



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/20/3259621

Land at Old Station Yard, Millers View, Much Hadham, SG10 6BN

- 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 Browndog Developments Ltd against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0269/FUL, dated 4 February 2020, was refused by notice dated 6 April 2020.
 - The development proposed is Erection of four market dwellings & four affordable dwellings with associated access road & landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site is located on the south-western edge of Much Hadham. The developable area of the site is broadly rectangular in shape and was historically used as railway sidings and a station. The site is currently vacant and is largely covered in self-set trees and vegetation which have formed a small secondary wooded area.
4. To the north-east of the site are residential properties on Windmill Way whilst to the south-east are more modern properties on Millers View which is where the development would be accessed from. In other directions the surrounding land is open and undeveloped, save for an area of trees to the north-west of the development which is shown as being retained on the submitted plans.
5. It is common ground between the main parties that the site is located beyond the settlement boundary for Much Hadham and as such, in planning policy terms, is located in the countryside. That said, the site adjoins the settlement boundary where there is existing development.
6. My attention has been drawn to an appeal decision¹ at the site for the erection of eight dwellings (four semi-detached and four detached) with associated access road. Whilst that development differs from the one before me, and was determined on the basis of a now superseded Development Plan, it is nevertheless a significant material planning consideration.

¹ Reference APP/J1915/W/17/3186663 dated 13 June 2018

7. As noted in the previous appeal decision, the layout of that appeal scheme would create a built form that would protrude substantially further to the north and west than the existing development. Whilst the current appeal scheme would not extend quite as far as the previous one, with a depth of woodland of around 35 metres being retained, it would nevertheless extend well beyond any of the existing development in a linear fashion from Millers View. Another significant difference between the two proposals is that the current scheme has four bungalows which would be to the north-western end of the proposed development.
8. Whilst concerns over the principle of the development are not explicitly set out in the Councils reason for refusal, its evidence refers to Policies DPS2, GBR2 and VILL1 of the East Herts District Plan 2018 (EHDP) which go to the heart of the locational aspect of the development. Significantly, these policies seek to locate new development in the most sustainable locations in a hierarchical order. They also recognise and seek to maintain the countryside as a valued resource.
9. This point is acknowledged by the Appellant as the list of types of developments supported by Policy GBR2 in a location such as the appeal site does not include general housing proposals. However, in the Appellants view, Policy GBR2 does not explicitly preclude such developments or that the list of developments that will be permitted is exhaustive.
10. Policy DPS2 identifies limited development in villages at the bottom of the sustainable development hierarchy. That said, Policy VILL1 of the EHDP identified Much Hadham as a Group 1 village, which are the most sustainable villages in the District. It is also recognised that such villages can accommodate new housing and that such provision will help to sustain existing facilities and deliver community benefits. Indeed, it is indicated that a minimum of 54 dwellings should be provided within the village by the end of the Plan period.
11. With the above in mind, it is clear that the principle of some development at Much Hadham would be acceptable. Notwithstanding that, the Appellant does acknowledge that the site lies outside of the village boundary and as a result does not strictly adhere to the hierarchical approach.
12. My attention has also been drawn to the draft Much Hadham Neighbourhood Plan. This plan seeks to allocate housing sites to accommodate this growth but does not include the appeal site as a potential housing site. However, this plan is still in its infancy and has yet to go through its examination. Therefore, I can give this very little weight.
13. I am also conscious that the site cannot be considered to be isolated in the context of paragraph 79 of the National Planning Policy Framework (the Framework). Furthermore, Much Hadham does have a range of facilities, a point recognised by the Council. In that sense, I am satisfied that there would not be an over-reliance on the private motor car to gain access to the most basic level of services. However, this does not mean that the proposal is sustainable development as sustainability goes way beyond means of travel.
14. Turning to the detail of the effects of the development on the character and appearance of the area, it is noted that the appeal site does not lie within any special landscape designation and in the context of the Framework is not a valued landscape.

15. However, as a matter of fact, the proposal would result in the permanent loss of countryside. Whilst the site has historically been used as part of the Much Hadham railway, the site has blended into the rural landscape and cannot be considered to be previously developed land.
16. The proposal would also result in the loss of a significant number of trees on the site. Whilst none of these can be said to be individually important, this wooded area does nevertheless contribute positively to the edge of the village. In my view, the current level of tree coverage assists in the transition of the built development into the open countryside.
17. As shown on the photo montages provided with the submission, there would be a noticeable thinning out of this tree coverage as a result of the development. There would also be views of the new dwellings, particularly from viewpoints 1 and 2 despite the retained trees and proposed native hedge. Whilst the new dwellings would be seen in the context of the existing development, and the remaining trees, it is an inescapable fact that there would still be a negative impact on the overall landscape in the area. In my view, this could not be mitigated by planning condition should I be minded to allow the appeal. That said, this is clearly a local impact.
18. Taking the above into account, the development would have an undesirable intrusion into the countryside by having an urbanising effect on the local landscape.
19. In respect of the detailed design aspects of the proposal, I noted from my site visit that Millers View as a whole has a mixture of built form with aspects of both two storey and single storey garage development. Whilst the more recent development including the pairs of semi-detached dwellings have an element of spaciousness to the unattached sides, this is in contrast to the other dwellings on the road.
20. The massing of the appeal buildings would be more akin to the original dwellings on Millers View, albeit that the design principles are somewhat different. It is noted that plots 1-4 include flat roof garages to the side which help break up the visual massing of the two storey dwellings. These would also assist in providing a visual gap between the plots to the extent that the overall development would not appear cramped when compared to the original part of Millers View.
21. In terms of the proposed materials, I acknowledge that these would contrast with those of the existing development. However, in this instance, I find that this aspect would only add interest to the overall streetscene.
22. Taking all of this into account, I consider that the design and appearance of the dwellings themselves are not objectionable. However, that does not outweigh the harm I have found in respect of the overall character and appearance of the area.
23. For the above reasons the proposal would harm the character and appearance of the area and would conflict with Policies GBR2, DES2, DES3, DES4, DPS2 and VILL1 which amongst other matters seek to deliver sustainable development which relates well to the village, and maintain the Rural Area Beyond the Green Belt as a valued countryside resource, including the retention of existing landscape features which are of amenity value. It would

also be at odds with the overarching aims of the National Planning Policy Framework.

Other Matters

24. The Council Officers' report also appears to identify concerns relating to the loss of biodiversity on the site, although this does not feature at all in the reason for the refusal of planning permission. This concern also relates back to the previous proposal on the site which did not retain the area of land which the current proposal does. With the above in mind, on the basis of the limited evidence before me, I consider that this issue is not a barrier to the granting of planning permission as some element of mitigation and compensation is possible.
25. In addition to the above, the Appellant has proposed that the four bungalows would be affordable dwellings. With that in mind, a unilateral undertaking has been submitted with the aim of delivering the four two-bedroomed bungalows as affordable dwellings.
26. That said, the submitted undertaking is not complete as it is undated, does not include the defined plan nor does it not include the signature of the Appellant. Furthermore, the trigger point for the deed to take effect is upon the date of the granting of planning permission and the commencement of development. The agreement defines the planning permission as "the planning permission to be granted by the Council in respect of the planning application".
27. Significantly, in the event that I allow the appeal, the planning permission would not be granted by the Council, and therefore the trigger point for the planning obligation to take effect would not occur. Therefore, I give this undertaking very little weight in my decision.
28. I have also considered whether the affordable housing could be secured through the imposition of an appropriately worded planning condition which Policy HOU3 of the EHDP suggests may be possible.
29. However, I have serious doubts as to whether the delivery of the affordable housing could be secured by this method to the extent that I am of the view that such a condition would not pass the tests as set out in the Framework and the Planning Practice Guidance. Furthermore, the fact that the Appellant sought to complete a legal agreement to realise the benefits of the delivery of such affordable housing only reinforces my view in this respect.
30. Given the above, I have not been presented with an appropriate mechanism to secure the provision of affordable housing. As such, I can give the suggested benefits of such provision very little positive weight in my decision.
31. Notwithstanding that, I acknowledge that the proposal would result in the delivery of eight much needed additional dwellings and this must be considered as a benefit of the scheme. Coupled with this, there would also be temporary economic benefits during the construction phase, together with long term social and economic benefits through increased support for local shops and services in this rural area. However, these are limited benefits of the scheme.

Conclusion

32. Whilst the proposal would deliver much needed new housing, for the reasons given above, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR