
Appeal Decision

Site visit made on 15 November 2016

by Nigel Burrows BA MRTPI

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

Decision date: 30 November 2016

Appeal Ref: APP/X1925/C/16/3148221

Land at The Hermit of Redcoats, Redcoats Green, Little Wymondley, Hitchin, SG4 7JR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Brian Cole (Greene King Plc) against an enforcement notice issued by North Hertfordshire District Council.
- The enforcement notice, ref: 15/00100/1ENF, was issued on 17 March 2016.
- The breach of planning control as alleged in the notice is the erection of an unauthorised detached mono-pitch building, shown edged blue on the attached location plan.
- The requirements of the notice are:-
 - (i) Demolish the building shown edged blue on the attached location plan.
 - (ii) Permanently remove from the site edged red on the attached location plan all materials and debris resulting from the demolition of the building as required by step (i).
- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld

Background

1. The Hermit of Redcoats public house is situated upon the north side of Stevenage Road at Titmore Green, which lies to the north west of Stevenage. The building is on the frontage of a substantial plot which includes a beer garden and a car park to the rear.
2. The enforcement notice is directed at an outbuilding constructed just behind the public house. Notwithstanding the location of the building within the Green Belt, a retrospective planning application for the building was ultimately refused solely on design grounds in November 2015. The Council's reasons for issuing the enforcement notice allege that the building fails to comply with Section 7 of the NPPF: 'Requiring Good Design'.¹ I therefore intend to focus on the main controversial issue in dispute.

The ground (a) appeal and deemed application

3. The main issue in this case is the effect of the structure upon the host building, the character and appearance of the area and the visual amenity of the Green Belt.
4. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56 of the NPPF).
5. The appeal building is linear in shape and has a mono-pitch roof. The floorspace of the structure is about 47.3 m². The maximum height of the structure is about 3.45m to the rear, reducing to about 2.6m on the front elevation facing the pub garden. The building

¹ The National Planning Policy Framework (March 2012)

appears to have a fairly crude timber frame with full height glazing on the front elevation. The rear elevation facing the public house is clad with timber boarding, which also appears upon the panels below the flank windows to either side of the glazed entrance doors.

6. The appellant indicates the structure is used as an external covered seating area and garden room. The structure was apparently supplied and installed by a company specialising in the design, manufacture and installation of garden rooms with retractable roofs. Nonetheless, I observed that it conveys the impression of a crudely designed, cheaply constructed building which pays little regard to the traditional architectural composition, detailing and materials of the public house. The adverse visual impact of the structure is accentuated by its fairly crude timber framing, fascia and eaves detailing (including what appears to be clear plastic infill panels over the side doors) and by the awkward mix of vertical and horizontal timber cladding on the side and rear elevations.²
7. The close juxtaposition of the building to the public house accentuates its incongruous nature - it does not blend in with the host building nor does it stand alone as an example of high quality contemporary design. I appreciate the building is not readily seen from the public realm as it is shielded to a large extent by the public house. However, this does not in any way diminish the Council's legitimate concern to protect the character of the area from poor quality development and secure high quality design. In any event, as the public house is a focus for social interaction, the incongruous nature of the building would be apparent to patrons and to nearby residents who might have views of the site. I conclude the structure intrudes on the setting of the public house, detracts from the character and appearance of the area and harms the visual qualities of the Green Belt.
8. The submissions for the appellant cite various factors in favour of the development including the economic, community and social benefits of the scheme. Reference is also made to the difficulties faced by tenants in making the public house viable. The appellant emphasises that the NPPF supports economic growth in rural areas. Be that as it may, I find that none of the considerations put forward by the appellant, individually or collectively, clearly outweigh the harm caused by the poor design and incongruous nature of the building.

Other Considerations

9. Local residents have evidently raised various concerns about the development including noise, overlooking, cooking odours, parking and traffic problems. However, the Council has not issued the enforcement notice for these reasons. I have not been presented with any firm evidence to demonstrate these concerns amount to decisive objections to the building.

Summary

10. The Council's concern to protect the environment is consistent with the Government's objectives for the planning system. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. The economic, social and environmental dimensions of sustainable development should be addressed. Paragraph 9 also makes it clear that pursuing sustainable development includes seeking positive improvements in the quality of the environment. I find the development conflicts with this objective.
11. It is not obvious to me that the objections to this development could be overcome by any planning conditions. I have taken into account all the other matters raised in the written representations, but I find they do not outweigh the main considerations that have led to my decision. I conclude that the ground (a) appeal should not succeed.

Formal Decision

12. The appeal is dismissed and the enforcement notice is upheld.

Nigel Burrows INSPECTOR

² The timber cladding is reminiscent of close-boarded fencing panels