
Appeal Decision

Site visit made on 7 September 2022

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/X1925/W/22/3293220

Beckfield Farm, Beckfield Lane, Green End, Sandon, Buntingford, Hertfordshire SG9 0RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Guy Butler-Henderson against the decision of North Hertfordshire District Council.
 - The application Ref 21/01559/OP, dated 14 May 2021, was refused by notice dated 28 July 2021.
 - The development proposed is described as *'outline planning permission for the erection of 1 x 4 bed detached house with all matters reserved'*.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal concerns an application for outline planning permission with all matters reserved for later consideration. A block/site plan has been submitted but the accompanying 'Notes' refer to approximate dimensions with some details of landscaping to be decided at a later stage. I have dealt with the appeal on this basis.
3. The appeal form refers to both an appeal against refusal of planning permission and non-determination of the application. After several attempts at clarifying the matter the Council confirmed that their decision was made outside of the statutory period. Despite the appellant's email response of 22 September 2021, it is clear that the appeal is against the non-determination of application 21/01559/OP and I have determined the appeal on that basis.
4. The Council's evidence, taken as a whole confirms that had they been in a position to determine the application they would have refused planning permission on the grounds of the effects on the character and appearance of the area, location, accessibility, highway safety, and overall that it would be unsustainable development. I have taken this into account in my decision.
5. The examination into the North Herts Local Plan 2011 – 2031 ('the ELP') has ended and the Inspector's report was recently issued to the Council (8 September 2022). Both parties have commented on its relevance to the appeal and I have been provided with the latest version. The ELP is therefore at an advanced stage, with no proposed modifications to the policies I have been provided with, which are consistent with The National Planning Policy

Framework ('the Framework'). In accordance with paragraph 48 of the Framework, as a material consideration they carry significant weight in my decision and I return to them below.

Main Issue

6. The main issue is whether the site is a suitable site for housing, having regard to the Council's adopted and emerging settlement strategy and the effect on the character and appearance of the appeal site and area.

Reasons

7. The site lies outside the selected village area of Sandon, somewhat remote from it but on the edge of a small hamlet of rural properties and formed by a rectangular corner of an agricultural field accessed from Beckfield Lane. For planning purposes it is in the countryside and the proposal is not covered by any of the exceptions in the adopted or emerging development plan policies concerning development in Rural Areas Beyond the Green Belt.
8. Given the presence of neighbouring development the site should not be considered as isolated in terms of the Framework, but that does not automatically equate to it being an accessible or suitable location and that no harm would arise.
9. The appeal site is remote from the rural services and facilities in Buntingford, just over 4 miles away. There are some opportunities for pedestrians and cyclists, but these are unlit and narrow rural roads and footpaths, unlikely to be realistic options other than for experienced walkers and cyclists and such a journey would also not appeal to all, especially in inclement weather. This is particularly the case for the local primary school, just over a mile away and where it is doubtful parents would choose to walk the distance along this road with children of a primary school age especially in the winter months.
10. Opportunities to maximise sustainable transport solutions will vary from urban to rural areas and vehicle journeys between rural settlements are to be expected. However, with no practical public transport options future occupants would realistically have no choice but to rely on private vehicles in order to access day to day facilities and services further afield. There would also be additional visitor and delivery trips associated with the occupation and servicing of the dwelling.
11. Such reliance would ultimately cause some minor environmental harm because the proposal would not be located where it would contribute to a cumulative reduction in harmful greenhouse gas emissions, improve air quality and public health. An electric vehicle charging point could be secured by condition but whilst electric vehicle usage is increasing the wider infrastructure is not sufficient to make any determinative impact or demonstrate it would be taken up other than on a limited individual basis.
12. Turning to character and appearance, the presence of boundary landscaping in combination with the openness and spaciousness of the site positively contributes to its rural character and appearance and this wider Agrarian landscape. Although all matters of the outline scheme would fall to be assessed in greater detail at a later stage, in trying to achieve an appropriate scheme for a 4 bedroom dwelling, given the size, typography and nature of the appeal site

there are a limited number of ways in which it could be developed and the building is likely to be sited centrally.

13. In any part of the site, the proposal would result in an intensification of built form in an area where such openness contributes positively to the locally distinctive settlement and countryside pattern. It would introduce built form that, by virtue of its likely scale, form and siting would be a prominent development that would appear unduly dominant and incongruous within this rural context.
14. Further, the inevitable associated requirements for domestic paraphernalia on such a large plot, including garaging, outbuildings, play equipment, hard surfaces and so on would result in the further suburbanisation of the appeal site and area. It would represent a harmful visual intrusion that would be at serious odds with the spacious and open quality of the appeal site and its rural surroundings. It would not be a positive enhancement of this rural environment. Such harm could not be addressed by the imposition of conditions or, on the evidence before me at the reserved matters stage.
15. The proposal therefore would not be a suitable site for housing having regard to the adopted settlement strategy and would cause harm to the character and appearance of the appeal site and area. Overall, it would conflict with Policy 6 of the North Hertfordshire Local Plan ('the LP') and Policies SP1, SP6, CGB1 and D1 of the ELP.
16. Amongst other things and when taken as a whole, these allow certain exceptions in rural areas beyond the Green Belt, require key settlements as the focus for new housing, encourage development in locations which enable sustainable journeys to key services and facilities and development to be of a high quality that respects and improves its surroundings, responding positively to the site's context.
17. In Framework terms the development would fail to recognise the intrinsic character and beauty of the countryside at this point and in this location, would not add to overall quality of the area and result in harmful additional greenhouse gas emissions.

Other Matters

18. The Council's third, fourth and fifth reasons relate to access, parking and ultimately highway safety, referring to certain details not being provided or demonstrated. Despite reference to works to the lane by the appellant, such as widening, a passing place and better drainage no details are included. Although access and layout are reserved matters the relevant highway authority would also need to be consulted on any such works to the public highway.
19. I find both cases to be lacking sufficient detail so much so that on the evidence before me I am unable to be conclusive on any likely effects on highway safety and I find no conflict with the adopted or emerging policies of the development plan. I have not therefore considered this issue any further, and even if I were to agree with the appellant it would not have resulted in a different decision.
20. I acknowledge the appellant's apparent frustration with the Council's handling of the application and whilst unfortunate the appellant considers the Council to not be as proactive as it claims to be, the Council's administration and determination of the proposal has no bearing on the planning merits of this

appeal. I note a number of comments and responses in relation to third party representations but as I have dismissed the appeal for the reasons it has not been necessary to consider these any further, other than in terms of the main issues I identified.

Planning balance and conclusion

21. The harm and conflicts are such that the proposal should be regarded as being in conflict with the development plan, as a whole. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is simply one such consideration and in this case the presumption in favour of sustainable development set out within paragraph 11 d) ii. of the Framework applies by virtue of Footnote 7 and is not disapplied by 11 d) i.
22. The adverse impacts arise from the failure to adhere to an adopted and emerging settlement strategy, and harm to the character and appearance of the appeal site and area. Whilst the LP is of some age, the policies before me are broadly consistent with the Framework and I have also found conflict with some of the requirements of national policy as set out above and the ELP.
23. Balanced against this, the proposal would result in an additional dwelling in a district where there is currently a considerable shortfall in housing supply¹ although a single family sized dwelling would make a minimal contribution. There would be short-term economic benefits during construction and in the longer term, from future occupants spending in the local economy. Future occupation could assist in maintaining the vitality of rural communities although there is little substantive evidence to qualify or quantify this benefit.
24. I note the intention to construct a dwelling that would perform at net zero carbon levels, reduce surface water flooding along the lane, and with some intended ecological improvements. However, all matters are reserved so no substantive details are before me, including of contributions to increasing the scale of local woodland. I am unable therefore to be confident that this would be '*largely achieved by landscaping*' and there is also little before to suggest environmental benefits relating to biodiversity would result. Accordingly I give these considerations only a limited amount of weight in this particular case.
25. The dimensions of sustainable development in paragraph 8 of the Framework are not criteria which every decision can or should be judged. Nonetheless, and whilst there is accordance with some elements of the Framework, overall this proposal would fail to fulfil the environmental, economic and social dimensions of sustainable development.
26. Taking everything together, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As such, the proposal would not be the sustainable development for which Paragraph 11 d) ii. of the Framework indicates a presumption in favour.

¹ 1.5 years in the LPA's Delegated File Note.

27. Drawing everything together, the proposal would conflict with the development plan, when read as a whole and the ELP. Material considerations, including the Framework and the ELP do not indicate that a decision should be made other than in accordance with the development plan.
28. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR