



Appeal Decision

Site visit made on 26 August 2025

by **G Bayliss BA (Hons) MA MA MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 05 SEPTEMBER 2025

Appeal Ref: APP/J1915/D/25/3360475

Little Court, Wyddial Road, Buntingford, Hertfordshire SG9 9AU

- 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 Mrs M. Greig against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/1736/HH.
 - The development proposed is alterations and conversion of curtilage listed building to form an annexe to the main dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal property is part of a curtilage listed building to Little Court, a Grade II listed building. The appellant advises that listed building consent has been issued for the proposed conversion¹. A nearby garden wall is also a Grade II listed building and Little Court lies within the Buntingford Conservation Area. I have a statutory duty under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. To comply with my statutory duty, I have included the impact on the heritage assets as a main issue.

Main Issues

3. The main issues are:
 - Whether the proposed development would be an annex or an independent dwelling; and
 - The effect of the proposal on the significance of designated heritage assets.

Reasons

Use of the proposed development

4. The appeal building is part of a U-shaped range of outbuildings which lie to the south of Little Court (the main dwelling) across a gravel courtyard. Attached to the rear of the outbuildings is a car port structure. The proposal would convert a

¹ Ref.3/24/1723/LBC, dated 2.12.24

southwestern portion of the outbuilding to form an annexe to the main dwelling sharing access with it and parking in a rear car port.

5. Policy HOU13 of the East Herts District Plan (2018) (EHDP) refers to residential annexes and permits the use of separate outbuildings provided that they meet several criteria. These include demonstrating that the proposed residential annex is close to and well related to the main dwelling and has a clear functional link with it. The scale of the annex should not dominate the existing dwelling and is the minimum level of accommodation required to support the needs of the occupant. Sufficient off-street parking for both parts of the dwelling should be appropriately located within the curtilage in accordance with the adopted standards, and the development must accord with EHDP Policy HOU11 which relates to design and the relationship with the dwelling and surrounding area.
6. The appellant states that the proposed annex would be used in connection with the main dwelling and is intended to provide extra accommodation for family members. It would feature an open plan kitchenette and seating area, along with a separate bedroom and shower room. A new window would be formed in the living/kitchen area for additional natural light. The entrance door is proposed to face the rear yard area of the outbuildings alongside the car port.
7. Although the doors and windows of the U-shaped range of outbuildings predominantly address the courtyard and frontage of the main dwelling, the proposed annex would be in part of the outbuilding range which is furthest away from the main dwelling. Furthermore, the one opening facing towards the main dwelling would be blocked up and the sole external doorway would be to the rear. There would be openings on the western side, including a small new window, but all doors and windows would be remote and unseen from the main dwelling so that there would be no apparent visual or close physical relationship.
8. The main access to Little Court is from Wyddial Road to the west of the site with a secondary access from The Causeway to the south of the appeal site. Although it is intended for the occupants of the proposed annex to share both access points, the annexe could effectively benefit solely from the much closer access from The Causeway. This would connect directly to the proposed parking area and front door of the annex without having to pass near the main dwelling. Furthermore, the area alongside that access could also serve as a self-contained and private garden area.
9. It is suggested by the appellant that other parts of the outbuildings closer to the main dwelling would be too small to function as an annex, would not provide the necessary configuration or would require significant alterations which would be harmful to the heritage assets. However, there is little detail to explain and justify this. In particular, it should be fully explained why the listing of the structures would make parts unsuitable for residential conversion. From what I saw on site and taking account of the floorplan, there are other parts of the outbuildings which could have a better relationship with the main house. These should be examined and, if necessary, the reasons for discounting them fully explained.
10. Therefore, although the proposal complies with several of the criteria of EHDP Policy HOU13 the proposed annex would be remote from the main dwelling, would have no visual link, would have a clearly separate parking area and could benefit from a separate access and amenity area. Furthermore, the proposed annex

would appear to provide all facilities to enable independent living with the kitchen area appearing large enough to accommodate more storage units or utility area, if required. Solar panels suggest an independent source of heating and electricity. The gross internal floor area would also only be minimally lower than the minimum floor area for a one-bedroom unit. I therefore conclude that the appeal proposal would not be well related to the main dwelling and would not have a clear functional link with it. In all respects, the proposal would be a separate dwelling without reliance on the main dwelling and would conflict with the annex policy as a whole. Although the appellant suggests that conditions could be attached to any approval to ensure that the premises would remain as an annex and to prevent later sub-division into separate units, the proposal fails to comply with the criteria of the policy and would be unacceptable in principle.

