



Appeal Decision

Site visit made on 7 February 2024

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27.03.2024

Appeal Ref: APP/J1915/D/23/3331929

Lorne Croft, Wellpond Green, Standon, Ware, Herts SG11 1NJ

- 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 L Petrie against the decision of East Herts District Council.
 - The application Ref 3/23/1069/HH, dated 7 June 2023, was refused by notice dated 3 August 2023.
 - The proposed development is the erection of a single storey garage and gym building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice infers that the site is in the Green Belt. However, having fully reviewed all the submitted documentation, it is clear that the site lies in the 'Area Beyond the Green Belt'. I have therefore determined the appeal on this basis.
3. At the time of my site visit, I saw that a driveway had been installed along the southern boundary giving access to a large hardstanding in the south-east corner of the appeal site. It is unclear whether these works relate to the development before me, therefore, I have proceeded on the basis that the appeal relates to the proposed development as indicated on the submitted drawings.
4. A revised National Planning Policy Framework (the Framework) was published in December 2023. However, the relevant policies have not materially changed therefore I have not sought further comments from the parties.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - ecology and biodiversity, having particular regard to the site's location within the Nags Head Field Local Wildlife Site.

Reasons

Character and appearance

Existing

6. Wellpond Green, which is referred to in the Standon Parish Neighbourhood Development Plan 2017-2033 (SNP) as a 'hamlet', is located in a rural area to the east of the larger village of Standon. It consists of a number of predominantly large, detached dwellings set within extensive grounds generally accessed off the main village lanes. It has a somewhat dispersed built form set within an open 'green' setting with many mature trees and established vegetation.
7. Lorne Croft lies towards the northern edge of the hamlet, accessed via a small track off one of the main routes running through the village. It comprises a large two storey dwelling, to the immediate south-east of which is located a large, detached outbuilding containing a pool and other ancillary uses. Two further outbuildings lie to the north of these, one just to the north of the dwelling and the other some distance away towards the northern boundary of the appeal site. These buildings are all sited towards the western side of the extensive appeal site with the central and eastern parts being open and undeveloped.
8. I have been referred to an earlier appeal decision¹ for a proposed dwelling in the north-east part of the appeal site in which the Inspector describes the 'precise' appeal site in that case as having an open and verdant character. The current site in question, which lies in the south-east corner of the appeal site to the south of the above, can be similarly described as having an open character. Whilst there is some established vegetation around its perimeter, this is not particularly dense and adds to its natural character.

Proposed

9. Policy GBR2 of the East Herts District Plan (2018) (EHDP) which relates to the 'Rural Area beyond the Green Belt', sets out a number of types of development that will be permitted provided they are compatible with the character and appearance of the area. The policy and supporting text explain that these rural areas are highly valued, particularly for their open and largely undeveloped nature, and contribute to the countryside resource.
10. Of the types of development included, the relevant ones with regard to the proposal and the submitted evidence are: (d) the replacement, extension or alteration of a building; and (e) limited infilling within previously developed sites in sustainable locations. However, (d) does not apply as the proposal is for a new building, not a replacement, and the proposed location of the building is some distance from the existing dwelling and could not reasonably be described as an extension to it. In respect of (e) the EHDP does not clarify a definition for such sites, but the Framework Glossary (Annex 2) includes a definition for previously developed land which is that occupied by a permanent structure including the curtilage, the exception in respect of residential gardens only relating to built-up areas. Whilst the appeal site would accord with this definition, it also states that it should not be assumed that the whole of the curtilage should be developed.

¹ Ref APP/J1925/W/20/3252844, dated 25 November 2020

11. The EHDP does not include a definition of 'infilling' in the context of Policy GBR2. However, whilst the supporting text to EHCP Policy VILL3 (which relates to Wellpond Green as it is not identified as a Group 1 or 2 village) states that these villages are viewed as the least sustainable locations, the policy itself allows for limited infill development where identified in an adopted Neighbourhood Plan. Such development is also subject to requirements which seek, amongst other things, that development relates well to the village, is of an appropriate scale and in keeping with its character. Policy SP9 of the SNP allows for limited infill provision for housing in Wellpond Green and states that the definition of 'infill' requires that any new property contributes to the character of the street scene.
12. The proposed outbuilding would be of considerable size, its footprint appearing to be larger than that of both the existing dwelling and the large outbuilding which adjoins it. Although it would be of relatively low single storey height, it would nevertheless appear as a disproportionately large building introducing a substantial built form into the currently open garden area towards the eastern boundary of the appeal site, some distance from the existing buildings. In such a location it would not be within nor contribute to the 'street scene'.
13. Whilst there is a large, detached dwelling and outbuilding on the property immediately to the south, these buildings appear as part of the wider group to the south of the appeal site. The proposed building and hardstanding area to the front, which would extend built development north of this, would encroach into the open areas beyond that group. Its separation from the existing buildings on the appeal site would serve to exacerbate its visual encroachment into these open areas. The gravel drive would be less visually imposing due to its surface finish and location but nevertheless would result in the loss of further natural areas.

Conclusion

14. Therefore, the proposal is not for a new property, nor would it comprise 'infilling' within any existing built form or group of buildings on or adjoining the site, but would introduce built development within an open, undeveloped part of the appeal site. As set out above, its built form and extent would detract from the existing open character of the site and surrounding rural area. It would therefore conflict with EHDP Policies GBR2, VILL3, DES2, DES3, DES4 and HOU11 which, in addition to the above aims, seek to ensure that development conserves or enhances landscape character, and that outbuildings are of a scale, form and siting appropriate to the setting of the existing dwelling and surrounding area and generally appear as a subservient addition. It would also conflict with SNP Policy SP13 which seeks to ensure that development is responsive to its context and setting.

Ecology and biodiversity

15. The Council has stated that the site is located within the 'Nags Head Field' Local Wildlife Site (ref: 33-022) (LWS). However, the appellant has shown that the appeal site is approximately 400m from the land of the (former) Nags Head Public House and its associated fields. In these circumstances, I sought further clarification from the Council which confirms the exact location of the above LWS. From this, it is clear that the appeal site does lie within the LWS, which, despite its name, is not directly related to the site referred to by the Appellant. The LWS is an old hay meadow that supports grassland with a high diversity of

grass and herb species surrounded by old, mixed species hedges with a number of native trees.

16. Given the extent of the proposed development and the current natural and undeveloped appearance of the wider site there is the potential for there to be a significant impact in this regard. The proposal is not accompanied by a detailed ecology assessment or similar prepared by a suitably qualified person, nor is there any information or other survey work which identifies the biodiversity value of the site or the impact that the proposal would have on it. Whilst I note that the proposal is accompanied by a detailed planting scheme, including a number of native species as well as other biodiversity features, in the absence of any assessment as noted above, it is not possible to conclude that the proposal would provide an appropriate level of mitigation and / or compensatory measures as necessary.
17. I therefore find that it has not been demonstrated that the proposal would not be harmful to the ecology and biodiversity interests of the site and in particular to the LWS. It would thereby conflict with EHDP Policies NE1 and NE3 which seek, amongst other things, to ensure that proposals avoid impacts on sites of nature conservation value and aim to enhance biodiversity and create opportunities for wildlife, demonstrating how the biodiversity value will be improved. It would also conflict with Policy SP6 of the SNP which seeks to protect sites of wildlife interest.

Other Matters

18. I note that the gym area within the proposed building is intended to meet the specific needs of a member of the family, although no detailed information has been provided in this regard. I have had regard to Section 149 of the Equality Act and the Human Rights Act but find that a refusal of permission is proportionate having regard to the harm that arises as set out above.
19. The Appellant also suggests that the building would provide secure storage but there is little information to support such a need and this factor provides little justification to outweigh the harm identified.
20. I have also had regard to other relevant parts of the Framework but find that the proposal conflicts with its environmental objectives, in particular to recognise the intrinsic character of the countryside, to ensure development responds to its context and to conserve and enhance the natural environment by protecting and enhancing sites of biodiversity value.

Conclusion

21. I therefore conclude that the appeal should be dismissed.

P B Jarvis

INSPECTOR