

Appeal Decision

Site visit made on 4 July 2019

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2019

Appeal Ref: APP/J1915/W/18/3214511

Wharenui, Danebridge Lane, Much Hadham, Hertfordshire SG10 6HX

- 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 Miss Amanda Johnston against the decision of East Herts Council.
 - The application Ref 3/18/1186/FUL, dated 15 May 2018, was refused by notice dated 10 August 2018.
 - The development proposed is a two storey detached house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the house would be in a suitable location with particular regard to access to employment, services and facilities.

Procedural Matters

3. Since the Council's decision, the East Herts District Plan 2018 (DP) has been adopted and now forms part of the development plan. The policies of the East Herts Local Plan Second Review 2007 no longer have effect.

Reasons

4. The proposal would result in a new house within the garden of the existing dwelling. The property is one of a number of houses that are built on both sides of Danebridge Lane which is an unmade track that adjoins Danebridge Road. This small but distinct area of housing is set within open countryside. The settlement of Much Hadham lies to the northwest whilst the smaller settlement of Green Tye lies to the southeast.

Suitability of the location

5. Policy DPS2 of the newly adopted DP sets out its strategy for achieving the approved 5 year housing land supply which prioritises the use of brownfield sites and directs new housing to the larger settlements. The DP development strategy seeks to balance the need to support vital and viable rural communities with the desire to conserve the countryside. It accepts limited
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- development in the villages and classifies them into three groups, reflecting their relative sustainability.
6. The nearby village of Much Hadham is a Group 1 Village which performs well with regard to the range of services and facilities; its accessibility to higher order settlements; and the level of public transport provision available. DP policy VILL1(V) advises that prior to a Neighbourhood Plan being prepared, new development will be limited to the built-up area of the village as defined by the Policies Map. A Neighbourhood Plan is not in force and the nearest part of the adopted policy boundary is a significant distance from the appeal site. The proposal is therefore contrary to DP policy VILL1.
 7. The appeal site is within a consolidated group of properties but I would not consider that this should be considered as a village in its own right. Whilst DP policy VILL3 advises that the other undefined villages/settlements are Group 3 Villages, even if it were to be considered as a village, policy VILL3 only accepts limited infill development identified in an adopted Neighbourhood Plan. As no plan exists, the proposal would be at odds with this policy.
 8. The DP identifies that the site is located in the 'Rural Area Beyond the Green Belt' where sustainable development will be permitted in accordance with policy GBR2. The policy lists a number of types of development that are considered to be acceptable subject to them being compatible with the character and appearance of the rural area. This list includes limited infilling or the redevelopment of previously developed sites in sustainable locations.
 9. Reference has not been made to a definition for 'limited infilling' within the DP. This group of houses does not have a unified layout and the buildings do not have uniform set-backs from the unmade track. There is a significant distance between this house and its neighbour and a large part of this is taken up by an area of woodland that bounds the track and then extends to the rear of these houses. I am not persuaded that development within this plot should be considered as infill development.
 10. It has been suggested that this area of garden represents previously developed or brownfield land. The definition of previously developed land is set out in the National Planning Policy Framework (the Framework). It specifically excludes land in built-up areas such as residential gardens. Although this site and the neighbouring properties do not form part of the identified settlement, they do represent a small area of consolidated residential development. I consider this small enclave of houses with their driveways, outbuildings and other domestic features, to represent an area of built-up development. The site is therefore excluded from the definition of previously developed land and falls outside the scope of that element of policy GBR2.
 11. Reference has been made to a High Court ruling which considered the definition of previously developed land. In that case, (*Dartford Borough Council v SOS* dated 21 January 2016), it was found that residential gardens need not be excluded from the definition if they are not in a built-up area. This house and the other houses along this track form a pocket of development that I consider makes up a clearly defined built-up area. The judgement is not therefore of direct relevance.

12. Even if I were to accept the appellant's view that this site represents previously developed land, it would also have to satisfy the second part of policy GBR2, that it is located in a sustainable location. The property is not a significant distance from Much Hadham which benefits from a range of facilities and services and it is on a bus route to higher level settlements. However, the appeal property is not within the village and is located on an unmade track that links with a narrow unrestricted country lane that winds its way towards the settlement.
13. Access to the village by a competent cyclist is practical and although of a greater distance, access to the nearby larger settlement of Bishops Stortford would also be possible for some. However, these roads are not suited to pedestrian use, particularly by those with children or mobility impairments. There is however a good network of rural footpaths that provide much more convenient and attractive, more direct pedestrian access to both Much Hadham and Green Tye. I note the regular use by the appellant of these to access village services and activities. For some journeys and some users, the site would offer accessibility to services and facilities and may at certain times, encourage the use of means of transport other than a private vehicle.
14. The use of country paths for access, although offering significant benefits and potential for use, offer only limited opportunity for use by a full range of users as they are generally unsurfaced and unlit. The bus routes do not pass these houses with the nearest bus stop being within Much Hadham. Given the distances involved and the nature of the routes to the nearest settlements, although this site has some locational advantages, I am not satisfied that it represents an accessible location for a full range of potential occupiers of a family dwelling.
15. The appellant suggests that the residents of the appeal site would be nearer to employment sites, the mainline station and a full range of retail provision in Bishop Stortford and other settlements than residents of Much Hadham. Whilst this may be the case, Much Hadham has a range of more easily accessible services for the villagers and the bus routes through it provide alternative methods of travel to the higher order facilities.
16. I acknowledge that given the intended first occupiers of the property, there would be a reduction in journeys by the appellant. I must however consider the long term implications of a large dwelling. Given that the proposal is for a four bedroom family house, it would potentially generate the need for a significant range of trips. Although some potential residents may be able to cycle or walk in certain circumstances to access services, facilities and employment, it is likely that many journeys would be reliant on private vehicles.
17. Overall, I find that this site does not represent a sustainable location for new development and even if it were accepted that the site is previously developed land, it would not gain support from DP policy GBR2.

Other matters

18. Although I have found that this location is not highly accessible, there are other elements of sustainability that should be taken into account. The Framework identifies three overarching objectives: social, economic and environmental.

19. I accept that the dwelling has been designed and located to ensure that it would sit satisfactorily within its surroundings. Renewable energy features could be included and landscaping and biodiversity enhanced. The presence of other properties would allow for the more efficient use of services already provided. However, even when taking these matters into account, I find overall that the likely level of reliance on private vehicles would result in the dwelling not satisfying the environmental objectives of the Framework.
20. The proposal would result in social benefits, supported by paragraph 59 of the Framework, in providing an extra dwelling which would contribute to housing supply. I must consider this in light of the housing supply figures within the newly adopted DP. The residents would be likely to contribute to and support the activities and services of the nearby local communities, including Much Hadham and Green Tye which gains support from the Framework. Although I have limited information, the personal circumstances of the appellant appear to be such that in the first instance, the house would bring social benefits with regard to the provision of care which would improve the living conditions of the residents of both properties.
21. There would be economic advantages from the construction works involved in building a new dwelling. Residents would contribute to the economy by their own economic activity and by their use of the local shops and services in the local villages. They may also contribute to, and benefit from, the existing and developing employment opportunities locally that have been referred to by the appellant.
22. With regard to sustainability, whilst there would be social, economic and some environmental benefits of a new dwelling, I find that these would be outweighed by the environmental concerns resulting from the likely level of reliance on private vehicles for most trips. I am not satisfied therefore that this proposal represents sustainable development.
23. The appellant advises that six houses at Warren Place were approved in 2015 and permission granted for a further two houses in 2016. It is suggested that those houses are in a much less sustainable location than the appeal site and would require residents to use private vehicles for longer journeys. These were approved before the DP was adopted and the appellant describes that the application related to former agricultural buildings. I am not satisfied that the housing supply position, the relevant policies or the circumstances of the proposal are comparable. This would similarly be the case with regard to the application referred to at Springs Farm which related to a change of use. These applications do not provide weight in favour of this development.
24. Reference has been made to an application close to this site, for a dwelling, at 1 Danebridge Lane, which was submitted on 11th December 2018. I have had regard to the planning statement associated with it. However, as the application has been refused, it does not offer weight in favour of this proposal. In any event, I must consider this development on its own merits and in the light of the up to date development plan.

Conclusions

25. The proposal would conflict with the spatial strategy of the newly adopted development plan and the specific policies GBR2 and VILL1 (or VILL3). It would

be contrary to the development plan when considered as a whole. Although there would be social and economic benefits and some environmental benefits, given the current housing position resulting from the adoption of the DP and the consequent reduced weight to be afforded to achieving a single new dwelling, I consider that on balance, the weight I afford to these benefits would be outweighed by the environmental concerns relating to the likely reliance of residents, for many of their journeys, on private vehicles. Whilst some journeys could be carried out on foot or by bicycle and the residents would contribute to the services and facilities of the nearby settlement, I find overall that this does not represent a sustainable location for new development and the proposal would therefore be at odds with the objectives of the Framework when taken as a whole.

26. Overall, whilst I have considered all the matters put forward by the appellant, including the particular family circumstances, I conclude that these material considerations do not indicate that the proposal should be determined otherwise than in accordance with the newly adopted development plan. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR