



Appeal Decision

Site visit made on 24 September 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th October 2024

Appeal Ref: APP/J1915/W/24/3336676

Land to the south-east of The Bury, Bury Green, Little Hadham SG11 2HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Simmonds against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/1919/FUL.
 - The development proposed is erection of a new house and the conversion of a curtilage listed outbuilding including inserting new windows and doors, attaching solar panels and a single storey link to new house. Creation of new driveway.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal site is suitable for the proposed development, having regard to local and national policy.

Reasons

3. Policy DPS2 of the District Plan (DP) sets out a development strategy. It seeks to deliver sustainable development in accordance with a hierarchy that directs development to sustainable brownfield sites in the first instance, followed by urban areas, then urban extensions and, lastly, infilling in villages.
4. In support of the development strategy, DP Policies VILL1-VILL3 places villages into three groups. As the appeal site lies in Bury Green, it falls within the definition of a Group 3 Village or settlement as set out in Policy VILL3. Limited infill development is permitted by Policy VILL3 in Group 3 Villages, but only if identified in an adopted Neighbourhood Plan (NP). I have not been directed to any adopted NP and therefore the proposal is not supported by this policy.
5. Bury Green is designated in the DP as a rural area beyond the Green Belt. In such areas, DP Policy GBR2 permits limited infill or the partial or complete redevelopment of previously developed land in sustainable locations, where these forms of development are appropriate to the character, appearance and setting of the site and/or surrounding area and the development is comparable with the character and appearance of the area.
6. The nearest settlements, Bishop's Stortford and Little Hadham, are some distance away from the appeal site and would be accessed, for much of the route, along narrow, unlit rural roads with no footway. The pedestrian and cycle isochrone provided by the appellant shows that the services and facilities in Bishop's Stortford and Little Hadham and the nearest bus stops are all within

walking and cycling distance from the appeal site. Nonetheless, the routes along such rural roads are not attractive particularly during times of darkness or inclement weather, even when taking into consideration the low speed and volume of traffic.

7. The appellant highlights that the local network of public footpaths and bridleways provide routes to the bus stops and both settlements that largely avoid roads. However, I consider that such routes would only be a reasonable option to get to services and facilities during daylight hours and good weather. Furthermore, whilst several bus services stop at the bus stops on Hadham Road and in Little Hadham, there is no evidence before me of their frequency to demonstrate that they would provide a realistic alternative mode of transport. Consequently, it is likely that the future occupants of the dwelling would be reliant upon private vehicle use to meet their basic daily needs.
8. The proposal would not be isolated for the purposes of paragraph 84 of the National Planning Policy Framework (the Framework). Nonetheless, the Framework highlights, at paragraph 83, that to promote sustainable development in rural areas, housing should be located where it will enhance and maintain the vitality of rural communities. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nevertheless, it sets out, at paragraph 109, that the planning system should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. In view of the accessibility concerns I have identified, the benefits of the proposal, due to the support it would give to services in a nearby settlement, would be limited. In addition, given the small scale of the proposal it would not promote sustainable transport, or walking and cycling.
9. There is no dispute between the parties that the site comprises previously developed land and the Council does not raise concerns that the proposal would adversely affect the character, appearance or setting of the site or surrounding area. Based on the evidence before me, I have no reason to disagree with such conclusions. Even so, for the reasons given above, the development is not in a sustainable location. As such the proposal conflicts with DP Policy GBR2.
10. The appellant has drawn my attention to several appeal and planning decisions. The Inspector in the Epping Green case found that the occupants of the proposed dwelling would have reasonable access to local services and facilities. In the case of no. 1 Sacombe Green Farm, the Inspector considered that the proposed development would support services in a village nearby. In the absence of the full circumstances of the Fryars Farm Cottage case, I cannot be certain that the journeys to access the nearest service and facilities for the occupants of that proposal would not be shorter, or more attractive, than in respect of the case before me. As such, because the circumstances are seemingly different, none of these decisions suggest that I should allow the proposal before me.
11. Accordingly, I find that the appeal site is not a suitable location for the proposed development. The proposal would therefore conflict with DP Policies DPS2, VILL3, and GBR2 as well as the Framework. It would also conflict with DP Policy TRA1 as a range of sustainable transport options would not be available to the occupants of the proposed development.

Other Matters

12. The appeal site is located within the Bury Green Conservation Area (CA) and there are Grade II listed buildings, The Bury, Barn and Stable at the Bury, and the Croft, nearby. The appeal site is separated from the listed buildings by dense tree planting which would ensure that, even in winter when the deciduous trees are without leaf, the appeal proposal would, at most, only be glimpsed from the listed buildings. Such substantial screen planting, together with the distance between the appeal proposal and the listed buildings, would ensure that it would not materially affect the way that each listed building is experienced. For the same reasons the proposal would not be prominent in views from within the CA and its character and appearance would be preserved.
13. The proposal involves the conversion of a curtilage listed building, a stable block. The Council has not raised concerns regarding the proposed works to the listed building and has confirmed that listed building consent has been granted for such works. Based on the evidence before me I have no reason to disagree with the Council and conclude that the proposal would not preserve the listed building.
14. The appellant contends that, if the appeal is dismissed, this curtilage listed building will fall into disrepair. However, from external inspection and the internal photographs provided, it appears to be in relatively good condition, and there is no detailed survey to indicate otherwise. Consequently, whilst the Planning Practice Guidance confirms that reducing or removing risks to a heritage asset constitutes a public benefit, there is no evidence of a pressing need to secure a new use for the building.
15. The Council states that it now has a five-year housing land supply (5YHLS), which is not disputed by the appellant, demonstrating that current policy is providing enough housing to meet the housing requirements for the area. Therefore, although appreciating that the Framework seeks to boost the supply of housing, I attach limited weight to the provision of a single dwelling as proposed. Benefits to the local economy would also be limited due to the small scale of the scheme.
16. I have had regard to the planning permission granted at Furneux Pelham that the appellant has referred to. However, as the decision was made at a time when the Council could not demonstrate a 5YHLS, the presumption in favour of sustainable development set out at paragraph 11(d) of the Framework applied. As such, the circumstances of that case were markedly different to the one before me, and it therefore carries limited weight in favour of the proposal.
17. There are advantages to the appellant living on the same site as where a poultry hobby is operated, thereby avoiding the need to travel to care for them on a twice daily basis. Nevertheless, this is tempered by the use of the private car for most day-to-day needs of the occupants of this additional dwelling in the rural area. I acknowledge the willingness of the appellant to reduce the number of car parking spaces in the appeal scheme, however there is no evidence before me that demonstrates that this would lead to a material reduction in the number of overall trips to and from the appeal site. Furthermore, whilst provision for electric vehicle charging points could be secured for all parking spaces, it would be impossible to control, by condition,

the type of vehicles that would be used by the occupiers or visitors to the dwelling at this time. Accordingly, I attach limited weight to these benefits.

18. The location of the proposed dwelling would enable care to be given to the appellants parents as they become older and should their health decline. However, no information has been provided to suggest that they currently have any specific medical needs that requires care, or that the appellant could not be accommodated within the existing dwelling to provide such care on-site. Therefore, whilst I am sympathetic to these personal circumstances, and having due regard to the Public Sector Equality Duty, I only attach limited weight to such a benefit.
19. Overall, the benefits of the proposal would not justify development on a site that I find not to be suitable for the proposal, and in conflict with local and national policies.

Conclusion

20. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
21. Accordingly, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR