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## Appeal Decision

Site visit made on 13 November 2024

**by A Knight BA PG Dip MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 02 December 2024**

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**Appeal Ref: APP/J1915/W/24/3342715**

**Land at Orchard Road, Tewin, Hertfordshire AL6 0HN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Mr & Mrs Morrisroe against the decision of East Hertfordshire District Council.
  - The application Ref is 3/24/0018/OUT.
  - The development proposed is erection of a detached dwelling with a new vehicle entrance/crossover.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appeal scheme relates to an outline proposal, with access, layout, and scale to be considered at this stage, and with appearance and landscaping reserved for future consideration. I have determined the appeal accordingly. A plan has been submitted as part of the appeal which shows the proposed dwelling on the site. Other than in respect of access, layout, and scale, I have taken this plan into account for indicative purposes only.

### Main Issues

3. The main issues are:
  - whether the appeal site would be a suitable location for the proposed development, having regard to local and national policy; and
  - whether the proposal conflicts with the policy that controls the loss of equestrian facilities.

### Reasons

#### *Location*

4. Policies DSP2 and VILL3 of the East Hertfordshire District Plan 2018 (the District Plan) prioritise sustainable development at brownfield sites, then urban areas, then urban extensions, allowing for limited development in villages if, in the case of Group 3 villages, in accordance with an adopted Neighbourhood Plan. The appeal site is in a Group 3 village without a Neighbourhood Plan and, as such, the appeal proposal does not have the support of these strategic policies. District Plan Policy TRA1 seeks, amongst other things, to promote sustainable transport by focusing development in places which enable

sustainable journeys to be made to key services and facilities, to help aid carbon emission reduction.

5. The National Planning Policy Framework (the Framework) describes the purpose of the planning system as being “to contribute to the achievement of sustainable development”, an aim containing an environmental objective of mitigating and adapting to climate change. This includes moving to a low carbon economy achieved, in part, by the promotion of walking, cycling and public transport. Paragraph 159 of the Framework requires new development to avoid increased vulnerability to the range of impacts arising from climate change. As such, there is a high degree of correlation between the cited District Plan policies and the aims of the Framework.
6. The appeal site is within walking distance of Burnham Green, but I have no evidence that any services and facilities beyond a public house and beauty salon exist there. My attention has been drawn to the settlements of Tewin, Knebworth, and Welwyn Garden City. Tewin is classified as a Group 2 village in recognition of its limited range of services and facilities, but it is over a mile from the appeal site. Knebworth and Welwyn Garden City are over two and three miles from the appeal site respectively. Significant parts of the roads leading to all of these settlements from the appeal site are unlit and without pavements.
7. The characteristics described above would discourage future occupiers of the proposed dwelling from walking or cycling, particularly in hours of darkness or poor weather. The appeal site is close to a bus stop, but the service is extremely limited. I have no evidence that occupants of the proposed dwelling would have access to any other forms of public transport nearby. Overall, it is highly likely that occupants of the proposed dwelling would rely heavily on the private car for access to services and facilities.
8. Paragraph 83 of the National Planning Policy Framework (the Framework) states that rural housing should be located where it will enhance or maintain the vitality of rural communities, and that where there are groups of smaller settlements, development in one village may support services in a village nearby.
9. Whilst occupants of the proposed dwelling might use services and facilities in nearby villages, I have no evidence that nearby villages contain all of the services and facilities required. Moreover, given the far greater range of offerings in Knebworth and Welwyn Garden City, it is likely that occupants of the proposed dwelling would rely at least in part on those larger settlements for services and facilities rather than nearby villages. As such, the appeal proposal is not development of the type paragraph 83 of the Framework seeks to support.
10. For the reasons set out above, the appeal site would be an unsuitable location for the proposed development, having regard to local and national policy, as it would encourage dependence on the private motor car and undermine a planned approach to housing development. As such, the proposal conflicts with Policies DPS2, VILL3 and TRA1 of the District Plan, as well as with the similar aims of the Framework.

### *Equestrian facilities*

11. Policy CLFR6 of the District Plan requires that proposals resulting in the loss of equestrian facilities be accompanied by an Equestrian Needs Assessment, to demonstrate that the facilities are no longer needed. In assessing the ecological implications of the proposed development, the County Council have described the site as being previously utilized as a horse paddock. The reason for this assertion is not provided. The appellant states that the site was used for some eight years to graze and shelter alpacas and is now unused. No Equestrian Needs Assessment has been provided.
12. I have no evidence to support the assertion that the site was an equestrian facility. As such, I have no evidence that Policy CLFR6 is applicable to the appeal proposal. I can find no conflict with that policy, therefore.

### **Planning Balance**

13. The Council could not demonstrate a five-year supply of deliverable housing sites at the time of the decision. That is no longer the case and, as such, the provisions of paragraph 11(d) of the Framework do not apply.
14. Notwithstanding the above, the benefits of the scheme are material in my determination. The proposal would yield a net gain of one new house towards the Government's aim of significantly boosting supply, and it could be built quickly. The prompt delivery of new housing carries significant weight but is tempered in this case by the modest scale of the scheme.
15. Vehicular access to the site could be arranged safely, and the proposed dwelling would adhere to the prevailing local character in respect of layout, and scale. These are policy expectations rather than benefits and, as such, carry very limited weight. There would be temporary economic benefits associated with the construction phase as well as the prospect of work-related training for site operatives. Thereafter, there would be ongoing local economic activity relating to the occupation of the site, to the benefit of the nearest facilities and services. Nevertheless, given the relatively modest scale of the proposal and the small number of new residents brought about, these benefits would be minor.
16. Overall, the significant harms resulting from high dependency on car travel, and from undermining a plan-led approach to housing, would outweigh the benefits.

### **Conclusion**

17. Whilst I have found no evidence of conflict with Policy CLFR6 of the District Plan, the proposal conflicts with the development plan as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is dismissed, therefore.

*A Knight*

INSPECTOR