



Appeal Decision

Site visit made on 28 September 2020

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2020

Appeal Ref: APP/J1915/W/20/3244724

Land at Pelican Cottage, A10 through Chipping Village, Chipping, SG9 0PQ

- 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 A Dalrymple against the decision of East Herts Council.
 - The application Ref 3/19/1833/FUL, dated 4 September 2019, was refused by notice dated 18 December 2019.
 - The development proposed is proposed erection of 3no private detached bungalows, associated works and change of use on land at Pelican Cottage, Chipping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has stated that the description of the proposed development was amended, without agreement, by the Council. To clarify, the description of development given above is as per the planning application form.

Main Issues

3. The main issues are:
 - whether the proposed development would provide a suitable location for housing with particular regard to the character and appearance of the area; and
 - the impact of the proposed development on highway safety, with particular regard to the site access.

Reasons

4. The site comprises an area of agricultural land situated to the rear of existing ribbon development and accessed via an unmade track from the A10. The site is located within an area identified within the East Herts District Plan, 2018 (DP) as a Rural Area Beyond the Greenbelt (RABGB). DP Policy GBR2 seeks to maintain the open and largely undeveloped nature of the RABGB by concentrating development within existing settlements and permits certain types of development, provided that they are compatible with the character and appearance of the rural area, and this includes limited infilling.
5. DP Policy VILL 3 identifies Chipping as a Group 3 village and states that limited infill development, identified in an adopted Neighbourhood Plan, will be

- permitted. It also further sets out criteria for all development which includes a need to relate well to the village in terms of location and layout.
6. The Buntingford Community Area Neighbourhood Plan 2014-2031 (NP) at Policy HD1 states that outside the 2 main settlement boundaries of Buntingford and Cottered, small scale infill development within or immediately adjoining significant existing clusters of development, will be permitted subject to protection of the landscape and character of the surrounding countryside.
 7. The proposal is to erect 3 single storey dwellings, with substantial rear gardens, that would be positioned around a courtyard area in close proximity to the existing access track.
 8. The appeal site lies to the north of Chipping, and I saw on my site visit that whilst there is more clustered development to the south, the settlement pattern to the north of the access track is loose knit ribbon development, which is predominately concentrated closer to the A10. The separation between existing built form increases significantly towards the end of the ribbon development, with detached properties being set within substantial plots, and built development generally being sparser.
 9. The land to the other side of the access track is largely devoid of built development though there is a detached residential annexe, associated with Pelican Cottage, and adjoining stable block. These however are not substantial structures and there is considerable separation between them and the existing dwelling at Pelican Cottage.
 10. The site does, in part, adjoin the garden boundary of an existing property, The Homesteads, which also sits to the other side of the access track. This is a detached property set within a very substantial plot with mature landscaping to the site boundary. There is significant separation between that existing property and the existing residential annexe and stables. Similarly, whilst there are existing buildings, associated with a nearby covered reservoir, these are also separated from the site with intervening fields that are devoid of buildings.
 11. Furthermore, both developments are at a lower ground level than the appeal site and, considering the above, any visual interrelationship is limited and only in the context of wider views. Consequently, the site cannot be considered as lying within or adjacent to a significant cluster of development, nor forming a gap in an otherwise substantial built-up frontage and would therefore not constitute limited infilling.
 12. There are extensive views to the rear of the site across the open countryside beyond, although views to and from the north and south are more restricted due to level changes and existing landscaping, the appeal scheme would be viewed in the context of a rural setting. The site itself is devoid of buildings and although the grass is manicured, visually it relates more to the open countryside and makes a positive contribution, having an open and spacious character.
 13. The appeal scheme would introduce a significantly more concentrated form of development, that would be at odds with the established pattern and character of development in the surrounding area. It would result in the creep of built development further into the countryside. This would have an urbanising impact, which would harm the rural character of the site and surrounding area

- and would not be appropriate in terms of the existing settlement form and pattern. Furthermore, the development would erode the contribution that the existing site makes to the character and appearance of the countryside around the settlement.
14. There are a variety of housing styles and designs in the surrounding area, and whilst the development takes some cues from the existing property at Pelican Cottage, such as materials and height, it would lack the simplicity of the existing development, with varying roof lines and complicated arrangement, particularly to the dwellings proposed to Plots 1 and 3. The spread of built development would also be substantially greater, and although set in substantial plots the gaps between the dwellings would be limited. The development would appear cramped, lacking the spaciousness that is characteristic of development in the vicinity.
 15. It would have a more urbanising effect, and along with other urban influences, such as boundary treatment, parked vehicles, domestic paraphernalia, such as washing lines and children's play equipment and the proposed dwellings themselves, detract from the rural character of the surrounding area.
 16. The appellant considers the provision of additional planting could mitigate this, and a condition would address this concern. Whilst existing landscaping provides some screening, I saw on my site visit that there is little landscaping currently to the rear site boundary, and it would take some considerable time for any landscaping to establish and provide an effective screen.
 17. For the above reasons, I conclude that the development would conflict with DP Policies GBR2, VILL3 and DES4 which amongst other things seek to ensure that development is compatible with the character and appearance of the rural area, relating well to the village and achieving a high standard of design and layout reflective of local distinctiveness, and NP Policies HD1 and HD2 which seek to direct small scale infill development to sites within or immediately adjoining significant existing clusters of development, and ensure they are sensitive to the landscape and character of the surrounding countryside.
 18. The appellant has referred to a previous appeal decision¹ at Chipping House (CH) where the Inspector considered the proposal for 2 dwellings in the rear garden of an existing property constituted limited infilling. Whilst accessed via the same track from the A10, there are distinct differences between the sites.
 19. The CH appeal site sits to the south of the access track where, as detailed above, the existing settlement pattern is more clustered. It was the location of the site immediately adjoining a significant cluster of development, and that other developments in the vicinity had already added depth to the settlement at that point, that persuaded the Inspector in that case that the proposal accorded with the NP and could be considered as limited infilling. As detailed above this is not the case with the current appeal scheme.
 20. The Inspector attached significant weight to the terms of NP Policy HD1 and did not find the argument that the proposal constituted limited infilling due to its relationship to The Homesteads alone to be convincing. The substantial landscaping to the rear of the site was also considered to limit the impacts of the development on the character and appearance of the countryside. With

¹ APP/J1915/W/19/3222257

regards to this main issue I therefore do not consider this development to be directly comparable to the appeal site or scheme and this does not, therefore, lead me to a different conclusion.

21. The appellant has also drawn my attention to another development referred to as Chipping Hall Barns. Whilst I do not know the full circumstances of that scheme, from the details before me its design, scale, and layout comprising of a mix of single and two-storey barn style buildings that have a simple and uncomplicated form, adjacent to a traditional brick barn, does not appear directly comparable to the appeal scheme, though it is noted that some materials may be similar. This does not, therefore, lead me to a different conclusion and in any event each case must be considered on its own merits.

Highway safety

22. The proposed dwellings would be accessed via an existing unmade track from the A10, which currently serves adjacent development. The appeal scheme would however intensify the use of this access and significantly increase vehicular movements along the access track. The proposals include no assessment on the suitability of the access or track, and no provision for any improvement or alterations to support the proposed development.
23. I saw on my site visit that this is a busy road and the access is narrow, with visibility restricted by existing planting. There is a lack of detail within the submission and it is not clear whether the existing access would be of sufficient width to permit 2 vehicles to pass. This could result in vehicles either having to reverse along the access or wait on the highway. Any vehicles waiting on the carriageway would impede the free flow of traffic, and this could lead to conflicts between vehicles, to the detriment of highway safety.
24. The width of the track remains restricted up to the appeal site, with vehicles parking informally alongside the track, adjacent to the existing properties and paddocks. It is clear that at this point it would not be possible for vehicles to pass each other on the track. This would result in vehicles either having to reverse or overrun onto grass verges and rear driveways of existing properties, where available, particularly in the event of a large vehicle, such as a refuse vehicle or delivery van, using the access road. Vehicles and pedestrians would be required to share this space and given the restricted width and absence of any formal passing or refuge places this could lead to conflicts between vehicles and pedestrians.
25. The appellant has stated that a condition imposed on the CH scheme requires improvements to the access from the A10, and they would accept a similarly worded condition. However, the current appeal scheme would further intensify the use of the access and it is not clear if the improvements considered for the CH scheme would be sufficient to support the additional use now proposed. I also note that the Highways Officer raised no objection to the CH proposal. This is not the case with the current appeal scheme.
26. Whilst the submission indicates that the owners of the track would be amenable to works being undertaken, the extent of their ownership is not clear. The submission only appears to refer to the section of the track to the rear of existing properties, with the access and section of track from the A10 being referred to as a farm track. As detailed above, the extent of any works necessary is currently unknown and, on the basis of the above, I cannot be

certain that the appellant would have control over any works required to the access, existing vegetation or track and this matter could therefore not be addressed by condition.

27. There is sufficient parking provision included within the proposed layout, though the manoeuvring area does appear restricted. Whilst there would be sufficient space within the plots to relocate the cycle parking, and this could be subject of a condition, I am not persuaded that the layout would achieve satisfactory manoeuvring space.
28. On the basis of the above, the proposal has failed to demonstrate that a safe and suitable access to the site can be achieved for all users or that any impacts on highway safety can be mitigated. The proposal would therefore not accord with DP Policy TRA2 and TRA3 which seek to ensure that developments ensure safe and suitable access.

Planning Balance

29. The Council has stated that they are able to demonstrate a 5year housing land supply and therefore paragraph 11 d) of the National Planning Policy Framework (the Framework) is not engaged in this appeal. I note that the DP and the Framework seek to balance the need for development in rural locations and direct development close to larger, more sustainable centres and the site would be within walking and cycling distance of local services and facilities and close to local transport provision. The proposed dwellings would make a contribution toward sustaining rural communities and local housing supply, and these would be benefits of the scheme.
30. However, given the small scale of the proposal, these contributions would be modest, and would carry only limited weight in favour of the proposal. The DP Policies and the Framework are also clear that developments should achieve a high quality of design and layout, reflective of the established character of development and need to be sensitive to their surroundings. As detailed above this is not the case with the appeal scheme.
31. That the development would not adversely impact on neighbouring amenity and provide sufficient garden area for potential future occupants would have a neutral effect, and therefore do not weigh in favour of the appeal. Therefore, whilst I have taken the above matters into account, I do not consider any benefits would be sufficient to outweigh the harm I have identified.

Conclusion

32. For the reasons stated above I therefore conclude that the appeal should be dismissed.

A Denby

INSPECTOR