
Appeal Decision

Site visit made on 22 February 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 21st March 2017

Appeal Ref: APP/J1915/W/16/3162774

Land off Park Road, Great Hornead, Hertfordshire

- 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 M Moore against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/0710/FUL, dated 24 March 2016, was refused by notice dated 3 June 2016.
 - The development proposed is the erection of three detached dwellinghouses with garages including a dedicated building to be used as a virtual village shop.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council advise that publication of the pre-submission version of the District Plan has been undertaken and consultation carried out. It therefore considers that the weight that can be assigned to emerging policies can be increased. However the detail of the responses to the consultation is yet to be considered. The plan remains one that has not been examined and found sound. For this reason I am unable to accord any significant weight to the policies.

Background and Main Issues

3. The appellants have undertaken a Phase I ecology report and additional survey work as required. In light of this the Council has confirmed it is not pursuing its second reason for refusal. The appeal is considered on this basis. Accordingly the main issues are:
 - Whether the provision of three detached dwellings would preserve or enhance the character or appearance of the Great Hornead Conservation Area (CA);
 - Whether the site is a suitable location for housing; and
 - The effect of the provision of the access road on the character and appearance of the area, with particular regard to existing trees and landscaping.

Reasons

Conservation Area

4. The site is currently laid to grass and located within the CA, a designated heritage asset. I have been provided with a Conservation Area Plan. This illustrates that the site is located to the eastern edge of the CA. The CA is generally characterised by the built form focussed along Horseshoe Hill and the B1038. The development then becomes more spacious toward the CA boundary with larger houses with space around them fronting the road and a number of open areas being evident beyond on its edge.
5. I appreciate that some of the dwellings within the village boundary would be close to the site. I also noted Willow Close to the south and beyond the CA boundary. Nevertheless the separation to the north and south would remain substantial and open fields would remain to the east. Overall the site has an open semi-rural character and contributes to the edge of the CA in this manner. Indeed being on the edge of the CA it provides a key transition and opens up to the wider agricultural landscape.
6. The scheme would introduce three substantial detached dwellings onto the site with access taken from Park Road. This would have no particular physical or visual affinity with the existing frontage development. In this regard the scheme would involve the piecemeal development of one existing piece of land which contributes to the distinctive, semi-rural character of the locality. I note that the appellants submit that the detail of the scheme would use quality materials and could be well landscaped. However, fundamentally, the scheme would be out of keeping with the character of the immediate locality and it would be inappropriate to its context. In this regard it would cause less than substantial harm to the CA.
7. I recognise that the development would provide support for local facilities, that the homes would be for the appellants and their extended family and that the scheme would provide habitat enhancements. I am also mindful that there would be no harm to ecology, archaeology or living conditions of existing or future occupiers. However, with paragraph 134 of the National Planning Policy Framework (The Framework) in mind, I am not persuaded that those considerations equate to the public benefits necessary to outweigh the harm that I have identified, or that the works are necessary to secure optimum viable use.
8. I therefore conclude that the proposal would not preserve or enhance the character of appearance of the CA. It would therefore be in conflict with policies ENV1 and BH6 of the East Herts Local Plan Second Review (LP) which amongst other things seek new development that would enhance the CA and that would reflect local distinctiveness and the existing pattern of development.

Location of the site

9. Whilst not in the reason for refusal both parties refer to LP policy GBC3 which refers to what development would be appropriate in rural areas beyond the green belt. In particular that outside of 'category 1' villages that development would be restricted. The appeal proposal would not fall within any of the types of development identified in the policy and Great Hormead is listed as a 'category 3' village within the LP. The appellant submits that the Council's Interim Village Hierarchy Study 2015 and Village Policy Discussion Paper set out the approach to distribution of development. In particular the removal of a 'fixed' and unduly restrictive approach. Nevertheless these documents are linked to the emerging plan and as such I afford them limited weight.

10. It is apparent that a five year supply of deliverable housing land cannot be identified in the area. There is no dispute between the parties on this issue. Paragraph 49 of the Framework states that in these circumstances relevant policies for the supply of housing should not be considered up to date. Paragraph 14 of the Framework states that there should be a presumption in favour of sustainable development. Where relevant policies are out of date permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits taking account of the Framework as a whole.
11. Park Road begins as a rural lane by the site and changes moving west into the main village of Great Hornead. Outside the appeal site there are no footways or street lighting but on the opposite side of the road there is a footpath that runs into the village. There is no station but there are bus services. The appellant points out that there is a good range of local facilities and amenities in Great Hornead. The village of Buntingford is also in close proximity with more service provision. In addition the proposals include a detailed scheme for a 'Virtual Village Shop' that would provide for the needs of future residents in an innovative and convenient manner and generate some employment.
12. There are some services in the village and connection to public transport but it is likely that to undertake day to day activities and meet day to day needs, such as shopping and employment, the occupants of the new dwelling would rely on the private car for some trips. However the location of the site would mean that there would be the option to use other modes such as walking, cycling or public transport. The site is as accessible to services as other dwellings in the settlement boundary and in the context of the district as a whole; the appeal site is in a relatively sustainable location. The scheme would contribute three dwelling to the supply of housing, that would not be isolated, and this does weigh in favour of the proposal.

Provision of the access road

13. The site would be accessed from Park Road. There is no dispute that this is unclassified and at the access point a un metalled road. The Local Highway Authority (LHA) did not object to the scheme but recommended conditions to be applied should the development go ahead. In particular that the access should be a minimum width of 3.1m with visibility of 2.4 x 25m.
14. The appellants point out that the access road is shown at 3.1m and the associated boundary treatments are annotated on the site plan. In addition it is submitted that the work to the site frontage would be limited to trimming back, a point noted by the Council. Nevertheless this does not resolve the matter of the existing trees along the length of the proposed access.
15. The existing trees and hedgerow contribute to the pleasant rural setting of the wider area. As such they contribute significantly to the character and appearance of the area. I appreciate that the trees are annotated on the site plan. However, there is no detailed survey information for the trees. Further, I note that the appellants' transport appeal statement identifies that there are methods of construction that could be adopted for the access. However, without appropriate information from a suitably qualified professional it is not possible to fully understand the impact of the full length of driveway and resultant material change on the root protection areas of the trees. As such it

is not possible to conclude that the scheme would not have an adverse effect on the long term health of the trees.

16. I therefore conclude that the provision of the access would have a harmful effect on the on the character and appearance of the area, with particular regard to existing trees and landscaping. Therefore it would be in conflict with LP policies ENV1, ENV2 and ENV11 in so far as they seek to retain and enhance existing landscape features.

Other matters

17. I note that the Parish Council raise no objection to the scheme. However this does not alter or outweigh my conclusions on the determining issues.

Planning Balance and Conclusion

18. The appeal proposal would provide three dwellings that would represent a benefit and there would be no harm to economic and social aspects of sustainable development from the location. However, the proposal would not represent a sustainable development when considered against paragraphs 7 and 8 of the Framework which require the economic, social and environmental dimensions of sustainable development to be considered together as it would not preserve or enhance the CA and would harm the character and appearance of the area, with particular regard to trees and landscaping.
19. LP policies ENV1, ENV2, ENV11 and BH6 seek new development that would enhance the CA and that would reflect local distinctiveness and the existing pattern of development. In this regard they are not out of date and relevant to the consideration of matters of character and appearance and the CA. As such I have attached significant weight to the significant and demonstrable harm that the proposal would cause to the character and appearance of the area, that the proposal would not preserve or enhance the character or appearance of the CA and the resultant conflict with the development plan. Whilst there are other material considerations that do weigh in favour of the proposal these do not outweigh the clear conflict with the development plan.
20. Turning to consideration of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date. In this case, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits such that the proposal would not represent sustainable development.
21. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

D J Board

INSPECTOR