

Design and Access, Heritage and Planning Statement



**Land Adjacent to Duck St Cottage,
Duck St,
Furneux Pelham,
Herts, SG9 0LA**

THE PLANNING CONSULTANCY LTD.

**THE STUDIO,
2 BRADBURY FARM BARNS,
HARE STREET,
BUNTINGFORD,
HERTS SG9 0D**

AUGUST 2023

**Revision
Authored by: C Barber**



Introduction

This Statement is provided to support a Full Planning Application for the development of a new build dwelling on: -

Land Adjacent to Duck St Cottage, Duck St, Furneux Pelham, Herts, SG9 0LA

Duck St Cottage is a Grade II Listed building with associated out buildings. It is adjoined to The Thatched Cottage, where the owner's mother lives. The owners are now looking to add a property to the site that can provide a residence for themselves that is more designed for their needs into their advancing years. This would liberate Duck St Cottage to be a family home for their children's family creating a multi-generational site. Having all the family so close by will not only keep the owners within the community they are well-established in but will also give them the opportunity to create a more sustainable site in the current energy climate. The high energy costs of running a listed building will be offset by the proposed use of a communal ground source heat pump. These do come at a high cost though, however, spreading the cost of a particularly expensive system across 3 properties will certainly make it more affordable.

The applicant has therefore approached us to assist with the design and we have been working closely with ATspace Ltd, specialists in energy performance, and have shaped the proposed unit to create a dwelling that is not only energy efficient for the end user but will be energy efficient in its manufacture and installation.

Further details are provided within the accompanying supporting statement.

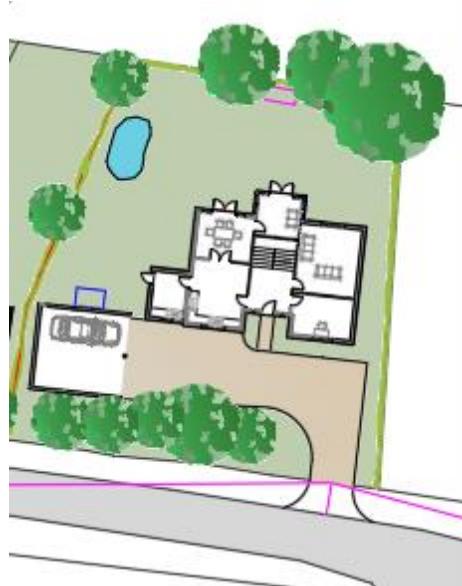


Fig 1. Proposed Site Plan

Site Location

- The site is located on Duck St, west of the village of Furneux Pelham.
- The application site itself is proposed within the well contained and maintained grassed areas of Duck St Cottage.
- The village supports a Public House, Village shop, Village Hall, Church and a Primary School and commercial

Land Adjacent Duck St Cottage, Furneux Pelham, Herts

entities.

- Larger settlements providing further services/facilities are available along expanded communication routes such as Bishops Stortford/Harlow/Ware/Hertford including the Hertslynx bus service (closest stops in green).

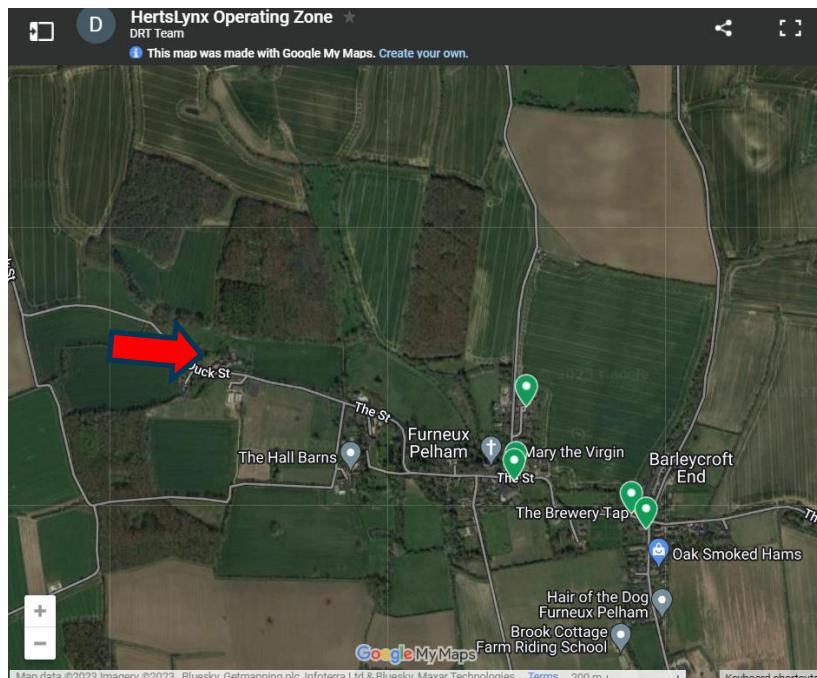


Fig. 2 Hertslynx bus service

- The site is located 4.9 miles from the large settlement of Bishops Stortford.
- The site is located 4.9 miles from the main Tesco's Supermarket for Bishops Stortford.
- The site is located within a cluster of existing residential properties.
- The site is positioned within 731m of St Mary the Virgin Church.
- The site is positioned within 800m of Furneux Pelham Church of England Primary School.
- The site is positioned just over 1km of the Brewery Tap Public House and local store.
- The site is in close proximity to the local footpath network, in particular, path 02 & 03, which would enable access to the local school, church and central amenities without walking along the roadside.
- The site is covered for delivery from major grocery retailers such as Ocado, Sainsburys and Waitrose.
- The site receives Super-Fast Broadband supplied by Openreach.
- The site is along the Hertfordshire County Council suggested 'Bishops Stortford Circular Ride' cycling route.

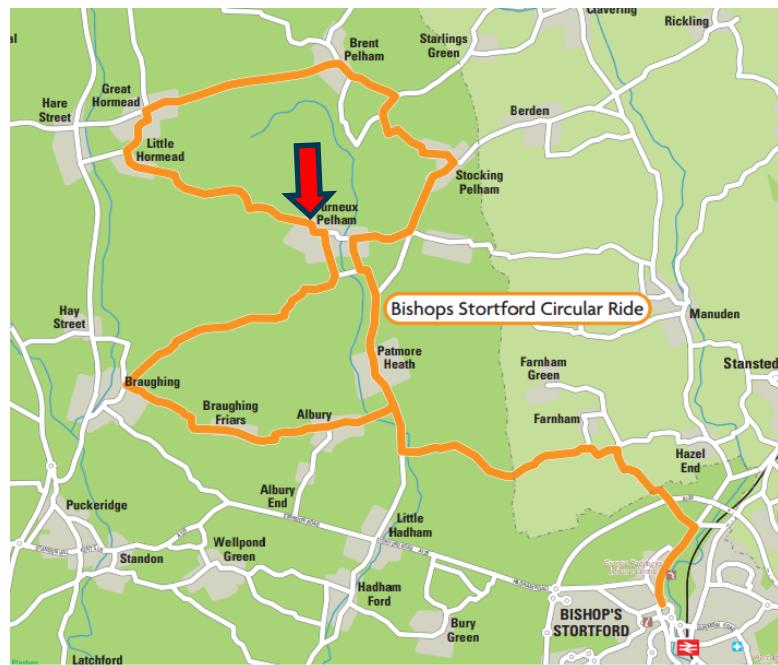


Fig. 3 Bishop's Stortford Circular Ride Route (Hertfordshire County Council)



Fig. 4 Site Location (Google Maps)

- Duck Street Cottage is an existing dwelling that has had extensions and alterations undertaken to it.
- The application site itself is proposed within the well contained area adjacent to Duck St Cottage.
- The site is in close proximity to the services detailed previously.
- Larger settlements providing further services/facilities are available along expanded communication routes such as Bishops Stortford/Harlow/Ware/Hertford.

Land Adjacent Duck St Cottage, Furneux Pelham, Herts

Village Group Designation:

- Furneux Pelham is designated as a Group 2 village (where infill/development is permitted).

Greenbelt Designation:

- The site is not within the Green Belt and is designated as being within Rural Land beyond the Green Belt.

Local Design Vernacular and Context

- Furneux Pelham is a picturesque setting with a diverse and mixed architectural vernacular (examples of which are provided below).
- It is worth noting that there is no strong local architectural style, and it is therefore considered that a contemporary design would complement the surroundings of the site.



Fig. 5 Example of Local Property Styles

Land Adjacent Duck St Cottage, Furneux Pelham, Herts



Fig. 6 Example of Local Property Style



Fig. 7 Example of Local Property Style



Fig. 8 Example of Local Property Style

Land Adjacent Duck St Cottage, Furneux Pelham, Herts

Flood Zone Designation:

- The site is located within Flood Zone 1 (please refer to Flood Zone map below) and as such is designated as land which has a low probability of flooding and is not affected by sources of flooding from other sources such as rivers etc.

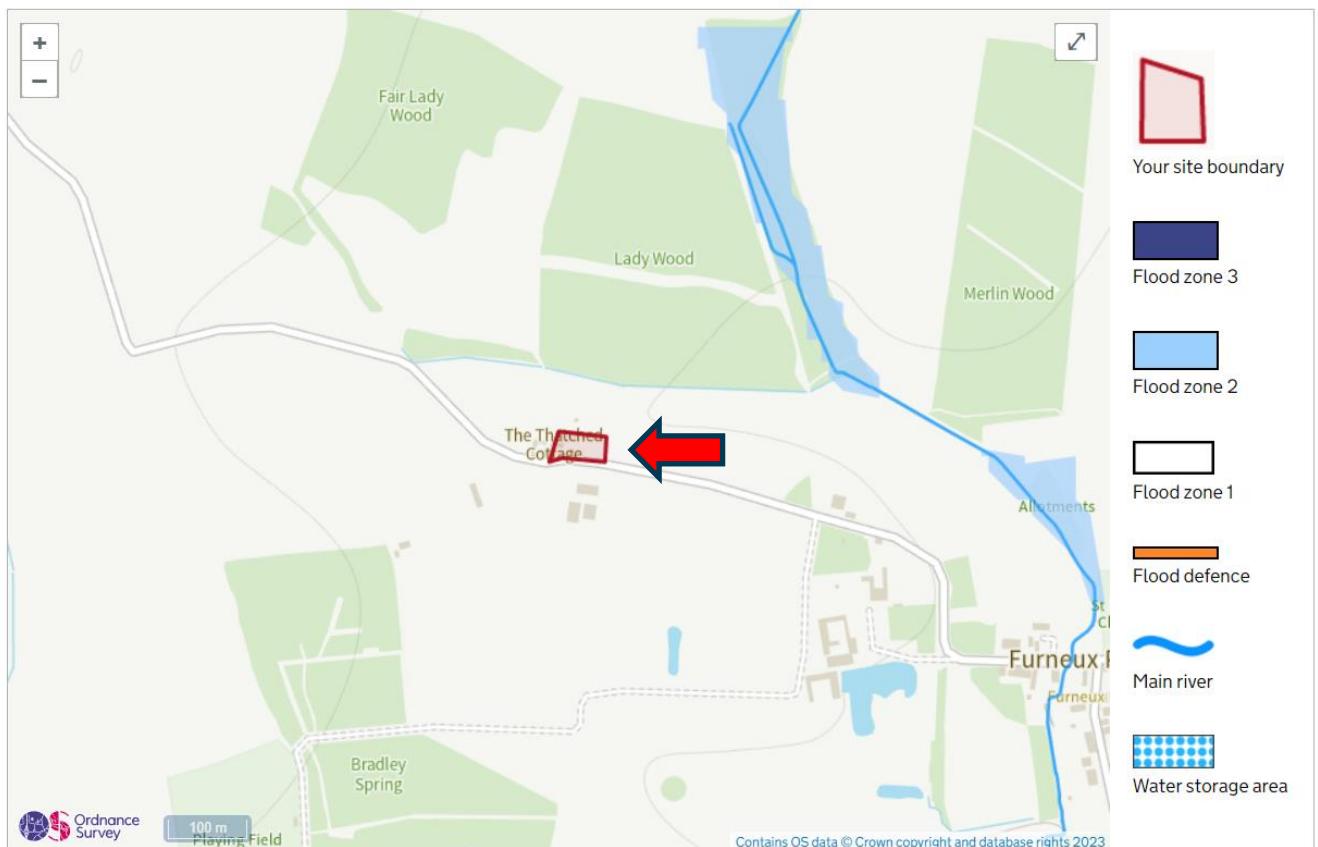


Fig. 9 EA Flood Map

Listed Buildings:

- Duck St Cottage is a Grade II listed building. There is one other building listed within 150m to the application site, Keepers Cottage which is also a Grade II listed building.
- The proposed property is screened as such that it will not have a detrimental affect on the listed properties in its vicinity.

