
Appeal Decision

Site visit made on 22 July 2019

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2019

Appeal Ref: APP/J1915/W/19/3228073

The Horseshoe, Widford Road, Much Hadham, SG10 6AT

- 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 C Lamkin against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1517/FUL, dated 2 July 2018, was refused by notice dated 5 November 2018.
 - The development proposed is erection of 3 no. dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues to be considered are i) whether the appeal proposal would constitute an appropriate form of development with particular regard to the provisions of local and national policy in respect of the location of the development and ii) the impact of the proposal upon the character and appearance of the area.

Reasons

Whether the proposal would constitute an appropriate form of development

3. The appeal site is a greenfield site which is located outside of the defined settlement boundary of Much Hadham, which is categorised as a Group 1 Village, and adjoins the Much Hadham Conservation Area. There is an existing bungalow and a cottage located to the South of the appeal site, however, other than this the site boundaries are adjoined by open countryside and Widford Road (B1004). There is a notable gap between the built-up confines of the village and the boundary of the appeal site.
4. The adopted East Herts District Plan 2018 (DP) is a recently adopted local plan and is therefore considered to be up to date to and consistent with the National Planning Policy Framework 2019 (the Framework). Adoption would have been as a result of an examination concluding that the plan was sound in that it was positively prepared, justified, effective and consistent with the Framework. The starting point for decision making is the development plan, as there are no material considerations to indicate otherwise, as outlined in Section 38(6) of the Planning and Compulsory Purchase Act 2004.

5. I have no evidence before me to support that the Council, at pre-assessment stage of the new DP, stated that this site was sustainably located. The village boundary has not been amended through a Neighbourhood Plan for Much Hadham. Much Hadham, as a Group 1 village, may well be required to accommodate a 10% increase in housing stock. Despite this, I have no evidence before me to suggest that this cannot be met through existing/allocated sites to be brought forward within the DP especially so early after adoption. The appeal site has not been brought forward in conjunction with an adjoining site and the Council's delegated report states the site, as part of a larger site, was rejected due to being poorly related to the existing village.
6. DP Policy GBR2 allows for certain types of development, provided they are compatible with the character and appearance of the rural area, with point (e) allowing limited infilling. The terms 'limited' and 'infilling' are not defined in the revised Framework. These are essentially a question of fact and planning judgement having had regard, for example, to the nature and size of the development itself, the location of the application site and its relationship to existing development adjoining and adjacent to it¹.
7. Given my observations during my site visit, as outlined above, whilst the number of dwellings may be limited, I find that the proposal would fail to represent infilling given the lack of relationship to existing development and a general lack of development adjacent to the appeal site boundaries. There is noted to be development to the North, some distance from the appeal site. I have no details of their planning history to attribute any weight to their presence outside of the settlement boundary and within the Rural Area beyond the Green Belt. In any case the houses to the North are also not included within the development boundary on the Policies Map within the recently adopted DP.
8. DP Policy VILL1 allows development for housing *within* the Group 1 Villages as defined on the Policies Map, however, the appeal site is beyond the settlement boundary and is physically separate from the built-up confines of the village as outlined. I find this would be out of keeping with the character of the village and would detract from the openness of the countryside. The dwellings would encroach into a relatively open space, away from the bulk of existing built form. Furthermore, the creation of garden areas would then lead to a domesticated appearance which would have further harmful effect on openness as an encroachment into the countryside compared to what is currently a green, open, space with a rural appearance.
9. Paragraph 12 of the Framework states that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Decisions can be made that depart from an up-to-date development plan, but I have no material considerations before me that indicate that the plan should not be followed in the determination of this appeal.
10. As a result of this I find that the proposal is unacceptable in principle. The proposal would conflict with DP Policy GBR2 which restricts development in the Rural Area beyond the Green Belt and DP Policy VILL1 which only allows for housing within villages, as defined on the Policies Map, which relate well to the

¹ R (Tate) v Northumberland County Council [2018] EWCA Civ 1519

village in terms of location and which does not detract from the openness of the countryside.

Character and Appearance

11. I do not find the appeal proposal as a standalone site would be a logical extension of the existing residential development along this side of Widford Road nor that it would be seen in the context of other development due to distance between the built form to the North. The proposal would result in built form being introduced within this green, open, space which would be out of character for the area when considering the general development pattern. The proposal would be notable in views for users of Widford Road and users of the public footpath. It would appear as an intrusion into the countryside with a notable gap between the appeal boundary and the village to the North. I find this to negatively impact upon the appearance of the immediate surroundings as a result of it being detached from, and failing to relate to, the built-up part of the village.
12. A condition requiring additional landscaping may take some positive steps to addressing the visual impact on the appearance of the area, but it would do little to address the impact on the rural edge of village character of the area which I have identified. Even if the development could have been made acceptable through the application of conditions relating to such matters, I still find the principle of the proposal unacceptable, which would result in refusal.
13. The proposal would conflict with DP Policy DES2 which requires proposals to demonstrate how they conserve, strengthen or enhance the character of the district's landscape and DP Policy DES4 which requires proposals to respect or improve upon the character of the site and surrounding area.

Other Matters

14. I note that there are a number of comments submitted in support of the proposal, however, I attribute limited weight to these given that none raise material considerations which would justify a departure from the adopted DP. The Council have not included any reasons for refusal relating to design, layout or house type so in that regard that has not formed part of the issues considered within this appeal. I have no evidence before me to suggest there is a need for family homes within the area and whilst it is noted that affordable housing is stated to be needed, the development does not seek to provide affordable dwellings, only market housing, as part of the proposal. It would be unusual for large five-bedroom dwellings to be considered as affordable dwellings regardless of geographical area. Whilst it may be low density and a small number of dwellings, unfortunately I find that the principle of the proposal contrary to the DP.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR