



Appeal Decision

Site visit made on 22 April 2025

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 MAY 2025

Appeal Ref: APP/J1915/W/24/3352562

High Trees Farm, Beggarman's Lane, Old Hall Green, Hertfordshire SG11 1HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr & Mrs Gibson against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/1135/VAR.
 - The application sought planning permission for conversion of barn to provide 3 holiday/short term letting apartments without complying with a condition attached to planning permission Ref 3/06/2003/FP, dated 27 November 2006.
 - The condition in dispute is No 11 which states that: *The conversion of the barn hereby permitted shall be for holiday and short term let accommodation and for no other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 2005. The Period(s) of letting shall be for no more than 3 month period in any 12 month period and shall not be for the continuous benefit of one single person.*
 - The reason given for the condition is: *For the avoidance of doubt as to the scope of this permission.*
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of barn to provide 3 holiday/short term letting apartments at High Trees Farm, Beggarman's Lane, Old Hall Green, Hertfordshire SG11 1HB in accordance with the application Ref 3/24/1135/VAR, without compliance with condition number 11 previously imposed on planning permission Ref 3/06/2003/FP, dated 27 November 2006 and subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs has been made by the appellants against the Council and this is the subject of a separate decision.

Preliminary Matters

3. It is not the purpose of this appeal to determine hypothetical developments relating to historical uses of the appeal building or whether a building would have benefited from permitted development for a change of use. I have determined the appeal on the grounds relevant to matters applied for. If the appellants wish to ascertain whether these uses are lawful, they may make an application under section 191/192 of the Act.

Background and Main Issue

4. The current planning permission¹ (original permission) restricts the use of the building to 3 holiday lets with a maximum letting period per occupier(s) of 3 months per 12-month period. The proposal is to vary this restriction so that the 3 holiday units can be occupied for a maximum letting period per occupier(s) of 6 months per calendar period. The Council refused the application as they considered that that allowing rentals of up to six months within any twelve-month period would shift the use of these apartments away from their intended purpose serving as temporary or short-term accommodations.
5. The main issue, therefore, is whether the condition is reasonable and necessary with regard to the character and function of the holiday and short term let accommodation.

Reasons

6. The appeal building is a former barn that has been converted into 3 holiday/short-term letting apartments outside of any defined settlements. At the time of my visit, I observed that the 3 apartments shared a parking area. It was also evident that the well-maintained grassed areas around the building served as a shared amenity space for occupiers to use.
7. From reading the original decision notice as a whole, planning permission was sought for and granted permission for holiday and short term let apartments. This is reflected not only in the description of development, but also in the original condition 11 which is the subject of this appeal. The crux of the matter is whether occupation of the apartments for 6 months per calendar year would still be considered a short term let.
8. In the case before me, the appellants state that the apartments would continue to operate in the same way but would allow occupiers to reside for longer. The Council contends that the original permission was intended to ensure that the apartments served a temporary accommodation purpose, catering primarily to tourists or short-term visitors. The Council also considers that allowing the variation to condition 11 would go beyond the boundaries of what was permitted under the original permission's description of development. This change would, in the Council's view, lead to the creation of three new permanent residences in a rural area where such development was not initially envisaged or approved.
9. No policies or other information from the Council's development plan at the time of the original permission have been provided that would define the scope of short term let. Details of the criteria used to assess the original permission have also not been supplied. Similarly, no policies or glossary definitions within the East Herts District Plan (EHDP) are presented that define the term. The appellants have also not presented any compelling evidence to define the term. It is therefore a matter of planning judgement.
10. The existing condition 11 sets a maximum letting period per occupier(s) of 3 months per 12-month period. I acknowledge the concern that the proposed extension of the maximum length of stay by a single party would unlikely be considered a holiday period. However, the approved description of development

¹ Application ref: 3/06/2003/FP

also allows for short-term letting. The extension of occupancy from 3 to 6 months would not be markedly different, as the apartments could be occupied, albeit by different occupants, without interruption, throughout the year. Additionally, there is no substantive evidence before me to demonstrate that the apartments would no longer continue to serve a holiday let purpose for those seeking weekend and shorter stays.

11. The Council also express concern that a longer period of occupancy in this rural location would be unsustainable in spatial planning terms. However, the imposition of a suitable planning condition to limit the maximum period of occupancy to 6 months, would prevent the occupation of the apartments for permanent residential use. As such, the function of the apartments providing holiday/short-term letting would be retained.
12. The arrangement of shared parking and garden areas for the apartments would not be altered. Additionally, the partial servicing of the apartments, which includes cleaning, would remain. As a result, whilst new occupiers could be in situ for a more extended period, the current arrangements being retained would ensure that the character of the development as approved would be retained.
13. The appellants have questioned the need for a condition, given the description of development specifies holiday/short-term letting apartments. However, as there is a need to define the scope of the permission, a condition specifying an occupancy restriction period is required.
14. For the reasons set out above, the proposed variation of the condition, to increase the maximum period of continued occupancy to 6 months, would not harm or alter the character and function of the appeal building. Accordingly, the proposal would not conflict with Policies GBR2, DPS2 and TRA1 of the EHDP. Together, amongst other matters, these seek to define the location and types of development that will be allowed in the rural area and promote sustainable travel by locating development where sustainable journeys can be made to key services and facilities.

Other Matters

15. My attention has been drawn to a number of appeals submitted by the appellants. While I do not have the full details, I have taken these into consideration. However, based on the details before me none of the appeals replicate the circumstances of this appeal which involves 3 apartments using shared facilities. In any event, I have determined the appeal on its own merits, based on the evidence before me.

Conditions

16. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. I shall therefore impose all those that I consider remain relevant.
17. For the avoidance of doubt and to reflect my findings above I have revised and modified the original permission condition 11 to be more concise.
18. I have made small alterations to the remaining conditions within the original permission which remain relevant. A condition, which lists the approved plans and documents, remains necessary and relevant. A condition on no further windows,

doors, or openings is also necessary and relevant in the interests of residential amenity,

Conclusion

19. For the reasons set out above the appeal is allowed.

A Hickey

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: SLP, Block Plan, existing plans, 2229-4.
- 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further windows, doors, or openings of any kind shall be constructed in the flank elevations of the development hereby permitted.
- 3) The development shall be occupied as holiday or short term let accommodation only and shall not be occupied as a sole or main place of residence or by any persons exceeding 6 months in any 12-month period or calendar year. An up to date register shall be kept at the accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

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