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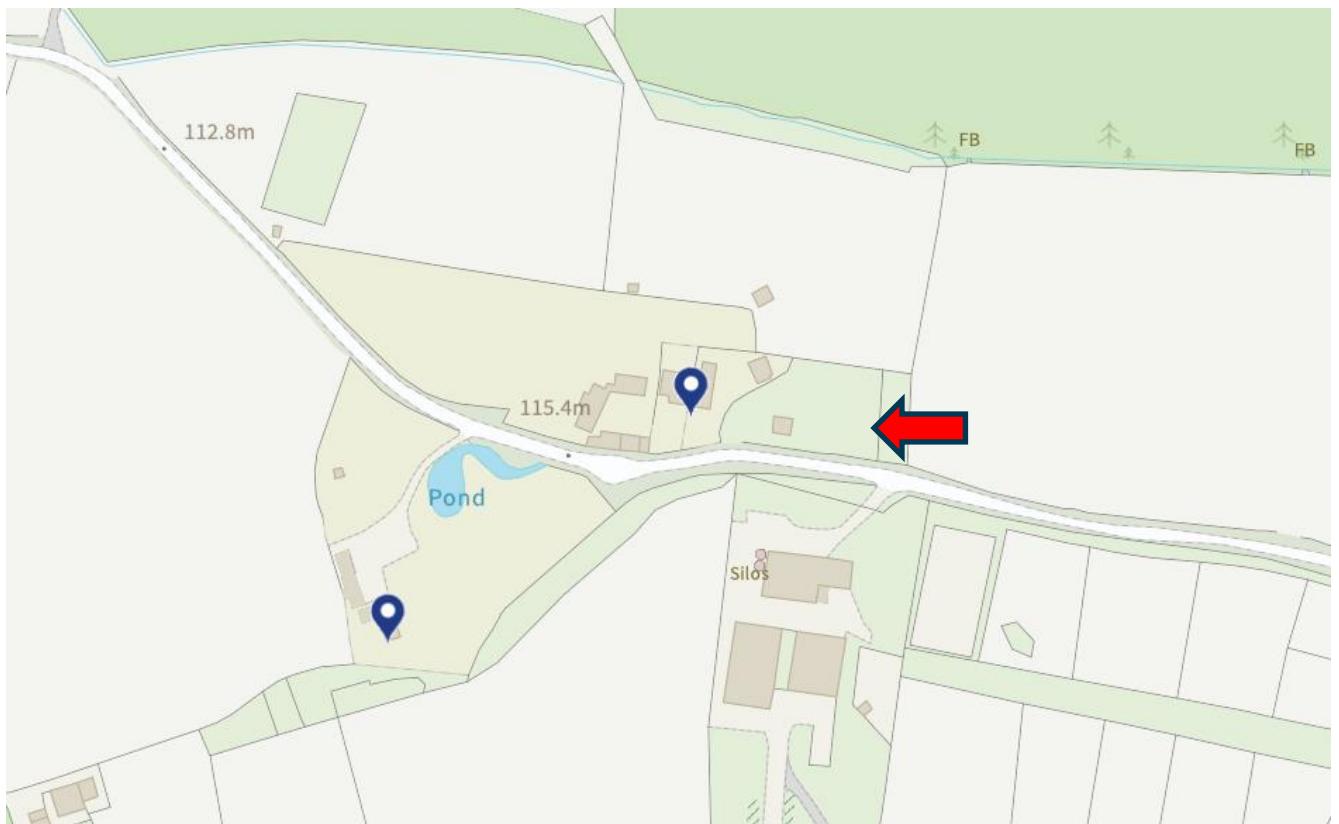


Fig. 10 Historic England Search

List Entry Name: DUCK ST COTTAGES

Grade: II

List Entry Number: 1101885

Description:

Probably C16 cottages, 'timber framed and plastered L-shaped building, thatched hipped roof. One storey and attics, modern casement windows, one central dormer, two axial brick chimney stacks, one gable chimney stack. Modern extension at rear. Modernised internally.

Proposed Dwelling:

- The proposal will be a new dwelling in a subservient and sympathetic location on the site with minimal impact on the existing listed building.
- The proposed dwelling design will look to create sympathetic built form to the front boundary and will be screened by the existing hedge.



Fig. 11 Street Scene

Land Adjacent Duck St Cottage, Furneux Pelham, Herts

Priority Habitat:

- Initial searches indicate that there are no Priority habitats within the site boundaries.

Conservation Area and TPO's:

- Site is not located within or adjacent to the conservation area.
- There are no TPO trees effected by the proposed layout of this application.

FURNEUX PELHAM BOUNDARIES AS SHOWN IN 2014 DRAFT DISTRICT PLAN

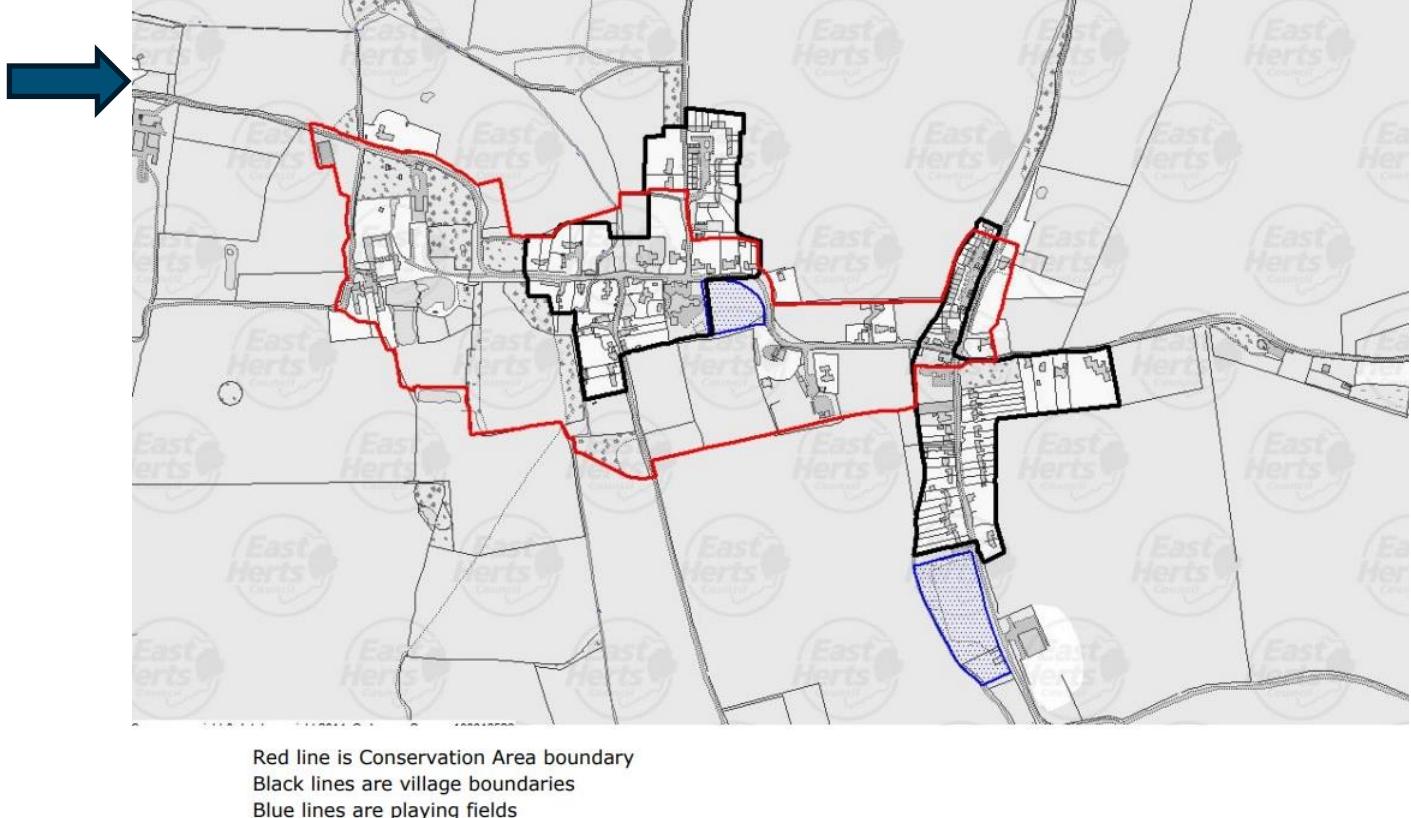


Fig. 12 Conservation Area

PLANNING STATEMENT

NPPF AND THE PRINCIPLE OF DEVELOPMENT

The NPPF (National Planning Policy Framework 2021) contains the principle that sustainable development should be looked upon favourably; the document advises that such development should be approved without delay. Furthermore, it goes onto state that the three objectives to sustainable development are: economic, social and environmental.

Economic:

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- The proposed unit will not only create employment during the construction process but will continue to provide revenue to the local vicinity with the upkeep and maintenance of the property with such things as Gardeners/Heating Maintenance/Window Cleaning etc.
- The occupiers of the property will add to the prosperity of the village by supporting local facilities and service.

Social:

- The construction of the unit will go toward the provision of the councils housing requirement.
- Local facilities will be available to the residents supporting the local economy.

Environmental:

- The attached Biodiversity enhancement plan indicate the proposed implementation of Ponds, Bat boxes, Birdboxes, Bumblebee Boxes, improved terrestrial habitat and enhanced planting.
- The site will also look to implement enhanced insulation values and renewable technologies such as Ground Source Heat Pumps and Solar PV panels along with the full provision of electric car charging facilities. All of which are detailed within the supporting document provided.
- With the current energy crisis taking hold it is the objective of this proposal to produce a property that is the most energy efficient within a traditional built form (within the realms of financial viability).

SUSTAINABLE DEVELOPMENT LOCATION

When considering this application, and whether its location could be deemed sustainable it is worth drawing the council's attention to recent planning and appeal decisions for new build dwellings close to and outside of the village development envelopes.

The first being: -

Appeal Ref: APP/J1915/W/20/3258799 Land adjoining Spring Paddocks, East End, Furneux Pelham, Hertfordshire SG9 0JT - 04/01/ 2021 (see Appendix A) concluded that the approved appeal site was in a sustainable location as it was about 0.8miles from a village hall and the Brewery Tap Public House and that the core of the nearest village (Furneux Pelham) was about a mile away from the appeal site (and included various facilities including a primary school and church).

The appeal concluded that the facilities were “not so far away as to preclude regular walking as a travel option and would also encourage cycling as a possible option, whilst walking to the nearby bus stop, where a bus service to Royston and Bishops Stortford can be accessed was also an option”.

Furthermore: -

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"The proposed takes similar thus, future occupants of the appeal property need not be entirely car reliant as there are realistic and convenient options to travel by other modes. In this respect and bearing in mind that opportunities to maximise sustainable transport will be more inherently limited in rural areas, the proposal would enable future occupants to capture health benefits from sustainable travel and it would have lower carbon emissions derived from transport than a more remote dwelling. Overall, the proposal would be in a sustainable location and would adequately balance rural growth and sustainable transport."

It could therefore be argued that the proposed application site presents an almost identical scenario to the approved appeal in that it is: -

- The site is located in Furneux Pelham, which has transport links to the larger settlements of Bishop's Stortford/Harlow/Ware/Hertford using the local bus services and the Hertslynx service.
- The site is located 4.9 miles from the large settlement of Bishops Stortford.
- The site is located 4.9 miles from the main Tesco's Supermarket for Bishops Stortford.
- The site is located within a cluster of existing residential properties.
- The site is positioned within 731m of St Mary the Virgin Church.
- The site is positioned within 800m of Furneux Pelham Church of England Primary School.
- The site is positioned just over 1km of the Brewery Tap Public House and local store.
- The site is in close proximity to the local footpath network, in particular, path 02 & 03, which would enable access to the local school, church and central amenities without walking along the roadside.
- The site is covered for delivery from major grocery retailers such as Ocado, Sainsburys and Waitrose.
- The site receives Super-Fast Broadband supplied by Openreach.
- The site is along the Hertfordshire County Council suggested 'Bishops Stortford Circular Ride' cycling route

The second example is detailed below: -

Appeal Ref: APP/J1915/W/16/3147738 - Albury Lime Kiln, Little Hadham (see Appendix B) concluded that the approved appeal site was in a suitable location even though its location provided very little in the way of services and was about 1.6 kilometres from some of those available.

- The inspector went on to state that the location was suitable as access to the facilities were available via Cycles and existing bus routes to larger settlements. Both of which is applicable to this application site.

The third example is detailed below: -

Appeal Ref: APP/J1915/W/18/3205669 – Acremore, Acreman Street, Little Hadham (see Appendix C). The application site was positioned outside of the village in the countryside and accessed via a very narrow lane. The inspector concluded that the site would be largely reliant on motor vehicles but would be acceptable as it would be of a scale that it would not result in significant harm.

- It is argued the key factors accepted above are applicable to this application site.
- The site is closely connected to services such as a Public House, primary school, Church, village hall, and a local shop.
- The site is also covered by the Hertslynx door to door bus service recently launched in the area which provides a call up service for locals to travel to connecting villages and larger settlements.
- Superfast broadband is noted as being available to the site promoting and supporting the potential for home working from the site.
- Ocado and numerous home delivery services are available to the site further removing the reliance on private motor vehicles.
- On a mental health note the location of the site provides ample opportunity for outside exercise.
- It is therefore considered that the scheme is within a suitable location.

The last example is detailed below: -

3/23/0158/FUL - Change of use of land and erection of 4-bedroom detached dwelling - Land Adjacent To North View Violets Lane Furneux Pelham Buntingford Hertfordshire SG9 0LF (see Appendix D); The application was adjacent the settlement envelope and concluded the harm to the open countryside was outweighed by the benefits to the 5-year housing supply.

It is therefore considered that the scheme would be in a suitable location.

LOCAL PLANNING POLICY

East Herts District Plan 2018:

- East Herts District Plan 2018 (DP) Policy DPS2 sets out a broad development strategy in the form of a development hierarchy as per below: -
 - Sustainable brownfield sites followed by sites in urban areas,
 - Urban extensions
 - Infilling in villages.
- East Herts Policies VILL 1-3 categorise district villages into three groups depending on their size and the facilities and services available.
- The application site is situated within Furneux Pelham which is a Group 2 village.
- Policy GBR2 is relevant as the site is located in the Rural Area Beyond the Green Belt.
- Policy GBR2 lists several types of development that will be permitted in the Rural Area in addition to that set out in the VILL policies, provided they are compatible with the character and appearance of the area.
- The proposal would not harm the character and appearance of the area due its modest design.
- The form and proposed material would be in keeping with the local vernacular.
- The proposed site would utilise the existing hedging as well as adding further screening with hedges and trees.

Policy DES4 Design of Development

- The above policy states that:
 - I. All development proposals, must be of a high standard of design and layout to reflect and promote local distinctiveness. Proposals will be expected to:
 - (a) Make the best possible use of the available land by respecting or improving upon the character of the site and the surrounding area,
- The proposed works are within previously developed land and will promote best use of existing land. The design of the unit is of a sympathetic design and its modest form will ensure a minimal visual mass. The opportunity to install enhanced planting and bio features will further improve the character of the site and the surrounding area.
 - (b) Incorporate homes, buildings and neighbourhoods that are flexible to future adaptation, including the changing needs of occupants and users, and changes in wider employment and social trends; -
- The proposed design looks to provide ample opportunity for home working for the end user. The flexible nature of the property along with the internal layout will also allow the inhabitants to remain in the property for their foreseeable future with areas easily adapted for any future needs that they may have.
 - (c) Avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land, and ensure that their environments are not harmed by noise and disturbance or by inadequate daylight, privacy or overshadowing; -
- The generous spacing between the application boundaries and neighbouring properties will remain with the proposed unit ensuring privacy is retained and no overshadowing to neighbouring amenity.
 - (d) Incorporate high quality innovative design, new technologies and construction techniques, including zero or low carbon energy and water efficient, design and sustainable construction methods.; -
- With the current energy crisis looking to be on going for many years it is becoming even more important to re-evaluate the way people currently live. We have been working closely with ATspace Ltd, specialists in energy performance, and have shaped the proposed unit to create a dwelling that is not only energy efficient for the end user but will be energy efficient in its manufacture and installation. Full details are provided within the accompanying statement.
 - (e) Make provision for the storage of bins and ancillary household equipment. Garages and driveways should be capable of accommodating family sized vehicles.
- Facilities will be provided by the proposed works.

Policy GBR2 - Rural Area Beyond the Green Belt

- (e) limited infilling or the partial or complete redevelopment of previously developed sites (brownfield) Land Adjacent Duck St Cottage, Farnham Pelham, Herts

land), whether redundant or in continuing use (excluding temporary buildings) in sustainable locations, where appropriate to the character, appearance and setting of the site and/or surrounding area;

- The proposed works are within previously developed land and will promote best use of existing land.

Policy TRA3 - Vehicle Parking Provision –

- The above policy states that:

III. Car parking should be integrated as a key element of design in development layouts to ensure good quality, safe, secure and attractive environments.

- The proposed parking has been kept to the minimum parking requirements to meet the councils parking standards to ensure the impact to the surrounding area is kept to a minimum. Proposed material for the surface will be suitable to enhance and compliment the surroundings.

Policy NE2 Sites or Features of Nature Conservation Interest (Non-Designated)

I. All proposals should achieve a net gain in biodiversity where it is feasible and proportionate to do so, as measured by using and taking into account a locally approved Biodiversity Metric, and avoid harm to, or the loss of features that contribute to the local and wider ecological network. II. Proposals will be expected to apply the mitigation hierarchy of avoidance, mitigation and compensation, as set out in the NPPF, and integrate ecologically beneficial planting and landscaping into the overall design.

- The proposed dwelling looks to implement new planting and bio enhancements and will dramatically increase the area of soft landscaping to the site (Please refer to attached Landscape/Bio Enhancement Plan).

Policy - Section 17 of Design and Landscape

1. Respect, improve and enhance the existing surrounding environment; 2. Respond to existing patterns of development and the local context; 3. Be attractive in appearance but receptive to original design and innovation in construction techniques, design and technologies; 4. Be usable, in terms of accessibility, legibility and be well-connected; 5. Be adaptable and flexible to the needs of the occupiers now and in the future; 6. Be socially inclusive, catering for the current and changing needs of the district's population; 7. Discourage crime and anti-social behaviour; 8. Encourage good health and well-being;

- The proposed property has been designed and positioned in accordance with the above.

Policy CC1 Climate Change Adaptation

All new development should: (a) Demonstrate how the design, materials, construction and operation of the development would minimise overheating in summer and reduce the need for heating in winter.

- Eco-Tech / Renewable Energy Systems to be implemented – (please read in accordance with the attached report): -
- Solar panels, which take advantage of the renewable source of the sun's energy to power photovoltaic electricity cells and solar water heated panels, etc.

- Ground source heat pumps, which can take heat from the ground and use this to heat the dwelling.
- Low voltage lamps; using less electricity than more traditional tungsten lamps.
- Insulation; higher levels of insulation with building envelope.
- SAP/EPC; “A” Rated levels to be achieved in accordance with the sustainable nature of the development.

5 YEAR HOUSING PROVISION & PLANNING BALANCE

- A recent appeal decision concluded that the Council cannot currently demonstrate a five-year supply of deliverable housing sites.
- The consequence of not having a 5 Year Housing Land Supply is that the 'tilted balance' is engaged in the decision-making process.
- The tilted balance refers to paragraph 11(d) of the NPPF which states that if the most relevant Local Plan policies for determining a planning application are out of date (such as when a 5 Year Housing Land Supply cannot be demonstrated), the application should be approved unless the application of NPPF policies that protect areas or assets of particular importance (as defined by the NPPF) provide a clear reason for refusing permission or the harms caused by the application significantly and demonstrably outweigh its benefits, when assessed against policies of the NPPF as a whole.
- In this context, the policies considered to be out of date include in particular those relating to the development strategy and delivery of housing.
- The Council's lack of a 5 Year Housing Land Supply is a material consideration which needs to be given significant weight.
- The proposed development would not amount to a harmful intrusion into the countryside which is incompatible with the character and appearance of the rural area.
- The benefits of the proposed development which include the provision of a sustainable new dwelling that would contribute to the Council's housing need.

The Design Proposal

Amount:

- The proposed development is situated on a site of approximately 0.2 hectares and would comprise the creation of 1no. residential dwelling with suitable garden area set well above the standard minimum requirements.
- Parking for the unit and visitors will be provided onsite and will enter and exit in forward gear.
- A new, proposed accessway will be built to serve the new dwelling. Visibility splays have been calculated from data collected during a traffic survey conducted at the site.

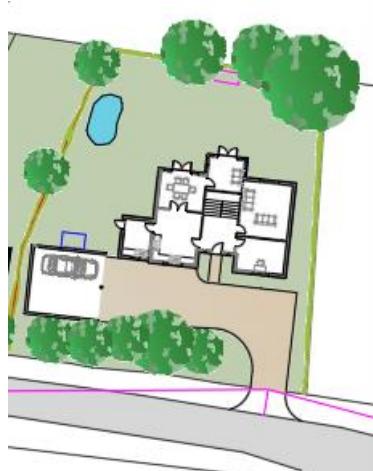


Fig. 13 Proposed Site Plan

Layout:

- The proposed residential dwelling will be laid out within the site to provide entry and exit for all vehicles from a single-entry point.
- A fully screened private garden will be provided around to the perimeter of the dwelling, separating the building from other properties or from the boundary of the site.

Landscaping:

- The site is a well contained previously developed area with minimal viewpoints from the public highway and wider landscape being well set back and obscured via existing established hedges.
- Existing planting and screening will be reinforced to all boundaries to secure and improve levels of privacy and enhance the ecology.
- Hard landscaping would be kept to a minimum, with all driveways being constructed from permeable material.

Note: Additional details have been provided on the deposited Bio Enhancement drawing (refer to extract below).

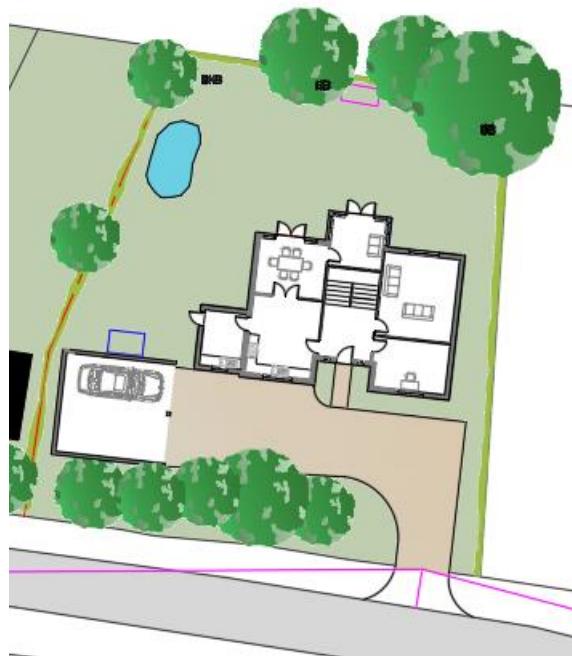


Fig.14 Bio Landscaping Plan

Scale:

- The proposed dwelling would create a detached 3no bed unit.

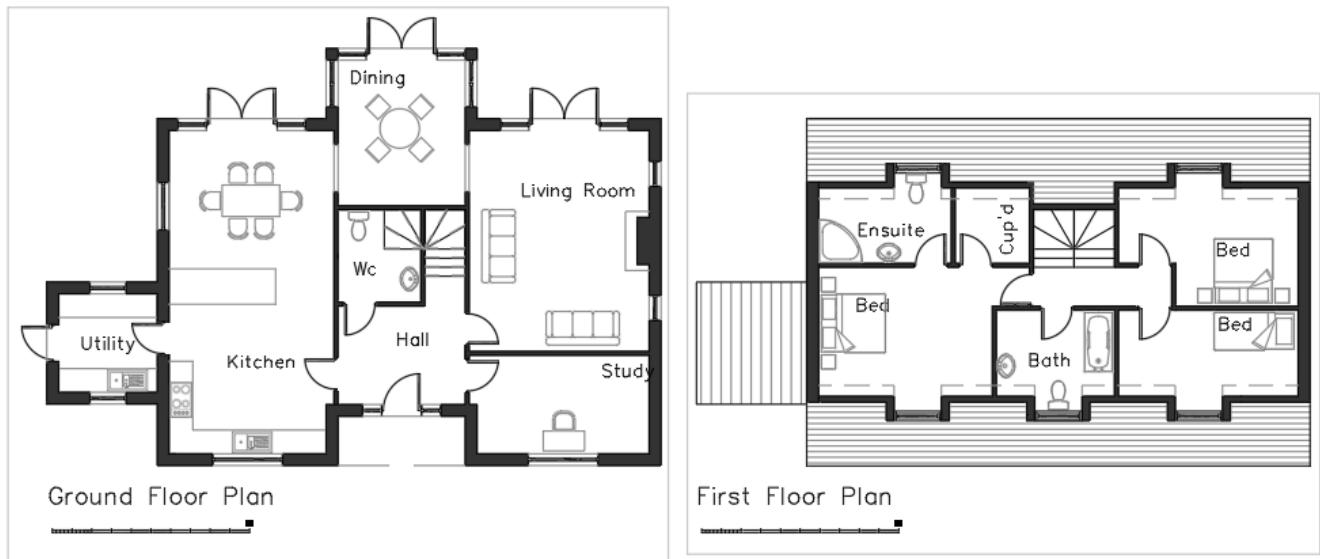


Fig. 15 Proposed Floor Plans

- The size, scale and design of the project would be as shown on submitted drawings. The perceived height of the proposed unit would be minimised by the ridge height set to a subservient level.
- The property will retain its subservient nature to neighbouring properties with separation retained to either boundary.

- The majority of the proposed dwelling will be screened by existing mature trees/planting (refer to below).
- Due to the topography of the site, the distance from the road and the mature landscaping the development will not be prominent from the highway.

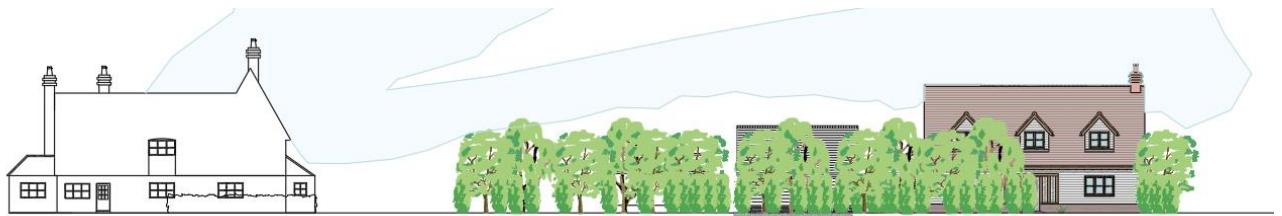


Fig. 16 Proposed Street Scene

Appearance:

- It is proposed to implement a building in a traditional form with sympathetic materials.
- The use of brickwork, timber and render will provide a form comparable to that currently on the site whilst also respecting the character and appearance of the local area.
- The dwellings design would be wholly compatible with the setting.
- The unit would respect the substantial individual dwellings within the locality.
- A key feature of the development is the retention of the mature landscaped buffer along the boundary and the inclusion of new trees, hedges and shrub planting. This will all considerably enhance the ecology value of the site.



Front Elevation

Fig. 17 Proposed Front Elevation

Access:

- The site will utilise a new accessway with enough space for vehicles to enter and exit in forward gear.
- The site is located in a sustainable location with the site being a short distance from the village amenities as well as a good distance from the larger settlements of Bishop's Stortford and Buntingford.
- Furneux Pelham and neighbouring villages have their own shops and sub-post office, and other facilities including village halls, public house/restaurants, Churches, Schools, Bakery and general stores.
- Furneux Pelham is well served by public transport, with public bus services 20 and 27 linking the village to Bishop's Stortford as well as the Hertslynx bus service that connects residents up with the larger settlements of Bishop's Stortford, Buntingford, Stevenage, Hitchin and Letchworth.
- These settlements also have ready access to Stansted Airport.

Vehicular Access:

- Although the application site has mature vegetation to its boundaries, the new vehicular access has good visibility in both directions.

Pedestrian Access:

Land Adjacent Duck St Cottage, Furneux Pelham, Herts

- The external access routes around the building would be level where possible for ease of use for people with restricted mobility.

Landscape and Visual Assessment

- This section identifies potential changes to the landscape and visual context including an assessment of whether any effects might be significant.
- The location of the site in relation to its neighbouring properties and the wider environment is clearly indicated on the planning application site location drawing, whilst the site block plan shows the proposed development including tree screening, hedges and planting.
- The application site itself contains mature planting to its boundaries along with a large area of lawn with shrub planting, the proposed works will provide a further opportunity to review the existing landscaping and improve and enhance where appropriate.
- The majority of the proposed dwelling will be screened by existing mature trees/planting.

The key elements of the proposal that have the potential to result in landscape and visual effects being experienced are as follows:

- Impact of dwelling to front and flank elevation.
- Impact of dwelling on the existing landscape and viewpoints

Existing Landscape and Character

- The surrounding area to the rear of the site is existing residential garden space.
- Beyond this is predominantly woodland and open arable farmland of a fairly regular field pattern bounded by mature trees and hedges interspersed with housing sporadically along the roadways.
- The property itself sits within a group of large dwellings fronting the roadside.
- The majority of existing properties benefit from well-established planting to their boundaries.
- Although the site is adjacent the roadside, it will be well screened by proposed planting and is not easily read within the wider context.



Fig. 18 Proposed Street Scene

Landscape Impact Conclusion:

- The height, scale, footprint and materials of the proposed dwelling will be sympathetic of the wider area.

-
- Buildings of a larger, scale and visual bulk are present in the immediate vicinity.
 - Existing well-established hedging adjacent to the boundaries to the site create a strong green edge to the site. These existing established screening along with the substantial existing mature trees screen the area and will continue to deliver a beneficial effect to the landscape character of the area.
 - Members of the public will experience partial views of the property from the roadside; however, these views will be limited due to the distance/existing topography and aforementioned existing planting.
 - Orientation of the existing neighbouring property combined with the above will limit the impact to which the proposed works has on the existing visual setting.
 - Overall, it is concluded that the predicted landscape and visual effects associated with this development would be localised and insignificant; on that basis the scheme would effectively be assimilated into the wider landscape and views of the area.

CONCLUSION

- This is a sustainably located development close to a sustainable village with access to a range of services.
- The council cannot demonstrate a 5-year housing supply.
- This proposal will provide market housing to contribute towards meeting the housing supply in the district.
- The development will provide a dwelling in a traditional form with increased Eco Tech credentials.
- The development will look to enhance the existing Biodiversity to the site.
- This development would make effective use of a parcel of land close to the village centre and could be undertaken without harm to the character and appearance of the area, the wider landscape setting, and the amenities of surrounding residents.
- The development of this property will provide the owner with the opportunity to create a flexibility dwelling capable of adapting to any future needs.
- The design and appearance are considered to be in keeping with the local vernacular.
- The Size, Scale and Visual Mass have been set to ensure minimal impact to the surrounding area.
- The dwelling will support the local economy.
- The Council has granted a number of recent planning permission for other dwellings in similar circumstances.
- The development would have no adverse impact on residential amenity, or any other material planning consideration.
- The proposed building works will have no adverse impact on its setting and will preserve the character and appearance of the area.
- The merits of this proposal warrant the grant of planning permission.
- In conclusion, the proposed works are of a high-quality design and the grant of planning permission is anticipated.

APPENDICES

APPENDIX A



Appeal Decision

Site visit made on 4 January 2021

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th April 2021

Appeal Ref: APP/J1915/W/20/3258799

Land adjoining Spring Paddocks, East End, Farnham Pelham, Hertfordshire SG9 0JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Collins against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0705/FUL, dated 23 March 2020, was refused by notice dated 18 June 2020.
 - The development proposed is described as 'erection of three-bedroom dwelling and cart lodge'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a three-bedroom dwelling and cart lodge at Land adjoining Spring Paddocks, East End, Farnham Pelham, Hertfordshire SG9 0JT, in accordance with the terms of the application, Ref: 3/20/0705/FUL, dated 23 March 2020, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue in this appeal is whether the appeal site is a suitable location for the proposed development, with particular reference to the spatial strategy for housing in the development plan.

Reasons

3. Policy DPS2 of the East Herts District Plan 2018 (DP) sets out a broad development strategy in the form of a hierarchy. Development is directed to sustainable brownfield sites in the first instance followed by sites in urban areas, urban extensions and then infilling in villages. The other policies in the development plan flow from this overarching strategy.
4. Policies VILL 1-3 categorise the villages in the district into three groups depending on their size and the facilities and services available. The amount of development directed to each village flows from the group it is put in, with Group 1 villages likely to see more growth than Group 2 and 3 villages.
5. Farnham Pelham is a Group 2 village where limited infill development is permitted subject to criteria. However, the appeal site is located outside the settlement boundary of this village and is separated from it by open intervening countryside comprised of fields and hedges. As such, the appeal site is not within Farnham Pelham.

6. Instead, the appeal site is on the periphery of the small loose knit but discernible hamlet of East End, which is focussed on a small green in the vicinity of East End House. East End is therefore a Group 3 village because it is a settlement that is not identified as either a Group 1 or 2 village. Policy VILL3 of the DP permits limited infill development in Group 3 villages if identified in an adopted Neighbourhood Plan (NP). I have not been directed to any adopted NP and therefore the proposal does not glean support from Policy VILL3.
7. However, the appeal site is located in the Rural Area Beyond the Green Belt (the 'Rural Area') and therefore Policy GBR2 is relevant. It lists several types of development that will be permitted in the Rural Area in addition to that set out in the VILL policies, provided they are compatible with the character and appearance of the area. The Council have not alleged that the proposal would harm the character and appearance of the area and I see no reason to disagree. The types of development permitted by Policy GBR2 include limited infilling or the partial or complete redevelopment of previously developed land in sustainable locations. There is an open grass paddock to the east of the appeal site and therefore the proposal would not amount to infilling.
8. In considering whether the appeal site is previously developed land (PDL), the Council have directed me to the definition of PDL in the National Planning Policy Framework (the 'Framework'). This defines PDL as land which is or was occupied by a permanent structure, including the curtilage of the developed land. The appeal site used to be part of a touring caravan site, but there is nothing of substance before me to suggest there were any permanent structures associated with this use. Therefore, the evidence before me indicates the previous use did not involve PDL.
9. The appeal site became residential garden following the grant of planning permission. An outbuilding has been constructed on this land and sits adjacent to the appeal site, the western boundary of which follows no physical feature. The appeal site is closely mown grass surrounded by, and including, ornamental planting and fencing. It has the appearance of a domestic garden indistinguishable from the original garden of Spring Paddock. The appeal site is therefore attached to/near the house, in the same ownership as it and together they form one enclosure. As such, the appeal site is part of the curtilage of Spring Paddock, which is a permanent building.
10. In reaching this view I have considered the Council's submissions in respect of Dyer v Dorset CC, where the curtilage of a residential property was described as a small area forming part and parcel of the house which it contained or to which it was attached. The garden of Spring Paddock, including the appeal site, is not a large parcel of land and is not of an unusual size for a dwelling in a rural setting or of an extent untypical of the area and hamlet. It is also attached to and about Spring Paddock, which it contains. The garden area, including the appeal site, can therefore be considered to form part of the curtilage of the dwelling for the purposes of my assessment when having regard to the legal case referred to by the Council.
11. The Council have stated that although on the periphery of a hamlet, the appeal site is not in a built-up area. I share this view because there are fields and paddocks immediately adjoining most of the boundaries of Spring Paddock. There is no contradiction in my finding that East End is a settlement but not a

- built-up area, because the latter to my mind is a settlement type with a denser, more tight-knit pattern of development than is evident in East End.
12. The significance of the above is that the appeal site is land within the curtilage of a permanent building and is therefore PDL. The site's current use and status as residential garden land does not prohibit this finding because the definition of PDL in the Framework states that it is only residential gardens in built up areas that are excluded from the definition of PDL.
 13. Thus, the acceptability of the proposal in the context of Policy GBR2 turns on whether the appeal site is in a sustainable location. I take this to mean 'sustainable' with reference to the accessibility of services and facilities rather than a wider definition of sustainability, which could include economic and social matters. This is because the DP, when read as a whole, particularly with reference to Policy TRA1, seeks to locate development in places which enable sustainable journeys to be made to key services and facilities.
 14. The appeal site is about 0.8miles from the village hall and the Brewery Tap Public House, which includes a shop. The former hosts several community events. The core of Furneux Pelham is about a mile away from the appeal site and includes various facilities including a primary school and church. Thus, the facilities are not so far away as to preclude regular walking as a travel option. That said, some facilities, particularly those in Furneux Pelham, are towards the upper end of what could be considered a reasonable walk, especially when considering the return journey. There is no pavement connecting the appeal site and these facilities but that is not unusual in a rural area where traffic speeds and volumes would be lower.
 15. Importantly, the walking route is attractive and subject to a 30mph speed limit so future residents of the proposal would not be inherently discouraged from walking due to the nature of the pedestrian environment taken with the proximity of the services. This would also encourage cycling as a possible option, although I accept not everyone would have the proficiency, fitness and confidence to travel by this mode of transport. There is also the option to walk about 0.2miles to the nearby bus stop, where a bus service to Royston and Bishops Stortford can be accessed.
 16. Thus, future occupants of the appeal property need not be entirely car reliant as there are realistic and convenient options to travel by other modes. In this respect, and bearing in mind that opportunities to maximise sustainable transport will be more inherently limited in rural areas, the proposal would enable future occupants to capture health benefits from sustainable travel and it would have lower carbon emissions derived from transport than a more remote dwelling. Overall, the proposal would be in a sustainable location and would adequately balance rural growth and sustainable transport.
 17. In conclusion, although the proposal does not glean support from Policy VILL3 it otherwise adheres to Policies DPS2 and GBR2 of the DP, being a proposal on previously developed land in a sustainable location. The appeal scheme would therefore be in a suitable location when applying the spatial strategy in the development plan.

Other Matters

18. Reference has been made to an appeal decision at Green Farm in East End (Ref. APP/J1915/W/19/3236599). I am not party to the evidence before the Inspector and therefore I have arrived at my own conclusions for the reason given. That said, the Green Farm site is located further away from facilities such that walking is unlikely to be a realistic alternative to car travel. Moreover, the Inspector also found harm to the character and appearance of the area. As such, due to these differing circumstances, there was a clear conflict with Policy GBR2 of the DP. This decision is not therefore, a material consideration that leads me to a different conclusion.

Conditions

19. I have considered the advice in the Planning Practice Guide and the conditions suggested by the Council. It is necessary in the interests of precision that the proposal is implemented in accordance with the submitted plans. In the interests of safeguarding the character and appearance of the area it is necessary to secure details of refuse facilities and landscaping. It is also necessary to safeguard the approved and existing landscaping.
20. In order to adhere to the specific requirements of the development plan it is necessary to secure details of sustainable construction, an electric vehicle charging point, high speed broadband and water use. In the interests of enhancing biodiversity it is necessary to secure details of habitat boxes/structures. A plan is required to ensure enforceability. In the interests of highway safety, it is necessary to secure off road parking and manoeuvring space prior to occupation as well as adequate visibility splays. In respect of the latter I have altered the condition because it has too flaws - it requires works to the satisfaction of the Highway Authority rather than just the local planning authority and 'to the authority's satisfaction' is an imprecise term.
21. As the appeal scheme would have ample off-road parking it is not necessary to secure the use of the garage for vehicle parking. Any commercial activity of the garage which is of note would likely require planning permission and therefore it is unnecessary to impose a condition preventing such a use. Although in an area of archaeological significance I have not been presented with substantive evidence to suggest the proposal would likely prejudice as yet unknown archaeology and I have seen no comments from the Historic Environment Unit. Thus, it has not been demonstrated that an archaeological condition is necessary. The external materials to be used are listed on the elevations so it is unclear what further details the Council are seeking and therefore a materials condition is unnecessary

Conclusion

22. The proposed development would adhere to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

Graham Chamberlain

INSPECTOR

Schedule of Conditions

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this decision.
2. The development hereby approved, including the external materials to be used, shall be carried out in accordance with the following approved plans: UK Map Centre Site Plan at a scale of 1.1250 and Drawing No 384.01A, 384.03 and 384.02.
3. Prior to the completion of foundations, details of the design and construction of the dwelling to demonstrate how the design, materials and operation of the development minimises overheating in summer and reduces the need for heating in the winter to reduce energy demand and reduces water demand, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
4. All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.
5. Prior to the first occupation of the dwelling, details of the precise access arrangements, parking areas and driveway, including visibility splays onto the C13, the materials to be used and the means to prevent surface water entering the highway shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the access arrangements, parking areas and driveway have been constructed in accordance with the approved details.
6. Prior to first occupation of the dwelling, details of landscaping shall be submitted and approved in writing and shall include full details of both hard and soft landscape proposals, finished levels or contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.
7. Prior to the first occupation of the dwelling, details of all boundary walls, fences or other means of enclosure to be erected shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the

- development should be implemented in accordance with the approved details.
8. Prior to the first occupation of the dwelling, all hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.
 9. Prior to the first occupation of the dwelling, an electric vehicle charging point for the dwelling shall be provided and retained thereafter.
 10. Prior to the first occupation of the dwelling, the provision of high-speed broadband internet connections to the development shall be provided and shall be made available for use prior to first occupation of the residential unit to which it relates.
 11. Prior to the first occupation of the dwelling, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day is provided.
 12. Prior to the first occupation of the dwelling, a plan shall be submitted including the location and details of habitat boxes/structures to be installed, for the written approval of the Local Planning Authority, and the works shall be carried out in accordance with the approved plan unless otherwise agreed in writing by the LPA.
 13. Prior to first occupation of the dwelling, facilities for the storage and removal of refuse from the site shall be provided, in accordance with details having been submitted to and approved in writing by the Local Planning Authority and thereafter the development should be implemented in accordance with the approved details.

APPENDIX B



Appeal Decision

Site visit made on 13 July 2016

by **John Dowsett MA DipURP DipUD MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 August 2016

Appeal Ref: APP/J1915/W/16/3147738

Albury Lime Kiln, Albury Road, Little Hadham, Hertfordshire SG11 2DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr and Mrs Catton against the decision of East Hertfordshire District Council.
- The application Ref: 3/15/2455/OUT, dated 8 December 2015, was refused by notice dated 4 February 2016.
- The development proposed is five dwellings with all matters reserved for subsequent approval with the exception of vehicular access.

Decision

1. The appeal is allowed and planning permission is granted for five dwellings with all matters reserved for subsequent approval with the exception of vehicular access at Albury Lime Kiln, Albury Road, Little Hadham, Hertfordshire SG11 2DR in accordance with the terms of the application, Ref: 3/15/2455/OUT, dated 8 December 2015 subject to the conditions in the attached schedule.

Procedural matters

2. The proposed development has been applied for in outline with all matters other than access reserved for subsequent consideration. The application included an indicative site layout drawing showing five dwellings arranged around a cul-de-sac served by a shared access from the public right of way leading to the site from Albury Road. I have had regard to this but, as layout was reserved for future consideration, have treated it as illustrative only.

Main Issue

3. The main issue in this appeal is whether the site is a suitable location for housing having regard to the development plan and the principles of sustainable development.

Reasons

4. The appeal site is part of a former chalk quarry located on the edge of Little Hadham. The site is accessed by an unmade track approximately 160 metres long leading from Albury Road. The quarry use ceased in the 1960's and the site has subsequently been used for running a scrap metal business which has the benefit of a Certificate of Lawfulness. A number of buildings are present on the site, which are remnants of the quarrying activity, and there is also a significant quantity of materials that are associated with the scrap metal business. As a result of the previous chalk extraction the site sits at a lower level than the surrounding landscape and natural regeneration has resulted in a

- significant number of trees and other vegetation being present in and around it. The remainder of the former quarry is designated as a County Wildlife Site.
5. It is common ground between the parties that the site lies outside the built up area of Little Hadham and as such would be subject to Policy GBC3 of the East Herts Local Plan Second Review 2007 (Local Plan) which seeks to restrict development to that which is appropriate to a rural area or which meets certain criteria.
 6. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications and appeals must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration and this sets out that there is a presumption in favour of sustainable development. However, the Framework is also clear that it does not change the statutory status of the development plan as the starting point for decision making and that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise.
 7. Paragraph 49 of the Framework requires proposals for housing development to be considered in the context of the presumption in favour of sustainable development, and states that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing land. It is not in dispute that the Council do not have a five years housing land supply and consequently I can only attach limited weight to Policy GBC3 as, whilst it is not directly related to housing supply, the policy seeks to restrain development and therefore influences housing supply.
 8. The presumption in favour of sustainable development is set out in Paragraph 14 of the Framework which states that, where relevant policies are out of date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework. Paragraphs 7 and 8 of the Framework set out the three dimensions to sustainable development; economic, social and environmental, and state that these are mutually dependent.
 9. The development would result in some jobs in construction being created or maintained during the construction period, and the future occupiers of the dwellings would result in additional spending in the local economy which would be an economic benefit from the development, albeit small in scale due to the limited size. The Council suggest that this is outweighed by the loss of the existing employment use on the site. The appellants state that the scrap metal business is now very small scale and is limited in the area that it can operate from by the terms of the Certificate of Lawfulness and, therefore, provides only a minimal benefit to the local economy.
 10. I saw on my site visit that, whilst there are still materials on the site associated with this use, there is little evidence that the business is still operating in any significant manner. Due to the location of the appeal site and the narrowness of the access track, I consider that it is unlikely the business would be attractive to a new operator and would, therefore, agree with the appellants' position that the economic benefit from retention of the use is, at best,

- minimal. The development would therefore satisfy the economic dimension of sustainable development.
11. With regard to the social dimension, as it is common ground that the Council cannot demonstrate a five year supply of housing land, the provision of five additional houses would represent a social benefit.
 12. Turning to the environmental dimension, whilst the development would be located at a slight remove from the main built up area of the village and would have countryside on three sides, due to the lower ground levels of the site the prominence of the development in the landscape would be reduced. High hedges along the access track and public right of way, and trees around the site periphery would add to the screening effect. Although the development would be visible to users of the public right of way that runs past the site, due to trees growing around the edge of the former quarry, views would be restricted when approaching from the south east. From the north west the development would be more visible in short range views but the footpath is again bordered by trees and hedgerows a short distance beyond the appeal site which restricts longer views.
 13. The surrounding landscape is gently rolling, with a pattern of medium to large scale fields bounded by hedgerows and containing scattered blocks of woodland. The small scale of the development proposed on the edge of a built up area would be absorbed into this large scale landscape without causing harm to its intrinsic character.
 14. The Council suggest that the development would result in a more urbanised appearance to the appeal site. However, immediately adjacent to the appeal site is an existing bungalow and there are other buildings currently present on the site. In addition, the former quarry has not been subject to any formal restoration and has been left to regenerate naturally. As a result, it currently has a different character from the surrounding countryside. Whilst redevelopment for housing would change this character, it would not be inherently more harmful than the current uses of the site.
 15. Although the application was made in outline, the appellants have submitted an indicative layout that shows that five dwellings can be accommodated on the appeal site. On this basis I am satisfied that a detailed development proposal could be evolved which represents a high standard of design and which could incorporate some of the existing trees on the site.
 16. Little Hadham has very little in the way of services within the village, although there is a primary school. There are some further facilities in Hadham Ford approximately 1.6 kilometres to the south which could be accessed by cycle on relatively quiet roads. There are also some limited local employment opportunities at Hadham Hall and Hadham Industrial estate, both of which are within approximately 2 kilometres of the appeal site.
 17. The main town of Bishops Stortford lies approximately 4 kilometres to the west of the appeal site and whilst this could be accessed by cycle, the distance and the busy nature of the A120 road are likely to deter some cyclists particularly during the winter months. However, there are bus stops within Little Hadham, approximately 500m from the appeal site, with a number of services a day to both Bishops Stortford and Hertford. Whilst it is perhaps inevitable that occupiers of the development would have to use private cars to access some

goods and services, they would not be entirely dependent on the private car and the location of the appeal site does allow opportunities to access employment, shops and services by other modes of transport. In this respect the development would meet the aim of moving to a low carbon economy.

