



Appeal Decision

Site visit made on 21 May 2018

by **Jonathan Hockley BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2018

Appeal Ref: APP/C1950/W/17/3189898

Warrenwood Manor Stables Building (part first floor), Warrenwood Manor Stud, Hornbeam Lane, Brookmans Park, Hatfield AL9 6JF

- 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 & Mrs Nigel Brunt against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2017/2001/FULL, dated 5 September 2017, was refused by notice dated 1 November 2017.
 - The development proposed is the change of use of vacant part of first floor of stables building to residential flat for use by visiting family members and relatives.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of vacant part of first floor of stables building to residential flat for use by visiting family members and relatives at Warrenwood Manor Stables Building (part first floor), Warrenwood Manor Stud, Hornbeam Lane, Brookmans Park, Hatfield AL9 6JF in accordance with the terms of the application, Ref 6/2017/2001/FULL, dated 5 September 2017, subject to conditions set out at the end of my decision.

Application for costs

2. An application for costs was made by Mr & Mrs Nigel Brunt against Welwyn Hatfield Borough Council. This application is the subject of a separate Decision.

Preliminary Matters and Main Issue

3. Warrenwood Manor Stables building is a large building with a 'U' shaped floorplan. At ground floor level the building houses 18 loose boxes, with additional store rooms and staff facilities. On the right hand side of the main entrance, stairs provide access to the 1st floor, which houses various rooms lit by rooflights. Evidence states that the building was granted consent in 2013, within which the first floor layout would have provided spaces for two large hay stores, further store rooms and staff facilities. In 2017 consent was granted for the use of around half of the upper floor for living accommodation for staff. This consent was for the right hand side of the building.
4. On my visit the majority of the upper floor had been substantially converted for residential use, with the left hand side fully converted and occupied by the stables manager (as opposed to the approved right hand side). It was pointed

out to me that this was an error by the appellant, who had made a mistake with the plans. I have taken this mistake at face value.

5. The proposal seeks to change the use of the left hand side to residential use ancillary to Warrenwood Manor from an equestrian/stables use. Clearly my visit demonstrated that this side had already been converted. However, this has not affected my judgement, which I have considered on the basis of the application as opposed to its current condition.
6. The Council are of the view that the proposal would create a separate unit of accommodation in an unsustainable location, with inadequate private amenity land and parking provision. Accordingly I consider the main issue in this case to be whether the proposal would represent a suitable use for the site, given the location of the building and the provision of amenity space and car parking.

Reasons

7. Warrenwood Manor is a very large country house which is accessed via Hornbeam Lane, a private drive with public access via a bridleway from the B158 to the north. There are a small number of dwellings located on the west side of the Lane towards its upper end, before the lane carries on towards the south east, from where the house is accessed to the right and the stables to the left via two entrances. The Lane is block paved until the access to the house and the second stables access is reached. Both the stables and house have brick piers and substantial metal gates.
8. The site is essentially sited in the heart of the countryside, and despite the presence of the Manor, is located in an isolated location where the majority of day to day needs would be needed to be reached via private car. There is a difference in opinion over whether the use of part of the upper floors of the stables for residential accommodation for visiting family members would constitute an ancillary use to the Manor house.
9. The essential feature of an ancillary use is that there should be some functional relationship with the primary use of the planning unit (PU). Were the site to be used as separate residential accommodation, then the proposal would not form an ancillary use as the functional relationship would fall away. However, the appellant states that the proposed flat would be used by visiting family members and relatives. A condition could ensure that this was the case and ensure that the use of the proposal remained ancillary.
10. The case of *Burdle*¹, cited by the Council, considers that the planning unit should be determined by identifying the unit of occupation and whether there is physical and/or functional separation of primary uses as a matter of fact and degree. *Bridge J* suggested three broad categories of distinction: 1) a single PU where the whole unit of occupation is used for one main purpose and any secondary activities are incidental or ancillary; 2) a single PU that is in a mixed use because the land is put to two or more activities and it is not possible to say whether one is incidental to another; and 3) the unit of occupation comprises two or more physically separate areas that are occupied for substantially different and unrelated purposes. In such a case, each area used for a different main purpose, together with its incidental activities, ought to be considered as a separate PU.

¹ *Burdle & Williams v SSE & New Forest RDC* [1972] 1 WLR 1207

11. In this appeal, the Council consider that it is the third limb that applies. They note that the Warrenwood Estate is in single ownership but consider that the dwelling house and its curtilage are physically separate to the surrounding land and the land to the north of Hornbeam Lane, which includes the appeal site, and used for a substantially different purpose to that of the residential house and its garden land.
12. There is clear space between the Manor and the stables building, however, I do consider that such areas are necessarily physically separate. As described above, the two areas are separated by Hornbeam Lane. This is a private lane, and is clearly so due to the nature of the block paved surface. The stables and Manor are sited on opposite sides of the lane and while they may have a different 'address', they are clearly interlinked by their hard landscaping. While each has separate gated accesses, this makes sense for security reasons given the bridleway splitting the two areas. When on site the two areas are clearly interlinked and interrelated by their proximity, both spatially and visually, their shared fundamental access and the design and detailing of the sites, as well as the equestrian uses forming part of the Manor's estate. In my view therefore the stables building can be reasonably considered as part of the same planning unit as the main Manor building. In coming to this view I also note that the stables are linked via conditions on their consents to be occupied and used in conjunction with the Manor.
13. A previous appeal decision is cited by the Council, where an Inspector concluded that proposed outbuildings would not lie within the residential curtilage of the Manor. A plan is submitted, but this does not show the location of the outbuildings. Nevertheless, residential curtilage is a different issue to a planning unit; were the building to lie within the curtilage then permitted development rights would apply.
14. The proposal would not allow for car parking spaces within the application boundary, which is tightly drawn around the site. However, the blue line shows the extent of land available to the appellant. The area in front of and to the side of the stables is a large area which is currently used for parking at the stables. Ample space exists in this area for car parking for the site, and a submitted plan demonstrates this. I note in this respect that enforcement action is ongoing considering the amount of hardstanding around the site and that in relation to that case the appellant has stated that the hardstanding is required for equestrian use. However, this does not draw me to a different conclusion than I have reached above; there remains ample space around the stables for car parking, even if this were required to be sited a short distance away.
15. The proposed flat would have no designated private amenity land. However, the proposal seeks, to be confirmed by condition, use of the flat solely for ancillary use of the flat to Warrenwood Manor. As such any potential occupants could avail themselves of the ample amenity space available around the Manor, which is easily accessible by foot.
16. I therefore conclude that, with suitable conditions imposed, the proposal would represent a suitable use for the site, given the location of the building and the provision of amenity space and car parking. Various development plan policies are cited by the Council in support of their decision. In constituting the re-use of part of an existing building in an ancillary manor the proposal would comply

with policies D1 and D2 of the Local Plan² which state that design should be of a high quality which respects and relates to the character and context of the area in which they are proposed, and there is adequate space to ensure compliance with Policy M14, which concerns parking standards. Given my considerations above, I do not consider that policy H2, which concerns windfall residential development is strictly relevant in this appeal; as is the case with policy SADM1 of the Draft Local Plan³ which is a similar policy. As the conversion of an existing building to an ancillary use, the proposal would also comply with policy SP25 of the same document.

Other matters

17. The appeal site lies within the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 90 of the National Planning Policy Framework states that certain forms of development are not inappropriate in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt, including the re-use of buildings provided that the buildings are of permanent and substantial construction.
18. The proposal would re-use part of the upper level of the stables, which are of permanent and substantial construction. Any adverse effect on the openness of the Green Belt caused by cars belonging to relatives of the appellant staying at the proposed flat would be minimal and I therefore consider that the proposal would not be inappropriate development in the Green Belt. The proposal would comply with Policy SADM 34 of the Draft Local Plan which states that permission will be granted for development in accordance with national policy, with the re-use of buildings permitted provided that they preserve the openness of the Green Belt.

Conditions

19. Standard conditions are imposed relating to time for implementation and accordance with plans, in the interests of certainty. Above I have considered a condition to be necessary to ensure that the flat is limited to being occupied by purposes ancillary to Warrenwood Manor, although I have altered the appellant's suggested condition for precision. I have also imposed conditions requiring details of fire hydrants and parking spaces, in the interests of fire safety and amenity of the future occupiers of the flat. I have amended the Council condition for car parking given the submission of a plan by the appellant during the appeal process.

Conclusion

20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jon Hockley

INSPECTOR

² Welwyn Hatfield District Plan 2005 (April 2005)

³ Welwyn Hatfield Draft Local Plan Proposed Submission August 2015

SCHEDULE OF 5 CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 703/ LP1, 207, 703/ 210A.
- 3) No development shall commence until details of the number and location of fire hydrants are submitted to and approved in writing by the Local Planning Authority. Subsequently the approved details shall be implemented before the dwelling hereby permitted is first occupied.
- 4) The two car parking spaces delineated on plan no 703 207 (marked 'Plan to show 2 No Car Park Spaces for Residential Flat for visiting family members') shall be retained in perpetuity for the occupants of this residential flat.
- 5) The residential flat hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Warrenwood Manor