



Appeal Decision

Site visit made on 30 April 2019

by **T A Wheeler BSc (Hons) T&RP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 June 2019

Appeal Ref: APP/X1925/W/19/3220117

Clovertop Farm, Nup End, Old Knebworth SG3 6QJ

- 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 R Deards against the decision of North Hertfordshire District Council.
 - The application Ref 18/02771/FP, dated 17 October 2018, was refused by notice dated 13 December 2018.
 - The development proposed is: extension and conversion of an agricultural building to a 2 bedroom dwelling and external alterations involving the installation/replacement of windows, doors, roofs and exterior walls.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The site is within the Green Belt therefore the main issues are:
 - i) whether the proposal is inappropriate development in the Green Belt;
 - ii) if the proposal is inappropriate development, the effect on openness;
 - iii) whether the proposal would give rise to any other harm, including the effect on the character and appearance of the countryside;
 - iv) and whether any harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

3. The appeal property is an open sided timber building use for storing agricultural machinery, the appellant owning the fields adjacent to the site. The site also abuts a business park, through which access is gained from Park Lane. There is a large Oak tree immediately next to the existing building, and a tall coniferous hedge on the boundary with the business park. There is some housing near to the site at Nup End Green and Nup End Farmhouse. The site lies approximately 0.5km outside the village of Old Knebworth.
4. The proposal is to convert and extend the existing building to provide a 2 bedroom dwelling. The dwelling would have the same footprint as the existing building, with bedroom accommodation provided within a new pitched roof containing dormer windows to front and rear.

Inappropriate development

5. Paragraph 145 of the Framework¹ sets out the exceptions under which a new building in the Green Belt should be regarded as not comprising inappropriate development. The appellant suggests that the creation of the roof storey would not add a disproportionate amount of floorspace to the 'original dwelling'. There is no such dwelling at the present time, however since the Framework exception applies to buildings, not only dwellings, there might be an exception to inappropriate development on that basis. The appellant does not otherwise argue that any of the exceptions listed in paragraph 145 should apply to the proposal but bases his case on the view that there would be no unacceptable impact on the openness of the Green Belt should the proposal proceed.
6. The principle of converting the existing structure to residential use has been established by virtue of the prior approval granted in July 2018². The works at ground floor level will be very similar under both proposals. The Council does not dispute this point, and therefore consideration of the impact of the development on the openness of the Green Belt should be limited to the effect of the roof addition. In this regard the appellant accepts that the proposal would have a slightly larger impact than the approved conversion works.
7. The Council argues that the addition of the roof would increase both the height and width of the structure and would, with the proposed dormer windows, be a more substantial building than the approved scheme and domestic in character. No floorspace figures have been presented to me in either of the parties' statements however a comparison of the existing plan, and the proposed ground floor and first floor plans, show that the roof accommodation would comprise a substantial extension.
8. Whilst the proposal would not result in a significant increase in building footprint at the site, it would increase the floorspace of the building to a degree which would be disproportionate.
9. For the reasons outlined above, I conclude that the proposal would not meet any of the exceptions as laid out in paragraph 145. Therefore, the development would amount to inappropriate development in the Green Belt.

The effect on openness

10. The building as proposed would be significantly more visible from localised and public viewpoints than that which exists presently due to the addition of the roof storey. In comparison with the prior approval scheme there would also be a significant increase in the obtrusiveness of the building due to its increased height and the inclusion of the dormer windows, in particular those in the front elevation. I viewed the site from Slip Lane, approximately to the east, and was able to gain a good understanding of the appearance of the site at present when viewed in the wider landscape and judge the visual effects which would arise under the appeal proposal. I consider that there would be greater bulk to the building as proposed, leading to increased visual intrusiveness and harm to openness.
11. The appellant suggests that the addition of the pitched roof would be beneficial in design terms, and that this outweighs any effects on openness. I disagree

¹ National Planning Policy Framework February 2019

² Local Planning Authority Ref. 17/04267/PNQ

because the pitched roof and dormers would make the dwelling more obtrusive in comparison with the approved flat roof design. It is of note that paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt.

Any other harm – the character and appearance of the countryside

12. I have found that the proposal would be more obtrusive than either the existing building or the prior approval conversion and therefore would cause harm in terms of the impact of the development on the character and appearance of the area.
13. In the broad sense that the proposal fails to respond to the local context, it can be considered to conflict with Policy D1 of the Hertfordshire Local Plan 2011-2031³ (the emerging plan). The Framework also sees good design as a key aspect of sustainable development.
14. The Council's policies in relation to the protection of the countryside are largely expressed through its policies relating to the Green Belt. Although not referred to in the decision notice, in its statement the Council has drawn my attention to Saved Policy 25 of the North Hertfordshire District Local Plan No 2⁴ (the NHDLP) which refers to the re-use of buildings in the Green Belt and requires that they should not have a materially greater impact on openness than the present use. Likewise, the Council has referred me to Policy CGB4 of the emerging plan, which covers very similar points to the saved policy. The appellant has had the opportunity to comment on these additional policies.
15. The Council also refers to Saved Policy 30 of the NHDLP. The Policy relates to proposals for the replacement or extension of existing dwellings in the countryside. Given that there is no existing dwelling at the appeal site it cannot be relevant to the case, and the Council acknowledges that it is the 'spirit' of the policy that is applicable.

Other Considerations

16. The appellant has suggested that the proposed addition of a pitched roof would represent an improvement in design terms over the prior approval scheme, and that this would far outweigh any negative impact on the Green Belt. Whilst I accept the appellant's point that flat roofed buildings are not typical of the area, in the context of the appeal site such an approach would help to limit the visual impact of the building. Therefore, the appellant's argument that the fallback position of the prior approval scheme would be inferior to the proposed pitched roofed dwelling does not reflect the local context and does not weigh in favour of the proposal.
17. The appellant also argues that were the prior approval scheme to be implemented, there could be little objection to a future proposal to extend the property via a roof extension. That would be matter for the local planning authority, however I have already concluded that I consider the addition of the roof accommodation as currently proposed to be disproportionate in terms of the size of the building.

³ incorporating proposed modifications November 2018

⁴ Adopted 1996

18. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I can see no considerations which outweigh the harm to the Green Belt and therefore do not conclude that very special circumstances exist to justify the inappropriate development.

Planning Balance and Conclusion

19. I have found that the proposal would be inappropriate development in the Green Belt. In reaching this conclusion, I acknowledge that the prior approval scheme could proceed. This alone could result in some change in the character of the site and its surroundings. However, the addition of the roof storey would cause harm to the openness of the Green Belt, over and above any harm which might otherwise arise, in conflict with the Framework.

20. The proposal would also conflict with Saved Policies 2 and 25 of the NHDLP and Policies SP5 and CGB4 of the emerging plan. In addition, I have found conflict with the aims of Policy D1 of the emerging plan and the Framework which seek to achieve well designed developments which are sympathetic to local character and landscape setting.

21. The appeal is therefore dismissed.

Tim Wheeler

INSPECTOR