



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: 01 December 2020

Appeal Ref: APP/X1925/W/20/3253199

Land off London Road, Barkway, SG8 8EX

- 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 & Mrs Frapporti against the decision of North Hertfordshire District Council.
 - The application Ref: 19/02701/FP, dated 11 November 2019, was refused by notice dated 9 January 2020.
 - The development proposed is redevelopment of existing barn to provide one three-bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has stated that the site address and description of proposed development were amended without agreement by the Council. To clarify, the address and description of development given above are as per the planning application form.
3. In its evidence the Council has referred to policies within the emerging North Hertfordshire Local Plan 2011-2031 (NHLP). This plan has not completed Examination in Public, and the Council has not provided detailed information on the extent and content of any unresolved objections to the plan nor conveyed how this may affect the policies to which it has referred. Therefore, whilst I have had regard to them, bearing in mind its stage of preparation, it carries limited weight.

Main Issues

4. The main issues are whether the site is an appropriate location for housing having regard to its accessibility to services and facilities by sustainable modes of transport, and the impact of the proposed development on the character and appearance of the countryside.

Reasons

5. The existing site comprises two detached buildings, a stable block and a barn, which are accessed via a narrow vehicular track from London Road. The proposal is to demolish the existing barn and erect a dwelling in addition to extending the existing stable block.

6. The site is located to the south of Barkway village, though it is not within the defined settlement boundary and, whilst it may not be physically isolated from other development, it is situated within open countryside.
7. There are some services and facilities available in Barkway, however, the access to the site from London Road is via a long narrow-unmade track, and there is a lack of a footpath or street lighting from the site to Barkway. There are only grass verges to both sides of London Road which are uneven and unsuitable for walking, cycling or using wheelchairs. Furthermore, I saw on my site visit that London Road is a busy road, and subject to the national speed limit for a significant proportion of the route to the village. Attempting to walk alongside the road, with fast moving traffic, may put anyone attempting to do so at considerable risk.
8. The appellant has stated that there is a footpath adjacent to the golf course that leads from the site entrance to Nuthampstead Road, however this would also appear to be uneven, unlit and similarly unsuitable for pushchairs and wheelchairs. I therefore do not consider there would be a particularly inviting route for either pedestrians or cyclists from the site to the village.
9. The services and facilities in Barkway are limited, and any future occupants would also be reliant upon other nearby settlements for their day to day needs. There are bus stops in the village though as detailed above these are not easily accessible from the appeal site.
10. Whilst recognising that transport solutions will vary from urban to rural areas, considering the above, and that nearby centres would be more easily accessible by car, the appeal of public transport for future occupants may well be limited, and they would be more reliant on the private car for access to services and facilities. The development would be physically isolated from settlements with facilities and services both in terms of distance and the absence of suitable routes to them, or anywhere else, by means other than private motor vehicle.
11. The wider landscape around the site is typically open agricultural fields, and the site has an open and spacious character. The proposed dwelling would be of a similar size and materials to the existing barn, though with urban influences, such as parked vehicles, domestic paraphernalia, such as washing lines and children's play equipment, the contribution that the existing site makes to the character and appearance of the countryside would be eroded. It is however acknowledged that due to existing landscaping this impact would be limited.
12. Nevertheless, the appeal site is not within the built core of the settlement and is situated within open countryside. Accordingly it falls to be considered against Policy 6 of the North Hertfordshire District Local Plan No 2 with alterations, April 1996, saved policies from September 2007 (LP) which states that in rural areas beyond the green belt the existing countryside and villages, and their character, will be maintained and development would only normally be allowed if it meets certain criteria.
13. The existing site is identified as being predominately within agricultural use, and the appellant states that the proposed dwelling would enable them to live on site and continue maintaining the land, making further improvements without the need to maintain and travel between the site and their home.

14. Although this would be more convenient for the appellant, there are no business or operational needs identified to demonstrate that this is strictly necessary for the needs of agriculture, and for the reasons outlined above the siting of a permanent residential dwelling on the site would not improve the rural environment. There are existing buildings on the site though there is no detail to demonstrate that they are redundant or disused.
15. Furthermore, the proposals are not necessary for forestry or any local community services, nor would it meet an identified rural housing need. The site is also not within the built-up core of the settlement and it does not involve a change to the rural economy.
16. On the basis of the above, the development would be contrary to LP Policy 6, which seeks to direct housing to the built-up core and safeguard the intrinsic character of the countryside, only permitting development in the countryside where it meets certain criteria.
17. For the same reasons the proposals would not meet any of the exceptions set out in Paragraph 79 of the National Planning Policy Framework (the Framework) and also fail to meet its key sustainability aims of directing development to the most sustainable locations and giving priority to pedestrian and cycle movements, and so far as possible, facilitating access to public transport
18. NHLP Policies SP5 and CGB1 take a similar approach to the LP and the Framework, and for the reasons outlined above the proposals would therefore also be contrary to these policies, though as detailed above these currently only attract limited weight.
19. The appellant has drawn my attention to other appeal and Council decisions for dwellings within the rural areas. Whilst I do not know the full details of those cases, on the basis of the information provided, the sites appear to be located closer to the settlement and a surfaced footpath which provides access to the nearby services and facilities. As detailed above, this is not the case with the appeal site which is further detached from the settlement. Having considered the appeal on its own merits, these other sites and schemes do not, therefore, lead me to a different conclusion.

Planning Balance

20. The Council acknowledges that it cannot demonstrate a 5-year housing land supply which means that the approach set out in paragraph 11 d) of the Framework is engaged.
21. There is no detailed information before me with regards to the scale of the Council's housing land supply shortfall, though the provision of one dwelling could only have a limited benefit in relation to boosting the supply of housing.
22. LP Policy 6 is of some age, though Paragraph 213 of the Framework is clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The policy is still relevant and broadly consistent with the Framework, with managed patterns of growth focusing development in the most sustainable locations and recognising the intrinsic character and beauty of the countryside. I therefore attach significant weight to this policy.

23. The appellant has stated that the emerging local plan acknowledges Barkway as a more sustainable settlement and includes proposed allocations for residential development in the village. There is however nothing in the evidence before me to suggest that the appeal site would form part of any strategic allocation or be affected by any proposed modifications to the emerging local plan. I therefore attach little weight to this matter.
24. I have concluded above that the site would be detached from local services and facilities, and such limited accessibility by means of transport other than the private car, weighs significantly against the proposals. There is little detail in relation to the location of the appellant's other property, though considering the limited accessibility of the site, any benefit in terms of reduced trips between sites would be minimal, and this matter therefore attracts very limited weight. Similarly, the release of the appellants existing property would still only result in one additional property overall and this would therefore also have limited benefit.
25. The appellant has stated that the proposed development would allow them to live on the site in a self-sufficient manner through measures such as producing hay for their animals, beekeeping, utilising wool from their sheep for clothing and growing fruit and vegetables for their own consumption. Whilst the appellants efforts to live more sustainably are laudable, there would still be a significant need for travel to meet most day to day needs and access places of work and education. I must also consider that the occupancy could change, and this matter therefore attracts only limited weight.
26. The appellant has also stated that the proposed dwelling would be environmentally friendly, incorporating high levels of insulation, rainwater harvesting, solar panels and low impact construction methods. There is little detail to suggest these would provide any sustainable measures significantly beyond that required by modern building standards, though they are positive matters, and I attach them some weight.
27. Whilst I am mindful of the appellants connection to the area, and that the proposal would provide for larger living accommodation to meet their needs, I am mindful that this benefit would be personal to the appellant. The appeal scheme must be considered on its merits and I do not find that the personal circumstances would outweigh the harm I have identified.
28. It is acknowledged that the site has not been identified as being within a protected area. That the development would not result in any harmful ecological impacts or adverse effects to neighbour amenity, provide adequate parking and internal accommodation would have a neutral effect, and therefore do not weigh in favour of the appeal.
29. The appellant has stated that permission could be obtained to convert the existing barn to a dwelling under provisions within Schedule 2, Part 3, Class Q of the GPDO¹, though there is no detailed evidence before me on this matter and no formal determination in that regard has been made by the Council. It is not however for me, under a section 78 appeal, to determine whether any works, pursuant to Class Q could be undertaken, and in the absence of such evidence, this matter carries little weight.

¹ Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

30. Although I recognise the important contribution small sites can make to meeting the housing requirement of an area, the harm I have identified means that adverse impacts of granting permission would significantly and demonstrably outweigh the limited benefits, when assessed against the Framework as a whole. Other considerations do not indicate that a decision should be taken other than in accordance with the development plan.

Conclusion

31. For the above reasons I conclude that the appeal should be dismissed.

A Denby

INSPECTOR