



Appeal Decision

Site visit made on 12 March 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 MARCH 2025

Appeal Ref: APP/J1915/W/24/3350743

Duck Street Cottage, The Street, Furneux Pelham, Hertfordshire SG9 0LA

- 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 P Slaney against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/1753/FUL.
 - The development proposed is erection of 1no. residential dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice refers to Policy DSP2 of the East Herts District Plan (EHDP) (2018). The Council has confirmed that this is a typographical error and should read as Policy DPS2, to which I have been provided a copy. I therefore have enough detail before me to form my assessment and have considered the appeal on this basis.
3. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published and corrected on 7 February 2025. The main parties were provided with an opportunity to comment. I have had regard to the 2024 version of the Framework in my decision.

Main Issues

4. The main issues are:
 - whether the site represents a suitable location for housing, having regard to access to services and facilities; and
 - the ability of the proposal to be adaptable to climate change.

Reasons

Location

5. Policy DPS2 of the EHDP sets the broad strategy to deliver development against a hierarchy beginning with sustainable brownfield sites, before cascading to urban areas, urban extensions and finally limited development in the villages. Policy TRA1 of the EHDP sets an expectation that development proposals should primarily be located in places which enable sustainable journeys to be made to key services and facilities.

6. The proposal seeks to sub-divide the existing residential garden to create an additional plot for a new dwelling. The site lies in the countryside between Furneux Pelham and Little Hornead, albeit closer to the former. It has a rural appearance bounded partly by wooden picket fences, with hedgerow and trees along the roadside boundary. Whilst Furneux Pelham is identified in the strategy as a Group 2 village, the site is outside of this settlement boundary separated by open fields and sparse development. The site is some distance from the closest facilities associated with Furneux Pelham and appears both functionally and physically separated.
7. In order to access facilities for day to day needs, the occupiers would be reliant on a rural road, which between the site and the edge of Furneux Pelham has no footpaths or street lights. I observed during my site visit that the road has a national speed limit making its use as a walking, or even cycling, route even less attractive. The appellant states that the site is positioned within 200 metres of bus stops serving access to larger settlements, however I have not been provided further details of the exact location nor the frequency of such services. It is also stated that the site is covered by the 'Hertslynx' door to door bus service. Whilst this may represent a sustainable travel mode which could reduce the use of a private car to a small degree, the evidence before me is not persuasive that public transport would be a viable option for the occupiers of the proposed dwelling.
8. The appellant's statement confirms that the proposed development would connect to existing infrastructure and could be served by home delivery services. This may assist in a reduced need to travel, for example if the occupiers were to work from home. The Framework is clear that sustainable transport solutions will vary between urban and rural areas and that this should be taken into account in decision making. However, in this case, given the location of the site in relation to its nearest facilities, I do not consider that there are sufficient realistic alternatives to the use of a private vehicle for the journeys that future occupiers of the development are likely to need to make.
9. When judged against Policies DPS2 and TRA1 of the EHLP, the proposal would not be in a suitable location for housing, having regard to access to services and facilities. Permitting it would be harmful to and would undermine the strategy set within the EHLP for the distribution of housing and the prioritisation of modes of transport other than the car. In turn, the proposal would be contrary to Policy INT1 of the EHLP which requires accordance with the policies in the Plan. Nevertheless, the weight which can be attached to the conflict with Policy DPS2 in particular, is reduced to moderate given that this policy refers specifically to five year housing land supply (5YHLS) figures which are no longer applicable in the context of the revised Framework.

Climate change

10. The evidence before me includes details of an air source heat pump (ASHP) which the appellant states would serve the proposed residential unit solely. The Council have had the opportunity to comment on this through the appeal process but have not done so. It appears that the Council's primary concern in relation to this issue at application stage was that a shared ASHP would require separate planning permission and listed building consent outside of the remit of the application. The appeal submission demonstrates that the ASHP would no longer need to be linked

to the listed building, and therefore a need for separate listed building consent and planning permission is no longer relevant.

11. I am satisfied that the ability for the dwelling to adapt to climate change and provide any required mitigation could be secured by conditions if I were otherwise minded to allow the appeal. On this basis I find no conflict with Policies DES4, CC1, CC2 and WAT4 of the EHLP which amongst other matters, require developments to demonstrate a consideration of the energy hierarchy which focuses on reducing energy demand. Nevertheless, a lack of harm in relation to this issue does not overcome the harm identified in relation to the location of the proposal.

Other Matters

12. Through their statement, the appellant has provided various examples of other residential schemes in the area which have either been allowed at appeal or approved by the Council. Two very recent (March 2025) allowed appeal decisions have also been provided during the course of the appeal, to which both parties have been invited to comment.
13. In respect to the developments referred to in the appellant's statement, limited details have been provided. A decision notice from the Council for a development in Furneux Pelham has been included but I have no details of the scheme to understand how this development is directly comparable to the appeal scheme before me. I have therefore given this decision notice very little weight.
14. For the other examples, full appeal decisions have been provided which does set a greater context. One of the examples, also in Furneux Pelham *APP/J1915/W/23/3324262* has one main issue which relates solely to the impact on a listed building and is therefore not directly comparable to the harm which has been identified through the appeal scheme. I have therefore given this appeal decision very little weight.
15. The remaining appeal decisions provided with the original statement *APP/J1915/W/16/3147738*, *APP/J1915/W/18/3205669* and *APP/J1915/W/20/3258799* and the two very recent appeal decisions *APP/J1915/W/24/3353844* and *APP/J1915/W/24/3354470* are more relevant insofar as their main issues broadly relate to the suitable location of housing within the District.
16. The Inspector for *APP/J1915/W/16/3147738*, which relates to residential development of five dwellings in the nearby settlement of Little Hadham, was satisfied that the occupiers of the development would not be entirely dependent on the use of the private car, partially due to the accessibility to bus stops which provide services to Bishops Stortford and Hertford. A similar conclusion was drawn by the Inspector for *APP/J1915/W/20/3258799*, a single proposed dwelling in Furneux Pelham, where the Inspector made specific reference to an attractive walking route to facilities along a 30mph speed limit road. For the reasons set out above, I do not consider that public transport or walking would be a viable option for the occupiers of the proposed dwelling and therefore I do not find these two decisions directly comparable to the appeal scheme before me. I have therefore given them limited weight in my decision.

17. In relation to *APP/J1915/W/18/3205669*, which was also in the nearby settlement of Little Hadham, the Inspector gave weight to an existing employment use on the site in comparing the movements of a private vehicle. No such use exists within the appeal site and therefore I have given this decision very little weight.
18. The more recent decision at Brent Pelham *APP/J1915/W/24/3354470*, is materially different from the appeal scheme before me as it relates to a self-build dwelling. The Inspector gave this significant weight in their planning balance. Given that no such circumstances are before me in the appeal scheme, I have attached limited weight to this decision.
19. In the decision for *APP/J1915/W/24/3353844*, in nearby Stocking Pelham, the Inspector referred to the site being part of (adjoining) an identifiable small settlement which has facilities that benefit a wider area. This is not the case for the appeal site and therefore there are again notable differences which reduce the weight I have given to this decision to limited.
20. The site sits within the residential garden of Duck Street Cottage, which is a Grade II listed building, listed with its attached neighbour, The Thatched Cottage. The list description refers to the assets as 'Duck Street Cottages'. The special interest and significance of the cottages are derived in part from their architectural interest with timber framing and thatched hipped roofs. Notwithstanding the appeal sites proximity, and that there would be intervisibility between the proposal and the listed buildings, in my judgement, the appeal proposal would preserve the setting of Duck Street Cottages, the significance of which would not be harmed. A lack of harm in this respect, however, does not alter my overall conclusions.
21. There is a suggestion from the appellant that the implementation of the proposal will free up a family home leading towards the protection of the listed building. It is also stated that there would be benefits associated with mental health through the opportunity for outdoor exercise. I agree that there would be modest economic and social benefits associated with the provision of an additional dwelling. However, these benefits would be limited in the context of a single dwelling and therefore I have attached them little weight in my decision.

Planning Balance

22. Paragraph 232 of the Framework confirms that the weight to be given to existing policies should be according to their degree of consistency with the Framework. The Framework recognises the value of the countryside, but also accepts that development in rural areas should be located where it will enhance or maintain the vitality of rural communities, which is not the case for the appeal proposal. The Framework also expects development to prioritise pedestrian and cycle movements. In this case, the conflict with Policies DPS2 and TRA1 of the EHLP should be given moderate weight in this appeal.
23. The appellant's statement refers to the Council's inability to demonstrate a 5YHLS as required by the Framework. Whilst the Officer report accompanying the decision confirmed that the Council could demonstrate a 5.57 year housing land supply, this was dated April 2024, prior to the introduction of the 2024 Framework.
24. As above, during the course of the appeal the appellant has provided two very recent appeal decisions *APP/J1915/W/24/3354470* and *APP/J1915/W/24/3353844* dated 11th March 2025 and 13th March 2025 respectively. Within these decisions,

the Inspector has confirmed that “the Council have conceded that they are unable to demonstrate a Framework-compliant housing land supply”. Given the very recent dates of these decisions, it is material to my decision that the Council cannot demonstrate a 5YHLS.

25. Both parties have been invited to comment on the revised Framework, specifically with regard to the 5YHLS. Neither of the parties have responded in the prescribed timeframe on this matter so based on the evidence before me, I do not know the level of the shortfall. Nevertheless, an inability to demonstrate a 5YHLS warrants the application of paragraph 11(d) of the Framework which relates to the presumption in favour of sustainable development.
26. In this case, I find that the adverse impacts on the housing strategy and of increasing travel by car would significantly and demonstrably outweigh the benefits associated with a single dwelling, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

27. The proposal would conflict with the development plan as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, I conclude the appeal should be dismissed.

L Gardner

INSPECTOR