



Appeal Decision

Site visit made on 21 January 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 MARCH 2025

Appeal Ref: APP/J1915/W/24/3349030

Land east of Albury Road, Little Hadham SG11 2DN

- 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 John Ruane against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/2414/OUT.
 - The development proposed is outline application for the erection of up to 7 dwellings with associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original application was made in outline with all matters reserved apart from access. I assessed the appeal on that basis. I have had regard to the submitted drawings, but have considered all elements shown as indicative, apart from the proposed access.
3. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties were invited to provide comments on this matter and the comments received have been taken into account in my determination of the appeal.

Main Issues

4. The main issues are:
 - whether the proposal would be in a suitable location for housing, having regard to the development strategy for the District; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Suitability of location

5. The village of Little Hadham is identified as a Group 2 village in DP Policy VILL2, where limited infill development is permitted, subject to a number of criteria. I have not been directed to any adopted Neighbourhood Plan, so in accordance with this policy, development in Little Hadham will be limited to the built-up area as defined on the Policies Map. The appeal site lies outside of the settlement of Little Hadham and, as such, the proposal is not supported by this policy.

6. The site is designated by the DP as being within the Rural Area Beyond the Green Belt. DP Policy GBR2 seeks to maintain the Rural Area beyond the Green Belt as a valued countryside resource. This policy lists the types of development which will be permitted here, including at bullet point e), the limited infilling or the partial or complete redevelopment of previously developed sites in sustainable locations.
7. The appeal site is made up of open grassland, together with some trees and hedging on its front boundary. There is no substantive evidence before me to indicate that the site is or was occupied by a permanent structure or that it would fall within the Framework's definition of previously developed land (PDL) for other reasons. Therefore, based on the evidence and my observations, the site is not PDL.
8. I have not been directed to any definition of limited infill in the DP, nor does the Framework contain any such definition. As such, whether the proposal would constitute limited infilling would be a matter of planning judgement taking account of an assessment of the position on the ground. In my view, infilling involves the development of a gap between buildings, often in an already built-up frontage.
9. Although one side boundary of the appeal site is near the existing dwellings along Albury Road, this is not the case with the second side boundary, which adjoins the wider open field which the site lies within. It therefore follows that the proposal would not be infilling. Further, on the basis of the indicative layout, the proposal would read as an extension of the existing linear pattern of development.
10. The proposal would not result in isolated dwellings in the countryside having regard to the nearby settlement. Nevertheless, this would not change my assessment that the site would not be in a suitable location for housing, having regard to the development strategy for the District. As such, the proposal would conflict with DP Policies DPS2, GBR2, and VILL2, which set out the hierarchy for development within the District, seek to maintain the Rural Area Beyond the Green Belt as a valued countryside resource and direct residential development towards the built up area of Group 2 villages.

Character and appearance

11. The appeal site is a large parcel of land that forms part of a wider agricultural field. There are several trees along the frontage of the site, some of which are covered by Tree Preservation Orders. The site is accessed off Albury Road and a Public Right of Way (PRoW) runs next to its side boundary. There is existing residential development directly opposite the site and beyond the PRoW.
12. The appeal site is part of the agricultural surroundings of Little Hadham, where large fields interspersed with hedgerows and trees dominate the landscape. The site slopes down towards River Ash, so it allows for pleasant views from Albury Road across the valley towards the wider landscape. The edge of the settlement next to the PRoW is bound by dense hedging and mature trees, a strong boundary treatment that clearly marks the edge of the village in this location. As such, despite being located close to Little Hadham, the site offers a clear difference in character between the built-up area and the open countryside on this side of Albury Road. The site makes a positive contribution to the rural landscape setting of the village and is therefore sensitive to change.

13. The proposed development would introduce up to seven dwellings within this agricultural land beyond the defined edge of the settlement. Consequently, the proposal would encroach onto the countryside and lead to a detrimental urbanisation and loss of an open and spacious parcel of land that makes an important contribution to the rural setting of the settlement. Given such, the proposal would not be responsive to local circumstances.
14. While the size and scale of the proposed dwellings is not known at this stage, the introduction of built form in this location would inevitably limit the high-quality views afforded from Albury Road towards the sloping countryside and Ash valley, even if the dwellings would be limited to a single storey height. Consequently, while the rear gardens would not extend up to the edge of the River Ash, the proposal would nevertheless be visually intrusive and would cause substantial harm to the local landscape character.
15. Landscaping proposals have not yet been finalised at this stage, but the indicative layout shows there would be scope for planting to be provided along the boundaries of the site, which would assist with screening the proposal. However, any such planting would likely take a considerable amount of time to fully establish to soften the impact.
16. The indicative layout shows that the scheme would continue the existing ribbon of development along Albury Road and would respect the prevailing building line along this road. Moreover, the appellant asserts that the proposal would round-off and balance up the northern end of the village. However, this would be at the expense of a parcel of land that does not have the appearance of being within the physical boundaries of the settlement, and its rural character would be lost. Therefore, the proposal would not constitute an effective use of land.
17. While the appellant asserts that the proposal would reflect the density found on the opposite side of the road, these dwellings are located on higher ground, so they do not block views from Albury Road towards the Ash valley.
18. The recently constructed A120 Little Hadham Bypass is present in the wider landscape. However, the bypass lies at some distance from the appeal site and the expanse of open and undulating countryside that surrounds the village is evident in views from Albury Road. As such, the bypass would not justify the harm to the character and appearance of the area associated with the proposed scheme.
19. Consequently, the proposed development would conflict with DP Policies GBR2, DES2 and DES4. Together, these policies require development to be of a high standard of design and layout to reflect and promote local distinctiveness; conserve, enhance or strengthen the character and distinctive features of the District's landscape; and reflect and promote local distinctiveness.
20. The Council's second reason for refusal refers to Policy VILL2. However, since the site is located outside the village as defined on the Policies Map, I find that this policy would have limited relevance in the context of this main issue.

Other Matters

21. Reference is made to a scheme¹ where the Council concluded that the tilted balance tipped in favour of a grant of permission for a single dwelling in the Rural

¹ LPA Ref 3/23/0158/FUL

Area beyond the Green Belt. Such a conclusion would have been reached having regard to the specific circumstances relevant to that case. In any event, I note that this permission relates to a site that is adjacent to another village, so the level of harm would not be comparable because of the different locations. Indeed, it appears that in this case the Council did not find harm in relation to the wider landscape.

22. My attention is drawn to an appeal decision² for the erection of four dwellings in the Rural Area beyond the Green Belt, just outside the boundary of another village within the District. The location plan provided shows that this site is behind existing housing and is accessed off a small lane, so it is set-back a considerable distance from the main road. This is not the case with the scheme before me. Further, the Inspector identified the harm to the character of the area as limited, which are not my conclusions here. Thus, this example would be of limited consequence in my consideration of this appeal.
23. The Planning Statement refers to some appeal decisions and planning permissions pertaining to other developments in the Borough. However, in the absence of substantive details relating to these cases, I am unable to draw any meaningful comparisons with the appeal scheme.
24. The Church of St Cecilia is Grade I listed. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of this heritage asset. The Church of St Cecilia is a small church located on a hilltop with an imposing tower. Its setting is informed by its position within the surrounding countryside. As the appeal site is located at some distance from this church, its contribution towards the setting of this heritage asset is limited. As such, the proposed development would preserve the setting of the listed building.

Planning Balance

25. There is no dispute that the Council cannot demonstrate a 5-year supply of deliverable housing sites. The appellant says that the extent of the shortfall would be approximately 3.5 years when considering the new standard methodology as set out within the Framework. The Council advises that it is still considering the implications of the Framework on the supply of housing and, while it is anticipated that the current housing land supply would be reduced, no figure has been provided. Therefore, I am unable to reach a reliable conclusion on the Council's land supply position. So, for the purposes of this appeal, I shall take the figure provided by the appellant.
26. In such circumstances paragraph 11 d) ii of the Framework states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework taken as a whole.
27. The scheme would employ renewable energy generating technologies. However, this would be neutral in the balance since this matter is largely concerned with mitigating the impacts of the development.

² Appeal Ref APP/J1915/W/24/3340086

28. The site is within walking or cycling distance to some services, employment and facilities within the village and there would be scope to utilise public transport to reach other larger settlements. Therefore, future residents would not be fully reliable on the private car. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, so this matter is neutral in my consideration of this appeal.
29. In terms of benefits, the appeal proposal would deliver up to seven new dwellings on a windfall site as supported by paragraph 73 of the Framework. The site is a small one, so the scheme could be built-out relatively quickly. When adopting the appellant's position on housing land supply, I attach moderate weight to these benefits.
30. The scheme would deliver a biodiversity net gain (BNG) of some +28% habitat units and some +15.8% hedgerow units. Since the BNG would go beyond what is required by statutory requirements, I afford these benefits moderate weight.
31. Some economic benefits would be accrued during the construction phase. Future residents would support local services as well as the vitality of the rural community. However, given that the proposal would deliver a small number of dwellings, these benefits would be limited.
32. The proposal would conflict with DP Policies DPS2, GBR2, and VILL2 in terms of the location of housing. Owing to the Council's 5 year housing land supply position, the conflict between the proposal and these policies should be given limited weight in this appeal.
33. The proposal would be harmful to the character and appearance of the area, in conflict with DP Policies DES2 and DES4. Insofar as it relates to character and appearance matters, these policies are consistent with chapter 12 of the Framework which seeks to achieve well-designed places, and with paragraph 135 which seeks to ensure that developments add to the overall quality of the area and are sympathetic to local character, including landscape setting. Therefore, I attach substantial weight to the conflict with these policies.
34. Consequently, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

35. 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. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR