



Appeal Decision

Site visit made on 3 December 2019

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2019

Appeal Ref: APP/J1915/W/19/3235453

Land at 13 The Old Coach Road, Cole Green SG14 2NP

- 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 M Hay against the decision of East Herts Council.
 - The application Ref 3/19/1147/FUL, dated 31 May 2019, was refused by notice dated 26 July 2019.
 - The development proposed is demolition of detached garage and erection of new four bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Rather than a copy of the 'updated SPD Vehicle Parking Provision 2015' document referred to in the Council's refusal reasons, I have been provided with a copy of the 'District Plan Appendix – Vehicle Parking Standards' (DPAVPS). It is apparent from the submissions that the 2 documents provide the same advice in respect of parking standards for the proposed development. As such, I am satisfied no party would be prejudiced or caused injustice by the consideration of the DPAVPS in my assessment.

Main Issues

3. As the appeal site is located within the Green Belt, the main issues are;
 - whether the proposal represents inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policy; and
 - whether the proposed development would be located in a suitable location having regard to the Framework, development plan policy and accessibility; and
 - the effect on highway safety and obstruction to traffic due to parking; and
 - if the development would be inappropriate, whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development in the Green Belt

4. Policy GBR1 of the East Herts District Plan 2018 (DP) states that planning applications in the Green Belt will be considered in line with the Framework. Paragraph 145 of the Framework defines the construction of new buildings as inappropriate development in the Green Belt but sets out exceptions.
5. One of these exceptions is a replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The proposed house would not be in the same use of the garage it would replace. Furthermore, the appellant has not sought to challenge the Council's figures that the proposed house would be approximately 81.7% greater in terms of footprint, 262% greater in terms of floor space and 116% greater in terms of height compared to the garage. These increases demonstrate the house would be materially larger than the garage and so the proposal would not accord with the exception at paragraph 145 d) of the Framework.
6. The appeal property is one of a pair of semi-detached dwellings located away from the main road running through Cole Green. Whilst it would be seen from other properties, the extensive open field in between and separation distance to the main built up area means the proposed dwelling would not be in a village. Also, rather than a form of infilling, the house would be an addition at the end of a short line of development with a large field to the side and rear. As such, the proposal would not be limited infilling in a village and would not accord with the exception set out under paragraph 145 e) of the Framework.
7. The appeal site forms part of the curtilage of a house outside a built-up area and so is previously developed land. However, the proposed building would be significantly higher and larger than the existing garage and so would have a greater impact on the spatial openness of the site. Also, by reason of being higher and bulkier, the proposed house would be more visible than the garage from the road and when viewed across the field. Therefore, despite new landscaping and being next to the existing house, the proposal would have a greater impact on the visual openness of the area. As such, the proposal would not be an exception as defined under paragraph 145 g) of the Framework.
8. The proposed development would not encroach onto the adjacent fields. However, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with no distinction made between fields and other types of land. As it would impact on openness, the proposal would not prevent urban sprawl and so undermine the purposes of Green Belt policy.
9. The proposal fails to comply with any of the other exceptions set out under paragraph 145 of the Framework. As such, it would be inappropriate development in the Green Belt.

Suitability of location

10. Cole Green is defined as a Group 3 village in the DP. As there is no Neighbourhood Plan that allows it, limited infill is not permitted in the village under DP policy VILL3.
11. The village has no school or shops and only limited facilities would be within walking distance of the proposed house. Bus stops are nearby, however public

transport services are limited. Given the distance, the wider range of facilities at Birch Green would not be easily accessible on foot from the appeal development. Therefore, the occupiers of the proposed dwelling would be largely dependent upon the private car to access services.

12. Paragraph 78 of the Framework looks to ensure housing is located where it will enhance or maintain the vitality of rural communities. It also recognises that development in one settlement may support services in a nearby village. However, the appeal site is located close to the A414 that provides reasonable access by car to larger towns. Therefore, it is more likely that occupiers of the proposed dwelling would drive to the broader range of services in larger settlements rather than use the limited facilities in a nearby village. As such, the proposal would not be located where it significantly promotes the vitality of rural communities or minimises the need to travel.
13. For the reasons outlined above, I conclude that the proposed development would not be in a suitable location having regard to local and national policies and accessibility to services. Consequently, and in this regard, it would be contrary to policies VILL3 and DPS2 of the DP and the Framework. These aim to locate rural housing where it would support existing communities and would limit the need to travel. DP policy INT1 referred to in the refusal reason is not relevant in respect of this main issue.

Parking

14. The Old Coach Road is of a single vehicle width and therefore cannot safely accommodate roadside parking. A lay-by lies in front of the appeal site and the neighbouring properties where vehicles can park without obstructing the road.
15. Whilst referring to standards, DP policy TRA3 states that parking provision with development will be assessed on a site-specific basis. The proposal includes the provision of 2 parking spaces to serve the house, 1 less than the 3 spaces required under the DPAVPS. Also, only 2 spaces are shown to be provided to the appeal property resulting in a total shortfall of 2 spaces.
16. Given the limited number of properties on the road, it is likely that the occupiers of the proposed dwelling and appeal property could depend upon the lay-by at most times for parking. The lay-by has 3 separate entry points, thereby helping to avoid obstruction to vehicles accessing or egressing the proposed dwelling, appeal property and its neighbour. In this context, it is unlikely that the shortfall of spaces as part of the proposal would lead to obstructive parking on the road or elsewhere. Also, the site is of a size to safely accommodate construction vehicles associated with the proposed development.
17. For these reasons, I conclude the proposal would not have a harmful effect on highway safety or cause an unacceptable obstruction to traffic by reason of parking. Consequently, and in this regard, it would accord with DP policy TRA3 and the Framework, which seek, amongst other things, to ensure development does not have an unacceptable impact on highway safety. The proposal would not fully accord with the DPAVPS, but the other considerations set out above are of sufficient strength to outweigh that non-compliance.

Other considerations

18. The proposed development would be in keeping with the character of the area and would not cause harm to the living conditions of the occupiers of any

property. The proposal would incorporate sufficient garden space and would not result in the loss of any significant trees. However, acceptability in all of these regards is a neutral factor that fails to add support to the appeal. As it is for a single dwelling, the proposal's contribution to the housing stock would be a modest benefit of the scheme.

Green Belt balance

19. The Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. These would only exist where the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In carrying out the balancing exercise, substantial weight is to be given to any harm caused to the Green Belt.
20. As well as harm by reason of inappropriateness, the proposal would cause a loss of openness, thereby adversely impacting on one of the essential characteristics of the Green Belt. This harm attracts substantial weight. In addition, I attach significant weight to the harm caused as the proposed development would not be in a suitable location having regard to planning policies and accessibility. The proposal causes no harm by reason of parking, but this is a neutral factor that does not add in support of the scheme.
21. On considering all the relevant matters, I conclude that the modest benefits of the appeal scheme and all other considerations would not clearly outweigh the totality of harm the development would cause to the Green Belt and the other harm identified. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the development would conflict with the Framework and DP policy GBR1 which, amongst other things, seek to resist inappropriate development in the Green Belt unless very special circumstances exist and to preserve its openness.

Other Matter

22. Whilst the Council can demonstrate a housing land supply in excess of five years, the appellant suggests housing delivery is only 76% of the target figure. As such, it is unclear whether housing delivery figures indicate that development plan policies should be regarded as being not up-to-date under the provisions of paragraph 11 and footnote 7 of the Framework. However, even if this is the case, the proposal would be contrary to the Framework's Green Belt policy which seeks to protect areas of particular importance. This provides clear reason for refusing the development proposed as set out at sub-paragraph 11 d)(i) with reference to footnote 6 of the Framework. As such, the policy to grant planning permission if development plan policies are out-of-date as set out under paragraph 11 d) of the Framework does not apply.

Conclusion

23. For the reasons given above, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR