

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/18/3218013

Coopers Yard, Friars Road, Braughing Friars, Braughing SG11 2NR

- 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 Nathan Cooper against the decision of East Herts Council.
 - The application Ref 3/18/1554/FUL, dated 6 July 2018, was refused by notice dated 2 October 2018.
 - The development proposed is the demolition and removal of existing structures, construction of a new single storey, two-bedroom dwelling and associated access and parking area.
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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, built on land which is currently partly occupied by buildings or their remains. The site is to the rear of a range of nursery/garden centre buildings and a house. To the west, there is a further area of largely derelict greenhouse structures. There are a number of other dwellings within the vicinity which make up the hamlet of Braughing Friars.
 5. Policy DPS2 of the newly adopted DP sets out its strategy for achieving the approved housing land supply. It prioritises the use of brownfield sites and directs new housing to the larger settlements. It accepts limited development in villages which it classifies in order of their relative sustainability. The loose knit group of properties forming the hamlet of Braughing Friars is not identified as a Group 1 or 2 Village. Policy VILL3 advises that the other villages/settlements are Group 3 Villages. Given the character and size of this hamlet, I am not certain that it was considered as a 'Village' for the purposes
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- of producing the DP. In any event, within Group 3 Villages, policy VILL3 only accepts limited infill development identified in an adopted Neighbourhood Plan.
6. This hamlet falls within the area of the Braughing Parish Neighbourhood Plan 2017–2033 (NP) which was adopted in 2018. This identifies housing sites within or adjacent to the adopted Braughing settlement boundary. The appeal site lies a considerable distance from the settlement and its boundary and it is not a site identified for housing by the NP. The proposal would therefore be at odds with the recently adopted NP. If considered as being within a Group 3 Village, it would also be contrary to Policy VILL3(II).
 7. The appeal property lies within an area identified as the 'Rural Area Beyond the Green Belt'. DP policy GBR2 seeks to maintain this rural area by concentrating new housing within existing settlements. The policy lists a number of developments that are considered to be acceptable within this area subject to them being compatible with the character and appearance of the rural area. The list includes limited infilling or the redevelopment of previously developed sites in sustainable locations. Development within this plot could not be considered as infill development.
 8. There is dispute between the parties as to whether the site represents previously developed land. The lawful use of this site has not been determined by way of an application or a lawful development certificate. It is not the purpose of this appeal to make a determination with regard to lawfulness and the evidence is insufficient to reach such a conclusion in any event.
 9. Although it has not been definitively demonstrated that the site represents previously developed land; or that the proposed works would lie within the curtilage of the remaining buildings, even if I accept the appellant's view, the proposal would also have to satisfy the second part of DP policy GBR2, that this is a sustainable location.
 10. The property is not a significant distance from the facilities and services of Braughing. The footpath would offer the potential to walk in some circumstances and Friars Road would allow access by bicycle. The village offers a bus service but the difficulty in accessing it would reduce its attractiveness. Given the nature of this countryside location and the distances involved, it is accepted that most journeys would be by private car. I acknowledge that many of these journeys would be over only short distances and that the appellant already travels to the site on a daily basis. However, I consider that the introduction of a new dwelling would increase journeys overall.
 11. The new property would detract from, rather than offer opportunities for, maximising sustainable transport solutions. I am not satisfied therefore, that this proposal represents a sustainable location for new development. Even on the basis of the view of the appellant with regard to the definition of the land, the proposal would be at odds with DP policy GBR2.

Other matters

12. Although I have not found this to be an accessible location, there are other matters that are important with regard to achieving sustainable development overall. The National Planning Policy Framework (the Framework) identifies three overarching objectives: social, economic and environmental.

13. 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. Although this weighs in favour of the proposal, I must consider this in the light of the overall housing supply position contained in the newly adopted DP. There would be further social benefits as the residents would contribute to the life of this hamlet and support the services and facilities of the nearby local communities, particularly Braughing.
14. There would be economic advantages from the construction works involved in building a new house and the residents would contribute to the economy by their own economic activity and by their use of the local shops and services.
15. With regard to environmental objectives, the proposal would remove the existing structures which detract from the appearance of the site, particularly when experienced from the footpath. The existing structures are low key elements in the wider environment and are contained within a small area. Whether left as they are or refurbished and brought back into use, they would have a more limited wider impact than a house of the size proposed.
16. The inclusion of a dwelling in this location, further from the road than its neighbours, would be at odds with the general pattern of development and the house and its garden would encroach into land that is currently open. The proposed design would be sympathetic with regard to building styles in the area and there would be the potential for significant levels of new planting. The presence of other buildings, both to the west and to the south, would help to reduce its wider prominence. However, I find that the impact of the development on the character and appearance of the area, despite the removal of existing buildings, would be harmful.
17. It has been suggested that the former uses of the appeal site could resume which may result in greater levels of traffic. I consider that a more intensive use of the overall site, including the former garden centre buildings, would be more likely if a dwelling were to be permitted but in any event, there is no certainty that the former use would resume should this appeal fail. There is also no certainty that allowing a dwelling would result in fewer overall vehicle movements in the long term.
18. With regard to sustainability, given the nature of this site, there is potential for improvements to biodiversity and the generation of power from renewable sources which would weigh in favour of the proposal. However, even when the potential positive elements are taken into account, on balance, the impact on the character and appearance of the area together with the limited accessibility of the site would overall result in harm to the environmental objectives of the Framework. These would outweigh the social and economic benefits of a new dwelling. I am not satisfied that overall, the proposal represents sustainable development.
19. The appellant has made reference to the approved development of four houses at the nearby Ideal Farm. Whilst there are a number of parallels with this proposal, crucially, that decision was made prior to the adoption of the DP and the NP. I must consider this proposal in the light of the current development plan which identifies an appropriate supply of housing land.

20. Reference has also been made to an appeal decision that allowed a house in Devon. That decision is not directly comparable with this proposal as the development plan did not demonstrate a suitable supply of housing.

Conclusions

21. Even on the basis of the appellant's view that the site represents previously developed land, which has not been conclusively demonstrated, the proposal would conflict with the spatial strategy of the newly adopted DP and its specific policies GBR2 and VILL3(II). It would also conflict with the NP. The proposal would be contrary to the development plan when considered as a whole.
22. The social, economic and environmental benefits of the proposal would be outweighed by the environmental concerns. The development would not represent sustainable development and would be at odds with the Framework when taken as a whole.
23. Although I note the lack of concern raised by the Parish Council, I conclude that the material considerations put forward, although offering some weight in favour of new development, do not indicate that the proposal should be determined otherwise than in accordance with the development plan. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR