



Appeal Decision

Site Visit made on 13 January 2021

by Chris Forreth MRTPI, DipTP, BSc(Hons)

an Inspector appointed by the Secretary of State

Decision date: 04 February 2021

Appeal Ref: APP/J1915/W/20/3256186

Land at South End, Perry Green, Much Hadham, Hertfordshire SG10 6EW

- 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 The Trustees of the Congregation of the Daughters of The Cross of Liege & Grange Builders LLP against the decision of East Herts District Council.
- The application Ref 3/20/0144/FUL, dated 22 January 2020, was refused by notice dated 30 March 2020.
- The development proposed is the demolition of all existing buildings and the erection of 9 dwellings (3 detached and 6 semi-detached) together with associated cart lodges/car ports served by a new access and 24 parking spaces.

Decision

1. The appeal is dismissed.

Procedural Matter

2. My attention has been drawn to the draft Much Hadham Neighbourhood Plan (MHNP) . However, this plan is still in its infancy and has yet to go through its examination. Therefore, I can give this very little weight.

Main Issues

3. The main issues are:
 - (i) whether the site is situated in a sustainable location;
 - (ii) whether the proposal would result in the loss of a rural workers dwelling, a rural employment generating use or a community facility;
 - (iii) whether the proposal would provide for a suitable housing mix; and
 - (iv) the effect of the development on the character and appearance of the area.

Reasons

Sustainable location

4. The appeal site is located to the south-west of Perry Green which is defined as a Group 3 Village in the East Herts District Plan 2018 (EHDP) and within the parish of Much Hadham.
5. It is common ground between the main parties that the site is located within the Rural Area Beyond the Green Belt. As such, in planning policy terms, it is located in the countryside. That said, the site adjoins an extensive complex of buildings known as the St Elizabeth's Centre which occupies a 26 hectare site, the core of which is quite densely developed. From the evidence before me,

this facility provides for residential accommodation for 102 people with varying degrees of disability together with College and School facilities (and associated residencies) and Day Facilities and Social Enterprises.

6. It is common ground that the appeal site constitutes previously developed land and the EHDP generally supports the redevelopment of such sites in sustainable locations. Furthermore, the site cannot be considered to be isolated in the context of paragraph 79 of the National Planning Policy Framework (the Framework) given the extensive development in the immediate vicinity of the site.
7. However, there is a distinct lack of services in the vicinity. As such, it is clear to me that the future occupiers of the dwellings would be heavily reliant on the private motor car to access the most basic level of services. In that sense, it cannot be said to be sustainably located. Therefore, it follows that there is some conflict with Policies GBR2, DPS2 and VILL3 of the EHDP.
8. In coming to that view, I acknowledge that there is a free weekly bus service from Perry Green to Bishops Stortford. Whilst this would provide a limited degree of accessibility, this does not provide for a realistic choice of transportation mode. I also acknowledge that it would be possible to access facilities at Much Hadham, albeit that this would invariably involve a short car journey – a point acknowledged by the Appellant.
9. However, I am conscious that this is also an existing situation as there is at least 6 residential units on the site at the present time (the 4 staff bungalows and the two flats at The Lodge). Whilst the staff bungalows currently have an occupancy tie to St Elizabeth's, the occupiers of these properties would still need to travel to access local facilities and services. In addition to the above, there is C2 residential use at Loreto Cottage and St Joseph's Cottage which could further add to travel demand.
10. It is also noted that the Appellant has suggested that in order to improve the sustainability of the site electric car charging points could be provided for each dwelling. Indeed, this also forms the basis of one of the suggested planning conditions should I be minded to allow the appeal. It would also help aid carbon emission reduction which is part of the objectives of Policy TRA1 of the EHDP. Therefore, this should be considered to be a benefit to the scheme.
11. Taking all of the above into account, I find that the proposal would only result in a modest increase in housing in the area and would involve the redevelopment of previously developed land. Whilst there is some clear conflict with some aspects of the relevant policies drawn to my attention in the EHDP, in this case, I consider that the sustainability of the sites location is not the determinative factor in whether planning permission should be granted. I also consider that the proposal would accord with the overarching aims of the Framework in this respect.

Rural/community uses

12. The Council have clarified that their concern in respect of the loss of a rural workers dwelling relates to the four bungalows at the site which were granted planning permission¹ in February 1995. This permission included, amongst others, two planning conditions, one of which restricted the occupancy of the

¹ Reference 3/94/1120/ZA

bungalows to essential full-time staff employed at St Elizabeth's school and home (condition 3) with the other condition requiring the removal of the bungalows if they were no longer required for the purposes of essential full-time staff employed at St Elizabeth's (condition 4). The reasons for both of these conditions were stated as being as the site is in the rural area where new dwellings are only allowed in exceptional circumstances.

13. The evidence before me suggests that these bungalows are no longer required for the purpose originally applied for. With that in mind, and assuming the original conditions are reasonable and enforceable, it follows that there cannot be a loss of rural workers dwellings as suggested by the Council. To suggest otherwise would misconstrue the requirements of condition 4.
14. On the other hand, if I accept the Appellants argument that condition 4 should not have been imposed in the first place given that the bungalows appear to be of a permanent form of construction, then consideration also needs to be given to the potential loss of a rural workers dwelling.
15. That said, as the Appellant asserts, St Elizabeth's Centre cannot reasonably be described as a rural business as such. Hence, the fact that the bungalows are located in a rural area does not mean that they fulfil the definition for rural workers' housing.
16. To that end, I consider that the loss of the bungalows would not result in the loss of rural workers dwellings and therefore the provisions of Policy HOU5 are of little relevance to me.
17. Turning to the potential loss of a rural employment generating use and a community facility, this can only relate to the properties known as Loreto Cottage and St Joseph's Cottage as The Lodge appears to be a private rented property.
18. These properties were originally approved for housing agricultural employees but did not restrict their occupation as such. However, the Council appear to have granted planning permission² in 1993 for the extension and modification of these properties. This permission clearly considered that the use of these properties fell within Use Class C2 at that time.
19. The Council have referred to Policies ED2 and CFLR8 in respect of these matters. However, given that the buildings are in a residential type use I consider that neither of these policies are particularly relevant to the proposal before me.
20. Taking all of the above into account, I consider that the proposal would not result in the loss of a rural workers dwelling, a rural employment use or a community facility and as such the proposal would accord with the provisions of the Development Plan in that respect as no conflict would arise with Policies HOU5, ED2 or CFLR8 of the EHDP.

Housing mix

21. The appeal proposal is for a total of nine dwellings, of which seven properties would have three bedrooms and two properties would have four bedrooms.

² Reference 3/1590-93FP

22. Both main parties have referred me to the 2015 Strategic Housing Market Strategy (SHMA) which sets out that the greatest need is for three-bedroom properties (46%), whilst four-bedroom properties make up the next largest demand (23%).
23. Whilst the Officers report concludes that the provision of three and four bedroom properties is acceptable, it goes on to say that regard should also be had to the provision of two-bedroom dwellings on the basis that the MHNP sets out that there is an identified need for schemes of one, two and three bedroom homes. However, as I have already noted, the MHNP is still in its infancy and has yet to go through its examination. On this basis, I consider that the SHMA evidence should prevail in this instance.
24. Considering the above, the proposal would provide an appropriate housing mix and would accord with Policy HOU1 of the EHDP which amongst other matters seeks to create balanced and mixed communities through a mix of housing types and sizes. It would also accord with the overarching aims of the Framework in this respect.

Character and appearance

25. The appeal proposal would result in a total of nine dwellings, 7 of which would be located along the road frontage at South End with a pair of semi-detached dwellings located to the rear of the site.
26. In my view, the proposal must be considered in the context of the extensive St Elizabeth's complex behind it which has numerous buildings. With that in mind, I consider that the location of plots 8 and 9 set behind the frontage plots is not objectionable as they would be seen very much with the backdrop of the complex behind them.
27. In a similar vein, the proposal would create a new access into the site and the parking facilities would be provided from this access within a series of cart lodges. Whilst this would not reflect other housing in the area, it would not appear out of place given the nature of the existing built form and hard surfacing at St. Elizabeth's. There would also be landscaping opportunities to help assist in reducing the impact of such a level of hardstanding on the site.
28. Having said all that, the proposal would introduce a much greater extent of development alongside the road frontage. With the exception of the current siting of The Lodge, all of the proposed buildings would be sited closer to the road than the existing development. This is particularly the case where the bungalows are sited where the proposal would result in a much more intensively developed area, together with a significant increase in the mass and bulk of buildings.
29. Whilst I consider that the amount of building frontage development is not objectionable in principle, it is significant that one of the important trees on the frontage (an Ash tree identified as T14 in the arboricultural survey) would be lost as part of the development. The existing trees along the frontage provide an important function in softening the impact of the existing development, albeit that most of the existing trees cannot be considered to be high quality specimens in themselves.
30. Whilst I acknowledge that both the Council and the Appellant have set out that there would be replacement tree planting along the road frontage, given the

siting of the proposed dwellings it would not be possible to plant any replacement trees of any substance to the extent that any mitigation afforded from such trees would be very limited.

31. To my mind, this is an important factor, as without a sufficient set back of the dwellings from the road, they would appear as overly prominent features in the streetscene. The prominence of the development from South End is particularly relevant in this case as the proposal would result in an intensely developed frontage to the site, something which does not currently exist at the present time. In my view, this would ultimately be harmful to the semi-open aspect of the site and the wider rural characteristics of the area despite the existence of St. Elizabeth's to the rear.
32. Turning to the designs of the individual plots, I note that most of the dwellings would have a slightly jettied upper floor which is a feature very characteristic of this part of Hertfordshire. In this respect, I find the properties entirely appropriate and the visual variety which the Council aspires to could be achieved through the use of different materials and finishes. This could be easily controlled through a suitably worded planning condition. However, the positive design aspects of the dwellings do not outweigh the harm I have found.
33. For the above reasons, I consider that the proposal would harm the character and appearance of the area and would conflict with Policies DES4, GBR2 and VILL3 of the EHDP which amongst other matters seek to ensure that development is of a high standard of design which respects or improves the character of the site, including the massing of buildings and landscaping.

Other Matters

34. I have also had regard to the Appellants evidence that the development would help support St. Elizabeth's. Whilst this factor weighs in favour of the proposal, I consider that this is not sufficient to outweigh the harm I have found to the character and appearance of the area.

Conclusion

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

Chris Forrett

INSPECTOR