



Appeal Decision

Site visit made on 9 November 2020

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: Monday, 07 December 2020

Appeal Ref: APP/J1915/W/20/3249662

The Old Orchard, Abbots Lane, Widford, Ware, Hertfordshire

- 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 Simon Thake against the decision of East Hertfordshire District Council.
 - The application Ref: 3/19/1902/FUL, dated 4 September 2019, was refused by notice dated 12 November 2019.
 - The development proposed is demolition of existing store and erection of 1no. detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:-
 - i) whether the proposal would preserve or enhance the character or appearance of the Widford Conservation Area; and
 - ii) whether the appeal site is a suitable location for a new dwelling having regard to the development plan strategy.

Reasons

Character and appearance of the Widford Conservation Area

3. The appeal site lies outside of the defined settlement boundary for the village of Widford and is therefore designated as Rural Area Beyond the Green Belt. It is located within the Widford Conservation Area (CA) in a predominantly rural landscape area that is characterised with a fragmented pattern of pasture land scattered with sports facilities, public footpaths and bordered by mature trees. Abbots Lane is a quiet rural lane bounded by agricultural lands and where built form is infrequent and dispersed. The surrounding character is one of a quiet, spacious and open rural setting.
4. The appeal site comprises a large, irregular shaped and broadly flat parcel of land bordered by mature vegetation. Presently, the majority of the appeal site is open and undeveloped. However, it contains a modest sized single storey timber boarded building with pitched tiled roof located towards the rear of the appeal site together with a number of storage containers and piles of materials. Notwithstanding its untidy appearance, it nonetheless shares some of the common characteristics of the CA and makes a moderate contribution to its significance.

5. I am mindful that the proposed development has been reduced in size and its position altered in an attempt to overcome the reasons for refusal of a previous application¹ and appeal decision². Nonetheless, it would introduce a sizeable detached dwelling which, despite it being single storey, would include a width of some 7.7 metres and a height to the ridge of approximately 5.6 metres, taking the council's measurements, which have not been disputed by the appellant.
6. Albeit the existing building would be demolished, the appeal proposal would include a larger footprint and the inclusion of several windows and doors would lead to a significantly more domestic appearance than the existing barn-style building. This would not be offset to any significant degree as a result of locating the proposed dwelling towards the rear of the appeal site nor the use of materials that would be sympathetic to its rural location.
7. Taken together with the proposed extensive driveway and paths and the likely accumulation of domestic accoutrements such as garden furniture, bins and washing lines, this would contribute visual clutter. As a result, the physical manifestations of the proposal would inevitably lead to a significant urbanisation of this area of land and erode the open, spacious and rural character of the area.
8. Albeit the appeal site is reasonably well-contained to its sides and rear by mature trees, vegetation and a sports pavilion, the appeal proposal would remain partially visible in views through or over vegetation from the adjacent cricket ground, public footpath, recreation ground and other open land, particularly during the winter months when foliage is less dense. Moreover, vegetation along the front boundary is lower and less substantial. Taken together with the opening for the vehicular access, which is to be retained, the appeal proposal would also be readily visible in some views from the highway and the agricultural land that lies beyond it. Any additional planting would take time to mature and would be unlikely, for the reasons expressed above, to ameliorate the effect of the proposal. To my mind, the proposal would be seen as an unwelcome intrusion or a harmful encroachment into the countryside.
9. Policy VILL2 of the East Herts District Plan (2018)(DP) seeks, among other things, to prevent development that would result in a ribbon pattern of development. However, in my view, given the general absence of built form along this side of Abbotts Lane, the building of one dwelling would not result in a continuous row of built form adjacent to the highway. Nevertheless, the proposal would detract from the openness of the countryside and by reason of its position outside of the defined settlement boundary it would fail to amount to limited infill development. These matters would conflict with the requirements of DP Policy VILL2.
10. I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of the Widford Conservation Area. This would cause less than substantial harm to the significance of the heritage asset, although it would nonetheless be significant. In these circumstances, the National Planning Policy Framework (the Framework) requires consideration of the harm to be weighed against the public benefits of the proposal.

