



Appeal Decision

Site visit made on 20 May 2025

by **N Bowden BA(Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 June 2025

Appeal Ref: APP/J1915/W/24/3358037

**Danes Farmhouse, Little Berkhamsted Lane, Little Berkhamsted,
Hertfordshire SG13 8LU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Matthew Cummings against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/1783/ARPN.
 - The development proposed is conversion of a former milking and sheep pen barn into a three bedroom four person home including proposed rear extension built off existing concrete hardstanding ramp to rear of barn.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site address is given as Danes Farmhouse. Danes Farmhouse is an existing dwelling whereas the proposed development relates to a barn set approximately 500 metres to the north of the Farmhouse itself. This matter is not in dispute between the parties and is adequately shown on the plans and in documentation, however I note this here in the interests of clarity and for the avoidance of doubt as to what is being considered.
3. Additional plans were provided with the appeal and these showed swept path analyses for cars and fire appliances. These plans do not involve a substantial difference or a fundamental change to the application. Moreover, there would be no procedural unfairness in my accepting these plans as the Council have commented upon them. I have therefore taken them into account in reaching my conclusions here.

Main Issues

4. The main issues are whether the proposal would benefit from deemed planning permission, commonly known as permitted development, having regard to:
 - 1) whether the proposed extension is sited anywhere other than to the rear of the existing building,
 - 2) whether the building would have suitable existing access to a public highway, and

- 3) if the proposal does amount to permitted development, whether the transport and highways impacts of the development would be acceptable.

Reasons

Siting of the extension

5. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order) sets out that (inter alia) development consisting of a change of use of a building, that is part of an established agricultural unit or a former agricultural building, to a use falling within Class C3 (dwellinghouses) is permitted development subject to certain conditions and limitations.
6. Schedule 2, Part 3, Class Q.1 (i) (ii) of the Order specifies that development is not permitted if the development would result in an extension that is sited anywhere other than to the rear of the existing building.
7. The existing building comprises a small barn constructed with a concrete frame, brick walling and corrugated panel walls and roofing. It is aligned along its long axis with the adjacent access track and bridleway.
8. The matter in contention here is which aspect of the barn constitutes the rear of the building. The elevation facing the bridleway is the one which is most commonly seen in public views, therefore often would be regarded as the front. The majority of (but not all) buildings will typically have their fronts addressing the road (or in this case a bridleway) that provide access to them.
9. This is reflected in the Permitted Development Rights for Householders: Technical Guidance which states that in most cases the principal elevation will be that part of the house which fronts the main highway serving the house. It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house and that there will only be one principal elevation on a house. This document does not relate to changes of use to dwellinghouses from barns, nevertheless, it represents a fair starting point for analysis.
10. In this case, there is no doubt that the barn has an elevation directly addressing the track and bridleway. The elevation facing this direction is entirely closed with no openings or means of entry to the barn and to all intents and purposes is blank to this aspect.
11. Conversely, the aspect facing the field features openings, an external concrete ramp to provide access, a gate and central open area. Whilst it may be considered somewhat overambitious to describe these elements as architectural features, it remains quite apparent that this is the functional and practical entrance to the building. No doubt, this aspect would, when in use, have been the main point of servicing the building and any related activities would have been conducted to this side. This is further evidenced by the field gate being the means of access to the wider field and by which access to the barn would also be gained.
12. Moreover, the proposed development relates to a barn in an otherwise undeveloped setting amongst fields. It is not set in a typical urbanised residential area where the front elevation addressing the road would be far more common. Indeed, it is far from unusual in a rural setting for a barn or home to have a front aspect which does not directly address the road.

13. For these reasons, I conclude that the rear of the barn is the aspect which faces the access track and bridleway. The elevation addressing the field is the front elevation to the barn due to its aesthetic and functional qualities facing this direction. This is where the proposed extension is to be sited and therefore, it cannot comply with Q.1 (i) (ii) as it is sited other than to the rear of the existing building.

Access to the public highway

14. Schedule 2, Part 3, Class Q.1 (p) of the Order sets out that development is not permitted if the building does not have suitable existing access to a public highway. Common law has established that a highway is a defined route over which the public can pass and repass without hindrance or charge. In this case, the building is accessible from the adjacent access track which is also a bridleway, and it meets the common law description.
15. The plans indicate that the barn can be reached by way of the existing field access with the bridleway and, for the purposes of this appeal and this particular Class of the Order, I have considered this to amount to a highway. Additional plans provided with the appeal show a swept path analysis with three cars being able to be parked on the site and capable of entering and leaving in a forward gear. The analysis further shows turning for a fire appliance.
16. This arrangement provides ample opportunities for vehicular movements and would also be suitable for pedestrians due to its size. Although limited information on the visibility from this access has been provided, it is clear that this is a very lightly trafficked route with very minimal opportunity for conflict between users. I therefore conclude that the proposal would have a suitable existing access to a public highway.

Transport and highways impacts

17. The Council raised further concerns regarding the transport and highways impacts of the development under Class Q.2 (1) (a) of Schedule 2, Part 3 of the Order. However, as I have already concluded that the proposal is not permitted development under Q.1, I do not need to go on to make any determination on the prior approval matters.

Conclusion

18. For the reasons given above the appeal should be dismissed.

N Bowden

INSPECTOR