18. The development therefore meets the three dimensions of sustainable development and within this context, although the appeal site is located outside of the built up area of the settlement, in my opinion, it is not so isolated that it is an unsuitable location for dwellings.
19. I therefore find that the site is a suitable location for housing having regard to the development plan and the principles of sustainable development. The development would comply with the relevant requirements of Policies EDE2, ENV1 and GBC14 of the Local Plan which seek to ensure that new development retains existing viable employment sites, achieves a high standard of design and protects the character of the local landscape.

Other matters

20. Access to the development would be via an existing unmade track leading to the site from Albury Road. The access track would be provided with a metalled surface and widened to provide passing places and turning areas along its length. Suitable visibility would also be achieved at the junction of the access track with Albury Road. I am satisfied that this would provide a safe and suitable access to the development and I note that the Highway Authority have no objection to the proposal, subject to conditions to secure the upgrading of the access.

Conditions

21. I have had regard to the conditions suggested by the Council. In order to ensure that the access track is improved to the required standard, to achieve a safe and suitable access to the site, and in the interests of highway safety, it is necessary to attach conditions requiring the provision of a visibility splay at the junction of the access track and Albury Road and the widening of the access track beyond the junction. Due to the proximity of the appeal site to other residential properties it is also necessary to impose a condition restricting the times that demolition and construction works can be undertaken.
22. The Council have suggested a condition requiring reclamation of the site in accordance with the Desktop Study Report submitted with the application. Due to the historic uses of the site and the findings of the Desktop Study, it is necessary to attach a condition requiring remediation of the site in order to comply with the requirements of Paragraph 121 of the Framework. However, whilst the Desktop Study identifies potential contamination and recommends further intrusive investigations, it does not set out a remediation strategy. I have therefore altered the wording of the Council's suggested condition to require that a remediation scheme be submitted.
23. The Council have also suggested a condition requiring the provision of affordable housing. The appellants have commented that this should only be imposed if it is altered to include a clause that it would only be triggered if the combined gross floorspace of the development exceeds 1000 square metres. During the course of the appeal, on 13 May 2016, the Court of Appeal issued its judgement in *Secretary of State for Communities and Local Government v*

West Berkshire District Council and Reading Borough Council, and the National Planning Practice Guidance (the Planning Guidance) was updated. The Planning Guidance now states that contributions for affordable housing should not be sought from developments of 10-units or less, where they have a maximum combined gross floorspace of no more than 1000 square metres.

24. Following the Court of Appeal's decision, the Council have stated that they would still seek affordable housing on the site if the 1000 square metres threshold would be passed at the reserved matters stage. I do not have any evidence in respect of the need for affordable housing in the area and, as the application is in outline, there are no floor space figures for the proposed dwellings. In their final comments the appellants state that they are confident that the development will not trigger an affordable housing requirement. There is no substantive evidence before me to show either a need for affordable housing or that the development would result in a combined gross floorspace exceeding 1000 square metres and, therefore, I find that the suggested condition would not meet the test of necessity.

Conclusion

25. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

John Dowsett

INSPECTOR

Schedule of conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place where until a detailed remediation scheme shall have been submitted to, and approved in writing by, the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred options, the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified

contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.

- 5) No dwelling shall be occupied until visibility splays have been provided on both sides of the access from Albury Road between a point 2.4 metres along the centre line of the access, measured from the edge of the carriageway, and a point 43 metres along the edge of carriageway, measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.
- 6) No dwelling shall be occupied until the access drive has been widened to 4.1 metres for the first 10 metres into the site from Albury Road, and provided with a bituminous surface.
- 7) Demolition or construction works shall take place only between 07:30 and 18:00 on Monday to Friday, 07:30 and 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

APPENDIX C



Appeal Decision

Site visit made on 14 January 2019

by **Chris Couper BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 February 2019

Appeal Ref: APP/J1915/W/18/3205669

Southacre, Acremore Street, Bury Green, Little Hadham SG11 2HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by [redacted] against the decision of East Herts Council.
- The application Ref 3/18/0403/OUT, dated 22 February 2018, was refused by notice dated 23 April 2018.
- The development proposed is the erection of a detached dwelling.

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of a detached dwelling at Southacre, Acremore Street, Bury Green, Little Hadham SG11 2HD in accordance with the terms of the application, Ref 3/18/0403/OUT, dated 22 February 2018, subject to the conditions on the attached schedule

Procedural Matters

2. On the application form the property is cited as 'Acremore'. However, in an email dated 7 January 2019 the appellant states that it is actually called 'Southacre', and that 'Acremore' is the neighbouring property. As the address on the application form is misleading, I have referred to the site as Southacre in my decision.
3. The application was made in outline, with all matters other than access reserved for subsequent approval. I have dealt with the scheme on that basis and, other than the access arrangements, I have treated the proposed site layout plan as indicative only.
4. The Council's decision referred to policies in the East Herts Local Plan Second Review 2007, and the National Planning Policy Framework 2012. However, both those documents are now superceded, and I have had no further regard to them.
5. During the appeal process both main parties were given the opportunity to comment on the adopted East Herts District Plan 2018 ('EHDP'), and the new National Planning Policy Framework ('Framework'). It is the policies in those documents that I have considered in my decision, with particular regard to the policies cited in the Council's email dated 24 January 2019, which it states replaced those in its decision.

Main Issues

6. The main issues are:

- Whether or not the proposal would accord with policies which generally seek to direct development to locations within villages with reasonable accessibility to services and amenities;
- The impact of the proposal on the character and appearance of the area; and
- Whether the proposal would result in the loss of a significant employment use.

Reasons

Accessibility

7. The site lies in the countryside, a little distance from the nearest villages of Bury Green and Little Hadham, the latter being identified in the EHDP as a larger Group 2 Village with more services. Both villages are reached via Acremore Street, which is a narrow, unlit, without footpaths, and without public transport. Consequently, I do not consider that the site is located with easy access to services and facilities, other than by car.
8. However, there is a large building on the appeal site which is permitted for B1 and B8 commercial uses. The appellant states that the proposed dwelling would be erected in place of that commercial building, and that is what is shown on the drawings. He continues that he currently travels by car to work at the site, and that, if the appeal were allowed, he would live there, and work from home.
9. For my part, I consider that, whoever were to occupy the dwelling, they would, in all likelihood, be largely reliant on private vehicles to get to and from the site. However, that could be said equally of any employees or visitors to the commercial use.
10. Consequently, with regards the site's accessibility to services and facilities, whilst there would be a slight conflict with the Framework, including its requirement to manage patterns of growth to promote walking, cycling and public transport, the scheme would be very small scale and it would not result in significant harm. As EHDP Policy GBR2 seeks to protect the countryside as a valued resource, and as its part (d), which addresses replacement buildings, does not refer to the sustainability of the location, on this issue there would be no conflict with that policy.

Character and appearance

11. According to the appellant's calculations, the building on the site measures approximately 23 x 14 metres. It is certainly a substantial structure, which is of a rather crude and eclectic construction, finished in a mix of materials including blockwork, timber and sheeting. Although not untypical of some former agricultural buildings, in this location close to other dwellings, some of which are listed buildings, it detracts from the area's character.
12. As the application was made in outline, I have no details of the proposed dwelling's scale, layout and appearance. However, subject to the consideration

of those matters at reserved matters stage, a dwelling on this site would respect the general arrangement and character of its surroundings. That dwelling could be constructed in materials, and of a form, appropriate to its context, and would be likely to result in a significantly reduced quantum of built development compared to the building it would replace.

13. EHDP Policy GBR2 permits various forms of development, provided that they are compatible with the character and appearance of the rural area. That includes the replacement, extension or alteration of a building, providing that its size, scale, mass, form, siting, design and materials are appropriate to the site and its surroundings. Subject to detailed consideration at reserved matters stage, the scheme would not conflict with that policy.
14. Whilst the site sits amongst a very small scattering of buildings, the scheme would result in an isolated dwelling in the open countryside, contrary to Framework paragraph 79. However, for the above reasons, rather than causing harm, this scheme involving the replacement of an unsightly building, would significantly enhance the character and appearance of the site and its surroundings.

Employment uses

15. EHDP Policy ED2 seeks to prevent the loss of vital sources of rural employment, and sets out that where a proposal would result in the loss of an employment generating use, justification will be required.
16. I understand that the appellant runs his business from the site, but that he is the only person working there. I do not have detailed evidence, such as marketing, to demonstrate that a commercial use here is not needed or viable. However, a letter from the Chartered Surveyor at Swoorders dated 15 February 2018 concludes that, in their experience of letting commercial property, there is a lack of demand for isolated rural properties such as this, given their constraints, such as poor access.
17. I observed that Acremore Street is single-track, narrow, sinuous, and in a poor condition. Little Hadham Parish Council reports that it is permanently covered by running water. Given those characteristics, and the site's relatively isolated location, I consider that the existing building would be unlikely to generate significant interest from other B1 or B8 uses.
18. Consequently, from the available evidence, I am not persuaded that the scheme would result in the loss of a significant employment site. I therefore conclude on this issue that, whilst there would be a conflict with EHDP Policy ED2, it would be very limited.

Other matters

19. There are Grade II listed buildings to the north and east of the site. However, given that the scheme would involve the demolition of an existing commercial building, and having regard to the distance to those buildings, intervening landscaping and other features, I agree with the Council that their settings would be preserved.
20. Having regard to the condition and configuration of Acremore Street, and the site's commercial use, I am not persuaded that, even if there would be a slight net increase in traffic as a result of this single dwelling, that would result in

significant harm to highway safety. My conclusion on this matter is supported by the absence of an objection from Hertfordshire County Council as Highways Authority.

21. The appellant's statement refers to the Council's inability to demonstrate a five year housing land supply as required by the Framework, although it acknowledged that that could change upon adoption of the EHDP. The Council maintains that it can demonstrate such a supply. That position was not challenged by the appellant in his letter dated 4 February 2019. On the basis of the available evidence, I accept that the Council has the required housing land supply, and I have not considered the proposal against Framework paragraph 11 d).
22. In its favour, the scheme would make use of previously developed land, enhance the character and appearance of the area, and would contribute to the supply of housing. Those are significant benefits, which find support from the Framework. There would also be economic benefits during construction, and social and economic benefits from the occupants' use of services and facilities in nearby villages.
23. The appellant states that the existing building could be converted to a dwelling under Class P of the Town and Country Planning (General Permitted Development) (England) Order 2015, subject to the prior approval procedure. Whilst I have no details of any such scheme before me, given that this appeal has been made, and that the appellant states that he intends to live on the site and continue to run his business from it, I have no persuasive reason to doubt that that is what the appellant would seek to do, should the appeal be dismissed. That would involve the retention of a large building which I have found to be harmful to the area's character, and is a fallback to which I give some limited weight.
24. Finally, I have dealt with this scheme on its planning merits; the appellant states that he is the owner of the land, and any ownership disputes are a civil matter.

Conditions and conclusion

25. Summing up, policies in the development plan and the Framework weigh both in favour and against the scheme. I have found that whilst the proposed dwelling would not be accessibly located other than by private vehicle, that could be said equally of the existing commercial use.
26. In providing a new dwelling on previously developed land, and in enhancing the character of the area, the scheme would contribute to the social and environmental dimensions of sustainable development as defined at paragraph 8 of the Framework. Although there would be a loss of employment land, I am not persuaded that that would be significant, and there would be some economic benefits from the dwelling's construction and from its use. Finally, there is the prospect of the appellant implementing the fallback position.
27. The conflict with the development plan would be very limited. Having regard to all material considerations, and considered as a whole, the benefits of the scheme would outweigh the very modest harm that I have found it would cause, and it would accord with the general thrust of EHDP Policy INT1. Consequently, the appeal will be allowed.

