
Appeal Decision

Site visit made on 7 October 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 03 November 2020

Appeal Ref: APP/J1915/W/20/3253160

Pole Hole Farm, Pye Corner, Gilston CM20 2RP

- 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 Magri Builders Ltd against the decision of East Hertfordshire District Council.
 - The application Ref: 3/19/2169/OUT, dated 23 October 2019, was refused by notice dated 19 December 2019.
 - The development proposed is the demolition of and agricultural barn and erection of five dwelling houses.
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Decision

1. The appeal is dismissed

Procedural Matter

2. The application was submitted in outline, with all matters reserved apart from landscaping. I have had regard to all other details on the submitted plans on an indicative basis only.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - Whether the site is a suitable location for a residential development;
 - The effect of the development upon the character and appearance of the surrounding area, with particular reference to landscaping;
 - The effect of the development upon flood risk; and
 - if the development is 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 the development

Reasons

Whether inappropriate development

4. The site is located within the Green Belt. The National Planning Policy Framework (the Framework) regards the erection of new buildings within the

Green Belt as being inappropriate. There are some exceptions to this, however, the proposed development does not pertain to the carrying out of agricultural, forestry, outdoor sport or recreation activities.

5. Whilst the proposed development would be a replacement building, the scheme before me has a greater massing than the existing structure, which was constructed to support agricultural activities. The existing building therefore has a different effect on the character of the Green Belt than the proposed residential development before me. I also note that the Framework identifies that agricultural developments might be acceptable within the Green Belt.
6. I have had regard to the provisions of paragraph 145 of the Framework and specifically, point (g). This states that limited infilling or the partial or complete redevelopment of previously developed land is not inappropriate provided that it would not have a greater impact on the openness of the Green Belt than the existing development; not cause substantial harm to the openness of the Green Belt, or that development would re-use previously developed land and contribute to meeting an identified affordable housing need.
7. By reason of the siting of the proposed development, the predominance of countryside that surrounds the appeal site and the general pattern of development within the appeal site's environs, I do not believe that development would constitute a limited infill within a village.
8. In addition, by reason of its likely proportions, the number of units of accommodation proposed and the area's general topography, the proposed development would result in a more prominent level of built form within the surrounding area. This is particularly concerning as the building would be clearly visible from the adjacent road. These factors, when combined with the topography of the vicinity, means that the proposed development would be clearly visible. This would therefore result in an erosion of the open character that is a feature of the vicinity.
9. The proposed development in the location indicated on the submitted plans would also erode the spatial sense of openness that is a feature of the site due to their likely form, which would exist in conjunction with boundary treatments to signify the subdivision of the site into individual plots.
10. Furthermore, there is a likelihood that other domestic paraphernalia might be installed in the development post occupation. This would be in addition to the parking area and cycle store. For these reasons, the proposed development would have a greater effect on openness than the existing barn.
11. For these reasons, I do not consider that the proposed development would fall within the definition of not inappropriate development as outlined in paragraph 145 (g) of the Framework.
12. Due to the likely positioning of the proposed development, any increased views across the site are likely to be somewhat limited. In consequence, these views would not result in an enhancement to the level of openness associated with the site.
13. I therefore conclude that the proposed development would erode the sense of openness that is an intrinsic feature of the Green Belt. The proposal is therefore an inappropriate development in the Green Belt. The development, in this regard, conflicts with Policy GBR1 of the East Herts District Plan (2018)

(the District Plan). This policy, amongst other matters, seeks to ensure that planning applications within the Green Belt will be considered in line with the provisions of the Framework.

Suitability of the site

14. The appeal site is located outside of settlement boundaries, albeit there are some existing dwellings within the surrounding area. Other dwellings are in the process of being constructed through a conversion process.
15. Whilst the presence of a relatively limited amount of development in the surrounding area means that the proposed development would not be isolated, the proposed siting does raise some concerns. This is due to the relatively low provision of services within the surrounding area. In consequence, residents of the development would be required to travel to other settlements in order to access all the services and facilities that they are likely to require on a day to day basis.
16. The surrounding road network is relatively sinuous in nature, contains few grass verges, is unlit and lacks separate pavements for pedestrians. In consequence, this environment is not conducive to carrying out journeys on foot. Therefore, the lack of an attractive pedestrian environment is likely to encourage the carrying out of journeys by private cars.
17. Although the appeal site is relatively close to Harlow, the distances that would need to be travelled, combined with a diminished provision of public transport means that residents are more likely to use private cars. For similar reasons, I am not persuaded that the site's general proximity to employment areas in Edinburgh Way would be sufficient to prevent a significant number of journeys being made by private cars.
18. I also note that the site is close to a 'sustainable transport corridor potential extension', however, I do not have information regarding the timing for the delivery of this matter, the likely level of public transport provision, and the frequency of services. In consequence, this matter does not allow me to set aside my previous concerns as I do not have certainty that residents of the proposed development would have access
19. I therefore conclude that the site does not represent an appropriate location for a residential development. The development, in this regard conflicts with Policies DPS2 and TRA1 of the District Plan. These, amongst other matters, seek to ensure that there is a delivery of sustainable developments in accordance with a hierarchy of sites and that development proposals should ensure that safe and suitable access can be achieved for all users

Character and appearance

20. The proposed development be located to the front of the site. The appeal site is located on lower ground when compared to much of the surrounding area. The wider area primarily consists of open countryside.
21. By reason of the proximity of the proposed development to the road, the increase in built form would be readily apparent. In consequence, the building would erode the more rural character and appearance that defines the vicinity of the appeal site. This therefore highlights the need for appropriate landscaping.

22. Whilst I note that the appeal documents before me include a landscaping scheme, this does not assess the existing planting that is present within the confines of the appeal site and whether it is possible, or appropriate, to retain any of this post development.
23. This is of importance given that there is some mature landscaping adjacent to the highway edge and should it be removed, would result in a significant change to the character of this location. This would be exacerbated as any new landscaping would potentially take some time to become established, which would lessen its effectiveness in ensuring that the proposed development adequately assimilates into the rural surroundings that are a feature of the surrounding area.
24. I therefore conclude that the proposed development would have an adverse effect on the character and appearance of the surrounding area arising from the lack of appropriate landscaping. The development, in this regard, conflicts with Policies DES2 and DES3 of the District Plan. These, amongst other matters, seek to ensure that proposals must demonstrate how they conserve, enhance or strengthen the character and distinctive features of the district's landscape; and retain, protect and enhance existing landscape features.

Flood risk

25. The appeal site is relatively level in nature and is in proximity to a stream. In addition, parts of the appeal site are located within Flood Zones, 1, 2, 3a and 3b.
26. I have had regard to the submitted indicative layout plans. Whilst I acknowledge that the layout of the development has been reserved for future consideration, there is a likelihood that if it were to proceed in a manner consistent with the indicative layout, at least some part would be constructed in a higher risk flood zone.
27. This would cause some concern as this layout would also provide a relatively small ribbon of land between the proposed dwellings and the stream. This would provide a limited area for any flood water to accumulate, whilst also limiting the amount of space for maintenance of the stream or its banks.
28. Such measures could potentially increase the effects of flooding in the future. These concerns are emphasised as a sequential assessment has not been carried out. This means that it has not been demonstrated that there is no option of constructing the proposed development in an area associated with lower flood risk.
29. Whilst the layout of the development has been reserved for future consideration, I am uncertain that that a substantially different layout could overcome these concerns. This is important as any revised layout would need to be implemented in a manner that would also maintain, amongst other matters, the character and appearance of the surrounding area and the living conditions of the occupiers of neighbouring properties, in addition to securing appropriate living conditions for the future occupiers of the development.
30. I therefore conclude that the proposed development would have an adverse effect on flood risk. The development, in this regard, conflicts with Policy WAT1 of the District Plan. This, amongst other matters, seeks to ensure that new developments neither increase the likelihood or intensity of any form of

flooding, nor increase the risk to people, property, crops or livestock from such events, both on site and to neighbouring land or further downstream.

Other considerations

31. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition to the adverse impacts on openness, the Green Belt's purpose of safeguarding the countryside from encroachment has been eroded by the development. Substantial weight should be given to this harm. Very special circumstances will not exist unless the harm to the Green Belt and the other identified harm are clearly outweighed by other considerations.
32. The proposal would result in an increase in the local housing supply, which might be available within the short term. However, the benefits of this are small given the scale of the proposed development. Given that this scale, any economic support of businesses and services within the area is also likely to be small. Accordingly, I give each of these matters limited weight.
33. As explained above, I give only limited weight to each of the considerations cited in support of the proposal and accordingly I do not find that these amount to the special circumstances necessary to justify the development.

Conclusion

34. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR