



Appeal Decisions

Site visit made on 11 November 2024

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th February 2025

Appeal A Ref: APP/J1915/W/24/3339591

Bluebell Cottage, Hare Street, Hertfordshire SG9 0DY

- 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 Pelham Structures Ltd against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/2401/FUL.
 - The development proposed was described as 'demolition of existing outbuildings and erection of 4no. dwellings with associated garages, landscaping and vehicular access as well as new detached double garage to Bluebell Cottage'.
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Appeal B Ref: APP/J1915/W/24/3350777

Bluebell Cottage, Hare Street, Hertfordshire SG9 0DY

- 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 Pelham Structures Ltd against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/0669/FUL.
 - The development proposed was described as 'demolition of existing outbuildings and erection of 2no. dwellings with associated garages, landscaping and vehicular access as well as new detached double garage to Bluebell Cottage'.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Applications for Costs

3. In both appeals an application for costs was made by Pelham Structures Ltd against East Hertfordshire District Council. These are the subject of separate Decisions.

Preliminary Matters

4. There are two linked appeals by the same appellant for similar development on two partly overlapping sites with some common considerations. To avoid duplication I have dealt with the appeals together, except where indicated. I also refer to 'the site' and 'the proposal' for convenience, except where indicated.
5. The Council considered the Appeal B planning application against an amended planning application form which changed the description of this proposal by adding reference to self-build and custom dwellings. The Council did not alter the description in its decision notice or appeal statement of case to reflect this. There is, though, no disagreement that both dwellings are intended to be of this type and

it is reflected in reason for refusal 2. I have, therefore, determined Appeal B on this same basis.

6. A revised National Planning Policy Framework was published in December 2024 and altered by minor amendments in February 2025 (the NPPF). This does not materially affect my determination of both appeals.

Main Issues

7. The main issues in both appeals are:
 - whether the proposal is a suitable form of development on the site; and
 - if the proposal would be appropriate to the character, appearance and setting of the surrounding area.

Reasons

8. The site is located outside the defined village development boundary of Hare Street. It is in the Rural Area beyond the Green Belt under Policy GBR2 of the East Herts District Plan, October 2018 (the EHDP). This policy restricts development in this part of the countryside unless certain circumstances apply. Criterion (e) includes limited infilling and redevelopment of previously developed land where appropriate to the character, appearance and setting of the surrounding area. Criterion (h) permits development identified in an adopted neighbourhood plan. Amongst other things, Policy HD1 of the Buntingford Community Neighbourhood Plan, March 2017 (the BCNP) permits residential development beyond a village if it is small scale infill within or immediately adjoining significant existing clusters of development.

Form of development

Infilling/infill

9. The EHDP does not define 'limited infilling' for the purposes of Policy GBR2 and the BCNP does not define 'small scale infill' for the purposes of Policy HD1. The NPPF does not define either term.
10. The site is a strip of mainly undeveloped land along one side the B1366 road. Next to it, on the south side, is Bluebell Cottage then Lavender Cottage. Beyond this pair of dwellings, in the direction of the village, is a stretch of undeveloped land along this road side then some other isolated dwellings separated by similar intervals of undeveloped land. The site abuts countryside to the north and land behind to the east is undeveloped with fields beyond. Some dwellings form a more continuous ribbon of development along the west side of the road, south towards the village and at the north end draw level with part of the site, beyond which is a large field.
11. Consequently, the proposal would not be bordered on both sides (north and south) along the site side of the road by permanent buildings, nor therefore take up a gap in a continuously built-up frontage sustained in each of these directions. In addition, the significant arc of undeveloped, open land around the site means that it is not sufficiently surrounded by development to render the proposal within a meaningful group of buildings, nor is it immediately adjoining development with sufficient radial, as opposed to linear, concentration to form a cluster.

