



Appeal Decision

Site visit made on 23 October 2024

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 28 November 2024

Appeal Ref: APP/A1910/W/24/3343381

1 Langdale Cottages Station Road Long Marston, Tring HP23 4QZ

- 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 & Mrs S and J Francis against the decision of Dacorum Borough Council.
 - The application Ref is 23/02341/FUL.
 - The development proposed is Demolition of stable building and concrete apron together with ancillary office. Construction of detached house, amenity space, hard and soft landscaping, cycle parking, bin storage together with associated parking spaces.
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Decision

1. The appeal is allowed and planning permission is granted for Demolition of stable building and concrete apron together with ancillary office. Construction of detached house, amenity space, hard and soft landscaping, cycle parking, bin storage together with associated parking spaces at 1 Langdale Cottages Station Road Long Marston Tring Hertfordshire HP23 4QZ in accordance with the application Ref 23/02341/FUL and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 22246-250, 22246-251, 22246-252, 22246-253, 22246-200 - Location Plan 22246-202- Site Plan
 - 3) No development shall take place until a Landscape and Ecological Management Plan (LEMP) is prepared to address the objectives outlined in Table 16, Paragraph 4.4 of the Ecological Appraisal by Cherryfield Ecology (15/09/2023) as appropriate. The plan shall be submitted to the Local Planning Authority for written approval and the development shall be carried out in accordance with the approved plan unless otherwise agreed in writing with the Local Planning Authority.
 - 4) No building above ground level shall be commenced unless and until details of materials to be used in the external construction of the dwelling hereby approved have been submitted to, and approved in writing by, the local

planning authority. The development shall be completed in accordance with the approved details.

- 5) Prior to first occupation of the new dwelling hereby approved details of both hard and soft landscape works must be submitted to and approved in writing by the Local Planning Authority. These details shall include all external hard surfaces within the site, fencing and boundary treatments and soft landscape works to include a planting scheme with the number, size, species and position of trees, plants and shrubs.

The planting must be carried out within one planting season of completing the development. Any tree or shrub which forms part of the approved landscaping scheme which within a period of 3 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the Local Planning Authority: Schedule 2 Part 1 Classes, A, AA, B and E.

Application for costs

2. An application for costs was made by Mr & Mrs S and J Francis against Dacorum Borough Council and this is the subject of a separate Decision.

Preliminary Matter

3. This appeal arises from the failure of the Council to determine the application having indicated there would have been three reasons for refusal (RFR). The first reason relates to the Chilterns Beechwoods Special Area of Conservation, however, the Council now indicate that the appellant's Unilateral Undertaking, submitted with the appeal, is sufficient to secure contributions that are necessary for mitigation of effects arising from the proposed development. Putative refusal reason two arose from absence of surveys as to the presence of protected species. However, this refusal reason has been withdrawn on the basis that an Emergence and Activity Bat Survey and Ecology report was submitted with the appeal with recommendations for mitigation that can be secured by condition. Consequently the matters to be addressed are now limited to a single main issue in which regard it is not disputed that the Council's housing land supply position is no better than 2.5 years.

Main Issue

4. Whether the proposed dwelling would be suitably located having regard to (a) the relevant policies of the development plan and (b) the Council's current inability to demonstrate a Framework-compliant housing land supply.

Reasons

5. The appeal site is land adjoining 1 Langdale Cottages (No.1) and would share its existing access from Station Road. Located just outside of the village of Long Marston, which lies close by, to the south east, the proposed dwelling would

- replace a small block of equestrian buildings and, in part, be upon garden land. The proposed dwelling would be a large single storey detached house with associated parking and amenity areas. Although single storey the height of the roof would be close to (but not higher than) that of Langdale Cottages. However, as the site is set back and well screened from station road and grouped with adjacent dwellings, the degree of change at the scale of the street scene would be minor and therefore detract little from the character and appearance of the surrounding countryside.
6. Long Marston contains important services and facilities which need to be maintained¹. Whilst the appeal site is separated from that village, that is by a plainly cyclable or walkable distance of well under one mile² albeit the intervening road lacks a pathway. For that reason I do not consider the proposed dwelling, given its grouping with other dwellings and proximity to Long Marston would be either isolated or an example of sporadic development. It is very likely that occupiers of the proposed dwelling would use, and therefore support, the facilities which exist in that village, notwithstanding the likely use of cars to do so in addition to those who may walk or cycle. This would, at least in part, align with the objectives of rural policy set out in Policy CS1 of the Dacorum Core Strategy 2006-2031 (2013) (DCS).
 7. Long Marston is one of the largest settlements in the rural area and identified as suitable for small scale development according to Policy CS7 of the DCS. I note that the Council position was set in the following terms:³ *“(It is) acknowledge(d) that a new house would not be acceptable in this location in accordance with Policy CS7, (but) the exception of it being previously developed land may be relevant in this instance”* and explaining ‘...*rural exception within Policy CS7 does not apply with respect to new housing*’. However, whilst the location of housing in sustainable locations would naturally be an appropriate core objective of the development plan, a reading that Policy on its face does not incontestably lead to the conclusion expressed by the Council⁴.
 8. Policy CS7 relates to the rural areas and has three sections. The first sets out uses (a-g) which are ‘acceptable in the rural area’; these uses do not include new housing. The second section states (without qualification): *“Small-scale development will be permitted: i.e.”*, thereafter listing types of built development acceptable in the rural area, but at (i) including the words *“for the above uses”*. By its positioning within the policy construct this does not appear as limiting the uses for the types of development following at (ii)- (v) but as a clarification that development according to the preceding list of ‘acceptable uses’ should also be ‘small scale’. The drafting of this policy appears to be open to conflicting interpretations including (by the all-embracing term ‘development’) that redevelopment of PDL such as is here proposed does not preclude housing. This is one reading of the Policy which removes any objection in principle to the proposal in terms of locational sustainability and the third draft RFR.
 9. However, even if Policy CS7 were apt to preclude housing outwith identified settlements as the Council appear to suggest, the weight to be attached to such conflict also falls to be considered within the ‘tilted balance’ consequent upon the Council’s deficient housing land supply position to which I now turn.

¹ Dacorum Core Strategy page 51

² Approximately 0.65 miles between site entrance and the start of footpath at the edge of the village.

³ Under Principle of Development in the officer report

⁴ The Council have not provided policy extracts or more detailed justification as to their interpretation of policy.

Planning Balance and Conclusion

10. The proposal would detract little from the character and appearance of the countryside and would provide a degree of support to facilities in Long Marston. Overall, the degree of conflict with this part of the development plan is limited. Further, it is not disputed that the Council are unable to demonstrate a Framework-compliant Housing Land Supply, and whilst it is not before me to determine the scope of such deficiency⁵, both parties indicate 'less than 2.5 years' which would attach significant weight to the benefit of even a single dwelling.
11. Paragraph 11 of the Framework makes clear that the presumption in favour of sustainable development is engaged⁶ where the relevant policies of the development plan are out-of-date, as here, such that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposal would contribute only a single dwelling to the Council's deficient housing land supply, however in the circumstances described this modest benefit attracts significant weight. Having regard to the provisions which address the withdrawn refusal reasons including the appellant's Unilateral Undertaking dated 24 April 2024, and the Management Plan, I have concluded that adverse impacts are also limited and thereby do not significantly and demonstrably outweigh even this small benefit. Consequently the appeal should succeed, subject to appropriate conditions.
12. In addition to the usual plans and timing conditions a number of others are necessary, these include to ensure the use of materials consistent with the submission and restriction of permitted development together with details of hard and soft landscape in order to limit the extent of visual impact upon the rural area. A Landscape and Ecological Management Plan is also necessary to ensure the provisions that address reasons for refusal are achieved. A condition is not necessary as to access or parking as the proposal will use an existing access point and there is plainly ample room to park cars to the numbers suggested as required.

Andrew Boughton

INSPECTOR

⁵ The Council have made no submissions in that regard

⁶ The circumstances referred to at Paragraph 11 at (d) (i) and footnote 7 do not constrain the application of this 'tilted balance' having regard to the Section 106 agreement and other submissions of the appellant.