



Appeal Decision

Site visit made on 7 January 2020

by M Heron BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2020

Appeal Ref: APP/J1915/W/19/3236744

Bakers End Nursery, Bakers End, Wareside, Nr Ware SG12 7SH

- 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 R Woodcock (Ferndale Builders) against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0713/FUL, dated 29 March 2019, was refused by notice dated 21 May 2019.
 - The development proposed is the demolition of all existing structures; de-contamination of the site and the erection of three dwellings with garaging.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Revised plans were submitted with the appeal that indicate the extent of previously developed land (PDL) at the site and make minor alterations to the access. The Council, and indeed third parties, have had the opportunity to comment on these amendments during the appeal process. I therefore do not consider that any party would be prejudiced by my acceptance of the revised plans and I have determined the appeal accordingly.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether or not the appeal site is a suitable location for residential development, having regard to local and national planning policy for the delivery of housing; and
 - the effect of the proposal on the living conditions of the occupants of The Brae Cottage and Bourne Villa, with particular regard to noise and disturbance.

Reasons

Character and Appearance

4. The appeal site is within the Rural Area Beyond the Green Belt (RABGB) as designated in the East Herts District Plan (DP). It is positioned within a small collection of development known as Bakers End, which is surrounded by large

open fields. Such fields abut the site's north eastern and south eastern boundaries. Consequently, I found that the immediate area has a distinctly rural character.

5. The site itself is set to the rear of residential properties known as Bourne Villa and The Brae Cottage, between which access is taken. It has a complex history and accommodates a range of buildings associated with a former horticultural business and other commercial/industrial activity. These include a large number of glasshouses and a workshop and forge. In addition, I observed that a caravan is stationed on the land, which the appellant states has been used for residential purposes for a considerable period of time. The site does not appear to be well-used and many of the buildings are overgrown and in a state of disrepair. Agricultural machinery and other items are also stored throughout.
6. This proposal seeks permission to construct three detached dwellings at the site following the demolition of the majority of the existing buildings. These would be set-back from the carriageway, well separated and built within the footprint of existing structures. Nevertheless, the proposal would introduce a significant number of urbanising features. This would include residential buildings, hard surfaces and large, rectangular, gardens with their associated domestic paraphernalia. In my view, this would be more akin to suburban development which would be out of character within this rural setting. This is so even though local lanes and hedges would not be harmed.
7. I appreciate that the condition of the existing buildings does not make a positive contribution to the appearance of the site which has a somewhat derelict feel. However, the agricultural style of many of them does not appear out of character in this largely undeveloped rural landscape. In contrast, the proposed dwellings would be considerable in size and taller than the existing glasshouses. Their residential appearance would be apparent from the site entrance as well as from surrounding properties. I consider that this would notably and detrimentally change the character of the site from one of a rural business to a pocket of domestic properties.
8. Taking all of the above into account, in my view the proposal would represent a conspicuous encroachment of built residential form into the countryside that would fail to integrate effectively with its rural surroundings. The harmful suburbanisation of the site would be more apparent than any existing residential use, if indeed this is lawful. Furthermore, it would not be sufficiently diminished by the retention of the water tank or the removal of the lawful industrial use.
9. The adverse effects of three dwellings on the rural setting could not be overcome by the adoption of appropriate designs and materials. Planting could help screen the proposal. However, the purpose of planting and landscaping is to integrate development into its surroundings; it is not a means of hiding development that is otherwise unacceptable. Consequently, a condition requiring such planting would not mitigate the harm I have identified. Neither am I persuaded that this scheme is the only means of improving security at the site or alleviating pest problems.
10. The appeal site is also close to a Grade II listed building known as Wren Cottage. I have a duty to have special regard to preserving the setting of this listed building. The significance of Wren Cottage appears to be derived from the appreciation of its historic architectural and structural features which date as

far back as the 17th Century. Its setting arises from the surroundings in which it is experienced, which in this case is rural.

11. The proposed dwellings would be some distance from Wren Cottage. They would also be visually separated from this property by a retained area of grass within the site as well as trees along its south western boundary. Nonetheless, in my view the proposed urbanisation of the appeal site would intrude on the rural setting of this property, eroding it in a harmful way. This harm would be limited and would therefore be less than substantial within the meaning of the Framework. However, it still adds to the harm identified above.
12. For the reasons given, I conclude that the proposal would harm the character and appearance of the area. It would therefore conflict with Policies GBR2 and DES4 of the DP. Amongst other things, these seek to ensure that developments reflect local distinctiveness and are compatible with the appearance of the rural area.

Suitable Location

13. On the ground, the small amount of development at Bakers End appeared as a collection of loose knit buildings set in an agrarian landscape. It is a significant distance from larger settlements and does not have a village hall or any other services that one would associate with an established community. From my observations, I am therefore not persuaded that Bakers End constitutes a settlement, an outpost of a larger settlement or a village of any kind. For the purposes of planning policy, the appeal site is therefore in the countryside. Consequently, Policy VILL3 of the DP, which deals with Group 3 Villages/settlements, is not engaged.
14. Policy INT1 of the DP seeks to secure developments which improve the social and environmental conditions of the area. The supporting text to this policy clarifies that this is partly to ensure that communities have accessible local services to support their health, social and cultural well-being and that developments contribute towards the movement to a low carbon economy. This is reinforced by Policy GBR2 of the DP which concerns developments within the RABGB. This policy seeks to protect this area as a valued countryside resource and concentrate development to within existing settlements. It does, however, offer a number of exceptions for developments in the RABGB, provided that they are compatible with the character of the rural area.
15. It is agreed that elements of the appeal site represent PDL, as defined within Annex 2 of the National Planning Policy Framework (the Framework). I also find that, by virtue of the presence of nearby built form, it is not isolated in terms of the Framework. Nevertheless, there are no services in Bakers End to meet the day-to-day needs of future residents. Neither are there any nearby public transport facilities. Accessing such services and facilities in surrounding settlements by foot would involve walking along narrow, unlit, lanes which do not have pedestrian footways. This is potentially dangerous, especially so during inclement weather and hours of darkness. For the same reasons, cycling would not be a particularly attractive alternative.
16. I note that the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, taking all the above factors into consideration, I have no doubt that future residents would not only be some distance from the day-to-day services they need but

they would also rely heavily on a private vehicle to get around. The proposal would therefore not improve the social conditions of the area or contribute to the transition to a low carbon economy, as advocated by Policy INT1 of the DP. In addition, I have already found that the scheme would not be compatible with the character and appearance of the rural area, which is a requirement for all exceptions for developments in the RABGB stated in Policy GBR2 of the DP. There would therefore be conflict with this policy even if I considered that Bakers End represented a 'settlement'.

17. For the reasons given, I conclude that the appeal site is an unsuitable location for a residential development as it would not afford access to local facilities and services and would place a reliance on the use of private motor vehicles. The proposal would therefore be contrary to the strategy outlined by Policies INT1 and GBR2 of the DP.
18. Turning to the Framework, this seeks to make efficient use of land and encourages the redevelopment of PDL. However, this should not be at the expense of the Council's strategy to secure sustainable social and environmental development, which is the determining factor in this main issue. I have found that the proposal would undermine this strategy. In addition, whilst it would remove vehicular trips associated with the current uses at the site, it would not contribute to giving people a real choice about how they travel, as advocated by the Framework. Neither am I persuaded that it would align with its objective of ensuring that housing in rural areas enhances or maintains the vitality of rural communities.

Living Conditions

19. The proposal would utilise the existing access between Bourne Villa and The Brae Cottage. I accept that the proposal would increase the frequency of vehicular and pedestrian movements along this access. However, given the scale of the proposal, this is unlikely to be to a significant degree. Moreover, the full operation of the lawful uses at the site could result in a number of vehicular trips to and from it, including movements from large HGVs. The proposal would alleviate such movements.
20. For the reasons given, I conclude that the proposal would not result in significant levels of noise and disturbance to the occupants of The Brae Cottage and Bourne Villa, particularly when compared to the existing lawful use at the site. It would therefore accord with Policy DES4 of the DP insofar as it seeks to avoid significant detrimental impacts to the living conditions of occupiers of neighbouring properties in terms of noise and disturbance.

Planning Balance

21. The Government is seeking to significantly boost the supply of housing. The proposal would utilise some PDL to provide three, family sized, dwellings which it appears could be brought forward quickly. This would make a modest contribution to the Council's housing stock. There would also be modest economic benefits associated with the scheme, primarily related to the construction of the proposed units. In this context, I give moderate weight to these social and economic public benefits.
22. I have found that the proposal would not harm the living conditions at nearby properties in terms of noise and disturbance. The scheme would also be

acceptable in other respects. For example, it would remediate contaminated land at the site, provide some ecological improvements through additional landscaping and would not prejudice highway safety. However, these are requirements of the development plan and are neutral factors in the planning balance.

23. In my view, the above mentioned public benefits would outweigh the limited harm to the setting of Wren Cottage. However, I have also found that the appeal site would not be a suitable location for residential development as it would not provide future occupants with access to services and facilities or reduce the reliance on private transport. Moreover, it would harm the character and appearance of this rural area. This cumulative harm weighs heavily against the proposal and it would fulfil the social and environmental objectives of sustainability within the Framework.
24. The above factors lead me to conclude that the identified harm would outweigh the benefits associated with the provision of three dwellings at the site. This would be the case regardless of local support for the scheme. The proposal conflicts with the development plan when read as a whole and there are no material considerations, including the advice of the Framework, which outweigh this conflict.

Conclusion

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

M Heron

INSPECTOR