



Appeal Decision

Site visit made on 12 November 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2024

Appeal Ref: APP/M1900/W/24/3340638

2 Burton Cottages, Burton Lane, Goffs Oak, Waltham Cross, Hertfordshire EN7 6SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mrs C Knapp against the decision of Broxbourne Borough Council.
 - The application Ref is 07/23/0805/PIP.
 - The development proposed is erection of a new detached dwelling.
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Decision

1. The appeal is allowed and permission in principle is granted for the erection of a new detached dwelling at 2 Burton Cottages, Burton Lane, Goffs Oak, Waltham Cross, Hertfordshire EN7 6SJ in accordance with the terms of the application, Ref 07/23/0805/PIP.

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 two 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 two stages.
3. The submitted plans include a layout, roof plan and potential access for a house on the site. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. I have determined the appeal accordingly and have only had regard to the plans in as much as they show the location of the plot and its proposed residential use for one dwelling.

Main Issue

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

Reasons

5. There is dispute over the extent to which the appeal site is within the Green Belt. The Policies Map shows only a strip of land in the westernmost part of the

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

site, south of Burton Cottages within the Green Belt. The Council states that this is a drafting error and that the Green Belt should include the whole site as Burton Lane forms a clear physical boundary immediately to the east. There is limited other information on the circumstances and history behind the drawing of the Green Belt boundary and, from the information before me, it appears that only part of the site is within the Green Belt.

6. Policy GB1 of the Broxbourne Local Plan 2020 (BLP) states that within the Green Belt planning applications will be considered in line with the provisions of the National Planning Policy Framework (the Framework). Paragraph 154 of the Framework lists the types of new buildings that are not inappropriate in the Green Belt, subject to certain conditions. This includes limited infilling in villages (paragraph 154(e)).
7. The site comprises a car port, surfaced parking area and part of the garden for 2 Burton Cottages. Beyond the cottages lies suburban development along The Gateways cul de sac. On the opposite side of Burton Lane is a recently built development of dwellings facing onto a sizeable open space. The grounds of Claremont to the south and west are separated from the appeal site by a high boundary wall, with a large outbuilding adjoining the western boundary of the site. The house is a significant sized two storey property. Paddocks give the area south of Claremont a more open character.
8. Neither the BLP nor the Framework include definitions for "limited infilling" or "village". Nevertheless, the Council considers that limited infilling is the infill of a small gap between two buildings within a continuously built-up frontage within a defined village boundary.
9. Burton Cottages lie immediately north of the site. Although set back slightly further from the road than the appeal site, Claremont is a sizeable and prominent building clearly visible from the lane and site. The adjacent outbuilding adds to the amount of development in the immediate vicinity. Therefore, due to the size and visibility of the adjacent buildings, and the position of the site in relation to them, the proposal would be limited infilling.
10. An Inspector considering a previous scheme for the site found that it was not located within an existing or proposed settlement boundary². Nevertheless, on the ground, the site is within the boundaries of 2 Burton Cottages which along with other residential development to the north and east forms part of the wider settlement of Cheshunt.
11. Consequently, even if the whole site were within the Green Belt, the proposal would fall within the exception in paragraph 154(e) of the Framework and would comply with Policy GB1 of the BLP.
12. There is no case made that the provision of one dwelling would be an unsuitable amount of development on the site. Therefore, I conclude that the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Other Matters

13. A local resident raises concerns about the impacts of the proposed dwelling. The details of the scheme will come forward with the technical details consent

² Appeal Ref: APP/W1905/W/15/3008331

application. Consideration of matters such as layout, building line, size, design, impacts on trees and ecology, parking and separation distances will be addressed at that stage.

Conditions

14. It is not possible for conditions to be attached to a grant of permission in principle, but conditions may be attached to any approval at the technical details consent stage. Where permission in principle is granted by application, such as this, the default duration of that permission is three years from the date of the permission.

Conclusion

15. For the reasons set out above, I conclude that the appeal should be allowed.

A Wright

INSPECTOR