



Appeal Decision

Site visit made on 3 June 2025

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2025

Appeal Ref: APP/J1915/D/25/3359864

The Byre, Anchor Lane, Wadesmill, Hertfordshire SG12 0TE

- 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 and Mrs Hobbs against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/2081/HH.
 - The development proposed is a home office.
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Decision

1. The appeal is allowed and planning permission is granted for a home office at The Byre, Anchor Lane, Wadesmill, Hertfordshire SG12 0TE in accordance with the terms of the application, Ref 3/24/2081/HH, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with plan nos. TB01, TB02, TB03, TB04, TB05.
 - 3) Prior to any above ground construction works being commenced, the external materials of construction for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be implemented in accordance with the approved details.
 - 4) The use of the outbuilding hereby permitted, shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling known as The Byre.

Preliminary Matters

2. The appeal statement made reference to an Arboricultural Constraints Report however no such report was contained within the appeal documentation. However, as I am minded to allow the appeal in the absence of this report, this document was not requested from the appellant.

Main Issues

3. The main issues are:
 - 1) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies including the effect of the proposal on the openness of the Green Belt, and

- 2) the effect of the proposal on trees within and adjoining the site.

Reasons

Effect on Green Belt

4. The appeal site comprises a single storey dwelling which forms one of three similarly styled homes that were converted from barns following a planning permission granted in 2000. The site is located within the Green Belt as defined by policy GBR1 of the East Herts District Plan 2018 (EHDP). This policy sets out that planning applications within the Green Belt will be considered in line with the provisions of the Framework. I have taken this to mean chapter 13 of the Framework.
5. Paragraph 153 sets out that when considering any planning application, local planning authorities (and by extension, the Secretary of State) should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Most development in the Green Belt is inappropriate unless certain exceptions apply. Paragraph 154 c) specifies that the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building is such an exception. Although the proposal is for an outbuilding, this is not to be interpreted as being confined to physically attached structures but that an extension for the purposes of that provision can include structures which are physically detached from the building of which they are an extension.
6. In this instance I have taken the original building to mean the dwelling that resulted from the conversion of the wider range of barns as this most closely matches the definition given at Annex 2 of the Framework. Nevertheless, I am mindful that this dwelling resulted from the conversion of a much wider range of former agricultural buildings that now form the three dwellings within this small complex of homes.
7. The Council estimates that this proposal, in addition to other previous extensions to The Byre, would result in additions of around 83% over and above the size of the original building. Therefore, in cumulation, it represents a notable increase in overall floorspace and volume.
8. This having been said, I am mindful that the proposed outbuilding to accommodate a home office is very modest in terms of its overall size. It is nestled behind an existing garage and despite a change in levels between the two structures, would remain subordinate to the garage outbuilding and therefore by extension would be subordinate to the original parent dwelling. It would form an innocuous addition to the complex of buildings here and due to its size, remains subordinate.
9. The increase in built volume and the presence of the development would have a very minor impact on the spatial aspects of the openness of the Green Belt. The level of screening and discrete location of the building means that the visual effects on openness would be negligible to nil.
10. Therefore, given the very small increase in built form, its contained location and the presence of surrounding screening vegetation and buildings, I find that the proposal would not have a deleterious effect on the purposes or openness of the Green Belt. It would therefore comply with policy GBR1 of the EHDP and Framework insofar as it would not comprise a disproportionate addition.

Effect on trees

11. As I have noted above, the appeal documentation did not include a tree survey or Arboricultural assessment. This notwithstanding, the proposed outbuilding would occupy a portion of the garden that is presently laid to artificial grass. Around this area of artificial grass exists a boundary hedge (presumed to be laurel or similar) and a nearby fruit tree. The proposed outbuilding may fall within the root protection area of these specimens. I am however mindful that these root protection areas are likely to be very small, the footings to the outbuilding likely to be limited and in any case, replace an existing impermeable surface. Moreover, these specimens are ornamental in nature and highly likely to be trimmed and of negligible wider landscape value.
12. A number of other trees exist within the garden of The Byre and at the neighbouring property. These however are located a sufficient distance away such that it would not be possible for the proposal to have an effect upon them.
13. As such, I conclude that the effect of the proposal on nearby trees would be minimal. Even if there were a harmful effect on the nearby fruit tree and hedge, this would be indiscernible from normal garden maintenance. As such, I find that further assessment of the effect on trees is not necessary, and it follows that the proposal thus complies with policy DES3 of the EHDP as it retains, or indeed, does not affect, landscape features.

Other Matters

14. In reaching my conclusions here I have considered the site's location within the Thundridge and Wadesmill Conservation Area (TWCA) which is significant due to the type and arrangement of historic buildings in a rural setting arranged on opposing sides of the River Rib. The proposal is very small in size and in a location that would not have any effect on the characteristics from which the TWCA derives its significance. I am therefore satisfied that it would preserve the character or appearance of the TWCA.
15. Reference has been made to a gazebo that has been constructed in another part of the garden. However, the details of this structure have not been provided to me and, moreover, permission has not been sought for its retention. I have therefore not gone on to consider the merits of this structure but its existence does not influence my findings here.

Conditions

16. I have imposed a general time limit condition to accord with the provisions of the Town and Country Planning Act 1990 (as amended) and a plans condition in the interests of certainty. The Council have requested that details of the materials to be used in the construction of the outbuilding are submitted for approval. Being mindful of the site's location within the TWCA, I find this to be a reasonable condition and in accordance with the Planning Practice Guidance (PPG) and have imposed it here.
17. The Council have further requested a condition restricting the use of the building to a home office. This condition is not strictly necessary as use of it for any other purpose, other than incidental to the main dwellinghouse would require planning permission in its own right. Nevertheless, I have used the condition here for the avoidance of doubt.

18. I have not imposed a condition relating to tree protection and retention. This is because the building is very small, likely to have modest footings and is not in proximity to any noteworthy trees that could be affected by the proposal. Therefore, this condition fails the test of reasonableness and necessity as set out in the PPG.

Conclusion

19. The proposal comprises a very small addition to the existing property and would not represent a disproportionate addition to the original dwellinghouse at The Byre. Moreover, it would have negligible to nil effect on the openness of the Green Belt. The material considerations do not indicate a decision should be made other than in accordance with the development plan.
20. Therefore, for the reasons given above the appeal is allowed.

N Bowden

INSPECTOR