28. The Council proposed a number of conditions, which I have considered against the relevant tests in the Framework, making amendments where necessary to improve precision, clarity and enforceability. I have imposed the standard time limit conditions for an outline permission, and, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans, but only insofar as the details of access are concerned. As limited details of car parking and turning facilities have been provided, a condition requiring further details to be submitted is necessary in the interests of highway safety.
29. Given that the site is in commercial use, and in the interests of pollution prevention and ensuring appropriate living conditions, my pre-commencement condition no. 6, which has been agreed by the appellant, is necessary, and which requires the submission of a contamination survey and the implementation of appropriate remediation.
30. In the interests of protecting nearby residents from noise during demolition and construction, and to protect future occupants of the proposed dwelling from adjacent uses, my condition nos. 7 and 8 are necessary.
31. The Council's suggested conditions requiring the submission of sample materials, and the submission and implementation of landscaping, are unnecessary as those are matters that would be addressed at reserved matters stage.
32. The application was made, and the appeal has been allowed, on the basis that the existing building on the site would be demolished. To ensure that that would occur, and following consultation with both main parties, I have imposed my condition no. 9.
33. Finally, Hertfordshire County Council as Fire Authority has requested that a fire hydrant be provided by means of a planning obligation, although it acknowledges that if adequate hydrants are already available, no extra ones will be needed. No obligation is before me, and as I have limited information to assess this matter, including whether a hydrant is required, I cannot conclude that an obligation is necessary to make the development acceptable.
34. Subject to the conditions on the attached schedule, and having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) In so far as the details of access are concerned, the development hereby permitted shall be carried out in accordance with drawing no. 217231 DWG 004 Rev A.
- 5) Prior to the occupation of the dwelling, a vehicle car parking and a vehicular turning area shall be provided in accordance with details to be submitted to and approved in writing by the local planning authority, and shall be retained for those purposes thereafter.
- 6) The development hereby permitted shall not begin until a scheme to deal with contamination of land and/or groundwater has been submitted to, and approved in writing by, the LPA, and until the measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:
 1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site.
 2. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until (i) A desk-top study has been completed satisfying the requirements of paragraph (1) above; (ii) The requirements of the LPA for site investigations have been fully established; and (iii) The extent and methodology have been agreed in writing with the LPA. Copies of a report on the completed site investigation shall be submitted to the LPA on completion.
 3. A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person. No deviation shall be made from this scheme without the express written agreement of the LPA.
- 7) Prior to the erection of the dwelling hereby approved, a scheme shall be submitted for the protection of the occupants of that dwelling from noise from adjacent uses for written approval by the Local Planning Authority. The dwelling shall not be occupied until the scheme has been implemented in accordance with the approved details. The approved scheme shall be retained in accordance with those details thereafter.

- 8) In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises outside the hours of 0730hrs to 1830hrs on Mondays to Fridays, and 0730hrs to 1300hrs on Saturdays. There shall not be any such work at any time on Sundays or Bank Holidays.
 - 9) Prior to works commencing on the dwelling hereby approved, the existing building on the site, as identified on drawings 217231 DWG 001 Rev A and 217231 DWG 002 Rev A, shall be fully demolished and any materials not used in the development permitted shall be removed from the site.
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APPENDIX D

Delegated Officer Report

Recommendation: Grant Planning Permission subject to Conditions

Application number: 3/23/0158/FUL

Proposal: Change of use of land and erection of 4 bedroom detached dwelling

Site Address: Land Adjacent To North View Violets Lane Furneux Pelham Buntingford Hertfordshire

Planning History:

Reference No.	Proposal	Decision	Decision Date
3/87/2077/FP	FORMATION OF A TWO VEHICLE LAYBY OFF VIOLETS LANE FOR THE PROPERTY NORTH VIEW.	Grant Plan Permission w Conds	22nd January 1988
3/98/0873/FP	CONVERSION OF LOFT SPACE WITH VELUX WINDOWS AND FRONT DORMER	Grant Plan Permission w Conds	20th July 1998
3/01/1757/FP	FIRST FLOOR BATHROOM EXTENSION.	Application Withdrawn by Applicant/Agent	15th August 2002
3/02/1757/FP	FIRST FLOOR REAR EXTENSION, GROUND FLOOR SIDE EXTENSION, DETACHED DOUBLE GARAGE.	Grant Plan Permission w Conds	18th November 2002
3/09/0682/FP	Two storey side extension	Application Withdrawn by Applicant/Agent	24th July 2009
3/09/1712/FP	Two storey and single storey side extension	Grant Plan Permission w Conds	21st December 2009
3/11/0566/FP	Two storey and single storey side extension (Amendments to previously approved scheme ref 3/09/1712/FP).	Grant Plan Permission w Conds	25th May 2011

Neighbour Responses:

Neighbour Consultations	Contributors	Neutral	Objections	Support
8	1	0	1	0

Summary of Neighbour Responses

One objection has been received from the neighbouring property No.20 The Old Brewery. Their comments summarised:

- The proposal will sit at a higher level than the land their house is built and will directly overlook the house, garden and driveway, and block views from their garden and lounge window.
- The development would be an example of ribbon development into an area of countryside
- It would detract from the openness of the countryside and extend beyond the village boundary

Consultee Responses

Consultee	Comments
HCC Highway Authority	No objection, subject to conditions.
Waste Services (EHDC)	For houses, bins should be ordered direct from the Council's contractor 2 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in. Pull distances from the storage point to the collection point should not be within close proximity to parked cars. The gravel drive makes pulling bins difficult and consideration should be given to whether this surface is the most suitable or whether bins stored closer to the collection point would be more preferable. The applicant should note that collections occur from the kerbside and residents will be required to present their bins in this location on collection day.
Thames Water Development Control	No comments

Planning Policies:

TRA2 - Safe and Suitable Highway Access Arrangements and Mitigation
- East Herts District Plan 2018
GBR2 - Rural Area Beyond the Green Belt - East Herts District Plan 2018
HA4 - Conservation Areas - East Herts District Plan 2018
INT1 - Presumption in Favour of sustainable Development - East Herts District Plan 2018
DPS2 - The Development Strategy 2011-2033 - East Herts District Plan 2018
DES4 - Design of Development - East Herts District Plan 2018
TRA1 - Sustainable Transport - East Herts District Plan 2018
TRA3 - Vehicle Parking Provision - East Herts District Plan 2018
CC1 - Climate Change Adaptation - East Herts District Plan 2018
CC2 - Climate Change Mitigation - East Herts District Plan 2018
CC3 - Renewable and Low Carbon Energy - East Herts District Plan 2018
DES3 - Landscaping - East Herts District Plan 2018
NE2 - Sites or Features of Nature Conservation Interest (Non-Designated) - East Herts District Plan 2018
NE3 - Species and Habitats - East Herts District Plan 2018
NPPF - National Planning Policy Framework -

Considerations

The application site comprises a parcel of land on the eastern side of Violets Lane. The site is located adjacent to the Group 2 Village boundary of Furneux Pelham. To the south of the site lies a pair of detached dwellings named 'North View' and 'South View', and on the opposite side of the road there are also residential properties. The north and east of the site consists of open fields which contribute to the rural character of the site.

The site is located in the Rural Area Beyond the Green Belt and the southern part of the site is located within the Furneux Pelham Conservation Area.

This application seeks planning permission for the change of use of land and erection of a four-bedroom detached dwelling.

A recent appeal decision concluded that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. The consequence of not having a 5 Year Housing Land Supply is that the 'tilted balance' is engaged in the decision-making process. The tilted balance refers to paragraph 11(d) of the NPPF which states that if the most relevant Local Plan policies for determining a planning application are out of date (such as when a 5 Year Housing Land Supply cannot be demonstrated), the application should be approved unless the application of NPPF policies that protect areas or assets of particular importance (as defined by the NPPF) provide a clear reason for refusing permission or the harms caused by the application significantly and demonstrably outweigh its benefits, when assessed against policies of the NPPF as a whole. In this context, the policies considered to be out of date include in particular those relating to the development strategy and delivery of housing which are referred to in this report.

The main considerations of this application are:

- Principle of Development;
- Sustainability;
- Design, Layout and Impact on Heritage Assets;
- Living Conditions for Future Occupants;
- Neighbour Impact;
- Highways/Parking;
- Climate Change and Sustainable Design;
- Trees/Landscaping;
- Ecology;
- Other matters

Principle of Development

As noted above, the site lies within the Rural Area Beyond the Green Belt. The pre-amble to policy GBR2 states that the rural area is a considerable and significant countryside resource, which Policy GBR2 seeks to maintain.

Policy GBR2 outlines that 'In order to maintain the Rural Area Beyond the Green Belt as a valued countryside resource, the following types of development will be permitted, provided that they are compatible with the character and appearance of the rural area': a) buildings for agriculture and forestry; b) facilities for outdoor sport, recreation, equine development, cemeteries; c) new employment generating uses where sustainably located; d) replacement, extension or alteration of a building provided the size, scale, mass, form, siting, design and materials are appropriate; e) limited infilling or the complete redevelopment of previously developed sites; f) rural exception housing; g) accommodation for Gypsies and Travellers and Travelling Showpeople; h) development identified in the adopted Neighbourhood plan.

Part (E) of policy GBR2 permits 'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use

(excluding temporary buildings) in sustainable locations, where appropriate to the character, appearance and setting of the site and/or surrounding area'.

The NPPF defines Previously Developed Land as 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape'. In this case, the land is currently used as an extended residential garden land to the neighbouring property 'North View'. It is therefore considered that the proposal does not fall under what can be considered as 'Previously Developed Land'.

With regards to limited infilling, this usually amounts to the infilling of a small gap in an otherwise built-up frontage. For example, a small gap between two houses within a row of housing. The application site is located on existing open land to the northern edge of Furneux Pelham and would amount to an extension of Furneux Pelham into the countryside as opposed to limited infilling. The site would not fall to be an infill site within this area.

The proposal therefore fails to fall into any of the exceptions listed in Policy GBR2 of the East Herts District Plan 2018 and would amount to a harmful intrusion into the countryside which is incompatible with the character and appearance of the rural area. The intrusion of residential development into the countryside within the rural area beyond the green belt is clearly contrary to policy GBR2 and would harm this valued countryside resource.

Sustainability

To meet the environmental tenet of the NPPF, new residential development should be guided towards the most sustainable locations, near to shops, services and fed by local transport links. The NPPF states that a presumption in favour of sustainable development means that LPAs should approve development proposals that accord with the development plan.

Policy INT1 of the District Plan ensures that sustainable proposals should improve economic, social, and environmental conditions, and it is clear within the NPPF that one of these requirements cannot be met at the expense of the others, and all three must be met. Furthermore, to ensure that sustainable development takes place, District Plan Policy DPS2 outlines the Development Strategy for the District and sets out a hierarchy of area locations where development should be directed, with the most sustainable locations taking priority. Locations within group 3 settlements are the lowest within the hierarchy and are therefore the last location development should be located. Whilst the hierarchy does allow for the development of sustainable brownfield sites, the site is not a brownfield site.

The sustainability of areas in the district has been assessed through the East Herts District Plan (2018).

As noted above, the application site falls just outside the Group 2 Village of Furneux Pelham. Whilst the proposed dwelling does not fall within the Group 2 Village, it is located immediately adjacent to boundary. The site is located within walking distance to a primary school, church, village hall, public house and village shop and bus routes which provide access to Royston and Bishops Stortford. Therefore, given the site's proximity to the village boundary and variety of services accessible within walking distance, the site is considered to

be sustainably located within access to sustainable methods of transport. As such, the proposal is considered to accord with Policy DPS2 and TRA1 of the District Plan.

Design, Layout and Impact on the Conservation Area

Policy DES4 of the District Plan states that:

All development proposals, including extensions to existing buildings, must be of a high standard of design and layout to reflect and promote local distinctiveness. Proposals will be expected to:

- (a) Make the best possible use of the available land by respecting or improving upon the character of the site and the surrounding area, in terms of its scale, height, massing (volume, shape), orientation, siting, layout, density, building materials (colour, texture), landscaping, environmental assets, and design features, having due regard to the design opportunities and constraints of a site.

The proposal consists of a two-storey detached dwelling. The property would have a traditional hipped roof design. The dwelling would be set back from the site frontage by approximately 12.7 metres and would be set in from the side boundaries by approximately 1 metre to the south and 5.2 metres to the north. A street scene elevation drawing has been provided which shows that the new dwelling would be of a lower height and set back further in the site than the semi-detached pair of dwellinghouses located to the south of the application site.

The overall design of the dwelling is considered to be in keeping with the rural character of the village with the overall design and brickwork being similar to the neighbouring semi-detached pair of dwellings located to the south of the site. Notwithstanding this, specific materials will be conditioned, in order to ensure a high standard of design. The dwelling would not appear overly dominant from the public realm and the nearby Conservation Area and the street scene elevation is considered to be of an appropriate scale. The site would accommodate parking to the front of the site within an area of existing hardstanding, with a waste refuse area located to south west of the proposed dwelling.

Overall, the proposal is considered to accord with Policy DES4 and HA4 of the District Plan.

Living Conditions for Future Occupants

District Plan Policy DES4(f) requires that all new dwellings are identified by their square metreage, and the Technical Housing Standards (Nationally Described Space Standards) (2015) sets out the minimum space standards for new residential properties. The standards outline that a four bedroom property provided over two floors should measure at least 117 square metres in internal floor area and a double room/twin room should have a floor area of at least 11.5 metres squared.

Measured internally, the proposed property would have an internal floor space of approximately 208.6 metres squared with the largest double room being approximately 26.1 metres squared, which would meet the requirements of the Technical Housing Standards.

The dwelling also has amenity space by way of a large garden and would receive adequate light through the large windows proposed.

As such, the proposal is considered to be in accordance with Policy HOU7 and DES4 of the District Plan.

Neighbour Impact

The properties most likely to be impacted by the development is 'North View', situated to the south of the proposed dwelling, as well as the neighbouring properties located to the west of the dwelling.

The neighbour objection received from the neighbouring property No.20 The Old Brewery is noted. Whilst the Local Planning Authority acknowledge the application site sits on higher land level, due to the approximate 30 metre separation distance between the site and the neighbouring properties located to the west of the site, it is not considered that the proposed development would result in any detrimental harm to the amenities of these neighbouring properties.

With regard to 'North View', to the south of the site, this property is unlikely to experience any determinantal impacts from this development. As the proposed dwelling is located approximately 10.7 metres from this neighbouring property, the development would not have significant adverse impact on neighbour amenity in terms of overshadowing or loss of light. The flank elevation of the proposed dwelling that would face towards 'North View', in which there are no first-floor windows proposed. This allows for overlooking to be minimised. Therefore, the development is not considered to detrimentally impact the amenity of neighbouring occupiers, complying with Policy DES4.

Highways/Parking

The proposed dwelling on this site would not be a development of such a scale that it would generate an excessive number of vehicular movements. As such, it is not considered that there would be a severe impact on the local highway network, in terms of traffic or congestion. As the dwelling proposes to use the existing access/driveway that serves the neighbouring dwelling 'North View', the Highway Authority have raised no objections as the access is at a point where appropriate visibility splays can be provided. The proposed layout would allow vehicles to adequately manoeuvre within the site. The comments received from Waste Services have been acknowledged. Following the concern raised regarding the placement of the proposed bin enclosure, the structure has been relocated to south west of the proposed dwelling, away from the existing garage. Drawing no.002 indicates there would no changes to the existing tarmac driveway. The Local Planning Authority therefore has no concerns about the ease of getting bins close to the existing kerbside collection point on collection day. The scheme would not result in a severe impact on the local highway network or cause adverse effects on highways safety. The proposed scheme is considered to comply with District Plan Policies DES4 and TRA2.

In terms of vehicle parking provision, District Plan Policy TRA3 outlines that this should be assessed on a site-specific basis taking into account the Supplementary Planning Document (SPD) 'Vehicle Parking Provision at New Development'. This SPD contains the local planning authority's parking standards. The proposed dwelling would contain four bedrooms, and the parking standards advise that properties of this size should be served by off-street space suitable for the parking of at three vehicles. A detached garage, which currently serves the neighbouring property 'North View', is located within the red line of the proposed dwelling. The agent has confirmed the garage will be shared between the proposed dwelling and 'North View' and will provide cycle storage for both dwellings. The proposed on-site parking (including the existing detached garage) would be able to accommodate parking for a minimum of 4 vehicles and therefore, the proposed parking arrangements would be in accordance with the SPD and Policy TRA3 of the District Plan. The condition recommended by the Highway Authority regarding the provision of parking spaces prior to occupation of the development is acknowledged. As the proposed parking areas for the dwelling already exist on site, the condition is not considered necessary.

Whilst it is acknowledged 'North View' would lose one off-street parking, as the garage could be demolished without the need to apply for consent, the Local Planning Authority raise no objections.

Climate Change and Sustainable Design

Regard should be had to climate change adaptation and mitigation and the building design requirements to include renewable and low carbon energy, which is set out in Policies CC1, CC2 and CC3. Policies CC1 and CC2 set out that all new development demonstrates how the design, materials, construction and operation of the development would minimise overheating in summer and reduce the need for heating in winter and demonstrate how carbon dioxide emissions will be minimised across the development site. The Council adopted its Sustainability SPD on 2nd March 2021, which is a material consideration when determining this application.

Details have been provided within the submitted Sustainability Statement. The proposed dwelling would utilise a fabric first approach to design which incorporates measures such as high thermal performance and insulation to reduce energy demand and improve the energy efficiency of the building in term of U values. The statement also indicates that the proposal would include the addition of solar panels and electric vehicle charging points. An air source heat pump is also proposed to be installed at the rear of the property. As such a condition shall be included whereby prior to any above ground works, details of how the proposed dwelling would meet the requirements of these policies should be submitted and details of the air source heat pump shall be submitted prior to the first occupation of the dwelling to ensure that the air source heat pump is delivered and appropriately sited.

Furthermore, regard should be had to the efficient use of water resources to help support improvements in water usage as outlined in Policy WAT4. The Sustainability Statement indicates that the dwelling would incorporate a number of measures to ensure the average water consumption is 110 litres of less per head per day. Notwithstanding this, a condition requiring the proposal to meet the 110 litre per person per day will be imposed on any grant of permission.

Trees/Landscaping

Policy DES3 (Landscaping) focuses on the preservation of landscape features:

'I. Development proposals must demonstrate how they will retain, protect and enhance existing landscape features which are of amenity and/or biodiversity value in order to ensure that there is no net loss of such features.'

The proposed development is considered to require the removal of trees and landscaping features on site in order to accommodate the proposed works. Whilst it is recognised the landscaping features provide some amenity value in the surrounding area, adopting a realistic view, the features that would be removed do not lie within the boundary of the Furneux Pelham Conservation Area and thus, the features are not protected and could be removed at any given point. Moreover, the small area of hedge located at the front of the proposed dwelling will be replaced with a new native hedge.

A soft landscaping scheme has been provided on the proposed in accordance with Policy DES3 of the East Herts District Plan 2018.

Ecology

Policies NE2 and NE3 of the District Plan 2018 require developments to demonstrate that ecology and protected species are given due consideration in the application process to ensure that no unacceptable harm results to the natural environment and its features. Further, there is a requirement to ensure that all developments achieve a biodiversity net gain.

Given that the majority of the site is rough grassland there is potential for some protected species to be inhabiting the site. An Ecology/Biodiversity statement has been submitted with the application which states that the existing site is regularly mown/maintained and therefore provides little habitat. Notwithstanding this, as the site is currently rough grass land / garden land it is considered to have some biodiversity value. Whilst the proposal would introduce additional built form, the Ecology/Biodiversity Statement submitted with the application indicates the proposed development would incorporate various bird/bat/hedgehog boxes and a new lined pond that would create a further habitat for wildlife. In order to achieve biodiversity net gains, bat/bird boxes and bumblebee nest boxes should be secured by condition to be incorporated into the development, in accordance with Policy NE2 of the District Plan.

Other matters

The neighbour objections relating to the development being an example of ribbon development and concerns about the impact of the proposed development on the openness of the countryside have been covered elsewhere in the report.

Conclusion and Planning Balance

As noted previously, the Council's lack of a 5 Year Housing Land Supply is a material consideration which needs to be given significant weight. The 'tilted balance' is therefore engaged in decision making. This report has concluded the proposed development would amount to a harmful intrusion into the countryside which is incompatible with the character and appearance of the rural area, as it does not fall into any of the exceptions listed in Policy GBR2 of the East Herts District Plan 2018. Whilst this disbenefit of the scheme is acknowledged, it does not significantly and demonstrably outweigh the benefits of the proposed development which include the provision of a sustainable new dwelling that would contribute to the Council's housing need. Therefore, as the Council currently lacks a 5 Year Housing Land Supply, on balance the proposed development is considered to be acceptable.

Conclusion

For the reasons discussed above, the proposed development does accord with the relevant policies in the East Herts District Plan 2018. It is therefore recommended that planning permission is approved subject to conditions.

Condition(s):

1 The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As Amended).

2 The development hereby approved shall be carried out in accordance with the approved plans listed at the end of this Decision Notice.

Reason

To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

3 Prior to the commencement of development hereby approved, detailed plans showing the existing and proposed ground levels of the site relative to adjoining land, together with the slab levels and ridge heights of the proposed buildings, shall be submitted

to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason

The details are required to be approved prior to the commencement of development to ensure that the development is properly related to the levels of adjoining development in the interests of neighbour amenity and good design in accordance with Policy DES4 of the East Herts District Plan 2018.

4 Prior to any above ground construction works being commenced, the external materials of construction for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be implemented in accordance with the approved details.

Reason

In the interests of amenity and good design in accordance with Policy DES4 of the East Herts District Plan 2018

5 Prior to first occupation of the development hereby approved, the electric vehicle charging point for the dwelling, as shown in drawing no. 002B shall be provided and retained thereafter.

Reason

To ensure sustainable design in accordance with Policy DES4 and TRA1 of the East Herts District Plan 2018.

6 Prior to the first occupation of the development hereby permitted, the details of the proposed air source heat pump (ASHP) shall be submitted to and approved in writing by the LPA including its siting. The rating level of noise emitted from the ASHP hereby approved shall not exceed 10dB below the existing background noise level as measured or calculated at 1 metre from the façade of the nearest noise sensitive property. The measurement and assessment shall be made according to BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' at the nearest and / or most affected noise sensitive premises, with the ASHP and MVHR system operating at maximum capacity and be inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics

Reason

In order to ensure an adequate level of amenity for occupiers in the vicinity of the proposed development in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

7 Notwithstanding the details hereby approved, prior to the first occupation of the dwellinghouse, the proposed bat/bird boxes and bumblebee nest boxes as shown in drawing no. 002B shall be installed and retained thereafter.

Reason

In order to enhance biodiversity and create opportunities for wildlife within the surrounding environment in accordance with Policy NE3 of the East Herts District Plan 2018.

8 All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason

To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policies DES3 and DES4 of the East Herts District Plan 2018.

9 Prior to the first occupation of the development hereby approved the solar panel array as shown on drawing ref. 001B shall be installed and shall thereafter be retained in perpetuity.

Reason

In order to ensure that the development is sustainable and in accordance with Policies CC1, CC2, CC3 and EQ2 of the adopted East Herts District Plan 2018.

10 Prior to the first occupation or use of the development hereby approved, details of all boundary walls, fences or other means of enclosure to be erected shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development should be implemented in accordance with the approved details.

Reason

In the interests of amenity and good design, in accordance with Policy DES4 of the East Herts District Plan 2018.

11 In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 0730hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank

holidays.

Reason

To safeguard the amenity of residents of nearby properties from noise pollution in accordance with Policy EQ2 of the East Herts District Plan 2018.

Informatics:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.

2. East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan and any relevant material considerations. The balance of the considerations is that permission should be granted.

3. Electric vehicle charging point specification for domestic installations cable and circuitry ratings should be of an adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco Developments). A separate dedicated circuit protected by an RCBO should be provided from the main distribution board, to a suitably enclosed termination point within a garage, or an accessible enclosed termination point future connection to an external charging point. The electrical circuit shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practise on Electric Vehicle Charging Equipment Installation 2012 ISBN 978-1-84919-515-7. Additional guidance on charge point installation is available from the Office for Zero Emission Vehicles at <https://www.gov.uk/government/organisations/office-for-zero-emission-vehicles>.

4. Best Practicable Means (BPM) shall be used in controlling dust emissions during all site preparation, demolition, construction and ancillary activities. Furthermore, all waste materials and rubbish associated with demolition and / or construction shall be contained on

site in appropriate containers which, when full, should be promptly removed to a licensed disposal site.

Plans

Plan Ref	Version	Received
001B		17th April 2023
002B		17th April 2023

Recommending Officer and Date

Ellen Neumann
18th April 2023

Authorising Officer and date:

Jill Shingler
27th April 2023