



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: 12 March 2024

Appeal Ref: APP/J1915/W/23/3322745

Land at Half Acres, Stortford Road, Standon, Herts, SG11 1LY

- 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 Mr R Jamieson against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/2704/PIP, dated 14 December 2022, was refused by notice dated 7 February 2023.
 - The development proposed is the erection of a single storey detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these stages.
3. The scope of the considerations for permission in principle is limited to location, land use, and the amount of development permitted. If permission in principle were to be granted, all other matters would subsequently be considered as part of a technical details consent application.
4. The main parties have indicated that the most recent revisions to the National Planning Policy Framework have no relevance to this case, and I have no reason to take another view.
5. Drawing number 20449-P002-1st is titled 'feasibility plan'. For the purposes of this appeal, this plan is considered as an indicative plan only.
6. In support of their appeal the appellant has provided a transport statement, which was not before the Council at the time it made its decision. The Council has subsequently indicated that it no longer wishes to defend its reason for refusal relating to highway safety. Given that both the Council and other interested parties have had the opportunity to submit representations in respect of the statement at the appeal stage, no parties would be prejudiced by my consideration of this additional information.

Main Issue

7. 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

Location, land use, and amount of development

8. The East Herts Council East Herts District Plan October 2018 (the Local Plan) identifies a settlement limit for the paired villages of Standon and Puckeridge. It also identifies land which is within the rural area beyond the Green Belt. Within the supporting text to Local Plan policy GBR2, it is stated that the rural area beyond the Green Belt is highly valued for its open and largely undeveloped nature. It is also indicated that such areas provide a considerable and significant countryside resource, which policy GBR2 seeks to maintain by concentrating development within existing settlements.
9. Policy GBR2 then identifies the types of development that will normally be permitted within the rural areas beyond the Green Belt. One such form of development is the partial or complete redevelopment of previously developed sites in sustainable locations, where appropriate to the character, appearance, and setting of the site and/or surrounding area. Another is where it is for the replacement, extension, or alteration of a building, provided the size, scale, mass, form, siting, design, and materials of construction are appropriate to the character, appearance, and setting of the site and/or surrounding areas.
10. Policy SP9 of the Standon Parish Neighbourhood Development Plan 2017-2022 (the Neighbourhood Plan) similarly indicates that in locations outside of group 1 and 2 villages, or where the development would not constitute limited infill within a specified hamlet, there will be a presumption against development. That is unless it would accord with the National Planning Policy Framework (the Framework), or it would meet a specified rural need, including those forms of development identified within Policy GBR2 of the Local Plan.
11. The appeal site which is outside of the Local Plan settlement limits of Standon and Puckeridge, forms part of the rural area beyond the Green Belt.
12. The elevated and generally level appeal site is separated from nearby buildings and houses by areas of planting and part of a large grassed field. Furthermore, sizeable gaps in shrub/tree plant growth outside but close to the site boundaries, enable good visibility between the appeal site and parts of the surrounding countryside. Despite the low timber fencing along most of the site boundaries; the large low concrete pad within the site; and, the proximity of nearby built development, the site therefore, retains a pleasant and open rural character and appearance.
13. A single-storey dwelling and any associated residential paraphernalia on the appeal site, would be prominent when viewed from surrounding land including the adjacent Public Right of Way. This is, in part, because of the relative elevation and the openness of the site. Notwithstanding the proximity of nearby buildings within the village of Standon, such development would have an urbanising effect which would cause great harm to the rural character and appearance of the area.

14. Based on both the evidence and my observations, the appeal site is within reasonable proximity of a range of services and facilities, which are readily accessible by means other than private car. However, and even if the appeal site was deemed to represent previously developed land, or, the proposal represents the replacement or extension of a building, I have found that residential development on the site would cause harm to the character and appearance of the area. That being the case, the proposal would conflict with the development strategy for the District, as identified within the development plan.
15. For these reasons, the site is not suitable for residential development having regard to its location, the proposed land use, and the amount of development. It would conflict with policy GBR2 of the Local Plan and SP9 of the Neighbourhood Plan. For the same reasons, it would also conflict with policies DES2 and DES4 of the Local Plan and policy SP13 of the Neighbourhood Plan. Amongst other things, these policies require development to conserve, enhance, or strengthen the character and distinctive features of the district's landscape; to retain, protect, and enhance existing landscape features which are of amenity value; and, to be responsive to the local setting.

Other Matters

16. The junction between Stortford Road and Half Acres (the junction) provides vehicular access to a considerable number of dwellings. A single additional dwelling is therefore unlikely to result in more than a small increase in the number of vehicles using this junction. The safety of the junction is confirmed within the transport statement provided by EAS Transport Planning, and I have no reason to find otherwise. When exiting the junction onto Stortford Road visibility is somewhat restricted. Although visibility could be greatly improved by trimming back hedges and trees on land under the control of the highway authority, I cannot conclude that such benefit is necessarily dependent on this appeal being allowed.
17. Consideration of detailed matters, such as the surfacing of the gravel access track, are beyond the scope of the permission in principle stage. Nor is it possible to attach conditions to any consent granted for permission in principle.

Planning balance

18. The evidence indicates that the Council currently has a 4.41-year supply of deliverable housing sites. The shortfall in the supply of housing land cannot therefore be considered substantial.
19. The construction of a home on the site would make a small contribution to housing supply within the district. Furthermore, future occupiers would have reasonable access to a range of local services and facilities, and the construction and subsequent occupation of the dwelling would contribute to the local economy and help to support a strong and vibrant community. However, given that only one dwelling is proposed, the benefits in respect of these matters would be small.
20. Details of measures to improve the biodiversity value of the site have not been provided. As such only very limited weight can be attributed to any potential benefits that could result in respect of this matter.

21. That the development would not cause harm to highway safety is a neutral consideration.
22. Nevertheless, the development would cause great harm to the character and appearance of the area, and it would conflict with the policies of the development plan which provide a strategy for development within the District. These policies are broadly consistent with the Framework, and as such the conflict with them attracts significant weight.
23. The Council's lack of a 5-year housing land supply means paragraph 11 d of the Framework applies. In this case, the application of policies in the Framework that protect areas or assets of importance, as identified in footnote 7, do not provide a clear reason for refusing the development. Therefore paragraph 11 d) ii. of the Framework is engaged.
24. The proposals align with the parts of the Framework that seek to significantly boost the supply of homes. Furthermore, paragraph 70 of the Framework indicates that small and medium sites can make an important contribution towards meeting the housing requirement of an area. The development would also contribute towards meeting the Framework objective of building a strong competitive economy. However, given the small scale of the scheme, these considerations each attract only limited weight.
25. Even if I were to agree that the appeal site is previously developed land, the development would not accord with the part of paragraph 124 of the Framework which states that planning decisions should give substantial weight to the value of using brownfield land within settlements for homes. This is because the appeal site is not within a settlement. As such, very limited weight is attributed in respect of this consideration.
26. However, the development would be contrary to the Framework where it requires development to add to the overall quality of the area and be sympathetic to local character including the surrounding built environment and landscape setting. Given the level of harm I have identified, the conflict with the Framework in respect of this matter attracts substantial weight.
27. Therefore, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the proposal does not benefit from the presumption in favour of sustainable development.

Conclusion

28. The proposed development conflicts with the development plan when taken as a whole, and 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