



Appeal Decision

Site visit made on 19 April 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd May 2022

Appeal Ref: APP/A1910/W/21/3286956

Marston Gate Meadow, Station Road, Long Marston

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Michael Gubb against the decision of Dacorum Borough Council.
 - The application Ref 21/00964/OUT, dated 9 March 2021, was refused by notice dated 18 May 2021.
 - The development proposed is outline application for the demolition of two stable blocks and construction of a single dwelling with all matters reserved other than means of access.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal proposal is for outline planning permission with all detailed matters except for access reserved for future approval. Whilst not formally part of the scheme, I have treated any details submitted with the appeal application relating to matters of appearance, landscaping, layout and scale as a guide to how the site might be developed.

Main Issues

3. The main issues are:
 - The effect of the proposed access arrangements upon the character and appearance of the rural area; and
 - The effect upon the Chilterns Beechwoods Special Area of Conservation (the SAC).

Reasons

Character and appearance

4. The main body of the site comprises a predominantly grassed area of land that currently contains stabling and associated containers/cabins (the stables) that are setback from Station Road beyond an open grassed field (the field) and planted field boundaries. The site occupies an inherently rural location set away from the closest settlement of Long Marston and in an area where instances of development are few and scattered. Indeed, Station Road, in the vicinity of the site, typically serves agricultural land uses and tends to be abutted by planted field boundaries to both of its sides.

5. A new access of bellmouth design is intended off Station Road, which would connect, across the field, to the main body of the site via timber gates setback from the highway and a gravelled track edged either side by post and rail fencing. I do not take issue with the principle of seeking to step timber access gates back from the highway by the distance that is intended given the depth of planting that can typically be observed to the field's Station Road boundary. I am also not opposed, in principle, to the use of reclaimed granite setts at/adjacent to the site's access point.
6. However, it is the width of the newly proposed access (in proximity to the highway) combined with the positioning/alignment of the associated track that raises concerns. Notwithstanding references made to the relevant section of hedgerow being sparsely planted and to an intention to undertake future additional planting (including of black poplars), the intended access arrangements would necessitate the punctuation of a not insignificant and distinct gap in an established buffer of roadside vegetation and would have an urbanising influence accordingly.
7. Furthermore, the fenced track would cover a considerable length in a location set away from any existing field boundary to either of its sides. It would thus appear as an intrusive and unexpected addition to the green and rural location in question. Whilst visibility of the track from publicly accessible vantage points would tend to be restricted by virtue of planted field boundaries, planting cannot always be relied on to consistently provide solid or impenetrable buffers to views. This is consistent with my own on-site observations. Moreover, planting is ever evolving and reliant upon continual maintenance to retain a consistent form.
8. Of relevance to the outcome of this appeal, an existing gated access (the existing access) is situated towards the southern end of the field. It links to the stables via a compacted entrance area and an informal grassed track that runs in proximity to the field's southern boundary. It has been argued that the existing access is not fit for purpose, in part due to the difficulties larger vehicles encounter when negotiating it.
9. Whilst I do not dispute the potential for some access/visibility constraints to occur for the drivers of large vehicles, the scheme that is before me relates purely to the demolition of the stables and the construction of a single dwelling. This is consistent with the extent and layout of the land contained within the site's red line area. Indeed, whilst the area outlined blue and thus falling under the appellant's control (the wider site) is noticeably larger, my considerations are necessarily centred upon the merits of the new residential development intended. I acknowledge brief reference within the submitted evidence to a previously approved riding arena, but I do not have full details before me. In any event, such a facility does not form part of the proposal being considered.
10. To my mind, having inspected the existing access and even when acknowledging the Highway Authority's recommended access width, it has not been robustly substantiated why the existing access could not be utilised (or adapted) for the purposes of attaining access to the proposed dwelling, nor why it would not be possible/workable to run an associated track in proximity to the field's southern edge. This is even when factoring in the logical desire to separate livestock from moving vehicles (through the erection of post and rail

fencing) and any requirement for construction vehicles to be accommodated during the build phase.

11. Moreover, outline planning permission¹ was granted by the Council last year for development of the same description to that which is now the subject of this appeal (albeit with all matters reserved) on the basis of the existing access being utilised. This indicates that an alternative option for attaining residential access to the main body of the appeal site, which would not involve the punctuation of a fresh gap in roadside planting or the laying of a track across the central portion of the field, would exist. This is a relevant material consideration.
12. Various examples of post and rail fencing in the locality have been brought to my attention, including before the nearest cottages to the north, and I accept that such fencing is often a regular feature in rural areas. However, it is the extent and open field siting of the proposed fencing that raises concern. As such, it would not blend seamlessly with the receiving rural environment.
13. An access track to The Cow Shed, a former agricultural building that attained a dwellinghouse use via a prior approval application, is bound by post and rail fencing and runs across open land for a considerable distance. Nevertheless, as an outlying example situated some distance away, its existence cannot be found to justify unacceptable development at the appeal site. Furthermore, not least due to The Cow Shed's access track being setback from Station Road, the site-specific circumstances are different to those at play at the appeal site.
14. Whilst Potash Lane is bound by post and rail fencing to both of its sides for much of its extent, this is a long-standing track that serves various properties. It is thus not a directly comparable example. In any event, given the separation from Station Road that applies to Potash Lane's fenced extents, it has somewhat limited implications for the character and appearance of the appeal site's immediate surroundings.
15. A track with a wide bellmouth leading to Thistlebrook Farm is distanced from the site, serves a significant agricultural enterprise and is not bound by post and rail fencing in proximity to the highway. Its existence is thus of limited relevance to my considerations. Not dissimilar findings avail at Whitwell Farm, a significant farm set away from the site, and at Betlow Farm, where the track in question runs an established field boundary and serves substantial commercial operations.
16. For the above reasons, the proposed access arrangements would cause harm to the character and appearance of the rural area. Indeed, the open nature and rural character of the land would not be suitably maintained. The scheme conflicts with Policies CS1, CS7 and CS12 of the Dacorum Core Strategy (September 2013) and the National Planning Policy Framework (July 2021) (the Framework) in so far as these policies require the rural character of the Borough to be conserved.

The SAC

17. The site lies within a recently prescribed Zone of Influence where likely significant effects upon the SAC from net increases in development due to recreational impacts cannot be ruled out. The Conservation of Habitats and

¹ 21/02871/OUT

Species Regulations 2017 (as amended) require that, where a project is likely to have a significant effect on (a) European site(s) (either alone or in combination with other plans or projects), the competent authority must, before any grant of planning permission, make an appropriate assessment of the project's implications in view of the relevant conservation objectives.

18. It is argued by the appellant that, given the existence of the planning permission granted last year, a net increase in development is not under consideration. In any event, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to undertake an appropriate assessment. For the avoidance of doubt, even if significant effects upon the SAC can be ruled out, or if I had undertaken an appropriate assessment and identified no adverse effect upon the SAC's integrity, my overall conclusions upon this appeal would be unaffected.

Other Matters

19. The proposal would deliver an additional housing unit utilising previously developed land and the Framework reaffirms the Government's objectives of significantly boosting the supply of homes and making an efficient use of land. However, as merely a single additional unit is under consideration, I attach limited weight to the delivery of new housing as a scheme benefit. Notwithstanding the intention to undertake new planting, any net-gain in biodiversity terms realistically obtainable would be limited and attractive of commensurate weight in the planning balance.
20. When compared to the existing access, the intended access arrangements would offer enhanced opportunities for motorists accessing the wider site to pull off the highway, and for increased visibility to be obtained upon egress. Nevertheless, the existing access is not especially narrow and offers not insignificant levels of vehicular visibility in both directions when exiting. When also noting the potential to trim back overhanging/adjacent vegetation and the modest number of trips realistically under consideration, any benefits of the proposal in highway safety terms attract limited weight.
21. The proposal's benefits, considered cumulatively, would be modest and would not outweigh the considerable harm that would be caused to the character and appearance of the area by the proposed access arrangements. The scheme conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

22. For the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR