



Appeal Decision

Site visit made on 16 May 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2023

Appeal Ref: APP/J1915/W/22/3304110

Elbow Lane Farm, Elbow Lane, Hertford Heath SG13 7QA

- 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 Mrs Teresa Walker of Ladkarn Developments Ltd against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/1326/FUL, dated 13 May 2021, was refused by notice dated 16 May 2022.
 - The development proposed is demolition of existing stable block and partial demolition of existing equestrian block, and the development of the remaining equestrian block to include 4No. 4 bedroom 6 person dwellings and 4No.3 bedroom 5 person dwellings, including associated site landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The Council's second reason for refusal related to insufficient information being submitted to minimise future energy demands generated by the development. The Council has suggested a planning condition that could address this matter, which I agree would be reasonable. It is therefore not necessary for me to consider this matter further.
3. Consequently, the main issue is whether future occupiers of the proposed development would have adequate access to services and facilities without undue reliance on private car use.

Reasons

4. The site is located in the open countryside and is detached from any built-up settlement. It forms part of the wider Elbow Farm site, which comprises a former farmhouse and garage together with 13 other dwellings, which have been created through the conversion of former agricultural, equestrian and holiday let buildings. The appeal relates to the partial demolition and conversion of the last remaining equestrian building, which is in the centre of the site.
5. Vehicular access is via Elbow Lane, a private block paved access road off Mangrove Lane to the south. To the north of the farmhouse, Elbow Lane becomes an unsurfaced byway, providing mainly for pedestrian and cycle access to and from the village of Hertford Heath.
6. From the evidence before me, walking into Hertford Heath from the site, via the unlit and unsurfaced public byway (the shortest route), would be between 1.5 and 2km and would take approximately 20 to 30 minutes. A round trip

would be double this. The larger settlements of Herford and Hoddesdon, which provide larger supermarkets, health care and employment, are over 3km away and again would not be easily accessible other than by private car due to the narrow country roads being unlit and having no footpaths.

7. Reference has been made to PPG13 and the Manual for Streets (MfS) suggesting that 2km is an appropriate walking distance. PPG13 was replaced by the National Planning Policy Framework (the Framework) in 2012 and as such I afford this no weight. Although the MfS makes reference to the former PPG13, it also states that walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas, which residents may access comfortably on foot.
8. The distance between the nearest facilities and the appeal site is approximately double this, and I would anticipate most people would not walk 2km, other than for leisure purposes, if they had the option of driving, particularly in the hours of darkness, bad weather, when carrying shopping or visiting multiple destinations.
9. I have also been referred to the Hertford Heath Neighbourhood Plan. Whilst I have not been provided with a copy of this, or its current status, I have no reason to disagree that the village of Hertford Heath has a range of services, facilities and public transport links. Nevertheless, as the appeal site is not within or close to the village, I afford this very little weight.
10. I acknowledge that the appellant has no control over where the local bus routes run. However, national and local planning policies seek to control the location of new development to ensure amongst other things that it is located where it would be well served by services and facilities, including public transport. It is not therefore unreasonable to refuse planning permissions on the basis that the site does not have appropriate access to these.
11. The increase in home working and delivery services and the availability of super-fast broadband would not in my view significantly reduce the number of times most people would leave their homes or use their cars.
12. I therefore conclude that future occupiers of the proposal would not have adequate access to services and facilities without undue reliance on private car use. The proposal is therefore contrary to Policies DPS2 and TRA1 of the East Herts District Plan (October 2018), which set out a hierarchy of development locations and seek, amongst other things, to ensure that new development is primarily located in places which enable sustainable journeys to be made to key services and facilities to help aid carbon emission reduction. The proposal would also conflict with the Framework in this respect.

Other Matters

13. The historic use of the site as a pharmaceutical company and then an equestrian centre would inevitably have generated significant traffic movement. The submitted Design and Access Statement advises that at its peak the 27 stables would have generated 40 vehicle movements per day. However, these uses ceased in 2002 and 2017. Moreover, these uses would have been subject to different planning policies and had different locational needs to that of new residential development.

14. There is no evidence before me to suggest that the building to be converted in this case has any lawful use that would generate the same level of private car use as the proposal for 8 family dwellings. The 8 dwellings proposed, in addition to the 13 dwellings already approved on the wider site, could potentially generate a greater number of private car movements than the historic uses.
15. The appellant has submitted copies of two appeal decisions, which were allowed, and granted prior approval for the conversion of buildings on the wider Elbow Lane Farm site to dwellings. However, as these appeals related to prior approvals, the matter of access to services and facilities was not before the Inspectors or indeed the Council for their consideration.
16. The fact that other dwellings recently approved at Elbow Farm and on other similar nearby former farm sites have equally poor access to services, is not a reason to allow more dwellings in such locations. I do not have the full details of each of the cases I have been referred to, but from the information before me, it would appear that these earlier approvals comprise a combination of schemes for smaller numbers of dwellings, prior approvals, full applications for amended schemes that had a fallback position, and the removal of holiday let conditions due to lack of interest from holidaying horse owners and the decline of the equestrian business. As the circumstances do not appear to be directly comparable to the case before me, I afford these decisions very limited weight. I have dealt with this case on its own merits.
17. The Council accepts that it has less than a five-year supply of housing land. Consequently, paragraph 11(d) of the Framework, is engaged. This advises that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
18. The proposal is on previously developed land and would re-use part of an existing building, which is supported by paragraph 119 of the Framework. However, given the extent of new building work required, the sustainability benefits of reusing limited parts of the existing building would be very modest. The partial demolition of the building would increase the level of open space within the site, which would enhance the openness of the Green Belt as well as improving the outlook and surroundings for occupiers of the adjacent dwellings and potentially delivering biodiversity net gains. As there is nothing before me to suggest that this redundant building could not be fully or partially demolished anyway, I afford these benefits only moderate weight.
19. I recognise that there would be economic benefits during the construction phase and that future occupiers of the proposal would potentially support the viability and vitality of some village facilities and services. However, given the poor access to these village services it is more likely that future occupiers of the development would drive to the larger settlements, in which new housing should be located. I therefore afford these benefits limited weight.
20. I note the intention to use heat pumps, to provide electric vehicle charging points and cycle parking, but as all new homes are required to meet energy efficiency standards and to provide measures to encourage sustainable travel, such measures are neutral and do not weigh in favour of the proposal.

21. The proposal would make a modest contribution to the supply of housing, which would form part of a small existing community and I afford this significant weight. However, this must be balanced against its location.
22. Future occupiers of the development would have poor access to services and facilities. Whilst I acknowledge and have taken account of the fact that sustainable transport solutions vary between urban and rural areas, paragraph 105 of the Framework is very clear that significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The proposal, particularly when taken with other recent development on the site, is significant and I attach substantial weight to this matter.
23. When assessed against the policies in the Framework taken as a whole, I consider that the harm I have identified would significantly and demonstrably outweigh the modest benefits of the proposal.

Conclusion

24. I conclude that the proposal would conflict with the development plan as a whole. There are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, the appeal is dismissed.

R Bartlett

INSPECTOR