



Appeal Decision

Site visit made on 23 January 2024

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 March 2024

Appeal Ref: APP/J1915/W/23/3321041

Warren Park Heritage and Craft Centre, Unclassified Road U42 North East from Stanstead Hill to Great Hadham Road, Green Tye, Hertfordshire SG10 6FF

- 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 C Beecham against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/0909/FUL, dated 27 April 2022, was refused by notice dated 6 February 2023.
 - The development proposed is the change of use of Barns 2 and 3, and Courtyard Unit 3 from Sui Generis Use to Class E (b, c, e and g) including the provision of 20 additional car parking spaces.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative in this appeal.
3. The Council's delegated officer report, which is a publicly accessible document, shows that the application was assessed against several policies contained within the East Herts Council East Herts District Plan October 2018 (the Local Plan). These policies included TRA1, which relates to sustainable travel. Although there is no reference to policy TRA1 within the decision notice, the appellant has addressed it within their submissions, and this policy is directly relevant to the main issue in this appeal. No parties would therefore be prejudiced by my consideration of this policy.

Background and Main Issue

4. The appeal site is within the Green Belt. Notwithstanding this, the car parking spaces would be formed within the otherwise developed and well-enclosed appeal site. As such, and based on the evidence before me, both this element of the scheme and the proposed change of use of buildings, would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. Therefore, the proposed development would not be inappropriate development in the Green Belt.

5. That being the case, the main issue is whether the appeal site is a suitable location for the proposed development, with particular regard to its accessibility by means other than by private car.

Reasons

6. The appeal site is within an otherwise rural countryside location. It is some distance from the edge of the closest settlements, and over 1 mile from the edge of the built-up area of Bishops Stortford.
7. A series of buildings occupy the appeal site. From both the evidence and my observations on site, these are at least partially, in use for commercial and business purposes.
8. Local Plan policy ED1 supports new employment uses where they are in a sustainable location where access can be achieved by a choice of sustainable transport. Policy ED2 of the Local Plan provides general support for proposals that would support the sustainable growth and expansion of existing businesses in the rural area. However, it requires such proposals to be appropriately and sustainably located. Policy ED2 also provides general support for proposals that would consist of a change of use in the rural area, from one employment generating use to another. Notwithstanding this, both policies ED1 and ED2 also require that proposals do not conflict with other Local Plan policies.
9. Policy TRA1 of the Local Plan seeks to both improve accessibility and promote sustainable transport in the district, and one of the aims of this policy is to minimise the need to travel. In accordance with this aim, the policy requires development proposals to primarily be located in places that enable sustainable journeys to be made to key services and facilities, and, to help aid carbon emission reduction. It also requires that a range of sustainable transport options be available to users.
10. Paragraph 109 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. It also guides that significant development should be focused on locations that either, are, or can be made, sustainable, by limiting the need to travel and offering a genuine choice of transport modes.
11. The main parties agree that the authorised uses of barns 2 and 3 include that for car restoration and storage purposes. As such, the use of these buildings could undoubtedly lead to vehicle movements to and from the site. However, no compelling evidence regarding the number of vehicle movements that could be reasonably anticipated, from both the permitted and proposed uses of these buildings and the courtyard 3 building, has been provided.
12. Both the maximum amount of floor space and the specific building which could be used for the sale of food and drink for consumption mostly on the premises, could be controlled via a condition. Notwithstanding this, and even if it is intended that access to the 'café' area be provided only through unit 2, no mechanism has been put before me to ensure that the exterior doors facing barn 3 would not be used. Furthermore, and while it may be intended that the café be ancillary to other business's and enterprises on the site, I have no reason to doubt that such provision would also attract additional custom and vehicle movements to the site.

13. A wide range of users could potentially occupy the buildings if this development were permitted, and different types of businesses or enterprises would likely result in varying levels of associated traffic generation. However, in the absence of details of likely vehicle generation, and given the considerable number of additional car parking spaces proposed, I cannot conclude that the implementation of the proposals would not result in a significant increase in movements to and from the site.
14. Pedestrian and public transport infrastructure and services to the appeal site are very limited. There are no dedicated pedestrian routes along either the unnamed road from which the site is accessed or the sections of the B1004 closest to the site. Furthermore, the evidence indicates that the nearest bus stop and railway station are located on the outskirts and town centre of Bishops Cleeve respectively. These are at considerable distances from the appeal site. It is possible that some additional movements to the site would be at least partially via the Public Right of Way (PRoW) network. However, given distance of the nearest settlements; the terrain; the lack of PRoW connectivity to the site itself; and the lack of streetlighting or a dedicated footway on the roads close to the appeal site, pedestrian access is unlikely to be a realistic or favoured option for many.
15. There are cycle storage facilities within the appeal site, and some of the additional movements to and from the appeal site could be via bicycle. However, the nearby road network does not include designated cycle lanes, and as such, and for similar reasons to those outlined for pedestrians, this mode of transport is also unlikely to be frequently or commonly used.
16. Even if the travel plan submitted pursuant to a condition of planning permission reference 3/19/0670/VAR was subsequently agreed by the Council, that document was produced regarding an alternative scheme from that subject of this appeal. In this case, and given the absence of compelling evidence on matters such as; likely staff and customer numbers; where such staff and customers are likely to travel from; and with what frequency, I cannot conclude that a travel plan would be effective in encouraging future users of the proposed development to use more sustainable modes of transport than private car. As such, and even if measures such as lift sharing or the use of a private minibus service were to be promoted, I cannot be confident that these measures would prevent most additional journeys to the site being via private car.
17. For the reasons given, the appeal site is not a suitable location for the proposed development, with particular regard to its accessibility by means other than private car. Consequently, it would conflict with policies ED1, ED2 and TRA1 of the Local Plan. It would also conflict with paragraph 109 of the Framework.
18. Policy TRA3 of the Local Plan relates to vehicle parking provision. As such, this policy is not directly relevant to the main issue in this case.

Other Matters

19. The authorised use of barns 2 and 3 is very restricted. Therefore, I accept that it is likely to be easier to secure tenants for these buildings if their permitted use was to be widened to encompass Class E (b), (c), (e) and/or (g). However,

the level of detail regarding previous attempts to market these buildings is extremely limited, and as such I am unable to conclude that there is no demand for the occupation of these buildings as per their authorised use.

20. The diverse range of small businesses currently occupying parts of the appeal site contribute to the rural economy. They also help to preserve heritage crafts and to increase public awareness and/or appreciation of them. Nevertheless, on the evidence before me, the dismissal of this scheme would not necessarily cause harm to the viability of the small businesses currently operating out of the buildings on the site, or, to the long-term viability of the Warren Park Heritage and Craft Centre as a whole. Furthermore, and even if the appellant were to use part of the income generated from the use of the buildings subject of the proposed change of use, to subsidise the on-site heritage craft enterprises, no mechanism has been put before me to ensure that this would continue. I therefore accord these considerations very limited weight.
21. Policy ED2 of the Local Plan and paragraph 88 of the Framework provide general support for proposals that support the rural economy. Framework paragraphs 85 and 87 also indicate that significant weight should be placed on the need to support economic growth and productivity, and, that planning decisions should recognise the specific locational requirements of different sectors.
22. The implementation of the proposed development is likely to contribute to the rural economy by the creation of additional employment and increased expenditure. However, the extent or amount of any such economic benefit cannot be established from the evidence. Furthermore, and while customers or staff using one business would be reasonably likely to provide custom or support for other on-site businesses, it has not been demonstrated that the proposals necessarily require a countryside location such as that afforded by the appeal site. For these reasons, only medium weight is accorded to the economic benefits that could result from the implementation of the proposed development.
23. Although also relating to land and buildings at Warren Park Heritage and Craft Centre, the proposed development subject of application reference 3/17/2723/ful differs from that in this appeal. Furthermore, that earlier application was determined before the Council adopted the Local Plan. For these reasons, the schemes are not directly comparable.

Conclusion

24. The proposed development would conflict with the development plan when taken as a whole. There are no material considerations, either individually or in combination that outweigh the identified harm and associated development plan conflict. I therefore conclude that this appeal should be dismissed.

V Simpson

INSPECTOR