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## Appeal Decision

Site visit made on 30 November 2021

**by Benjamin Clarke BA (Hons.) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20<sup>th</sup> December 2021**

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**Appeal Ref: APP/X1925/W/21/3275719**

**The Red Lion Stud, London Road, Reed SG8 9RP**

- 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 Paul Norrington against the decision of North Hertfordshire District Council.
  - The application Ref 20/02459/FP, dated 27 October 2020, was refused by notice dated 7 April 2021.
  - The development proposed is the rection of two detached 3-bed and one detached 4-bed bungalows including alteration to the existing vehicular access off London Road following demolition of existing dwelling.
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### Decision

1. The appeal is allowed, and planning permission is granted for Erection of two detached 3-bed and one detached 4-bed bungalows including alteration to the existing vehicular access off London Road following demolition of existing dwelling at The Red Lion Stud, London Road, Reed SG8 9RP in accordance with the terms of the application, Ref 20/02459/FP, dated 27 October 2020, and the plans submitted with it, subject to the attached schedule of conditions.

### Main Issues

2. The main issues relevant to this appeal are:
  - the suitability of the site as a location for a residential development; and
  - the effect of the development upon the character and appearance of the surrounding area.

### Reasons

#### *Suitability of the site*

3. The appeal site is located near to the village of Reed and adjacent to other dwellings. The appeal site is near to a busy road (the A10), that also contains some bus stops. The wider area can be characterised as being rural in nature.
4. Whilst the proposed development is not located in a settlement, it would be near to the village of Reed. Furthermore, the proposed development would be close to other buildings in the surrounding area.
5. In consequence, residents of the development would be able to access the services within the village owing to the proximity of the site to the settlement. Whilst the level of services is consistent with that expected within a small

- settlement, this arrangement would ensure that the proposed development would not be isolated from the settlement.
6. However, given the array of services on offer, it can be reasonably anticipated that residents of the development would potentially need to travel to other settlements in order to meet all of their day-to-day needs.
  7. This is a concern as the distances involved are likely to require that such journeys are undertaken by a motorised vehicle, rather than by means such as cycling or walking. Therefore, the development would result in an increase in the overall level of road traffic movements.
  8. In addition, the road network in the wider area features limited pavements and streetlighting. Some of the roads are also of a sinuous nature that would reduce the visibility of pedestrians walking in the road. Therefore, the absence of an attractive environment for pedestrians is likely to result in a conflict between pedestrians and cars. In consequence, this is likely to encourage car usage.
  9. Whilst I note that the appeal site is near to some bus stops, the level of service that is on offer is consistent with those that might be expected in a more rural area.
  10. In result, occupiers of the development would have a reduced level of access to public transport provision, particular during periods such as the evening and weekend. However, at some other times, the availability of public transport would provide an appropriate alternative to the usage of private cars.
  11. In addition, occupiers of the development would need to cross the A10. However, there is a speed limit in force at this location and a pedestrian crossing could be provided via means of a condition. This means that the bus stops could be accessed on foot. It also means that the village of Reed could be accessed. Therefore, occupiers of the development would not be solely reliant on private cars.
  12. Therefore, whilst the presence of public transport and services within the village of Reed would reduce my concerns regarding the location of the proposed development, they would not allow me to disregard them in their entirety.
  13. References have been made to an emerging local plan. My understanding is that the Inspector's final report is awaited. Therefore, I cannot be certain that the emerging policies to which I have been directed will remain in that form post adoption, or indeed when adoption might take place. In consequence, I am unable to give this full weight in my assessment.
  14. I therefore conclude that the development would represent an unsuitable location for a residential development. The development, in this regard, would fail to accord with the requirements of the National Planning Policy Framework (the Framework). Amongst other matters, this seeks to ensure that proposals promote sustainable development.

#### *Character and appearance*

15. The appeal site currently contains a dwelling and more open areas. It is located alongside other buildings arranged in a broadly linear pattern. The surrounding

area can be characterised as being rural in nature. The appeal site contains a dwelling and several outbuildings.

16. In considering this appeal, I have been directed towards Policy 6 of the North Hertfordshire District Local Plan (1996). Amongst other matters, this seeks to ensure that planning permission will be normally granted for developments that meet specified criteria. Therefore, the use of word 'normally' within the policy indicates that new development should be located in specified locations unless expressed criteria are adhered to. I also note that amongst other matters, Policy 6 states that developments should maintain the existing countryside and villages and their character.
17. In this instance, the proposed development would not adhere to the previously identified criteria. In addition, the proposed development would result in an increase in the overall level of built form. In this instance, the proposed development would not fulfil one of the exceptions listed in Policy 6. In addition, the proposed development would result in an increase in the overall level of built form owing to the number of dwellings proposed. This would result in the more rural character of the countryside being eroded.
18. However, the effects of this would, to an extent, be reduced by reason of the limited height of the proposed dwellings. Furthermore, the appeal site contains a relatively large dwelling and some outbuildings. In consequence, whilst the bulk of the appeal site could be described as being garden land, it has a more built character.
19. Although there would be an increase in building, the scale and positioning of the proposed development would result in open areas in between buildings. This would enable the development to assimilate with its more rural surroundings.
20. This would be particularly the case for the dwellings identified as being Plots B and C on the submitted plans. In consequence, as these dwellings are relatively small and in line with the neighbouring dwelling, these dwellings would not be incongruous.
21. However, the dwelling on Plot A would be further away from other dwellings and would appear divorced from them. This break would therefore appear discordant given the otherwise close relationship between buildings in the surrounding area.
22. The proposed development would include a significant level of landscaping at the appeal site. The effect of this would be to soften the overall effect of the increased built form and provide screening from the road. It would be possible to impose planning conditions that would ensure that this work is carried out at a suitable juncture in the development process. In addition, the palette of materials can be secured via a planning condition, which would ensure that the development harmonises with its surroundings.
23. In addition, the presence of planting and landscaping would provide some screening from the road and surrounding area. This would mean that the proposed development would not be a prominent addition to the surrounding area. However, whilst these factors would reduce the effects of the proposed developments, they would not overcome them in their entirety. Therefore, a

limited level of harm would result to the character and appearance of the surrounding area.

24. I have also been referred to emerging local plan policies. However, as I do not have certainty as to when these might be adopted, I am unable to give these significant weight in my considerations.
25. I therefore conclude that the development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with Policy 6, and the Framework.

### **Other Matters**

26. References have been made to a number of previous decisions. I have not been provided with the full information of these, which limits the amount of weight that I can attribute to them. Nonetheless, I note that these are located in a variety of locations and, as such, have differing effects on the character and appearance of their respective surroundings.
27. In addition, owing to the individual circumstances of each of the sites referenced, the debate as to whether each site is a suitable location for a proposed dwelling will naturally be different from the appeal site before me. In consequence, the level of harm would also be different. I therefore do not find that the presence of decisions elsewhere requires me to disregard my previous conclusions.

### **Planning Balance**

28. The evidence before me indicates that the Council cannot currently demonstrate a five-year housing land supply. In consequence, the provisions of Paragraph 11(d) of the Framework apply. Amongst other matters, this states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. This is referred to as the 'tilted balance'.
29. In this particular instance, I have found that the scheme would generate some harm arising from the location. However, this harm would be limited by reason of the fact that the occupiers of the development have access to some public transport facilities. In consequence, I give this harm a limited amount of weight.
30. The proposed development would also erode the character and appearance of the surrounding area. However, this harm would be limited by reason of the development's scale and design. In consequence, I give this harm a limited amount of weight.
31. However, the proposed development would result in an increase in the local housing supply of two dwellings. Whilst I acknowledge that this would not be a large increase in the local housing supply, it still represents a notable increase on a relatively small site given the current supply level. In consequence, I give this increase a moderate amount of weight.
32. In addition, the proposed development would generate some economic activities in the form of support of local services by the occupiers of the development and the construction process. The nature of the surrounding land

uses is such that the economic benefits would not be of a large level and those associated with the construction process are likely to be of a time-limited duration. In consequence, I give these a limited amount of weight.

33. Therefore, I find that as the benefits of the scheme can be ascribed a limited to moderate amount of weight and the harm from the development would attract a limited amount of weight, I conclude that the adverse effects from granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.

### **Conditions**

34. In addition to the standard implementation condition, a condition specifying the approved plans is necessary in the interests of precision. In order to ensure that the development does not harm the character and appearance of the locality, conditions requiring the agreement of landscaping and its maintenance; the agreement of building materials; and ensuring the retention of trees are necessary.
35. In order to ensure residents of the development have appropriate living conditions, a condition in respect of contamination is appropriate. In order to minimise the effect of the development upon the environment, conditions in respect of electric vehicle charging points and ecology are necessary.
36. Given the need to maintain the living conditions of the occupiers of neighbouring properties and highway safety, conditions requiring the agreement of a Construction Environment Management Plan and the provision of cycle storage, appropriate surfacing, appropriate visibility splays, and a pedestrian crossing are also needed.
37. These visibility splays would ensure that vehicles leaving the appeal site would have sufficient advance warning of approaching vehicles on the road and be able to manoeuvre in an appropriate manner. Therefore, this condition would ensure that highway safety is maintained.
38. Owing to the fact that the appeal site features several grassed areas and given its location it is also considered appropriate to include a condition pertaining to archaeological investigation.
39. A number of these conditions require details to be agreed prior to the commencement of development in order to ensure that details and mitigation are in place at an early stage in the process. However, I have amended the wording suggested by the Council in respect of building materials as these details can be agreed prior to any above ground works taking place. I have also omitted references to mechanisms by which alternative details can be agreed in the interests of clarity for all parties.

### **Conclusion**

40. For the preceding reasons, I conclude that the appeal should be allowed, and planning permission granted.

*Benjamin Clarke*

INSPECTOR

## **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than [3] years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 523-01; 523-02; 523-12-C; 523-14; 523-23; and LP/RLSLRTH/020B.
- 3) Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground works taking place. Development shall be carried out in accordance with the approved details.
- 4) None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed.
- 5) Prior to the commencement of development, all trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.
- 6) Prior to commencement of the development hereby permitted a revised visibility splay diagram measuring 2.4 x 120 metres to each side of the access where it meets the highway shall be submitted and approved by the Local Planning Authority in writing. Development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby permitted. The splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.
- 7) No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of the following:
  - Construction vehicle numbers, type, routing;
  - Traffic management requirements;
  - Construction and storage compounds (including areas designated for car parking);
  - Cleaning of site entrances, site tracks and the adjacent public highway
  - Demolition and removal plan for the existing house
  - Timing of construction activities to avoid school picks up/drop off times;
  - Provision of sufficient on-site parking prior to commencement of construction activities;

- Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

Development shall be carried out in accordance with the approved details.

8) Prior to the first occupation of the development hereby permitted a scheme for the parking of cycles including details of the design, level and siting of the proposed parking shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained.

9) Prior to the commencement of development full details of footway connection and provision of an informal pedestrian dropped kerb/tactile paving crossing point across London Road shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development and retained thereafter.

10) Prior to the first occupation of the development, full details of the surfacing to all of the site's vehicular areas shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall include details to ensure that the surface water from the site is intercepted and disposed of separately so that it does not discharged onto the highway.

Development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby permitted and retained thereafter.

11) Any suspected contamination encountered during the development of this site, shall be brought to the attention of the Local Planning Authority as soon as practically possible; in such a case, a scheme to render this contamination harmless, shall be submitted to, and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

12) Prior to the first occupation of each of the dwellings, each of the proposed new dwellings shall incorporate an Electric Vehicle (EV) ready domestic charging point.

13) Prior to the commencement of development, a report setting out how the ecology measures set out in section 6 of the ecology report are to be implemented on site is to be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

14) A) No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as required by the evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation

6. Provision to be made for archive deposition of the analysis and records of the site investigation

7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B) The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.