



Appeal Decision

Site visit made on 26 September 2022

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 23 November 2022

Appeal Ref: APP/J1915/W/22/3301655

Woodlands, Whempstead Road, Benington SG2 7DH

- 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 and Mrs Martin Bishop against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/0844/FUL, dated 29 March 2021, was refused by notice dated 14 March 2022.
 - The development proposed is the erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. It is considered that the main issues are (a) whether the proposed development would be in an accessible location and (b) the effect of the proposed development on the setting of a designated heritage asset.

Reasons

Accessible Location

3. The host property forms part of a group of dwellings, which is outside the village of Benington as defined in the District Plan and, as such, is located within the rural area. The proposed erection of a dwelling within the garden of Woodlands would not accord with Policy DPS2 of the East Herts District Plan (DP) which provides for limited development in the villages.
4. In rural areas, the National Planning Policy Framework (the Framework) refers to planning policies and decisions being responsive to local circumstances and support housing developments that reflect local needs. No specific evidence of local need for the proposed dwelling has been provided with the appellants intending to occupy the appeal scheme. However, DP Policy GBR2 allows for limited infilling in sustainable locations, where appropriate to the character, appearance and setting of the site and/or the surrounding area.
5. DP Policy TRA1 refers to development being primarily located in places which enable sustainable journeys to be made to key services and facilities to help aid carbon emission reduction and to ensure that a range of sustainable transport options are available to occupants. This approach is echoed in the Framework where to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

6. There are no services and facilities immediately adjacent to the site with the nearest facility being a public house. The appellants have identified various distances the future occupiers of the proposed dwelling would have to travel on foot and cycle to access local facilities at Benington and Dale End, including the public house and a supermarket. The supermarket is identified to be a 9 minute cycle ride or 38 minute walk.
7. However, as was observed during the site visit, to access these facilities on foot and cycle would require the future occupiers to walk along unlit roads without segregated footways where the speed of traffic and width of the roads creates an uncomfortable environment for pedestrians and cyclists. The distances and use of the roads would act as a deterrent for future occupiers to walk and cycle to the nearest key facilities and services. The use of the car, rather than walking or cycling, is more likely to occur for such journeys.
8. The distance to stops for demand responsive travel (DRT) and traditional bus services are also provided by the appellants. The stop for the traditional bus is located 9 minutes walking distance away from the site and the service from this stop is not frequent. In combination, the frequency of the bus service, the distance to the stop and the need to walk, or cycle, along the road would mean that it is more likely a future occupier would choose to travel by private car rather than use the traditional bus service.
9. Although there is the potential for closer DRT stop to be accessed on foot along the road, albeit walking along the road, the proposed dwelling overall would not be easily accessible by sustainable or active modes of travel to key services and local facilities, including the supermarket and schools. It is acknowledged that a condition could be also imposed to secure an electric vehicle charging facility but this would not ensure that electric vehicles would be used by the future occupiers.
10. For the reasons given, the appeal scheme would not represent limited infilling in sustainable location. Accordingly, it is concluded that the proposed development would not be in an accessible location and, as such, it would conflict with DP Policies GBR2 and TRA1.

Designated Heritage Asset

11. The proposed development includes the erection of a dwelling within part of the residential garden of Woodlands which is a Listed Building where there is a statutory duty to have regard to the desirability of preserving the building or its setting. The listing description describes the construction of Woodlands which does not specifically refer to its associated garden. However, as indicated by the mapping contained in the Heritage Statement accompanying the appeal application and what was observed during the site visit, the garden is part of the domestic surroundings in which the Listed Building is experienced. The garden area does make a positive visual and physical contribution to the setting of Woodlands as a residential property.
12. By reason of the erection of the proposed dwelling within the garden, albeit some 25 metres away from the host property, the appeal scheme would have a negative effect on the domestic setting of the Listed Building. There would be a reduction in the garden area by the introduction of new built development and the sub division of the property's curtilage. Although the claims of the

appellants have been noted, this not the case with the alterations which have occurred to the adjoining Cuttings which sits within its own curtilage.

13. Accordingly, it is concluded that the proposed development would fail to preserve the setting of the designated heritage asset and, as such, it would be contrary to DP Policies GBR2 and HA7. In addition to limited infilling needing to respect the character, appearance and setting of the site and/or the surrounding area, there is a requirement that proposals which affect the setting of a Listed Building will only be permitted where the setting of the building is preserved.

Other Matters

14. The degree of harm cause to the designated heritage asset would be less than substantial. The Framework refers to where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits. The appellants' claim is that the main public benefit would be the provision of a single family dwelling but there is a 5-year supply of housing land in East Hertfordshire District and the number of new homes which have been constructed exceeds the housing delivery test. On this basis it is judged that there is no specific need for the proposed dwelling and, as such, there is no public benefit that outweighs the harm to the designated heritage asset.
15. Reference is made by the appellant to another housing scheme which involved development adjacent to a designated heritage asset, albeit on the edge of the village. However, there are different locational circumstances associated with this other scheme and this appeal has been assessed on its own planning circumstances, including its location and the effect on the setting of the Listed Building. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR