



Appeal Decision

Site visit made on 31 October 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2023

Appeal Ref: APP/J1915/W/23/3320814

Jesmond Cottage, 2 Cross Road, Epping Green, Hertfordshire SG13 8NG

- 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 Frank Banner against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/1309/FUL, dated 21 June 2022, was refused by notice dated 4 January 2023.
 - The development proposed is described as "Full Planning Permission for the conversion of existing stable building to provide a new single residential unit and associated parking and amenity space".
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Decision

1. The appeal is allowed and planning permission is granted for conversion of stable building to provide a single residential unit and associated parking and amenity space at Jesmond Cottage, 2 Cross Road, Epping Green, Hertfordshire SG13 8NG in accordance with the terms of the application, Ref 3/22/1309/FUL, dated 21 June 2022, and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

Preliminary Matters

2. I have amended the description in my decision above for clarity and to remove words not describing acts of development.

Main Issue

3. Whether the proposed development would be in a suitable location in respect to local services and facilities.

Reasons

4. The appeal site comprises a stable building within the grounds of Jesmond Cottage, a dwelling in the small rural village of Epping Green.
5. Policy DPS2 of the East Herts District Plan 2018 (EHDS) establishes a hierarchy for the location of new housing in the District. At the bottom of this hierarchy is limited development in the villages. Epping Green is not identified in the EHDS as a 'Group 1' or 'Group 2 Village', so is considered a 'Group 3 Village'. This category of village is described in the EHDS as having a poor range of services and facilities, such that it is often necessary for residents to travel outside the village for most of their daily needs.
6. The EHDS's overall development strategy prioritises Group 1 Villages for additional housing over villages in Groups 2 or 3. Nevertheless, the reference to "the villages" within the hierarchy in Policy DPS2 does not preclude

development in Group 3 Villages. Policy VILL3 of the EHDS supports limited infill development identified in an adopted Neighbourhood Plan within Group 3 Villages. In addition, part III of the policy sets out criteria to be met by all development in Group 3 villages, such as location, connectivity and scale in relation to the village.

7. I understand Epping Green does not fall within an area covered by an adopted Neighbourhood Plan. However, the proposal is for conversion of an existing building rather than the infilling of a gap in development. The building is near other dwellings in Epping Green so the new home would not be isolated. The Council has not suggested the proposal would fail any of the criteria under part III of Policy VILL3. On the evidence before me, I see no reason to disagree. Therefore, on balance, I find the proposal would not conflict with Policy VILL3 of the EHDS.
8. Policy TRA1 of the EHDS requires development proposals to be primarily located in places which enable sustainable journeys to be made to key services and facilities, prioritising modes of transport other than the car where feasible.
9. Epping Green has few services and facilities so the proposal would be likely to generate some additional car use. Nonetheless, the larger village of Little Berkhamsted is close enough to be within easy walking or cycling distance, particularly during daylight hours. Epping Green is also served by two bus routes to larger settlements, with onward connections by bus and train. Another mainline railway station is a short drive away. Therefore, the proposed dwelling would have reasonable access to local services and facilities, with a choice of transport modes comparable to that found in some other rural areas. Overall, future occupants' use of services and facilities in nearby settlements would support the vitality of the wider rural community, which would outweigh the limited harm from a modest increase in car use.
10. For the above reasons, I conclude the proposed development would be in a suitable location in respect to local services and facilities. Accordingly, I find no conflict with Policies DPS2, VILL3 and TRA1 of the EHDS. I also find no conflict with Policy INT1 of the EHDS, which sets out the principle of sustainable development. I also find no conflict with the National Planning Policy Framework (the Framework) where it supports housing in rural areas that will enhance or maintain the vitality of rural communities; acknowledges that development in one village may support services in a village nearby; and seeks a genuine choice of transport modes bearing in mind the opportunities to maximise this in rural areas.

Other Matters

11. I note the recent decisions relating to use of the appeal site as a residential annexe to Jesmond Cottage. However, I have considered the appeal proposal on its merits.

Conditions

12. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.

13. Conditions 3 and 4 in the schedule below are necessary to protect retained trees and hedges during construction and secure appropriate replacements if they die. Condition 5 is necessary to minimise the use of mains water in the new dwelling in accordance with Policy WAT4 of the EHDS. Condition 6 is necessary to mitigate harm to air quality from the development in accordance with Policy EQ4 of the EHDS. Condition 7 is necessary to safeguard the character and appearance of the appeal site and surrounding area.

Conclusion

14. I have found the proposal accords with the development plan, read as a whole. Material considerations, including the Framework, do not indicate that a decision should be taken otherwise than in accordance with it. I therefore conclude the appeal should be allowed.

C Carpenter

INSPECTOR

Schedule of conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SP01-JC2CR/A Site Plan; EX01-JC2CR/A Existing Layout; PROP01-JC2CR/B Proposed Layouts; VAP01-JC2CR/C Vehicle Access Plan.
- 3) All retained trees and hedges shall be protected from damage during construction in accordance with British Standard BS5837, including by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details and shall be maintained during the course of works on site. Nothing shall be stored or placed within any fenced area. There shall be no unauthorised access within any fenced area.

In this condition "retained tree" and "retained hedge" mean an existing tree or hedge which is to be retained in accordance with the approved plans and particulars.

- 4) If any retained tree or hedge is cut down, uprooted or destroyed or dies within five years of completion of the development another tree or hedge shall be planted at the same place and that tree or hedge shall be of such size and species and shall be planted at such time as may be specified in writing by the local planning authority.

In this condition "retained tree" and "retained hedge" mean an existing tree or hedge which is to be retained in accordance with the approved plans and particulars.

- 5) The dwelling hereby permitted shall achieve a maximum mains water consumption target of 110 litres per head per day.

- 6) The dwelling hereby permitted shall not be occupied until details of one electric vehicle charging point have been submitted to and approved in writing by the local planning authority. The approved charging point shall be provided prior to first occupation and shall be retained thereafter.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no works or development as described in Schedule 2, Part 1, Class E or Schedule 2, Part 2, Class A of the Order shall be undertaken other than those expressly authorised by this permission.