, 6 Halfway Firs and Great Wapses Farm are not located within the Green Belt and therefore they were not subject to a comparable policy context. The cases relating to 8 Pole Hole Farm were in the Green Belt, in the same Council area in close proximity to the appeal site. Whilst there may be some similarities to the case before me, in the matters being considered, I do not have sufficient detail to gain a full understanding of the site context in that case and how it compares to the appeal site before me. Whilst I note that reference is made to the acceptability of some domestic features, I do not know where these were proposed within that site, or what the surrounding context was.
28. The appellant asserts that the proposal would be acceptable, subject to conditions being imposed, with regard to living conditions for future occupants and neighbouring occupiers, highway safety, ecology, landscaping, climate change and sustainable design, contamination and flood risk and it would not harm designated heritage assets. A lack of harm in these respects would be neutral considerations that would weigh neither for nor against the proposal.
29. I note that the scheme before me is a revised scheme following a previous application being refused by the Council. Nevertheless, I must consider the appeal based on its individual merits.

30. 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 to the Green Belt and other harm to the character and appearance of the area. Consequently, the very special circumstances necessary to justify the development do not exist.

Other Matter

31. The appeal site is located opposite Redricks Farm where there are a number of listed buildings including the Grade II listed stables and farmhouse and the Grade II* listed barn. Accordingly, I have had regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires me to have special regard to the desirability of preserving the setting of these buildings. Insofar as is relevant to this appeal, the significance and special interest of the listed buildings derives from their historic and architectural interest including the traditional rural architectural features present. The rural surroundings also contribute to the significance of the designated heritage assets and provides an agrarian setting.
32. The appeal site is located within the setting of the designated heritage assets at Redricks Farm, given its existing agricultural use, proximity and relationship directly opposite. Nevertheless, given the presence and position of the existing building and accesses into the appeal site, the design proposed, the intervening boundary treatments and the separation from the listed buildings, I am satisfied that the development would preserve the setting and any features of special architectural or historic interest that the listed buildings possess.

Conclusion

33. Whilst I note that the Council accepts that it cannot demonstrate a sufficient housing land supply currently, I find that the application of policies in the Framework that protect the Green Belt provide a strong reason for refusing the proposed development in accordance with paragraph 11 d) (i) of the Framework. As such, the presumption in favour of sustainable development does not apply in this case.
34. For the reasons outlined above, the proposal conflicts with the development plan as a whole and other material considerations including the Framework do not indicate that the appeal should be determined other than in accordance with it. I therefore conclude that the appeal is dismissed.

G Dring

INSPECTOR