
Appeal Decision

Site visit made on 14 March 2023

by Paul Jackson B Arch (Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 24 March 2023

Appeal Ref: APP/J1915/W/22/3298432

1 Sacombe Green Farm, Sacombe Green, Sacombe SG12 0JF

- 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 Neill Hanlon against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/0033/FUL, dated 7 January 2022, was refused by notice dated 23 March 2022.
 - The development proposed is demolition of concrete barn structure, relocation of existing timber stables. Erection of 1 highly sustainable bungalow and link to existing brick built stables.
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Preliminary matter

1. The application drawings indicate that a proposed garage would involve a matching extension to the existing stable block. I do not consider that taking this into account would prejudice the interests of any interested parties and I have considered the appeal on this basis.

Decision

2. The appeal is allowed and planning permission is granted for demolition of concrete barn structure, relocation of existing timber stables; erection of 1 highly sustainable bungalow and link to existing brick built stables at 1 Sacombe Green farm, Sacombe Green, Sacombe SG12 0JF in accordance with the terms of the application, Ref 3/22/0033/FUL, dated 7 January 2022, and the plans submitted with it, subject to the conditions at the end of this decision.

Main Issue

3. The main issue is whether or not the proposed development would be in a suitable location having regard to its location in the countryside and the accessibility of services and facilities.

Reasons

Policy background

4. The development plan for the area is the East Herts District Plan of 2018 (LP). Policy DPS2 sets out the development strategy for the District from 2011 to 2033 and seeks to deliver sustainable development according to a defined hierarchy. Policy GBR2 advises the types of development that will be permitted in rural areas beyond the Green Belt, including d) the replacement, extension

or alteration of a building, provided the size, scale, mass, form, siting, design and materials of construction are appropriate to the character, appearance and setting of the site and/or surrounding areas: and e) limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings) in sustainable locations, where appropriate to the character, appearance and setting of the site and/or surrounding area.

5. Paragraphs 10.1.1 to 10.1.6 set out the rationale behind the Council's approach to development in the countryside and note that rural housing is considered to be essential to ensure viable use of local facilities. Policy VILL3 advises that in the larger villages in Group 1 or Group 2, some development is envisaged where there are local services and facilities. Sacombe Green is a Group 3 village where the policy advises that limited infill development identified in an adopted Neighbourhood Plan will be permitted. No Neighbourhood Plan is in place in Sacombe Green. However the policy goes on to identify criteria which would apply to all development in these locations.
6. The final policy referred to in the reasons for refusal is TRA1, which indicates, amongst other things, that development should primarily be located in places which enable sustainable journeys to be made to key services and facilities to help aid carbon emission reduction. This is consistent with national policy set out in paragraph 105 of the National Planning Policy Framework (NPPF) of 2021. The NPPF also indicates at paragraph 79 that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It says that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services: and where there are groups of smaller settlements, development in one village may support services in a village nearby.
7. I have taken into account other relevant policies of the LP including those relating to the need to preserve and where appropriate enhance the historic environment and the Council's aspiration to actively seek opportunities to sustain and enhance the significance of listed buildings.

The site and surroundings

8. Sacombe Green is a small hamlet on relatively high ground. The rural surroundings are largely arable in nature with large fields and expansive views. The appeal property consists of a disused and redundant large concrete framed cowshed constructed in the 1970s, most recently used as a manège, together with an adjacent brick and slate building originally used for stabling. The cowshed lies very close to 1 and 2 Sacombe Green Farm Cottages, a timber framed and weatherboarded building originating from the 17th century and listed Grade II. The cottages have now been combined into a single dwelling.
9. The proposal consists of a new 'passivhaus' dwelling together with an extension to the adjacent stable building to accommodate a garage. A covered walkway would link the garage to the house. The new dwelling would be constructed on part of the footprint of the cowshed about 30 metres (m) from the cottages.

Accessibility of services and facilities

10. Sacombe Green has no facilities or services and no public transport. However, the broader picture of settlement in the area indicates a range of services

within relatively short distances. It is about 1 kilometre (km) from another small hamlet at Sacombe. St Catherine's Church lies between the 2 settlements. The village is around 1.5 km (as the crow flies) from Dane End to the north, a Group 2 village where there is a primary school, shop and public house. A golf course with a floodlit driving range lies between Dane End and Sacombe Green. It is just over 2 km from High Cross, another Group 2 village and just over 4 km from Watton-at-Stone a Group 1 village with a station. Within between 5 and 7 km to the south lie the larger towns of Ware and Hertford where a significant range of services is available. I conclude that a wide range of facilities is available to Sacombe Green in the southern part of the District within a maximum of about 15 minutes driving time: and most day to day needs could be met within a far shorter distance. The station would be accessible by cycle within about 20 minutes. Sacombe Green is not remote.

11. Group 3 villages without a Neighbourhood Plan allocating any development lie at the bottom of the hierarchy set out in policy VILL3. There would be no simple means of accessing local services by foot and many people would be put off cycling on very narrow country lanes. The need to use a vehicle to access most facilities even for short journeys conflicts with the aims of the relevant policies, but that needs to be seen alongside the broader strategic aim to balance the need to ensure vital and viable rural communities, with the desire to conserve the countryside, and for development to support services in a village nearby, such as Dane End.

Other matters

12. There is no disagreement that the site comprises previously developed land, agricultural use having ceased in 1999. The equestrian use declined and closed and as the existing stables would be relocated to the rear, the Council acknowledges that demolition of the shed would not lead to the unacceptable loss of an equestrian facility. The Council accepts that the design of the proposed dwelling would not look out of place in the settlement of Sacombe Green.
13. The removal of the concrete cowshed would significantly improve the setting of the listed building by opening up the former farmyard. The cottages were listed several years after the shed was erected, in a close and uncomfortable relationship. The shed is also highly visible on a crest in the landscape where it appears prominent and bulky seen from some distance but particularly from Rowney Lane. The proposed dwelling would be of low profile and sympathetic materials and would not compete with the listed building in terms of visibility or siting. Whilst the Council points out that alternative more policy compliant development could lead to similar benefits, no such scheme is before me.
14. Moreover, in accordance with paragraph 134 of the NPPF, the proposal to erect a dwelling based on 'passivhaus' principles attracts some weight, along with the way in which the overall design seeks to respond to its location.
15. The development strategy for the villages seeks to balance the need to ensure vital and viable rural communities, with the desire to conserve the countryside. This is a case of balance between the need to ensure that most development takes place primarily in sustainable locations against the benefits in terms of supporting local services in nearby villages. Development plan policies do not entirely preclude development in Group 3 villages such as Sacombe Green. The site forms part of an existing settlement which is not particularly isolated.

Overall, the benefits to the setting of the listed building conclusively tip the balance and outweigh the conflict with policy TRA1 and the rather more limited conflict with the general aims of policies GBR2 and DPS2. I conclude that the proposal would not conflict with the aims of LP policy VILL3.

Conditions

16. In addition to the usual time limitation on development, conditions are necessary to control external materials, slab and ridge levels, boundary walls and fencing and permitted development, in the interests of the character and appearance of the area and the setting of the listed building. In accordance with Council policies, conditions control water consumption, NOx emissions, refuse storage and the provision of car charging apparatus. In view of the proximity of housing, working hours are limited. A model condition is imposed controlling existing trees and hedges in view of the extent of demolition and construction. The development needs to be constructed in accordance with the approved drawings, for the avoidance of doubt.
17. The 'passivhaus' status of the development is an important positive feature and a condition requires details of this standard would be achieved, together with a requirement that the dwelling should not be occupied until the appropriate certificate has been provided. Finally, the garage extension to the stable block must be constructed to match the existing building in all respects.

Conclusion

18. For all the above reasons, the appeal should be allowed.

Paul Jackson

INSPECTOR

Schedule of 14 conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the approved plans as follows: 2527-03, 01A 04A, 05A, 06C.
- 3) Prior to any works being commenced, the external materials of construction for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be implemented in accordance with the approved details.
- 4) Prior to commencement of development, detailed plans showing the existing and proposed ground levels of the site relative to adjoining land, together with the slab levels and ridge heights of the proposed buildings, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
- 5) No development shall take place until details of how the development hereby approved would meet 'passivhaus' standards, including how materials and operation of the development minimises overheating in

- summer, reduces the need for heating in the winter, reduces energy demand and reduces water demand must be submitted to and approved in writing by the Local Planning Authority. No occupation shall take place until a Passivhaus Building Certificate from an approved Passivhaus Certifier accredited by the Passivhaus Institute has been submitted and approved by the Local Planning Authority.
- 6) Prior to the first occupation or use of the development hereby approved, details of all boundary walls, fences or other means of enclosure to be erected shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be implemented in accordance with the approved details.
 - 7) Prior to the new dwelling being occupied, 1 electrical car charging point shall be provided in an easily accessible location, installed and retained for the life of the development.
 - 8) Prior to first occupation of the development hereby approved, facilities for the storage and removal of refuse from the site shall be provided, in accordance with details having been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and the facilities retained as such.
 - 9) Prior to the first occupation of the development measures shall be incorporated within the development to ensure that a water efficiency standard of 110 litres (or less) per person per day is achieved.
 - 10) All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, in accordance with BS5837: 2012 Trees in relation to Design, Demolition and Construction, or any subsequent relevant British Standard, for the duration of the works on site. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.
 - 11) Any gas-fired boiler shall meet a minimum standard of <40 mgNO_x/kWh.
 - 12) The hours of operation for construction and/or demolition works shall be restricted to 08:00-18:00 Monday to Friday and 08:00-13:00 on a Saturday. No work to take place on Sundays or Public Holidays without the prior written authority of the Local Planning Authority.
 - 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), or any amending Order, no enlargement, improvement or other alteration as described in Schedule 2, Part 1, Classes A, AA, and B of the Order shall be undertaken.
 - 14) No works to the stable block to construct the garage extension shall be carried out until details of the building envelope including walls, roof and

doors have been provided to the Local Planning Authority and approved in writing. The details shall demonstrate how the extension will match in all respects the existing building including the roof ridge line. The extension shall be constructed in accordance with the approved details.