



Appeal Decision

Site visit made on 22 July 2019 by Mariam Noorgat BSc (Hons)

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2019

Appeal Ref: APP/J1915/W/19/3226396

Land adjacent Bradbury, Hare Street, Buntingford SG9 0DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Wyld against the decision of East Herts District Council.
 - The application Ref 3/18/2532/OUT, dated 16 November 2018, was refused by notice dated 11 January 2019.
 - The proposal is 1 no. detached dwelling and double garage.
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Decision

1. The appeal is allowed and outline planning permission is granted for 1 no. detached dwelling and double garage at Land adjacent Bradbury, Hare Street, Buntingford SG9 0DY in accordance with the terms of the application, Ref 3/18/2532/OUT, subject to the following conditions:
 - 1) Details of the appearance, layout, scale, and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
 - 3) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plan: W/4103/18/PL-01.
 - 5) The detailed layout plans to be submitted for approval of the reserved matters shall illustrate car parking and a vehicular turning area on the site for the new property.
 - 6) Demolition or construction works shall take place only between 0730 and 1830 on Monday to Friday, 0730 to 1300 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural matter

3. The appeal was submitted in outline form with all matters except access reserved for later consideration. I have therefore considered the appeal on the same basis and give little weight to the layout of the proposed buildings on the site shown on the submitted plan.

Main Issue

4. The main issue is whether this location is suitable for this development having regard to access to services and facilities.

Reasons for the Recommendation

5. The appeal site is located beyond the boundary of Hare Street, a Group 2 village, and is within the Rural Area beyond the Green Belt (RAGB). Policy GBR2 of the East Herts District Plan, 2018 (District Plan), allows for development within the RAGB, subject to a number of criteria. Criteria (e) allows for limited infilling in sustainable locations. The Council and appellant consider the proposal to be limited infilling and I have no reason to disagree. The issue therefore is whether the site is sustainably located.
6. The appeal site is situated a close distance to the village boundary of Hare Street and during my site visit, I walked approximately ten minutes south of the appeal site, via a well-maintained footpath on the eastern side of the road to the centre of the main settlement. Here there was a higher concentration of residential dwellings than around the appeal site, a public house and bus stops. There was also a tea room/café approximately two minutes from the appeal site and a primary school within walking distance to the east.
7. Given the close distance of the appeal site to the village boundary, I deem the access to services and facilities from the appeal site to be broadly comparable to those dwellings within the village boundary. Future occupants of the appeal site, like residents within the village, will most likely rely on a car to access higher order services or employment. However, the facilities and services in Hare Street, albeit limited, are not uncommon in a rural setting, would serve some day to day needs and are extremely accessible by foot or other sustainable modes of transport like cycling from the site.
8. I therefore do not find the proposal would conflict with Policy GBR2 (e) of the District Plan, as described above, or paragraph 78 of the National Planning Policy Framework which seeks to promote sustainable development in rural areas.

Other Matters

9. I do not have any details regarding the previously refused application (ref 3/18/81309/OUT) which the Council referred to, although I note the Officer report indicated the reasons for refusal for this application are similar. In any case, I have determined this appeal based on its own merits.
10. The full impact of the development on the Grade II listed building at White House next to the appeal site cannot be determined at this outline stage. However from the evidence before me at this stage I could not conclude that the proposal would harm the setting of this heritage asset.

Conditions

11. I have had regard to the conditions suggested by the Council and where necessary I have amended them in the interests of clarity and consistency and to avoid duplication.
12. Conditions relating to details of the appearance, landscaping, layout (including parking/vehicular movement) and scale are attached. I have imposed a condition specifying the approved plan and timeframes for the reserved matters submission and commencement of development for the purpose of certainty.
13. In the interest of safeguarding the living conditions of nearby residents, a condition for timings regarding construction and demolition works has been imposed.
14. The Officer report states a condition with regards to contaminated land should be imposed, given the previous use of the site. However, a condition of this nature was not included within the Council's formal suggested list of conditions in relation to this appeal and, moreover, I do not have any evidence before me suggesting that contaminants from the previous use of land would warrant a condition of this nature. Therefore, such a condition would be unnecessary.

Conclusion

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

Mariam Noorgat

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR