



Appeal Decision

Site visit made on 24 October 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th November 2023

Appeal Ref: APP/J1915/W/22/3310920

Fox Cottage, 81 Long Lane, Aston, Hertfordshire SG2 7HE

- 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 A Moreham against the decision of East Herts District Council.
 - The application Ref 3/22/0218/FUL, dated 1 February 2022, was refused by notice dated 13 May 2022.
 - The development proposed is described on the application form as 'Erection of detached four bedroom dwelling on land adjacent Fox Cottage. Demolition of mainly disused outbuildings, access provided via existing access from Long Lane.'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed development relates to the setting of a listed building. Accordingly, I have had special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it may possess, as required under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are:
 - whether the proposed development is inappropriate development in the Green Belt;
 - whether the site is a suitable location for housing having particular regard to the accessibility of services and facilities;
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposal would preserve the Grade II listed building, Fox Cottage, or its setting;
 - the effect of the proposed development on the living conditions of future occupiers, with particular regard to overlooking; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

4. The appeal site comprises a parcel of land to the south of Long Lane. It is formed of a series of single-storey buildings, areas of hardstanding and grassland. Although not included within the site location plan's red line, the site is associated with nearby Fox Cottage, a private dwelling. The site is within the Green Belt.
5. National Green Belt policy in the National Planning Policy Framework (the Framework) sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development. There are, however, certain exceptions. One of those, at paragraph 149, is the limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt. Policy GBR1 of the East Herts District Plan (LP, 2018) conforms to the general thrust of national Green Belt policy, setting out that planning applications will be considered in line with the provisions of the Framework.
6. Given the nature of the site, specifically the permanence of some existing structures and areas of hardstanding, I acknowledge that the site may be characterised as previously developed land, in line with the definition in the Framework. I also note that the proposed development would result in the removal of several existing structures and the consolidation of built form across the site. I also saw how intervening features in the landscape and its topography mean there is fairly limited visibility of much of the site from the surrounding area.
7. Nevertheless, the openness of the Green Belt has a spatial as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm. The proposed development would introduce development of a greater height than the existing structures, at two-storeys high. This would be compared with the low-lying and traditional nature of the existing buildings across the site. There would also, in all likelihood, be domestic paraphernalia linked to the additional dwelling, including access and parking areas, parked vehicles, additional boundary features, amenity areas and bin storage. This would add to the effect on openness beyond a simplistic reliance on amount of ground covered or the volume of built form. At present the site retains an essentially open, rural character.
8. Overall, I conclude that the proposed development would fail to preserve openness. It would be inappropriate development in the Green Belt, rather than an exception permissible under Framework paragraph 149. However, in the light of the mitigating factors explained above, adverse effects to openness would reasonably be described as moderate. The proposed development would be contrary to the relevant provisions of LP Policy GBR1, which in summary seeks to protect the Green Belt from inappropriate development and to protect its openness.

Appropriateness of location

9. The appeal site is located outside of any defined settlement boundary, and therefore within the open countryside. Notwithstanding this, as the site is

located near to established residential properties, it cannot reasonably be described as 'isolated' within the terms of Framework paragraph 80.

10. Aston End contains very limited services, including a public house. Further services and facilities are provided in Stevenage. However, these are located a reasonably long distance away from the site, and would require future residents of the development, if travelling by foot or cycle, to proceed along Long Lane, which is narrow with no dedicated footway/cycleway or wide verge and is unlit. This journey would also require residents to cross the road at least once. The journey would be particularly undesirable in winter months, after dusk or during inclement weather conditions.
11. Paragraph 105 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural locations. However, in this location, the occupants of the proposed dwellings would be highly reliant on the use of private vehicles to access most services and facilities, irrespective of the precise distance, due to a lack of satisfactory walking routes and a lack of public transport facilities within a reasonable distance of the site.
12. My attention has been drawn to a development at Hazel Park. Whilst I do not have the full details of that case before me, including its specific context and planning history, I note that it relates to a significant number of dwellings. As a result, the considerations that applied there, and the planning balance, are not directly comparable. Moreover, there is no substantive evidence before me to demonstrate that the presence of that site would improve the sustainability of the appeal site. Ultimately, the existence of that scheme does not lead me to an alternative conclusion on this main issue.
13. For the above reasons, I conclude that the appeal site would form an inappropriate location for the proposed development, contrary to the relevant provisions of LP Policies DPS2, VILL2 and TRA1. These policies, in summary, seek to ensure development is located in the most sustainable locations. This is in a similar vein to the objectives of paragraph 104(c) of the Framework, which says that transport issues should be considered from the earliest stages of plan making and development proposals so that opportunities to promote sustainable transport are identified and pursued.

Character and appearance

14. As reasoned above, views into the appeal site are relatively limited by reason of the position of public vantage points and intervening landscaping and levels. Despite this, parts of the site can be glimpsed from Long Lane. Clearer views are obtained from within adjoining privately owned land. From those vantage points, the site, including the existing buildings, retains a rural character that does not appear out of place here. This is consistent with the wider landscape. The existing arrangement of buildings is such that the appeal site does not appear as a separate entity to the Fox Cottage, with no strong visual boundaries between the site and dwelling.
15. The proposed development, irrespective of its precise footprint, would introduce a harmful domestic character to the site, and the building would have a more prominent presence than the existing low-key outbuildings, particularly as the proposed dwelling would reach two storeys high. The development would erode the contribution that the site makes to the open and rural nature

of the surrounding area, intensifying its use from rural to almost suburban in appearance. Consequently, the proposed development would have a harmful effect on the site and on the open rural character of Long Lane.

16. Overall, I conclude that the proposed development would have a harmful effect on the character and appearance of the area, contrary to the relevant provisions of LP Policies DES2 and DES4. These policies, when taken as a whole, seek to ensure that development in the countryside is appropriate for its location and does not harm the special characteristics of landscape character. This is in a similar vein to the objectives of the Framework insofar as good design and the protection of landscape character is concerned.

Heritage - special interest and significance

17. Fox Cottage is positioned to the north-east of the appeal site. It is a Grade II listed building¹, dating from the sixteenth century, with later elements. It is faced in brick and roughcast render. A later, prominent twentieth century addition exists to the rear.
18. Based on the evidence before me, the special interest and significance of the listed building is largely derived from its architectural and historic interest. Important contributors in these regards, which are pertinent to the appeal, are its illustration as a vernacular hall house and the use of traditional building materials and techniques.
19. Pertinent to the appeal, in relation to the settings of the listed buildings and the contribution they make to the special interest and significance of assets, I have had regard to the definition of setting within the National Planning Policy Framework (the Framework).
20. To my mind, the closely associated grounds of the main house, including the adjacent outbuildings, driveway and gardens, have an historic, visual and functional connection with the heritage asset. These grounds form the asset's immediate setting and it is from here that the asset is best appreciated. This immediate setting contributes somewhat to the asset's special interest and significance.

Heritage – appeal proposal and effects

21. There is no doubt that the proposed development would change the appearance of the appeal site. However, the proposal, by reason of its nature, position and overall scale, would not harmfully disturb the identified historic, visual and functional relationship between the heritage asset and the appeal site, which forms part of its immediate setting and which contributes to the asset's significance. The listed building would remain legible, and the asset's historic and architectural interest would remain unaffected. The retention of a considerable separation distance and intervening landscaping features would reinforce this.
22. Overall, I conclude that the proposed development would preserve the Grade II listed building, Fox Cottage, and its setting. Consequently, it would not harm the significance of this designated heritage asset. In doing so, it would satisfy the requirements of Section 66(1) of the Act. The proposal would also accord with the relevant provisions of LP Policies HA1 and HA7, which in summary

¹ List Entry Number: 1101437

seek to protect heritage assets and their settings. This is in a similar vein to the National Planning Policy Framework (the Framework) insofar as the protection of heritage assets is concerned.

Living conditions

23. The proposed dwelling would lie to the south west of the existing dwelling, Fox Cottage. This would introduce habitable windows in a location where this is not currently the case, including at first floor level.
24. The orientation of the proposed dwelling relative to Fox Cottage, together with the separation distance between the two properties, is such that there would be no harmful loss of privacy to the occupiers of that property.
25. Consequently, I conclude that the proposed development would have an acceptable effect on the living conditions of neighbouring properties, in accordance with the relevant provisions of LP Policy DES4, which in summary seeks to protect living conditions.

Other considerations

26. The proposal would result in the removal of a number of existing buildings that are in a poor state of repair. The appellant considers these to be unsightly and that this would be a benefit. However, the removal of existing buildings, and general enhancement of the site, could happen without the redevelopment of the site. Moreover, I note that some of the buildings identified for demolition do not lie within the appeal site, illustrated as being outside the red line. I therefore afford this matter no weight.
27. I also note that the proposed development would meet some other planning objectives, including in respect of biodiversity. However, the absence of harm in those respects is essentially neutral in my determination of the appeal. I therefore give these considerations limited weight.
28. A letter of support has been received. However, that is not a benefit and has not led me to an alternative conclusion on the main issues. I afford this matter no weight.
29. My attention is drawn to a nearby site at Hazel Park. As discussed above, the circumstances at that site are not directly comparable with the appeal site. In any event, I have assessed the appeal based on the evidence before me and the site's individual circumstances. I therefore give these considerations limited weight.

Green Belt Balance and conclusion

30. The proposed development would be inappropriate development in the terms set out by the Framework and would result in a harmful loss of openness to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt.
31. Cumulatively, I attach no more than limited weight to the benefits of the proposed development which make up the other considerations. As such, the other considerations do not clearly outweigh the harm to the Green Belt and the very special circumstances necessary to justify the development do not exist.

32. From the evidence before me, the Council is unable to demonstrate a five-year housing supply. This means that the policies which are most important for determining the proposal are out of date in accordance with paragraph 11.d of the Framework. However, bullet (i) of paragraph 11.d clarifies that permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance, including Green Belt, provide a clear reason for refusing the proposed development. In this case, I have found that there would be harm to the Green Belt. Therefore, the proposal would not benefit from the presumption in favour of sustainable development in this instance.

33. Accordingly, I conclude that the appeal should be dismissed.

A Price

INSPECTOR