11. The appellant considers that even if the proposal would not comply with EHDP Policy HOU13, the site is located just outside the town boundary, on the edge of the settlement and therefore well placed for services and facilities and would be acceptable in all other respects. Therefore, the appellant considers that the proposal would be acceptable as a separate dwelling in any event, even though this would not be intended. However, the appellant has applied on a householder planning application form for a residential annex, paid the appropriate fee, and the consultation has been carried out on this basis. Procedurally, therefore, in accordance with *Finney*², it would not be possible for me to consider the proposal as an open market dwelling as this would be a fundamentally different proposal, and it would be an unreasonable change which would be unexpected by nearby residents and other consultees.
12. I have considered the benefits of the proposal in terms of securing the long-term use and maintenance of part of the curtilage listed outbuildings. However, I have been given no adequate evidence that the maintenance of the appeal property or other heritage assets are dependent on the proposal. Little Court would appear to have an ongoing residential use that would not cease in its absence.
13. In conclusion, despite the description of development, the appeal proposal would not be an annex and thus an adjunct of the main dwelling. It is the combination of all the factors identified above that leads me to this conclusion. As a separate and self-contained dwelling house the proposal would conflict with EHDP Policy HOU13 as described above. It would also conflict with the Framework which seeks to ensure that developments function well.

Designated heritage assets

14. Little Court (listed as Little Court, to east of River Rib, Ref.1174663) is a Grade II listed building. The list description mentions that the house dates from the 19th century and is partly rebuilt using materials from an earlier building. It describes the tall brick building with a tiled roof including its form and architectural detailing. It is a fine property set within extensive grounds. A brick boundary wall (listed as red brick wall to rectangular garden south of Little Court, Ref.1173813) is separately listed.
15. In relation to this appeal, the special interest and significance of Little Court derives from its age, form, architectural details, and its function. The extensive grounds, including the listed garden wall to the east and the curtilage outbuildings

² *Finney v Welsh Ministers & Others* [2019] EWCA Civ 1868

subject to this appeal are an intrinsic part of its special interest and significance. They are all important to the way that Little Court is experienced, understood and appreciated.

16. Little Court and its wider grounds lie within the Buntingford Conservation Area which focuses mainly on the historic buildings lining the High Street, its waterways and the Little Court estate whose surrounding landscape is attributed to Humphry Repton. The significance of the conservation area is mainly drawn from the character and range of traditional buildings that it contains, together with the use of materials, the pattern of development and the relationship of buildings to the surrounding landscape. The Little Court Estate is an intrinsic part of the character and appearance of the conservation area, and the appeal building makes a small but positive contribution to its significance.
17. The works of conversion have received listed building consent. Therefore, considering the evidence including my visit, I see no compelling reason why I should find any harm in relation to the proposed physical changes to the appeal building. The external changes to the property and surrounding area would be minimal and the proposed design and materials used would respect the special interest of the surrounding listed buildings and the wider character and appearance of the conservation area, subject to appropriate conditions. I therefore see no adequate reason to conclude differently to the Council on this matter.
18. The proposal would have no harmful effect on the significance of designated heritage assets. It would therefore comply with EHDP Policy HA1, HA 4 and HA7 which seek to ensure that development protects the significance of heritage assets in accordance with the Framework. This is a neutral matter which neither weighs in favour of or against the proposal.

Conclusion

19. The appeal scheme conflicts with the development plan when considered as a whole and material considerations do not indicate that a decision should be taken otherwise. Accordingly, I conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR