



Appeal Decision

Site visit made on 3 May 2016

by Stephen Hawkins MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 June 2016

Appeal Ref: APP/X1925/W/15/3138139

The Annexe, St Hughes Cottage, Chalk Hill, Cockernhoe, Hertfordshire LU2 8PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Muller against the decision of North Hertfordshire District Council.
 - The application Ref 15/00776/1, dated 15 March 2015, was refused by notice dated 22 September 2015.
 - The development proposed is change of use to include third party tenant (current use is family and staff).
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - Whether the proposal would amount to inappropriate development in the Green Belt.
 - Whether the proposal would provide satisfactory living conditions for future occupiers, having regard to noise and disturbance.

Reasons

3. The Annexe mainly occupies the first floor of a large detached garage stood within the extensive grounds of St Hughes Cottage. It is situated some distance from the main dwelling, adjacent to other residential outbuildings and a parking area.
4. Planning permission for the garage and Annexe over was granted in May 1994.¹ Condition No 3 attached to the permission limited occupation of the Annexe to occupiers of the existing dwelling or their close relatives, dependents or household staff and restricted its use as a separate dwelling. The stated reason for the condition was: *"To avoid the creation of a new dwelling contrary to the planning policies applicable to the area and to avoid the occupation of two separate dwellings by persons unconnected with each other, which would result in an unsatisfactory relationship and an inadequate standard of amenity for both properties."*

¹ Council reference 94/0035/1

Whether inappropriate development

5. The appeal site is situated in the Green Belt. Saved Policy 2 of the adopted North Hertfordshire District Local Plan (LP) seeks to maintain uses of land which are open in character within the Green Belt, only granting permission for amongst other things, changes of use of buildings and land which are not inappropriate in the Green Belt and which would not result in significant visual impact. Policy 2 pre-dates the National Planning Policy Framework (the Framework) by some years. However, it is broadly consistent with the Framework.
6. The Council consider that the proposal would be tantamount to the erection of a new dwelling in the Green Belt. Whilst the proposal would create a new separate dwelling, this would be achieved by re-using the existing Annexe. Paragraph 90 of the Framework indicates that the re-use of buildings in the Green Belt is not inappropriate development provided certain criteria are met.
7. The proposal does not involve any enlargement or substantial alteration of the building. Therefore, it would preserve the openness of the Green Belt and there would be no conflict with any of the purposes of including land in the Green Belt, including encroachment. It is also clear that the building is of permanent and substantial construction.
8. Consequently, the proposal would not be inappropriate development in the Green Belt. For the same reasons, the proposal would not cause any significant visual impact. Therefore, it would be consistent with the Framework and there would be no conflict with Policy 2 of the LP.

Living conditions of future occupiers

9. Although the Annexe would be occupied separately, use of the large garage on the ground floor below would be retained by the occupiers of the existing dwelling. As a result, future occupiers of the Annexe would be likely to experience significant levels of noise and disturbance from pedestrian and vehicular comings and goings to and from the garage associated with its use by the occupiers of the existing dwelling. Whilst the ground floor is currently being used for domestic storage, that does not mean that it will not be used as a garage in the future.
10. No form of external private amenity space has been provided for the future occupiers of the Annexe. The appellant has a large garden and some provision for amenity space for the occupiers of the Annexe could therefore potentially be made. Such provision could have been the subject of a planning condition, had I been minded to grant permission. However, the provision of an amenity space would not outweigh the harm to the living conditions of future occupiers caused by noise and disturbance.
11. Occupation of the Annexe separately from the main dwelling would therefore create a poor standard of living environment for any future occupiers. As a result, the proposal would fail to accord with saved Policy 57 of the LP as it would not reduce the disturbing effects of noise. The failure to provide a good standard of amenity for future occupants would also not be consistent with paragraph 17 of the Framework.

Other matters

12. In determining the appeal I have carefully considered the other matters raised by the appellant, including the need for affordable rural housing, the lack of overlooking of other properties, the availability of car parking, the Annexe being separately metered and separately banded for Council Tax and the potential for the Annexe to fall into disrepair if it is left unoccupied. I have also taken the appellant's personal circumstances into account. Nevertheless, these matters raised in support of the appeal do not outweigh my findings in respect of the harm that would be caused by the proposal.

Conclusions

13. For the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR