



Appeal Decision

Site visit made on 8 September 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 SEPTEMBER 2025

Appeal Ref: APP/J1915/W/25/3366295

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 GPDO).
 - The appeal is made by Mr Matthew Cummings against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/2296/ARPN.
 - The development proposed is described as 'the proposed conversion of a former milking and sheep pen barn into a two bedroom four person home'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of clarity, I have determined the appeal on the basis of the plans considered by the Council.
3. The appellant's statement of case contains an additional plan NJC-004 (Swept Path Tracking – Fire Appliance) which was not part of the original application. This does not represent an amendment to the scheme. The Council has had the opportunity to comment on this. On this basis, I do not consider that any party would be unfairly prejudiced. I therefore have had consideration to the submitted plan in determining this appeal.
4. On 21 May 2024, the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024/579 came into force, and Article 3(1), Schedule 2, Part 3, Class Q of the General Permitted Development Order (GPDO) was amended. Transitional arrangements set out under Article 10 of the amending Order mean that a prior approval application made before 21 May 2025 in respect of the former Class Q should be decided based on what was previously permitted. The application was made to the Council on 18 December 2024. As such, I have therefore determined the appeal having regard to the provisions of the former version of the GPDO.
5. The provisions of the GPDO do not require regard to be had to the development plan (DP). Therefore, whilst the appellant refers to policies within the DP, I have not had regard to them.

Background and Main Issue

6. Under the GPDO, Class Q (a) allows change from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Use Classes Order. The conditions at Q.2 (1) set out matters which the developer must apply to the local planning authority for a determination as to whether prior approval will be required, of which (a) relates to transport and highway impacts of the development. The Council refused prior approval in respect of this matter. I shall formulate the main issues accordingly.
7. In light of the above, the main issue is whether the transport and highway impacts of the proposal would be acceptable so as to comply with Para Q.2 (1) a of the GPDO

Reasons

8. The appellants statement of case in both title and content refers to a previous appeal at this site, which was made under the amended version of the GPDO. One of the main issues was whether the building would have a suitable access to a public highway. As the Inspector dismissed the appeal on the basis that the proposal did not constitute permitted development, it did not go on to consider the prior approval matters.
9. The appeal site comprises a modest barn in an undeveloped, rural location surrounded by fields and woodland. It is served by a privately owned access route, which is also a designated Public Right of Way and Bridle Way known as Little Berkhamsted No. 17 (PROW).
10. The access route serves a handful of residential properties and farm buildings to the south-east of the appeal site. This access route connects to Little Berkhamsted Lane to the south-east where the initial hardbound surface turns to an unmade track beyond the existing dwellings and farmstead, as it extends north.
11. The plans submitted show the proposal would be accessed via the existing track and PROW which leads to a proposed gated access.
12. There is disagreement between the parties in respect of the width of the access route. Notwithstanding the exact width, during my site visit I observed that for the most part, the route is a narrow, single width track for its considerable length. Where the bound surface ends, beyond the farmstead to the southeast, there are limited sections of the route that widen slightly. However, there is no compelling evidence before me that the route is of sufficient width to allow the passage of two cars, or indeed one vehicle and a pedestrian or horse rider, whilst allowing sufficient distance between them to do so safely. Furthermore, the unmade surface is slightly undulating which would limit the forward visibility of oncoming conflicts. This could mean users of the track having to reverse or back up for considerable distances to an area wide enough to allow other users to pass.
13. The appellant has expressed a willingness to accept a condition relating to the improvement of the access route, which they assert would also provide improvement for all users. Indeed, I note that the owners of the new dwelling would have a vested interest in maintaining their private access to a suitable degree and standard, and that the access would allow for emergency vehicle access, and the delivery of goods and that sight lines of the exit from the lane onto

Little Berkhamsted lane would be unaffected. However, in the absence of any details of this I cannot be certain that the works necessary to make the proposal acceptable would be achievable.

14. I appreciate that the route is currently likely to be lightly trafficked as noted by the previous appeal Inspector. Whilst the appellant asserts the proposal would bring about a reduction in use of the access, limited evidence has been advanced to support this.
15. I note the appellant's comments that the current agricultural use of the bridlepath would be reduced and that there would be a general reduction in use of the access. However, a new dwelling would introduce frequent and regular vehicular movements, which could include trips to access employment, schools and other local services alongside deliveries and visitors, increasing opportunities for conflicts between vehicles and users of the PROW.
16. Furthermore, vehicles of a domestic nature are likely to be less suited to the unmade and uneven condition of the access route than existing vehicles of an agricultural nature. Given the nature of the proposal, there would be more regular opportunities for conflicts between users of the PROW.
17. My attention has been drawn to a prior approval granted by the Council for the conversion of an agricultural building to one dwelling under Class Q which the appellant states is comparable to the appeal proposal in relation to the quality of the site access. However, there is limited information before me regarding the characteristics of the access to this site. All sites and proposals have their own particular characteristics, and each case must be considered on its individual merits. The appellant also points to a prior approval granted for 3 silos within the Danes Farmstead, which, it is stated is accessed via a rough path with pot holes which has a width of 3.2 metres. However, this silo development is for an entirely different nature of use to the proposed dwelling. Therefore, I am unable to draw any comparisons between these applications and the appeal proposal.
18. Bringing all of the above together, I find that the proposal would not provide a safe and suitable access route to the dwelling, falling short of the expectations of paragraph 115b) of the Framework. Accordingly, I find the proposal would have an unacceptable effect on transport and highways matters. I therefore find that the proposal would fail to comply with Para Q.2 (1) a of the GPDO.

Conclusion

19. For these reasons given above, the appeal should be dismissed.

C Walker

INSPECTOR