



Appeal Decision

Site visit made on 16 February 2026

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 March 2026

Appeal Ref: APP/C1950/C/24/3354671

20 Ayot Green, Ayot St Peter, Welwyn AL6 9AB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Lobban against an enforcement notice issued by Welwyn Hatfield Council.
- The notice was issued on 1 October 2024.
- The breach of planning control as alleged in the notice is without planning permission, and within the last ten years, the material change of use of land from a single dwelling house to a mixed use consisting of a single dwelling house and a detached single storey annex providing short term rental accommodation ("the unauthorised use").
- The requirements of the notice are to:
 - i) Cease the unauthorised use as defined within the notice.
 - ii) Remove all internet webpages advertising the annex for short term rental accommodation from their platforms.
- The period for compliance with the requirements is: 3 months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Preliminary Matter

1. Since the Council issued its Enforcement Notice, a new Welwyn Hatfield Borough Council Local Plan 2016 – 2036 (2023) (LP) has been adopted. I have taken account of the adopted LP policies in reaching my decision.

Main Issues

2. The main issues are:
 - whether the development comprises inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
 - the effect of the development on the character and appearance of the Conservation Area.

Reasons

Whether inappropriate development

3. The Framework establishes that development in the Green Belt should be regarded as inappropriate, subject to a number of exceptions. This includes, at paragraph 155 h) v. material changes in the use of land, provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

4. LP Policy SADM34 is generally consistent with the Framework as it sets out that within the Green Belt permission will be granted for development in accordance with national policy and other policies of the plan. Proposals for the change of use will need to demonstrate that they are consistent with the rural areas' strategy as well as the principles of sustainable development set out in the LP. Existing buildings must be of permanent and substantial construction and capable of conversion without the need for substantial demolition and rebuilding. Where a change of use of land is proposed, it will need to be demonstrated that the proposal would preserve the openness of the Green Belt and minimise any impact on the landscape.
5. The appeal site lies within the countryside for the purposes of planning policy. The Framework explains that opportunities to maximise sustainable transport in rural areas will vary from urban areas, and that account should be taken of the type of development proposed.
6. As a holiday let, it is reasonable to assume that most visitors arrive by car and use their vehicles to explore the area. However, it is possible to walk into Welwyn Garden City via the existing footpath that runs through the nearby woodland. There is no evidence to suggest that the distance to Welwyn Garden City is excessive for someone on holiday who wishes to explore the local area. As such, many occupants are likely to walk into Welwyn Garden City to visit it. They may even catch a bus or the train from there if they were so inclined. There is also a network of rural lanes that could facilitate cycling if the occupants were to bring bikes. In addition, there is a restaurant in the vicinity of the site. As such, there are options to use other means of transport rather than the private car, despite the countryside location.
7. The Council does not dispute that the existing building is of a permanent and substantial construction, and there is limited evidence before me to suggest that the conversion of the building required substantial demolition and rebuilding.
8. The Planning Practice Guidance (PPG) advises that the degree of activity likely to be generated, such as traffic generation, is a factor that can be taken into account when considering the potential impact of development on the openness of the Green Belt. The Court of Appeal in *Turner*¹ confirmed that the openness of the Green Belt has a spatial aspect as well as a visual aspect.
9. Since there were no external alterations to the appeal building to facilitate the holiday let, and therefore the conversion of the building itself did not affect the spatial openness of the Green Belt. In visual terms, while it undoubtedly generates vehicular movements which are independent from those associated with the dwelling, the size of the accommodation and the small number of visitors it can accommodate inherently limits the amount of activity and associated paraphernalia generated by the change of use. Given such, while the development represents a more intensive use of the site, it still preserves the openness of the Green Belt.
10. Green Belt purpose (c) is to assist in safeguarding the countryside from encroachment. The appeal building exists, and the development relates to the change of use only. As such, the development does not amount to an encroachment into the countryside. Purpose (e), which is to assist urban

¹ *Turner v SSCLG & East Dorset Council* [2016] EWCA Civ 466

regeneration by encouraging recycling of derelict land or other land, is not particularly relevant here given the appeal site is in a rural area.

11. The site is located within a small cluster of development, comprising on the main residential dwellings. The built environment is surrounded by woodland and open fields, so the area has a rural and verdant character. The appeal building has the external appearance of a domestic garage. The holiday let is small in scale, and there is no compelling evidence to suggest that the activity it generates is not commensurate to the locality. Therefore, the impact of the new use on the landscape is limited.
12. Thus, the development does not comprise inappropriate development in the Green Belt having regard to the Framework and LP Policies SP1, SP9, SADM16 and SADM34. Amongst other things, these policies seek to protect the Green Belt from inappropriate development, conserve the prevailing landscape character and support development that minimises the need to travel and relates well with its surroundings.

Character and appearance

13. The appeal site lies within the Ayot Green Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a CA.
14. The significance of the CA derives, in part, in the nature of the residential housing stock and its relationship to the central, picturesque green. The appellant indicates that most of the buildings within the CA were originally associated with the nearby Bocket Estate and occupied by estate workers. The appeal site, as a residential property, makes an important contribution to the historic interest of the CA.
15. The building has not been physically altered to accommodate the use for short term rental purposes. While the holiday let functions independently from the host dwelling, the associated level of activity is perceived in the context of the existing residential character of the site and of the locality. In addition, there is a bed and breakfast nearby, so a transient use is already present with the CA. As such, the development preserves the character and appearance of the CA.
16. Therefore, the development has an acceptable effect on the character and appearance of the CA, in accordance with LP Policies SP9 and SADM15. Amongst other things, these policies require proposals to deliver a high-quality design that fosters a positive sense of place and seek to protect the historic environment.

Other Matters

17. Concerns are raised that allowing the appeal could set an undesirable precedent. Whilst I recognise that consistency in the planning process is important and like cases should be decided in a like manner, it is also important to reiterate that each case is determined on its own merits and on the basis of the evidence. As such, I am satisfied that my decision on this development, on this particular site with its distinct characteristics in this context, would not harm the ability of the Council to exercise their judgement on other proposals, as I have done in this case, in future cases.

18. The Parish Council refers to complaints about noise and nuisance as a result of the development. However, these matters are covered by legislation outside of the planning system, so would not be reasons to withhold planning permission. If inconsiderate parking practices were to arise, they would be subject to normal policing and controls within the highway.
19. I have not found harm by reason of inappropriateness, or any other harm. As a result, I do not need to consider whether there are other considerations that might amount to very special circumstances.

Conditions

20. A condition is required to ensure that the use of the building is as intended and not as a separate residential use. In imposing this condition, I have had regard to the Framework and to the Planning Practice Guidance.

Conclusion

21. For the reasons set out above, I conclude that on balance the development accords with the development plan. The appeal on ground (a) therefore succeeds.

Formal Decision

22. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the material change of use of land from a single dwelling house to a mixed use consisting of a single dwelling house and a detached single storey annex providing short term rental accommodation at 20 Ayot Green, Ayot St Peter, Welwyn AL6 9AB as shown on the plan attached to the notice, and subject to the following condition:
 - 1) The development shall be occupied as holiday accommodation only and shall not be occupied as a sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year. An up-to-date register shall be kept 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 and their date of arrival and departure from the accommodation.

P Terceiro

INSPECTOR