12. A natural or man-made property boundary, such as along the north edge of the site, does not have sufficient physical or visual presence to render land between it and, in this case, Bluebell Cottage a 'gap' for these purposes. As is usual accepted planning practice this requires space between permanent buildings. Some existing buildings on the site, next to the south boundary, are set further back in-depth from the road and do not face it. None of the dwellings would anyway be sited in the gap between these buildings and Bluebell Cottage.
13. The Council granted permission for dwellings on a site located within the defined village development boundary of Hare Street so is not directly comparable to the current appeals¹. The main issue in the 'Bradbury' appeal decision was whether that site/dwelling was in a suitable location having regard to access to services and facilities in Hare Street². The Council accepts that the site is in a suitable location for the purposes of EHDP Policy GBR2(e) for essentially the same reasons as at Bradbury and that the proposal is sustainable development in these same terms. It has also taken a similar view in respect of some other recent development near the site along the opposite side of the road that I have been referred to³.
14. But suitable location as a facet of sustainable development is a distinctly different notion to suitable form and whether the proposal is sustainable development in this respect, amongst others. It was common ground in the Bradbury appeal (and accepted by the Council in these other cases) that the form of those dwellings was limited infilling in the Rural Area beyond the Green Belt for the purposes of EHDP Policy GBR2(e). There is no evidence that suitable location having regard to access to services and facilities in Hare Street, including inside a 30mph speed limit sign or with a pavement along the road, instantly rendered those sites 'within' this village even 'as experienced on the ground' or that those dwellings formed part of a 'significant existing cluster' of development.
15. The proposal would not be isolated given that it would be near other development. However, the scattered arrangement of existing dwellings along this stretch of the road near the site, north of the village, has insufficient gravitas and significant visual and physical separation to be part of the village or any other recognisable settlement by itself, including because there are no facilities or services within this limited residential development. Extending ribbon development further, or an addition to an isolated group of buildings is anyway also resisted by the Council within the Hare Street defined village development boundary⁴. The appellant's argument in these respects is not least somewhat tenuous as it is otherwise suggested to me that the site is not located within a built-up area in order to seek to benefit from previously developed land status.
16. Considering all the above, the proposal is not infilling or infill development. I do not, therefore, also need to consider if it is limited or small scale development.

Previously developed land

17. The EHDP does not define 'previously developed sites (brownfield land)' for the purposes of Policy GBR2. The NPPF refers to brownfield land within a definition of previously developed land (PDL)⁵. This definition includes 'Land which has been

¹ 3/18/2378/VAR and 3/17/1690/FUL

² APP/J1915/W/19/3226396

³ 3/21/0140/FUL or 3/23/0709 and 3/23/1819/FUL

⁴ EHDP Policy VILL2

⁵ Annex 2: Glossary

lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed)⁶. The site is not in a built-up area so it is not precluded from PDL for this reason, consistent in this regard with an appeal decision that I have been referred to⁶, and use of land in that case as 'residential' (ie 'garden space' not curtilage) had already unequivocally been established by a planning permission granted by the Council⁷. The appellant claims the site is lawfully developed because it is part of the curtilage of Bluebell Cottage, but curtilage is not a use of land. It is also said to be part of the garden of Bluebell Cottage, so within its curtilage and PDL.

18. There is no lawful development certificate about existing or proposed use of any or all of the site as a garden. It is not my remit in these s78 appeals, about applications for planning permission, to determine whether the site is lawfully developed, including if enforcement action could still be taken. This can only be formally established by an application under s191 or s192 for a certificate of lawful use or development. I have, though, considered the appellant's evidence before me so far as it is material to the appeals. This does not prejudice a future application for a lawful development certificate.
19. Exactly what section of land said to be garden used as a pony paddock with some stables to keep equestrian horses is not specified by the appellant. A circa 1985 aerial photo includes what could be or might include stables facing what could be a pony paddock. But only one side or end of the site is shown and no horses appear to be visible. While this photo shows no continuous boundary wall or fence with Bluebell Cottage this does not in itself assist with how land was being used at the time. A 2017 aerial photo shows some buildings or other structures on the site but does not demonstrate what these were being used for and there are no 'historic maps' before me in evidence. Even if in recent years land has predominantly been used as more 'formal garden', it is not explained when or over what part of the site. Nor is the original position of meadow land clarified or when and where it was moved to further away from Bluebell Cottage.
20. A summer house, three stable buildings and a polytunnel may appear in the appellant's satellite image but this does not confirm when these were constructed or an orchard was established. Nor does it corroborate the actual origins of a large area of hardstanding or when it was extended or how it has been used. It appears to have replaced some or all of a large area of land that on the face of it, could be a small horticultural market garden also shown in the aerial photo. The Council has referred to some planning history for the site about two animal shelters and a sheep and lambing shelter which on the face of it could also be for agricultural purposes⁸. The appellant has referred to a planning permission for a 'new double garage'⁹ and a 'double garage'¹⁰ but the location of the former is not clear. There is no objective evidence to substantiate longevity of claimed historic single ownership of Bluebell Cottage and the site, such as Land Registry documents, nor about the continuity, extent or form of any intervening boundary between Bluebell Cottage and the site.

⁶ APP/J1915/W/20/3258799

⁷ 3/14/0003/FP

⁸ 3/82/0469 and 3/92/1254/FP

⁹ 03/04/0867/FP

¹⁰ 3/85/1133/FP

21. The Council previously granted planning permission for a 'New garage/cart shed parking and study' at Bluebell Cottage¹¹ (the PP). The officer report states 'The property has a garden large curtilage, beyond which are open fields'. The Council agrees the red line of the PP site 'extended into' the site. The appellant's extract of a location plan (the PP plan) shows a red line (said to be the PP site) including all of the site, which is suggested must have been part of the 'garden large curtilage'. But the red line in the PP plan includes a large area of land to the east of the site as well as Bluebell Cottage and its front and rear gardens. Additionally, it shows a building on the north side of the cottage, set back. The application form described the proposed garage/cart shed as 'adjacent to existing house' and the officer report states it 'would have its front elevation set almost 1metre behind the rear elevation of the existing property'. This describes a layout as is shown in the PP plan and in the 'block plan' (labelled 'site plan') provided by the appellant, which also appears to show a boundary (wall or fence) between that proposed development and the rear garden of Bluebell Cottage.
22. In the absence of objective evidence to the contrary, it is at least conceivable that the 'property garden large curtilage' means or includes only where the proposed building was to be sited and the 'open fields' were 'beyond' this land (ie including the rest, majority, of the site). On the face of it, this could also explain and be consistent with why a householder application was made by the applicant's agent at the time, why the Council validated it as such and why the officer report entertained an outbuilding permitted development rights fallback position. But in any event, and notwithstanding the extent of the red line in the PP plan, the description of development applied for did not include change of use to garden land so the PP did not endorse or authorise garden use of the site or any of the land within the PP plan red line.
23. I appreciate another Inspector's findings with regard to equestrian development elsewhere and general matters relating to the difference between horses used for agriculture and equestrian purposes. But that decision, and another appeal decision which included whether land was within a curtilage, ultimately turned on the evidence and particular circumstances in those cases¹². These decisions do not specifically assist me with what is suggested in these regards by the appellant in the current appeals.
24. Taking account of all the above, the appellant's evidence before me is ambiguous and relies largely on speculation or assertion (there are for instance no statutory declarations). It is therefore not sufficiently robust to suggest lawful garden use of any or all of the site, so I give little weight to it in these appeals. Because it is inconclusive overall it also does not establish that all three of the 'tests' of curtilage that I have been referred to are met. In these circumstances, I am not satisfied the appellant has demonstrated that the entire site is PDL, nor even all of the part that would be redeveloped with four dwellings in Appeal A or two dwellings in Appeal B.

Conclusion

25. The proposal is not infilling or redevelopment of PDL and is not infill. Accordingly, I find that it is not a suitable form of development on the site so it does not comply with EHDP Policy GBR2(e) and (h) or with BCNP Policy HD1.

¹¹ 3/11/1629/FP

¹² APP/J1915/W/20/3258799 and APP/Y0435/W/17/3178790

Character and appearance

26. Bluebell Cottage is quite tightly spaced with Lavender Cottage and although some land opposite part of the site and further south has been infilled with some new dwellings, most of these still relatively few dwellings along both sides of the B1366 road near the site still have a low density loose knit arrangement. Overall, this generally more open juxtaposition maintains a dispersed assemblage of development interspersed with gaps of undeveloped land, including some gardens or fields with some hedgerow or trees allowing longer distance views of countryside beyond. This gives the approach south towards the built-up village, a distinctly remote, semi-rural feel where visually and spatially the landscape not buildings generally prevails along this part of this road corridor. The location of the site next to Bluebell Cottage and its largely undeveloped grassed appearance with some trees and hedgerow reflects this pattern so it therefore makes a positive contribution to local character and appearance.
27. The extent of gap between Bluebell Cottage and the first dwelling in each appeal would be similar to that between some other dwellings in this section of the road. The dwellings in Appeal B would be tightly spaced with each other, similar to the relationship between the 'pair' at Bluebell Cottage and Lavender Cottage, with gaps either side including views towards the countryside behind. The one and a half storey (rooms in roof) form of both of these dwellings would broadly reflect the form of Bluebell Cottage and Lavender Cottage as well as two opposing dwellings on the other side of the road.
28. However, the dwellings in Appeal B would 'mirror' the two opposing dwellings opposite the equivalent part of the site only by virtue of coincidence of the established location of those existing dwellings. Though level with these dwellings and next to Bluebell Cottage the two new dwellings would double the number of dwellings along this section and side of the road taken with Bluebell Cottage and Lavender Cottage, going from a pair to a distinctly different short row or two pairs. Two of the four dwellings in Appeal A would overlap the two opposing dwellings and mirror nothing more than open countryside. These two new dwellings would protrude significantly further north than the dwellings in Appeal B and all four dwellings would consume the entire frontage of the site, tripling the number of dwellings along this section and side of the road taken with Bluebell Cottage and Lavender Cottage to form a longer row. All four dwellings in Appeal A would be closely spaced to each other in a tight frontage giving little or no opportunity for significant views between these dwellings.
29. The front elevations of the Appeal A plot 2 and 3 dwellings would be narrower than the plot 1 dwelling, with uniform eaves levels below front facing pitched roof slopes. But their taller two-storey form would have notably greater scale and massing at an elevated level than the plot 1 dwelling or in relation to Bluebell Cottage or Lavender Cottage. Despite a similar eaves level and lower, short section of main ridgeline, the plot 4 dwelling would be wider than the plot 2 and 3 dwellings with two tall projecting front gables and bays facing the road. Notwithstanding the gap to Bluebell Cottage and Lavender Cottage, and that the plot 1 dwelling would be relatively low at one end, this would result in a disjointed step-up in built form across the site and an unduly abrupt transition with the significantly lower and more recessive, compact form of Bluebell Cottage which would be dwarfed by these adjoining dwellings. The notably greater scale and massing of the Appeal A plot 3

and 4 dwellings would not 'mirror' these aspects of the two smaller dwellings opposite them.

30. The presence of the dwellings in both appeals would be compounded by the siting of a large detached double garage in Appeal B or two such garages in Appeal A in front of the dwellings, near the roadside. This is not a distinctive feature of residential development in this section of the road or south towards the village that I saw and I have not been referred to other examples. Moreover, the layout in both appeals includes a shared vehicular access point and private drive set back from the road, which in turn forces the dwellings further away from the road and the private drive would be excessively long in Appeal A. This would be in contrast to Bluebell Cottage and Lavender Cottage and out of kilter with the layout or building line of most dwellings along this section of the road on both sides and south towards the village. While each new access point in each appeal would be an improvement in visibility splays compared to the access currently serving Bluebell Cottage, there is no objective evidence the existing access is unsafe. The typically more urban proposed shared access arrangements in both appeals are anyway not features of the streetscene near the site.
31. As a result, despite a linear arrangement of dwellings on the site, the proposal would erode the integrity of the prevailing semi-rural environs in this part of the road and unduly extend and consolidate a more densely built-up arrangement of dwellings in the countryside beyond the village. This incremental, piecemeal extension of built form would give an unwelcome, more urban feel to this part of the road by a continuation of residential development along the site side of it to the north. The appellant suggests that other residential development near the site is as a result of 'historic expansion of the settlement of Hare Street' but in the absence of objective evidence to the contrary, such as historic maps, in my view this has been little more than consolidation of sporadic development in the countryside.
32. Significant harm from the adverse impact and change to the intrinsic nature of the site would result in unjustified encroachment in this part of the countryside; not only by the dwellings, garages and accesses but associated external domestic use and paraphernalia. There would be greater intensity of such use by occupants of the proposed two or four dwellings than (even if the site has been or is used in this way) by the occupiers of just a single dwelling, Bluebell Cottage. The jarring impact of the proposal in both appeals would be observed from the road and pavement, including over the retained boundary hedge which would not screen the upper parts of dwellings in both appeals. Also, through the wide gap where hedgerow would be removed to create the vehicle access in both appeals. This would detract from clear appreciation of the distinction between the village and the countryside beyond it and diminish the integrity of how this part of this rural road is currently experienced including in sequence along it.
33. Subject to a condition, the dwellings in both appeals would have satisfactory materials and include some elements of detailed design evident in some of these other nearby dwellings and gardens would be landscaped. Appeal B includes a large pocket of new orchard tree planting with wildflower meadow underneath next to the open countryside to the north of the site and in Appeal A this planting is inset behind the site. But none of these considerations would overcome the harm identified above.

34. I therefore find that in both appeals the proposal would not be appropriate to the character, appearance or setting of the surrounding area. Consequently, it conflicts with EHDP Policy GBR2(e) and with EHDP Policy DES4 which includes that development must be of a high standard of design and layout to reflect and promote local distinctiveness, such as by respecting or improving on the character of the site and the surrounding area in terms of scale, height, massing (volume, shape), orientation, siting, layout and density.

Other Matters

Self-build or custom-build dwellings

35. The appellant has constructed self or custom build dwellings elsewhere and is a specialist in such development. In Appeal B this type of dwelling was promoted only after the planning application was submitted to the Council. The Council does not dispute that it has granted 7 self-custom build plots against a 'requirement' of 176 plots, though I have not been informed about the number of people on the Council's self-build register. I appreciate the 'duty to grant' that I have been referred to in some other appeal decisions¹³ which the appellant considers 'can warrant the breaching of settlement boundaries in sustainable locations'.
36. However, in Appeal B this proposal is not for self or custom build serviced plots and both dwellings are already designed as per the detailed elevation and floor layout plans submitted to the Council and before me in this appeal. In the absence of any others it is these plans that would be approved if planning permission was granted by allowing this appeal. There is no objective evidence that a future occupant of either dwelling has had a primary input into the already finalised design and layout of these dwellings¹⁴, which as a result would to all intents and purposes be off-plan or as built dwellings purchased without input into the design and layout from a buyer. The provenance of a design and layout genuinely derived from and informed by the intended owners has not been demonstrated and is integral to a decision to grant full planning permission for self or custom build dwellings in this appeal.
37. This matter cannot, therefore, be left to a condition such as one suggested by the appellant including because it could potentially result in significantly different dwellings in design or layout. The condition is anyway more akin to a 'reserved matters' condition in an outline planning application and permission which is not the case here. The decision notice for a planning permission said to have incorporated such a condition is not before me¹⁵ but the extract of this condition provided anyway refers to 'plots' which is not what is proposed in Appeal B. The appellant also refers to the dwellings in that case as 'indicative' which is not the same basis as the Appeal B planning application was submitted and the plans before me are not marked as such.
38. While it might be possible to submit alternative plans for future approval, there is no sufficiently compelling relevant evidence that the altered description of development in this appeal would be sufficient to ensure the dwellings were actually constructed as self or custom build. Nor is there any suitable mechanism, such as a planning obligation, to ensure the initial occupation of either dwelling by such a person as an owner to prevent what would otherwise be market dwellings.

¹³ APP/Y3940/W/23/3317252, APP/H1840/W/19/3241879, APP/W2845/W/23/3323851

¹⁴ Planning Practice Guidance paragraph 57-016-20210208

¹⁵ UTT/19/1508/FUL

In contrast, a planning obligation to that effect was included in another appeal decision that I have been referred to¹⁶.

39. The 'Dunsfold' appeal development¹⁷ was described as five self-build/custom build dwellings and was an outline planning application which resulted in outline planning permission with all matters reserved apart from access; including therefore the appearance, layout and scale of the self or custom build dwellings. These aspects of those dwellings could as a result still subsequently be influenced by prospective occupants/owners of those dwellings. In those circumstances, which are distinctly different to Appeal B, it is unsurprising that the Inspector was able to consider a condition to limit occupancy of those dwellings to that effect. Nor is it unexpected that another appeal was allowed by an Inspector and full planning permission granted for development including a similar condition because that development was described as 30 self-build and custom dwellings supported by a unilateral undertaking¹⁸. This is not the case in this current appeal.
40. Fundamentally, I am not satisfied that the appellant has properly justified self or custom build dwellings to begin with in Appeal B of that this type of housing would be delivered. This proposal does not, therefore, meet the definition of self or custom build housing¹⁹. Accordingly, there is no self or custom build housing benefit so this consideration has no weight in Appeal B.

Biodiversity

41. Irrespective of any available exemption if Appeal B was for self or custom build dwellings, having regard to the date of each appeal planning application or that the proposal is not for major development²⁰ mandatory biodiversity net gain is not engaged in either appeal²¹. But subject to a condition to secure a suitable biodiversity plan there would be ecology enhancement resulting in biodiversity net gain at the site, including the orchard with wildflower meadow, some new hedgerow and provision for nesting birds. These outcomes would accord with other policy objectives of the Council's development plan and the NPPF. Though important, there would be a modest effect in these regards, so these considerations have modest weight in support of both appeals.