¹ Planning Ref: 3/18/1027/FUL

² Appeal decision: APP/J1915/W/18/3213222

11. The Framework promotes housing development in rural areas where it will enhance or maintain the vitality of rural communities. The proposal would provide an additional dwelling and the future occupants would be likely to use and contribute spending towards local services and facilities. This would therefore contribute to the vitality and vibrancy of Widford. However, the Government's objective is to significantly boost the supply of housing and I find that one dwelling would make only a small contribution in this respect. The social and economic benefits associated with the provision of a single dwelling would be modest. Economic benefits generated during the construction phase would be temporary. The removal of unsightly elements from the appeal site would be advantageous to the appearance of the CA. Overall, the environmental harm to the heritage asset is of such a magnitude that it would not be outweighed by the limited public benefits of the proposal.
12. Accordingly, the proposal would fail to preserve or enhance the character and appearance of the Widford Conservation Area. Thus, the proposal would conflict with DP Policies VILL2, GBR2, DES4 and HA4. Among other things, these policies require high quality development to preserve or enhance the special interest, character and appearance of the conservation area. It would also conflict with the provisions of the Framework insofar as heritage assets are identified as an irreplaceable resource that should be conserved in a manner appropriate to their significance.

Development plan strategy for new housing

13. DP Policy DPS2 sets out the hierarchy of sustainable development and is permissive of limited development within villages. Widford is identified as a Group 2 Village, however, the appeal site is not situated within the defined settlement boundary of the village. For the purposes of applying planning policy it is located within the countryside.
14. DP Policy GBR2 of the is permissive of certain types of development within the rural area, including instances of infilling and partial or complete redevelopment of previously developed sites. However, such instances are subject to a number of criteria. In particular, development must be appropriate to the character, appearance or setting of the site and/or surrounding area.
15. For the reasons given above, I have concluded that the proposed development would fail to preserve or enhance the character or appearance of the Widford Conservation Area. As such, the proposal would not be appropriate to the character, appearance and setting of the site and its surrounding area.
16. Therefore, the proposal would fail to accord with DP Policies DPS2 and GBR2 insofar as these policies seek to maintain the Rural Area Beyond the Green Belt where new development will be compatible with the character and appearance of the rural area. In addition, it would conflict with the provisions of the Framework which seeks, among other things, to achieve well-designed places where development is sympathetic to local character including the surrounding landscape setting.

Other Matters

17. The parties dispute whether the appeal site amounts to previously developed land (PDL). I have had regard to the appellant's certificate of lawfulness, for storage of horticultural materials and associated goods (Use Class B8) dated

7 March 2017 and thus I find that the appeal site would amount to PDL. Even so, the proposal would fail to satisfy the criteria of DP Policy GBR2 and thus my findings in relation to character and appearance of the Widford Conservation Area and the settlement strategy would be unaltered and the outcome of the appeal would remain the same.

18. With regard to the accessibility of the appeal site to local services and facilities, there is limited information before me concerning these. However, I note the findings of the Inspector in a previous appeal decision³ at the site, namely that the site had reasonable access to services and facilities for a rural area, despite the occupants of the proposed dwelling being likely to use a private motor vehicle for longer trips to access higher order services and employment. It has not been put to me that there has been any change regarding the availability of local services and facilities. In addition, it is not part of the Council's case that there is a policy conflict on this basis. However, any modest environmental benefit accruing from a sustainable location does not outweigh the significant harm I have identified above.
19. The Council have determined that there would be no adverse impact upon the setting of a number of listed buildings given the distances involved and the screening afforded by vegetation. However, as the appeal is failing for other reasons, I have not had to consider this matter any further.
20. It is the appellant's case that there would be no adverse impact on the living conditions of neighbouring residents, highways or parking, ecology or loss of land in a commercial use. The absence of harm is a neutral matter that weighs neither for nor against a proposal.
21. The proposed scheme would include measures to achieve energy efficiency, reduce water usage, aid recycling and reduce the carbon footprint of the dwelling. Albeit these matters weigh in favour of the proposal, they are insufficient to overcome the harm identified above.

Conclusion

22. Accordingly, for the reasons given above, the appeal is dismissed.

E Brownless

INSPECTOR

³ Appeal decision: APP/J1915/W/18/3213222