



Appeal Decision

Site visit made on 1 August 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 11th September 2017

Appeal Ref: APP/J1915/W/17/3172249

Land adjacent Beecroft Lane, Walkern, Herts SG2 7PE

- 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 I Grey against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/2743/FUL, dated 22 November 2016, was refused by notice dated 15 February 2017.
 - The development proposed was originally described as new residential dwellings and demolition of existing garage.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 2no. two bedroomed dwellings at land adjacent Beecroft Lane, Walkern, Herts SG2 7PE in accordance with the terms of the application, Ref 3/16/2743/FUL, dated 22 November 2016, subject to the seven conditions set out in the schedule at the end of this decision.

Application for costs

2. An application for costs was made by Mr I Grey against East Hertfordshire District Council. This application is the subject of a separate Decision.

Procedural Matters

3. During the course of the original planning application, amended plans were received showing the retention of the existing garage. The original description also did not specify the number of dwellings. Therefore, the description of development in the formal decision above uses the description from the decision notice and appeal form.
4. The address is taken from the application form rather than the decision notice and appeal form (which refers to land adjacent to 36 High Street). The application form address is sufficiently clear and so does not need amending.

Main Issue

5. The main issue is whether the proposed development would provide a suitable location for housing, having particular regard to the character and appearance of the area.

Reasons

6. The appeal site is located on the junction of the High Street and Beecroft Lane. It consists of an area of grass surrounded by fencing with a small garage along the western boundary. The site lies at the end of an undeveloped gap on the

High Street between Manor Farm and Beecroft Lane that extends westwards into open countryside. Views of the gap from the High Street looking across the appeal site are limited by the garage and boundary planting. The site lies within Walkern Conservation Area with listed buildings nearby including 36 High Street.

7. Walkern is classed as a Category 1 Village where Policy OSV1 of the East Herts Local Plan Second Review 2007 ('the Local Plan') permits certain forms of development. However, the appeal site is situated outside of the settlement boundary for Walkern and so Policy OSV1 is not relevant to this proposal. The site is considered to lie within the Rural Area Beyond the Green Belt as defined by the Local Plan. Policies GBC2 and GBC3 of the Local Plan restrict development in this location to specific purposes, none of which are applicable to this appeal scheme.
8. The emerging East Herts District Plan ('the emerging District Plan') includes Policy GBR2, a similar policy to GBC2 and GBC3 of the Local Plan in terms of what is permitted within the Rural Area Beyond the Green Belt. Again, none of the specified exceptions are applicable to this appeal scheme. Policy VILL1 of the emerging District Plan defines Group 1 Villages including Walkern and limits development to within the built-up area of the village, which would exclude the appeal site.
9. It has not been brought to my attention that there are any obvious inconsistencies between Policies GBR2 and VILL1 and the National Planning Policy Framework (NPPF). However, the Council and appellant highlight that the amount of weight to be given to the emerging District Plan needs to be qualified by virtue of the fact that it has not yet been examined. The appellant also refers to unresolved objections to Policies GBR2 and VILL1. Thus, based on these factors, and mindful of paragraph 216 of the NPPF, the amount of weight I can afford these policies is limited.
10. The draft Walkern Neighbourhood Plan (WNP) has been through the pre-submission consultation stage. Policy 2 of the WNP seeks to protect and enhance key views, including the view west from the northern end of the High Street opposite the United Reform Church (URC) across the paddock. Policy 10 of the WNP contains a presumption against new homes beyond the village boundary except where certain criteria are met. Again, it has not been demonstrated to me that there are any obvious inconsistencies between these policies and the NPPF. However, the WNP has not yet been examined and I do not know the extent to which there are unresolved objections to relevant policies. Therefore, the amount of weight I can give to the WNP is also limited.
11. The Council accepts that it cannot demonstrate a five year housing land supply. Information provided by the appellant states that the shortfall is between 3.1 and 3.6 years. As a consequence, relevant policies for the supply of housing should not be considered up to date in line with paragraph 49 of the NPPF. This includes Policies GBC2 and GBC3 of the Local Plan insofar as they seek to restrict the location and supply of housing. Thus, they are afforded limited weight in terms of this decision.
12. Paragraph 14 of the NPPF applies in this instance, which sets out a presumption in favour of sustainable development. Paragraph 14 states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits

- when assessed against the policies in the NPPF taken as whole or specific policies in the NPPF indicate development should be restricted.
13. Paragraph 7 of the NPPF defines the three dimensions of sustainable development as performing an economic, social and environmental role which, in Paragraph 8, should be jointly and simultaneously sought.
 14. The proposed development would provide some social and economic benefits in terms of providing two additional houses and investment in construction and local services. The site is a short distance from various services and facilities within Walkern. Although the pavement is narrow in parts, it is useable and allows for pedestrian access. Thus, the location of the site provides access to everyday services and facilities without a dependency on the private car, which counts as a social and environmental benefit.
 15. Considering the effect on the character and appearance of the area, planning permission was granted at appeal¹ in April 2016 for a single dwelling on the appeal site. I have not been provided with detailed plans for this permission, but note it would be a small cottage. The proposed development is evidently larger, but would be similar in scale, layout and appearance to existing development at 32-26 High Street to the north with acceptable detailing and materials. Given the existing garage and boundary planting, the development would have little effect on views across the undeveloped gap to the west of the High Street. The view from the URC identified in Policy 2 and Appendix D of the WNP is further to the south and would not be affected by the development.
 16. For similar reasons, the development would also have an acceptable effect on the setting of nearby listed buildings and the character and appearance of Walkern Conservation Area and would not harm the significance of these designated heritage assets. Thus, in terms of character and appearance and this environmental strand of sustainable development, there would be no adverse impacts.
 17. The benefits of the development are tempered by the small number of housing proposed against the extent of the shortfall, but nevertheless can be afforded modest weight. In terms of the adverse impacts, the development would not accord with Policies GBC2 or GBC3 of the Local Plan and Policies GBR2 or VILL1 of the emerging District Plan in terms of its location in respect of the village boundary, but these policies carry limited weight for the reasons given above.
 18. Furthermore, the development and its location would not harm the character and appearance of the area and would provide acceptable access to services and facilities. There is no apparent conflict with Policies 2 or 10 of the WNP, although they carry limited weight. Thus, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of development. In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.
 19. Concluding on the main issue, the proposed development would provide a suitable location for housing, having had particular regard to the character and appearance of the area.

¹ APP/J1915/W/15/3138282

Other Matters

20. The development would provide two parking spaces for each dwelling accessed via Beecroft Lane. Although the site is apparently used for parking, any displacement of vehicles would be limited given the amount of space available for such purposes. It would also be possible for vehicles to reverse into or out of these spaces and join the High Street in forward gear. Although the Beecroft Lane junction onto the High Street is on a bend, visibility is reasonable in both directions and the speed limit is restricted to 30mph at this point. Thus, the effects on highway safety and parking provision would be acceptable.
21. The plans evidently show that the dwellings would address lifetime homes standards including wheelchair accessibility. Concerns regarding surface water flooding can be dealt with via a planning condition. Concerns regarding construction vehicle parking and working hours can be addressed through other regulatory functions.
22. I note that Walkern is due to receive 85 dwellings at Frogmore Lane and that some interested parties consider that the village has reached its quota for development. However, there is still an undersupply of housing across the district overall and these concerns do not rule out development proposals that are sustainable. Although it may seem frustrating that two houses are now being sought for a site that has permission for only one house, there is nothing in the proposals before me to indicate that permission should be withheld. I also have little evidence to demonstrate that the development would not benefit local people.

Conditions

23. Conditions setting a time limit for the commencement of development and for it to be carried out in accordance with the approved plan are necessary for clarity and compliance. Conditions requiring details of external materials and hard and soft landscaping to be approved are necessary to safeguard the character and appearance of the area. A condition to secure the parking provision for each dwelling is necessary in the interests of highway safety.
24. Given the comments of the County Council's historic environment service, it is necessary to impose a condition requiring a programme of archaeological work. A condition requiring surface water drainage works is necessary in light of concerns regarding surface water flooding and would be consistent with the approach of the Inspector for the previous appeal on this site.

Conclusion

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

Tom Gilbert-Wooldridge

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 10b.
- 3) No development shall take place within the site until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. This condition will only be considered to be discharged when the local planning authority has received and approved an archaeological report of all the required archaeological works and, if appropriate, a commitment to publication has been made.
- 4) Prior to any building works being commenced, samples of the external materials to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved materials.
- 5) Prior to any building works being commenced, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels or contours, planting plans, written specifications and schedules of plants, means of enclosure, car parking layouts, hard surfacing materials and implementation timetables. Thereafter, the development shall proceed in accordance with the approved details. Any trees or plants which within a period of 5 years after planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- 6) Prior to first occupation of the development, the area designated for the parking of vehicles shall be created, marked out and made available for use and retained thereafter.
- 7) The development shall not be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to the Non-statutory technical standards for sustainable drainage systems² and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
 - ii) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the

² Sustainable drainage systems: non-statutory technical standards – Department for Environment, Food and Rural Affairs 23 March 2015.

development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.