



Appeal Decision

Site visits made on 29 October 2019 and 17 February 2020

by Mike Hayden BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/J1915/W/19/3224696

Unit 2a, Hadham Industrial Estate, Church End, Little Hadham SG11 2DY

- 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 John Ruane against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1544/FUL, dated 5 July 2018, was refused by notice dated 6 December 2018.
 - The development proposed is new B1 office building with associated parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following an unaccompanied site visit on 29 October 2019, further information was submitted in third party representations which challenged the floorspace figures on which the appellant's modelling of traffic generation was based and the width of the access road into Church End as stated by the appellant in written evidence. Given that these matters were potentially determinative of the effect of the proposal on highway safety, I invited further comment from the appellant and the local planning authority (LPA). In the light of those exchanges, I conducted a second site visit on 17 February 2020, where I was accompanied by representatives of the appellant, the LPA and the third party, to verify the accuracy of the floorspace figures and the width of the access road. I have taken all of this evidence into account in reaching my decision.
3. An area of car parking has already been laid out on the eastern part of the site, where the appeal scheme shows car parking and landscaping in association with the proposed office building. The Council states that this part of the appeal proposal is retrospective, albeit the appellant disputes this and I note there are differences between what exists on site and what is shown on the submitted plans. I have determined the appeal on the basis of the submitted plans. However, as I have not been provided with evidence of a planning permission for the parking area to the east of the proposed office building, I have considered this element of the proposal in the light of the previous condition of that part of the site, which the Council states was a fenced paddock used in association with horse stabling.

Main Issues

4. The main issues in this case are:

- The effect of the proposed development on the character and appearance of the surrounding area;
- Whether or not the appeal site is a suitable location for the proposed development, having regard to its accessibility by sustainable forms of transport and local and national policies for employment development within the rural area; and
- The effect of the proposal on highway safety.

Reasons

Character and Appearance

5. The appeal site lies on the south east edge of the Hadham Industrial Estate, a small commercial and industrial estate within a former farm complex, which is located in the countryside adjacent to the hamlet of Church End. The site comprises a fenced storage compound, containing machinery, storage units and building materials, surrounded by areas laid to grass and a car park to the east which was formerly a fenced paddock.
6. The immediate context of the site consists of medium and large scale industrial, warehouse and office buildings to the north, forming the industrial estate. To the west of the site is a car park and access road for the estate, beyond which are the gardens and dwellings at 1-4 Hall Farm Cottages. To the immediate south and east the site is substantially screened by a line of mature trees and shrubs along the public footpath (no. 34) leading east to Hadham Hall. Beyond this to the south and east are open fields separating the estate from the grounds of Capell House and Hadham Hall. To the south west of the site are St Cecilia's Church and the remaining dwellings forming Church End. Otherwise, Hadham Industrial Estate and Church End are surrounded by open countryside. So the overall character of the area is rural, but the appeal site is also seen in the context of a complex of commercial and industrial buildings.
7. The proposed office building is designed with a rural character, in the style of a converted barn, with full height windows to the east and west facing gable ends. As such, its design and appearance would be sympathetic to the character of the surrounding rural area. External materials could be made subject to a condition, which would enable the local planning authority to maintain control over its final appearance.
8. The three limbs of the building would be varied in height, with the tallest central element approximately 10m to the apex of its ridge. However, the visibility of the building beyond its immediate context would be largely contained. To the south the line of trees along the footpath and the mature landscape within the grounds of Capell House would substantially screen the building from the A120. From the east it would be mostly obscured in more distant views by the development at Hadham Hall, intervening tree lines and the gradient of the land which falls from east to west. To the north the building would be masked by the industrial estate. To the west immediate views from the public bridleway (no. 37) would be limited by the industrial estate and Hall Farm Cottages. Whilst the upper storeys of the building may be visible in more distant views from the west on Albury Road, it would be seen in the context of the existing large scale commercial buildings within the industrial estate.

9. In close up views from the footpath and bridleway, the building would be visible but would generally be seen against the backdrop of the existing industrial estate. Supplementary landscaping is proposed along the footpath to the south and around the proposed car park to the east. Together with a condition to protect existing trees around the edge of the site, this would help to mitigate the impact of the building on views from the footpath and bridleway and the adjoining hamlet.
10. Notwithstanding the fallback of the extant planning permission for open storage on the appeal site, the appeal proposal would extend and consolidate the industrial and commercial area further to the south. However, the rural design of the proposed building and the fact that its visibility would be substantially contained by the surrounding landscape features and buildings, mean it would not detract from the overall character and appearance of the surrounding rural area. I am also satisfied that the design and visual containment of the proposed building would avoid material harm to the settings of the listed buildings at St Cecilia's Church and Church End Farmhouses.
11. I have considered the previous appeal decision¹ which dismissed a proposal to extend the open storage area on the appeal site. However, the visual impact of further open storage would be very different to that of the well-designed rural office building proposed in this appeal.
12. On this basis, I find that the proposed development would not have a harmful effect on the character and appearance of the surrounding area. It would comply with Policies DES2, DES3 and DES4 of the East Hertfordshire District Plan (2018) (the EHDP) and meet the expectations of paragraph 127 of the National Planning Policy Framework (the Framework) which seeks to ensure developments are sympathetic to local character.

Suitability of Location

13. The appeal site and the industrial estate are located approximately 1 kilometre (km) from the village of Little Hadham to the west and 3km from Bishop's Stortford to the east. The estate houses a range of existing businesses including fruit and vegetable wholesale, brewing, refrigeration, food manufacturing, automotive, furniture, glazing, personnel and childcare companies. In the EHDP, it lies within the Rural Area Beyond the Green Belt, where Policy GBR2 permits new employment generating uses, provided they are compatible with the character and appearance of the rural area and are sustainably located in accordance with Policy ED2. In turn Policy ED2 of the EHDP supports proposals to create new employment generating uses in the rural area where they are appropriately and sustainably located and do not conflict with other policies in the Plan.
14. I have considered the compatibility of the proposal with the character and appearance of the rural area above. With regard to the sustainability of the location in transport terms, Policy TRA1 of the EHDP expects developments to be primarily located in places which enable sustainable journeys to be made. There are bus stops on the A120 at Little Hadham with services from Bishop's Stortford, which is 15 minutes away by bus, and Hertford, around a 40 minute bus journey. Although there are buses to and from Little Hadham on Mondays to Fridays running at peak travel times in the morning and evening, they are relatively infrequent, ranging from every 1 hour 20 minutes to 2 hours.

¹ APP/J1915/A/14/2216160

15. The bus stops are around 900 metres (m) on foot from the appeal site. The Manual for Streets (MfS) (2007) indicates that 800m is a comfortable walking distance, although this is not an upper limit. But the journey to and from the site would require walking along and crossing the A120, which is heavily trafficked, and up the access road into Church End, which has no footpath along most of its length and is frequented by HGVs and commercial vehicles. Although there may be a reduction in traffic along this section of the A120 once the Little Hadham bypass is opened, the whole of this walking route is also unlit. Given the relative infrequency of bus services, the distance to the bus stops from the site and the inconvenience of the walking route, it is not realistic to expect that users of the appeal site would travel by bus, particularly in the autumn and winter months when peak hour journeys may need to be made during the hours of darkness.
16. Likewise the pedestrian routes from dwellings in Little Hadham and Hadham Hall would either be via an unlit footpath along the A120 and the access road into Church End or on off-road, unlit footpaths across the surrounding fields, which would be muddy for at least part of the year. None of these walking routes would offer attractive alternatives to the private car, particularly during the autumn and winter months. Cycling to the site would be possible via the A120, but, given the absence of a dedicated cycleway and the volume of traffic on the road, this is unlikely to be an attractive option either. Although traffic on the A120 for the section from Cradle End to Little Hadham may reduce when the bypass is built, cyclists travelling from Bishop's Stortford and settlements to the west of the appeal site would still have to navigate heavily trafficked sections of the route. Whilst there is a public bridleway running through the industrial estate, which links to Albury Road and provides the opportunity for residents of Little Hadham to cycle to and from the site, it is unsurfaced for the rest of its route, so would not offer a viable cycling journey for workers or visitors travelling to and from elsewhere.
17. The appellant acknowledges that many workers would make use of private vehicles to access the site. Although a travel plan could encourage car sharing, it would do little to improve the take up of otherwise unattractive sustainable transport options. There are no proposals to improve bus services, walking or cycling routes to the site.
18. I have been referred to another appeal decision in respect of a site at the former Albury Lime Kiln², which the Inspector concluded was a suitable location for housing with regard to the principles of sustainable development. I have not been provided with the detailed evidence which was before the Inspector in that case, but I note the appeal was determined over 3 years ago and related to a small residential scheme on the edge of Little Hadham, with access to the village centre via a pavement on a well-lit section of Albury Road. It is a core principle of the planning system that each case must be determined on its own merits. In this case, I am satisfied the evidence demonstrates the appeal site would have poor accessibility by sustainable modes of transport.
19. I acknowledge that paragraph 83 of the Framework expects planning decisions to enable the sustainable growth and expansion of businesses in rural areas. In doing so paragraph 84 of the Framework recognises that sites to meet local business needs in rural areas may have to be found in locations that are not well served by public transport. However, whilst Hadham Industrial Estate is an

² Appeal decision APP/ J1915/W/16/3147738

established rural business location, there is vacant business floorspace within the estate and elsewhere within the Bishop's Stortford area. I have seen little evidence to demonstrate that there is a local need for further B1 office floorspace to be located on the appeal site in order to satisfy local rural business needs that cannot be met in locations which are well served by public transport.

20. Therefore, I conclude that the appeal site is not a suitable location for the proposed development, having regard to its accessibility by sustainable forms of transport and local and national policies for employment development within the rural area. The proposal would fail to accord with Policies GBR2, ED2 and TRA1 of the EHDP. It would also conflict with paragraph 108 of the Framework, which seeks to ensure that development is located where there are appropriate opportunities for sustainable transport modes to be taken up.

Highway Safety

21. The site is accessed via a single lane road into Church End from the A120, which serves the existing industrial estate. Whilst there is a secondary access from Albury Road along the public bridleway, during my visits this was gated at the estate end and unused by vehicles, with all traffic accessing the estate from the A120. The road into Church End operates as a shared surface for vehicles and pedestrians. It provides pedestrian access from the A120 into Church End and the industrial estate and links to footpaths 34 and 38 and bridleway 37 where they enter the hamlet. The Manual for Streets (MfS) (2007) advises that shared surface streets work well in short lengths, in relatively traffic calm environments, and where the volume of motor traffic is below 100 vehicles per hour at peak times.
22. The length of the shared surface for pedestrians to walk is around 200m from the junction with the A120 to the beginning of the pavement near to the access to St Cecilia's Church. Given its extent, I do not consider this to be a short length of shared surface as described in the MfS.
23. In terms of the volume of traffic, the transport assessment (TA) submitted with the appeal modelled traffic generation from the existing and permitted floorspace within the industrial estate, and predicted flows from the proposed development. This was updated³ to take account of the higher levels of floorspace identified in third party representations. The modelling shows that the total traffic generation from the existing, committed and proposed floorspace, when fully occupied, would be between 869⁴ and 951⁵ two-way vehicle movements daily on the road into Church End, of which approximately 18% would be HGVs.
24. Within these daily totals, the hourly flows during the busiest hours in the morning and evening peak periods would be between 91-93 vehicles/hour, based on an existing and committed floorspace figure of 11,467 square metres (sqm), and 99-101 vehicles/hour, based on a floorspace figure of 12,458 sqm. From my on-site assessment of the existing floorspace and analysis of the traffic modelling data, I am satisfied that this range represents the potential maximum hourly traffic flow which would be experienced in Church End once the proposed development and existing and committed floorspace within the industrial estate are fully occupied.

³ In submissions from the appellant dated 29 January 2020 and 13 February 2020

⁴ Based on a total of 11,467 square metres (sqm) for the existing and committed floorspace of the industrial estate

⁵ Based on a total of 12,458 sqm for the existing and committed floorspace of the industrial estate

25. These figures do not include an allowance for the potato store, which was granted planning permission⁶ in 2003, but has not yet been constructed. Although there is evidence on site that the permission has been implemented through the construction of foundations for the building, the officer report on that application explains that traffic movements would not increase as a result of this building. Whether the permission remains extant or has been abandoned is a matter in dispute, but in light of the above it is not determinative in this appeal. Therefore, it is not necessary for me to resolve this dispute to reach a decision in this case.
26. I have also considered the traffic survey submitted by the third party, which indicates the proposed development would increase two-way hourly traffic flows to 113 vehicles/hour during the evening peak period. However, the survey was undertaken in January 2020, which the Department for Transport guidance does not regard as a neutral month for traffic surveys⁷. Therefore, I am not persuaded the data is representative of normal traffic flows into and out of Church End. As such it does not form a reliable basis for assessing the effects of the appeal proposal.
27. With regard to the width of the access road, the MfS shows that a minimum carriageway width of 4.8m is required to allow a car and an HGV to pass and 5.5m to allow two HGVs to pass each other. From the measurements supplied by the appellant and third party and those recorded at the second site visit, it is evident that the width of the road is less than 4.8m along significant parts of its length, including a section just to the north of the bell mouth at the junction with the A120. It is also apparent from my observations of vehicle movements on site and the carriageway measurements that the road is not wide enough along large sections of its length to allow two HGVs to pass without driving onto the verge.
28. Although the appeal proposal would only generate 2 HGV movements per day, it would add up to 25 additional vehicles/hour onto the road at peak times. This would materially increase the frequency with which cars and HGVs would be unable to pass without driving onto the verge. Although the road into Church End is relatively straight with sufficient forward visibility to allow drivers to see oncoming vehicles, there are no obvious passing places.
29. It is evident, therefore, that the proposal would have a worsening effect on the flow of traffic on the access road, to the extent that it could exceed the threshold at which the MfS advises shared surfaces work well. This would be experienced over a considerable length of shared surface, where the width of the road is too narrow in places to allow vehicles to pass without using the verge. I consider that the combination of these factors would be likely to increase the conflict between vehicles and between vehicles and pedestrians, to the extent that the safety of pedestrians and vehicles using the road would be unacceptably compromised.
30. Paragraph 109 of the Framework states that development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety or a severe residual cumulative impact on the road network. The tests in Policy TRA2 also reflect this. Whilst the local planning authority and highway authority have not objected to the proposal on the grounds of highway impact, from my analysis of the evidence and observations on site I conclude that the additional traffic generated by the proposed development would have an

⁶ Planning permission 3/02/2233/FP

⁷ Paragraph 3.3.6 of TAG Unit M1.2 – Data Sources and Surveys, Department for Transport (January 2014)

unacceptable impact on highway safety for both pedestrians and vehicles along the length of the shared surface road serving Church End. Consequently, the proposal would fail to accord with Policy TRA2 of the EHDP and conflict with paragraph 109 of the Framework.

Conclusion

31. In the overall planning balance, the absence of harm to the character and appearance of the rural area would not reduce or outweigh the poor accessibility of the site by sustainable modes of transport and the harm the proposal would cause to highway safety. For the reasons given above, therefore, I conclude that the appeal should be dismissed.

M Hayden

INSPECTOR