The Planning Inspectorate

Appeal Decision

Hearing Held on 18 January 2021

Site visit made on 19 January 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2021

Appeal Ref: APP/X1925/W/20/3260353
Land North of Jackson's Lane, Reed, Hertfordshire SG8 8AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
- The appeal is made by Mr R Rand (Rand Brothers) against the decision of North Hertfordshire District Council.
- The application Ref 20/01605/PIP, dated 22 July 2020, was refused by notice dated 18 September 2020.
- The development proposed is "Permission in Principle for the erection of seven dwellings at Land North of Jackson's Lane, Reed, Hertfordshire, SG8 8AB".

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal proposal seeks Permission in Principle. This consent route has two stages. The first stage establishes whether a site is suitable in principle for the development proposed. The second stage assesses the detailed development proposals. This proposal is at the first stage, so this appeal considers the principle of development, limited to the location, land use and the amount of development. While applications for Permission in Principle can seek a maximum and minimum number of dwellings, in this instance permission is sought for seven dwellings. The appeal has been determined on this basis.

3. The development plan comprises the North Hertfordshire District Local Plan 1996. The Council's emerging Local Plan is at an advanced stage of examination, and accordingly the policies attract significant weight where there are no unresolved objections.

Background

4. The Council's most recent annual monitoring report demonstrates 2.2 years' supply of housing land. During the hearing the appellant contested this figure on the grounds that it included sites allocated in the emerging Local Plan, several of which are in the Green Belt. Without these sites the actual figure is suggested to be around 1.6 years.

5. The Council is awaiting a written response from the examining Inspector following the most recent round of hearings on the emerging plan, which is expected to address the status of these sites. In addition, there are planning

applications under consideration for several of the sites with one permission having been granted, and not all the allocated sites are in the Green Belt.

6. There is no guarantee that the examining Inspector will find that the allocation of any or all these sites for housing development is justified. Should they not accept every site, this would result in a housing land supply of between 1.6 and 2.2 years. Even if I were to accept the higher figure given in the annual monitoring report, the Council's shortfall would nonetheless be substantial. That shortfall attracts considerable weight in favour of the development proposed in the determination of this appeal.

Main Issues

7. The main issues are:

- Whether the development would preserve or enhance the character or appearance of Reed Conservation Area,
- The effect of the development on the character and appearance of the area; and,
- Whether the site accords with relevant local policies with regard to location.

Reasons

Conservation Area

8. The appeal site falls partly within Reed Conservation Area (the CA). The Council's Conservation Area Character Statement (the Statement) for Reed states that the village's layout reflects the early pattern of medieval settlement, with Jackson's Lane one of four lanes defining a roughly square space. The Statement says that the CA can be characterised by extensive tracts of agricultural land with a low density of historic and modern buildings fronting the country lanes, that its character is highly rural with a strong countryside setting and that the key character of the CA is its openness. Based on my visit I seen no reason to disagree.

9. On all four sides of the rough square open agricultural land is visible on both sides of the road. The visibility of this open land is a source of relief within the street scene, and contributes significantly to the rural character of the village and the CA. On Jackson's Lane the appeal site is the only such example of open land on the north side of the lane due to the greater density of development in the immediate vicinity. The significance of the CA derives from the character of the buildings therein, and the relationship with the surrounding open land.

10. The development would result in the loss of much of the openness that the appeal site contributes to the CA and its setting. The views through from Jackson's Lane toward The Joint would be significantly curtailed by the presence of the proposed houses. In addition, the contribution of the unbroken frontage and green field to the Jackson's Lane street scene would be diminished by the introduction of a new access. While the development proposed would be relatively low density, in particular considering the developments at 3-9 Brickyard Lane and The Kilns, it would be of a higher density than other sites facing onto Jacksons Lane and as a result would appear out of keeping in the street scene.

11. The harm arising from the loss of openness and rural character would be experienced primarily in the immediate vicinity of the site and would erode characteristics that contribute to the significance of the CA. When weighed against that significance as a whole it would consequently amount to less than substantial harm.

12. The National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

13. There would be a public benefit from the creation of seven new dwellings in Reed. This would support the Government's objective of significantly boosting the Government's supply of new homes, and as the Council has a substantial shortfall in its housing land supply this attracts additional weight. The development proposed would also deliver economic benefits from the creation of short-term jobs associated with the construction of the houses, and long-term from their occupation in support for the local economy and services. In addition, the development would deliver improved landscaping of the site, which would provide some screening of the development from Jackson's Lane, as well as biodiversity enhancements.

14. However, the scale of benefits arising from a development of seven houses, even allowing for the clear need for additional housing in the District and the additional weight this attracts, would only be moderate. In this instance, the moderate benefits of the development would not outweigh the harm to the significance of the heritage asset.

15. The development proposed would therefore fail to preserve or enhance the character or appearance of the CA. It would conflict with policy HE1 of the emerging Local Plan (the ELP) and the objectives of conserving and enhancing the historic environment that are set out in the Framework. Collectively these require that planning permission only be granted where it enables heritage assets to be used in a manner that secures their conservation and preserves their significance or where any less than substantial harm is outweighed by the public benefits of the development.

Character and Appearance

16. The appeal site is prominent in the surrounding area, including from neighbouring properties and from The Joint. Due to the dense hedgerows along the southern side of The Joint, the field access to the land to the north of the appeal site offers the only open view across the appeal site from the north, and the only such view from The Joint between the junctions with Brickyard Lane and Crow Lane. As the appeal site slopes down towards Jackson's Lane, this vista presents a clear view to the village beyond, albeit bordered by development to either side and the trees around the field boundary.

17. The development would be relatively low density but contained in the northern part of the site. As a result, a development of seven houses would appear significantly denser than the neighbouring plots on Jackson's Lane which comprise detached and semi-detached houses on large plots, generally with substantial spacing between the facing detached elevations of houses. The site could be screened to an extent by reinforcing the landscaping along the site

boundaries. However, the development would still be sited within the countryside and would cause harm through the loss of a greenfield site that contributes to the village's rural setting.

18. If the appeal were to be allowed a detailed design for the development could be advanced at the second stage that would be in keeping with the general character of neighbouring properties and the village. However, the harm from the loss of the rural character would remain and would not be offset by the detailed design of the dwellings.

19. The appeal proposal would consequently be harmful to the character and appearance of the area. It would conflict with the requirements of Policies 6, 26 and 57 of the North Herts Local Plan 2007 (the LP) which, amongst other criteria, require that the existing countryside and villages, and their character, be maintained. It would also conflict with Policies NE1 and CGB1 of the ELP. The criteria of these policies include requirements that in Rural Areas beyond the Green Belt housing will only be permitted where it meets a proven need for affordable housing in an appropriate location, and that development proposals not cause unacceptable harm to the character and appearance of the surrounding area. There is nothing before me to indicate that the proposed houses would meet the criteria of affordable housing.

Location

20. Policies 6 and 26 of the LP, when taken together, state that development will be permitted if the proposal is acceptable in that location within the environment. Policy T1 of the ELP requires that development not cause unacceptable impacts upon the highway network.

21. Reed is a rural village with few services or facilities. There is a village hall, a first school, a playground and a café on the far side of the A10, but no local shop, public house or doctors' surgery. Residents of the village must travel further afield for other services, and during the hearing it was indicated that Royston or Buntingford would be the most likely destinations in such cases.

22. There is a bus service serving Reed that travels to both settlements, but this is limited in terms of the number of buses per day. The village is not part of a cycle network. While both Royston and Buntingford can be reached by the A10, this is a busy road and unlikely to be attractive to cyclists. Given the distance to other settlements, residents are not likely to walk to them on a regular basis.

23. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, it also states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

24. The appeal proposal would support the existing services available in Reed but given the few services available this only attracts limited weight. Given the limited range of services and facilities and sustainable travel options available within the village it is likely that the development proposed would result in significant reliance on private vehicle usage.

25. The site does not therefore accord with relevant local policies with regard to location.

Other Matters

26. Both parties have referred to previous appeal decisions relating to Reed House, a nearby property on Jackson's Lane. I have considered the Inspectors' findings in these decisions, but that site is wholly outside the CA and the decisions all predate the most recent revision to the Framework. Consequently, these decisions are not comparable to this appeal.

Planning Balance

27. It is not in dispute that there is a significant shortfall in the Council's housing land supply. Consequently, Paragraph 11 of the Framework is engaged.

28. This states that where there are no relevant development plan policies, or the policies are out of date, planning permission should be granted except where the application of policies in the Framework provides a clear reason for refusal. Footnote 6 includes those relating to heritage assets amongst the list of those policies.

29. As the appeal proposal would result in harm to the significance of the CA which would not be outweighed by the public benefits of the development, the application of policies in the Framework does provide a clear reason for refusal in this instance. In addition, I have also found harm in relation to location and character and appearance, which reinforces my reasoning.

Conclusion

30. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR

Appearances

FOR THE APPELLANT	
David Fletcher	Strutt and Parker
Ian Alderton	Architectural Management
FOR THE COUNCIL	
Sam Dicocco	Senior Strategic Sites Officer
INTERESTED PARTIES	
Kenneth Langley	Chair, Reed Parish Council
Gerald Morris	District Councillor