



Appeal Decision

Site visit made on 7 December 2023

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal Ref: APP/J1915/W/23/3319594

Land adjacent to The Acorns, Ginns Road, Stocking Pelham SG9 0JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Premier Developments Hitchin Ltd against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/1937/PIP, dated 12 September 2022, was refused by notice dated 8 November 2022.
 - The development proposed is the erection of a self-build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle and this route has two stages. The first stage establishes whether a site is suitable in-principle, and the second (for technical details consent) stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent if permission in principle is granted. I have determined the appeal accordingly.
4. Plans showing the site layout, floor plans and elevations have been submitted, which, given this is for permission in principle only, I have treated as indicative.
5. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issue

6. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

7. Paragraph 84 of the Framework requires planning authorities to avoid the development of isolated homes in the countryside. The dwelling proposed here

would be set within an existing row of dwellings and within the general environs of Stocking Pelham. In this context it would not be an isolated dwelling and would be read in the village context.

8. Nevertheless, the village of Stocking Pelham is a Group 3 village, as defined by policy VILL3 of the East Herts Local Plan 2018 (EHLP). The supporting text to this policy identifies that these are the smallest villages in the district and generally have a poor range of services. The village does indeed have very limited services which extend to no more than a cricket club and village hall. There are negligible bus services in the area. The nearest villages where higher tier services are located still remain relatively limited – in the form of small local convenience shops and primary schooling. Even then, these facilities are very minimal and add very little to the limited offering in Stocking Pelham. The roads serving the area are almost universally narrow with no footways and are unlit.
9. As such, I conclude that there would be a distinct reliance on the private motor vehicle for even the most basic of day-to-day requirements. On this basis proposed development would not provide a suitable location for housing considering the accessibility of services and facilities.
10. I have recognised the provisions of paragraph 83 insofar as new development may support the vitality of rural communities. However, in this instance, other than contributing to part of the local community, the addition of one dwelling would have little to offer, given the limited range of facilities that exist in this and surrounding villages.
11. I do accept that rural villages are not expected to have immediate and close access to the same level of facilities and services that larger settlements may have. Nevertheless, the distances, minimal infrastructure in the wider area and lack of any meaningful services in this or adjoining villages is a material factor here.
12. As such, I conclude the proposed development would conflict with policies DSP2, GBR2 and TRA1 of the EHLP and the provisions of the Framework. These policies promote development in accordance with a distinct hierarchy and in places which enable sustainable journeys to be made to key services and facilities.
13. Turning to the matter of whether one additional dwelling could be considered as 'limited infilling', as allowed by Policy GBR2(e) of the EHLP, and subject to other criteria, the village of Stocking Pelham is a small village predominantly featuring detached houses which address a small cluster of rural lanes. The appeal site is set within a short row of dwellings addressing Ginns Road. Policy GBR2(e) of the EHLP allows for limited infilling, subject to other criteria. 'Infilling' is not defined in either the Framework or the EHLP. The row of dwellings to either side of the appeal is short, consisting of no more than three or four existing dwellings and some current or former farm buildings. The appeal site is an obvious gap in a brief, but otherwise developed frontage. Its frontage and overall size are comparable to the properties to either side and a new building in this location would not be unexpected or jarring.
14. I note the centre of the village is some distance away however the settlement is clearly quite dispersed with numerous groups of buildings extending quite some way to the south, well beyond the appeal site and 'central' part of the

village. The row of dwellings here is clearly part of this dispersed village. I am satisfied that the use of the site for residential purposes is acceptable in this regard as a form of limited infilling.

15. The detailed design of any dwelling on this site can be the subject to the technical details consent. I therefore conclude, in this regard that the residential use of the site accords with policy GBR2(e) insofar as it constitutes limited infilling.

Other Matters

16. I have noted the previous housing land supply position of 5.8 years has been revised following questions about the deliverability of this being raised in a recent appeal decision at Whempstead Road¹. In this decision it was found that the District's land supply may have fallen below a five-year supply due to slow or non-delivery of a number of strategic sites. This position is accepted by the Council, and it observes the current housing supply position as being 4.41 years.
17. I am unaware as to whether this position has been formally adopted by the Council, however, if the land supply position has fallen below five years, the provisions of paragraph 11d(ii) of the Framework apply. In this case, the unsuitability of the site for residential development due to its location, being distant from services and facilities, would still significantly and demonstrably outweigh the benefits of providing a single dwelling.
18. A Unilateral Undertaking was submitted during the course of the appeal. This secures the dwelling as a self-build, restricts a change in ownership for a period of three years and mandates a Community Infrastructure Levy 2010 exemption. I have had regard to the benefits that the provision of a self-build home would have to the diversity of the dwelling stock and an increase in options for homeowners. I have also had regard to the intent to utilise sustainable construction methods.
19. The self-build nature of the scheme is of note and the Council has acknowledged an unmet demand in this regard. I have further noted the conclusion reached in relation to the Dunsfold Common² appeal however this decision differs insofar as the suitability of the site, with regard to access to local facilities and services, was not in question. To my mind, this is a material difference between these two schemes as the self-build aspects, undertaken in a sustainable manner, do not alter the conclusions I have reached above.
20. Reference has additionally been made to the Council's recent decision at Glencol Allens Meadow³. However, this decision by the Council was made with much weight placed upon a previous appeal decision from July 2018. I do not have sight of the decision, nor the Council's land supply position at that time. Further reference has been made to 3 Maple Side⁴ however this scheme also appeared to be a renewal of an older planning permission from 2017. In any case, each site must be considered on its merits which includes the individual sites history – particularly, in these instances, where developments arose from

¹ Refs: APP/J1915/W/22/3303408, APP/J1915/W/22/3303413 and APP/J1915/W/21/3288702

² Ref: APP/R3650/W/22/3300262

³ Ref: 3/22/1995/FUL

⁴ Ref: 3/19/0171/FUL

previously approved schemes with their own history and context. As such, I can attribute these little weight in my reasoning here.

Conclusion

21. I conclude that the proposed dwelling would be located within an existing row of dwellings and is in the context of the wider dispersed village. It would therefore constitute limited infilling and its proximity to other dwellings would not render it as an isolated dwelling. Nevertheless, the substantial distance to any meaningful facilities and services, combined with the lack of public transport and unlit nature of nearby roads with no footway, leads me to conclude that the proposed development would have an excess reliance on private vehicle transport. It is therefore an unsuitable location for this form of residential development and conflicts with the provisions of the development plan, read as a whole, and the Framework. There are no other material considerations, which includes the benefit of adding a single dwelling to the housing stock, which outweigh the harms I have identified.

22. For these reasons I conclude that the appeal should be dismissed.

Nick Bowden

INSPECTOR