
Appeal Decision

Site visit made on 12 July 2022

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2022

Appeal Ref: APP/J1915/W/21/3280237

Land adjacent to The Cottage, Hay Street, Braughing, SG11 2RG

- 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 Mr Christopher Cook against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/2498/OUT, dated 12 December 2020, was refused by notice dated 8 February 2021.
 - The development proposed is one detached self build dwelling with all matters reserved apart from access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal is for outline planning permission with all matters reserved apart from means of access.

Main issues

3. The appeal scheme raises the following issues:
 - The location of the proposed development,
 - The effect of the proposal on landscape character, and
 - Whether or not the appeal scheme fulfils the requirements of a self build project as defined by the Self Build and Custom Housebuilding Act 2015.

Reasons

Location

4. The appeal site lies in Hay Street, a hamlet which is around 0.5-1 kilometre north of the centre of Braughing, a Group 1 village defined in Policy VILL1 which includes a limited range of services. Hay Street comprises ribbon development along a classified 'B road'. It has no services and is defined as a Class 3 village, defined by Policy VILL3 in the Local Plan, where infill development would only be allowed if included in a Neighbourhood Plan. The site is not included in the Braughing Neighbourhood Plan (BNP).
 5. The Cottage is a 2 storey dwelling located on the east side of Hay Street with an Annex in the rear garden. The appeal scheme would be for a separate dwelling located in the side garden occupied in part by sheds.
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6. Policies GBR2 and VILL3 seek to reinforce the existing settlement pattern with new development being concentrated in a hierarchy of centres and the protection of rural areas which are not designated Green Belt.
7. The proposed scheme would be contrary to these policies and would not fall within the exceptions identified. The appellant questions what he considers is the arbitrary nature of settlement boundaries and the fact that the site would lie only around 500metres from the settlement boundary with Braughing. However, the site lies on a narrow unlit lane without footways and would not be conducive to walking or cycling. It does not lie on a bus route. For these reasons the location would not offer a genuine choice of transport modes and its development would encourage reliance on private transport contrary to both local policies and those included in the National Planning Policy Framework, (the Framework).
8. For these reasons, I conclude that the appeal scheme is not in a sustainable location and conflicts with Policies GBR2 and VILL3 of the East Herts District Plan 2018.

Landscape character and appearance

9. The site is largely hidden from the adjacent highway by a thick hedge which lies on the back edge of a narrow grassed road verge at the front of the appeal site. The Design and Access statement states that the proposed access would avoid the loss of part of the existing hedge; this marks a contrast from a previous scheme.
10. Policies GBR2 and DES3 together, seek the protection of the countryside as a valued resource which may have landscape and biodiversity value. It is not part of the Council's case that the hedge has important biodiversity value.
11. Given that the scheme would not involve any part of the hedge being removed there would be no adverse impact on the landscape character of the area. For this reason, the appeal scheme does not conflict with Policy GBR2 and DES3.

Self build homes

12. The difference between the main parties on this issue is whether the appeal scheme falls within the provisions of the Self Build and Custom Housebuilding Act 2015 (the Act) and the implications of this for Policy HOU8.
13. Policy HOU8 is specific on how the provisions of the Act are to be interpreted. This would allow for the inclusion of self build plots as part of major development proposals. This is to ensure that suitably serviced plots would be available for the development of this important form of housing. Other criteria included in the Policy reinforce the Council's support for Neighbourhood Planning.
14. I understand that the appellant is on a register of persons who would be contacted as land is released for this form of development. However, the appeal site is not a 'suitably serviced plot' within the meaning of the Act.
15. For these reasons, I conclude that the appeal scheme conflicts with Policy HOU8 of the Local Plan.

Conclusions

16. I find that the appeal scheme conflicts with Policies GBR2, VILL3 and HOU8. Whilst the appellant identifies the site as a 'windfall' site which could contribute to the Council's housing supply its development also conflicts with the policies of the BNP.
17. I acknowledge the appeal decisions¹ submitted with the appeal where my Inspector colleagues allowed appeals for housing falling within the definition of housing included in the Act. However, the full details of these sites is not before me. The appeal before me does not fall within the meaning of the Act.
18. Whilst I understand that the proposed access arrangements have been revised from a previous scheme², it is the principle of development on this site which is the determining issue in this appeal which conflicts with adopted policy.
19. I have had regard to the support of the Parish Council for this scheme but this does not outweigh the conflict with the policies of the Development Plan including those contained in the BNP.
20. For the above reasons, the appeal is dismissed.

Stephen Wilkinson

INSPECTOR

¹ APP/W0530/W/19/3230103, APP/G2435/W/18/3214451 & APP/H1480/W/19/3241879

² 3/19/1802/OUT