Effective and efficient use of land

42. The NPPF sets out that planning decisions should promote an effective use of land in meeting the need for homes but this aim is caveated, including by the need to safeguard and improve the environment which would not be the case in both appeals. Additionally, the site is not PDL or within a settlement in these appeals and it is otherwise evidently used beneficially by the occupant(s) of Bluebell Cottage so there is no apparent reason why it is said to be 'under-utilised'. Nor would the proposal be an efficient use of land having regard to the desirability in this case of maintaining the prevailing character and setting of the area and In Appeal B the proposal is not for a self or custom build type of housing. These are important matters but I therefore give little weight to both considerations (effective and efficient use of land) in both appeals.

¹⁶ APP/C1570/W/18/3205544

¹⁷ APP/R3650/W/22/3300262

¹⁸ APP/C1570/W/21/3282098

¹⁹ Self-build and Custom Housebuilding Act 2015 (as amended) and Housing and Planning Act 2016 (as amended)

²⁰ Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015

²¹ Paragraph 17 of Schedule 7A of the Environment Act 2021 (as amended) and the Biodiversity Gain Requirements (Exemptions) Regulations 2023

Climate change

43. Subject to conditions the dwellings in both appeals would be water and energy efficient, aligned with objectives of the Council's development plan and relevant provisions of the NPPF. Even four dwellings would have a modest effect in these regards, so although important, these considerations have modest weight in support of both appeals.

Other considerations

44. The proposal would include satisfactory living conditions for future occupants of the dwellings, including internal living space (also for disabled occupants), external amenity space and, subject to a condition, adequate arrangements for waste and recycling storage and collection. The site is not in or near a Conservation Area, not at risk of flooding and, subject to a condition, suitable surface water drainage details could be approved. The proposal would not generate unacceptable traffic and the vehicular access in both appeals is acceptable in highway terms. The absence of harm in these regards are neutral factors in both of my decisions.

Listed building

45. A dwelling known as 'White House' is a circa 1848 grade II listed building. The significance of this designated heritage asset includes its historic position in the countryside on an approach towards the village. It is on the opposite side of the road some way south of the site, separated by intervening buildings or landscape features with no direct visual or physical interrelationship. The Council considered that the proposal would not harm (have a neutral effect on) the setting of White House. I have no reason to find otherwise and this would preserve the setting of this listed building²².

Housing delivery and land supply

46. The Council did not fail the latest published Housing Delivery Test. Although a snap-shot at the time, in the 'Land east of A10' August 2024 appeal decision an Inspector found that the Council could not demonstrate a five year supply of deliverable housing sites, at 4.20 to 4.49 years²³. This is the latest objective evidence before me in these current appeals and this position is not disputed by the Council. Considering the housing land supply shortfall the proposal would be aligned with development plan aims to meet the Council's housing requirement and also consistent with objectives of the NPPF to significantly boost the supply of homes to help meet people's accommodation needs. The contribution of two or four dwellings in these regards though important, would be relatively small so this consideration has moderate weight in support of both appeals.

Conditions

47. In addition to those referred to earlier, I have considered the Council's suggested conditions and those mentioned by the appellant. None of these would overcome the significant harm identified in the main issues above.

²² Section 66(1) - Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

²³ APP/J1915/W/24/3340497

Planning Balance

48. Given the Council's housing land supply position, by virtue of footnote 8, paragraph 11(d) is engaged in both appeals. The starting point is that planning permission should be granted. The BCNP became part of the development plan more than five years ago so by virtue of criterion (a) the guidance in NPPF paragraph 14 does not apply in these appeals.
49. However, relevant policies in the Council's development plan most important for determining these appeals are still broadly consistent with relevant equivalent provisions of the NPPF about achieving well-designed places sympathetic to local character including in layout and having regard to the surrounding built environment, landscape setting and to maintain a strong, distinctive sense of place. Additionally, for housing in rural areas and to conserve the natural environment by recognising the intrinsic character and beauty of the countryside. The proposal would undermine objectives of the Council's development plan with respect to suitable form of development and not be appropriate to the character, appearance and setting of the surrounding area. I give substantial weight to both of these considerations.
50. The adverse impacts of granting planning permission in each appeal would, therefore, significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, having particular regard to directing development to sustainable locations, making effective use of land and securing well-designed places, individually or in combination. Accordingly, the presumption in favour of sustainable development (the 'tilted balance') does not apply in these appeals.

Conclusion

51. The proposal conflicts with the development plan. Other material considerations do not indicate that the appeals should be determined otherwise than in accordance with the development plan taken as a whole²⁴. Consequently, for the reasons given above the proposal is unacceptable so Appeal A and Appeal B do not succeed.

Robin Buchanan

INSPECTOR

²⁴ Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended)