



Appeal Decision

Site visit made on 3 December 2020

by I Jenkins BSc CEng MICE MCIWEM

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 19 January 2021

Appeal Ref: APP/J1915/W/20/3256691

Rooks Nest Paddock, Stevenage Road, Walkern, SG2 7NN

- 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 Wakeley & Miss Hilton against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0717/FUL, dated 7 April 2020, was refused by notice dated 6 July 2020.
 - The proposed development is described as a change of use of land from agricultural/equestrian to residential and erection of a new two bedroom dwelling with associated parking-revised scheme.
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Decision

1. The appeal is dismissed.

Procedural matters

2. On 22 November 2019, the Planning Inspectorate issued an appeal decision (Ref. APP/J1915/W/19/3236656) on a previous application for planning permission for development at the appeal site described as *a change of use of land from agricultural/equestrian to residential and erection of a new three bedroom dwelling with associated parking-revised scheme*. That appeal was dismissed. Whilst I do not know the full circumstances, I understand that, in comparison with the previous proposal, the dwelling now proposed is in a different location and of a smaller footprint, lower height and simpler design.

Main Issue

3. I consider that the main issue in this case is the effect of the proposal on the character and appearance of the Rural Area.

Reasons

4. Rooks Nest Paddock (RNP) is situated on elevated ground to the south of Stevenage Road. Whilst it shares its eastern boundary with residential development, RNP adjoins fields to the north, south and west. It is positioned outside the defined boundary of the village of Walkern and forms part of an area designated as the Rural Area beyond the Green Belt. Whilst Policy VILL1 of the *East Herts District Plan, October 2018* (DP) gives encouragement to housing development within the village, DP Policy GBR2 identifies the types of development that will be permitted in the Rural Area beyond the Green Belt, with the aim of maintaining it as a valued countryside resource. They include: the replacement, extension or alteration of a building, provided the size, scale,

- mass, form, siting, design and materials of construction are appropriate to the character, appearance and setting of the site and/or surrounding areas; and, limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) in sustainable locations, where appropriate to the character, appearance and setting of the site and/or surrounding area.
5. The main area of the appeal site, where the proposed dwelling would be located, forms part of a fenced area at RNP, the eastern section of which is occupied for the most part by a manège with a stable block along its southern side. To the west of the stable block is a short row of single-storey buildings, the tallest of which has a shallow mono-pitched roof. The remainder of the fenced area generally comprises hardstanding where a number of small structures, livestock pens, some vehicles and trailers are sited.
 6. Whilst the appeal site includes the accessway leading from Stevenage Road up to RNP, the main section of the appeal site is an area of hardstanding, which is occupied by a number of buildings/structures, including small stores, containers and a small chicken shed. The proposed dwelling, which would replace those buildings/structures, would comprise a chalet bungalow, with first floor accommodation within the roof space.
 7. I acknowledge that the proposed dwelling would not be isolated, as there is residential development to the east of RNP as well as to the north on the opposite side of Stevenage Road. However, its immediate surroundings would be generally characterised by open areas comprising fields, a manège and yard areas and a range of small-scale buildings and structures consistent with the use of the land for agricultural/equestrian purposes.
 8. The proposed external materials of the dwelling, which would include a brick plinth topped by dark stained timber clad walls and a grey slate roof, would reflect some of the materials on site. However, based on the application plans, it appears to me that the footprint of the proposed building would be larger than that occupied by the existing buildings/structures which it would replace. Furthermore, whilst the proposed dwelling would be partly lowered into the ground, I consider that the massing of the building, which would have a pitched roof, front dormers and a chimney, would be far greater than those existing buildings/structures.
 9. The land to the north of the appeal site does contain some planting, which, when in leaf, would be likely to limit the visual impact of the proposed dwelling when viewed from vantage points along Stevenage Road. However, when I visited in the winter, that planting did not screen the site to any material extent. To my mind, when viewed from Stevenage Road at that time of year, the proposed building would be a prominent and obtrusive addition, out of keeping both with the character of the existing main RNP buildings, which are low-profile and set further back from the highway, and the relatively open nature of RNP. Furthermore, irrespective of the time of year, the proposal would be likely to be clearly visible from the public footpath that runs across the fields to the west of the site. I consider that the proposal would harm the character and appearance of the Rural Area.
 10. I acknowledge that the site is a location from which services and facilities within Walkern would be reasonably accessible by modes of transport other than the car, such as on foot. The proposal would not constitute infill development in the sense of occupying a gap between buildings.

However, even if it were regarded as infilling in a broader sense, by taking up part of the existing RNP site, under the terms of the *National Planning Policy Framework* (the Framework) the RNP would not fit within the definition of previously developed land (brownfield land), which excludes land occupied by agricultural buildings. Furthermore, the proposal would not be appropriate to the character, appearance or setting of the site, for the reasons set out above.

11. I conclude that the proposal, with particular reference to its form, mass and location, would harm the character and appearance of the Rural Area, contrary to DP Policies GBR2 and DES4, which seeks to ensure that development respects or improves upon the character of the site and the surrounding area. Furthermore, as I have indicated, the appeal site is located outside the village boundary and it is separated from the nearest residential development to the east by the RNP manège. To my mind therefore, it would not benefit from the support given by Policy 9 of the *Walkern Neighbourhood Plan 2017* to development immediately adjacent to the village.
12. I consider that the Development Plan policies referred to are consistent with the Framework, which: indicates that planning policies should identify opportunities for villages to grow and thrive (DP Policy VILL1 and WNP Policy 9); and, allows some opportunities for development in the countryside, whilst recognising the intrinsic character and beauty of the countryside and expecting development to be sympathetic to local character (DP Policies GBR2 and DES4), an aim not met by the proposal.

Other matters

13. The appellants have suggested that the 'tilted balance' set out in paragraph 11d)(ii) of the Framework is triggered in this case. In my judgement it is not: firstly, as there are relevant Development Plan policies, which I have referred to above; and, secondly, the policies which are most important for determining the application are not out of date. Those policies referred to above form part of relatively recently adopted plans and they are consistent with the Framework.
14. The Framework gives some support for the provision of rural housing for a rural worker, where there is an essential need. In support of the proposal, the appellants have suggested that their livestock needs a fulltime presence on site. However, I understand that livestock have been kept on site since around 2004, initially horses followed by the addition of turkeys and then pigs. Whilst the appellants have indicated that over the years some turkeys have been killed by vermin and horses have fallen ill overnight, there is no evidence to show that there has been any serious loss of livestock in that time, or that the risks referred to could not be satisfactorily controlled through reasonable security measures and regular visits during the working day. Furthermore, as regards the risk of crime, the appellants have indicated that in 2018 a barn was built at RNP to provide secure storage for their machinery, safeguarding it from theft. Based on the evidence presented, I am not convinced that there is an essential need for a rural worker to be on hand 24 hours a day, either in the interests of animal welfare or security. The proposal would make only a small contribution to housing supply in the area and although new employment would be associated with the construction of the proposal, given that only one dwelling is involved, it would be likely to be limited and short lived. I give those benefits little weight.

15. Although I have had regard to the appellants' farming background, the active roles they take in community life and their family's desire to live on site, in my judgement, their personal circumstances would not outweigh the harm that I have identified. Whilst I understand that the appeal scheme is also supported by a Ward Councillor, the Parish Council and some members of the community, that does not alter the planning merits of the proposal upon which my decision is based.

Conclusions

16. I conclude that the proposal would conflict with the Development Plan taken as a whole and on balance, the other material considerations in this case would not justify a decision other than in accordance with the Development Plan.
17. For the reasons given above, I conclude on balance that the appeal should be dismissed.

I Jenkins

INSPECTOR