



Appeal Decision

Site visit made on 25 January 2023

by **Benjamin Clarke BA (Hons.) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9th February 2023

Appeal Ref: APP/X1925/W/22/3298193

Land North East of High Street, Hinxworth (523333, 240672)

- 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 Jonathan Lovejoy against the decision of North Herts Council.
 - The application Ref 21/02739/FP, dated 23 September 2021, was refused by notice dated 8 December 2021.
 - The development proposed is the erection of one 4-bedroom house and detached garage, with associated access, parking and landscaping
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Subsequent to the determination of the planning application, the Council adopted the new North Hertfordshire Local Plan (the Local Plan). It now carries full weight in the consideration of planning applications. Given that the appellant has had the opportunity to comment on this document, I do not believe that it would be prejudicial to any party to determine the appeal with reference to the new planning policies.

Main Issues

3. The main issues relevant to this appeal are:
 - the suitability of the site as a location for a residential development;
 - the effect of the development upon the character and appearance of the surrounding area; and
 - the effect of the development upon highway safety.

Reasons

Suitability of the site

4. The appeal site consists of a grassed area, adjacent to similar sites. There are fields to the front and rear of the appeal site. The appeal site is located adjacent to a road, on which vehicles can travel at up to speeds of 60 miles per hour. This road does not feature street lighting or separate environments for pedestrians.
5. Although the proposed dwelling would not be isolated, the development would not be related to an existing building. In addition, the development would result in an increase in the number of people residing in the vicinity. This poses

- a concern in that the surrounding area features the level of facilities that would be expected within a more rural area. Therefore, there is a likelihood that the occupiers of the development would need to travel to other settlements in order to access the services and facilities that they are likely to require on a regular basis.
6. This poses a concern as the surrounding road network does not feature a separate environment for the movement of people on foot, or by bicycle. In addition, the absence of streetlighting is likely to deter people from travelling by such means owing to the potential conflict between pedestrians and motorists. Therefore, the lack of such a welcoming environment for pedestrians and cyclists is likely to result in an increase in car movements.
 7. In addition, although the appeal site is near to the settlement, the speed limit changes to 60 miles per hour prior to the appeal site when travelling from the settlement. Therefore, at the point where vehicles are travelling past the appeal site, they are likely to be moving at a notable speed. This would give rise to the previously described adverse effects.
 8. It has been suggested that there are a variety of services in nearby settlements. Although this might be the case, the services that have been referenced are still a notable distance away. In result, there is a significant likelihood that if the occupiers of the development were to use these services, there would be a general reliance upon private cars as a means of travel.
 9. However, even if the residents were minded to travel on foot or by bicycle, the road network near to the front of the appeal site is such that residents are likely to be deterred from undertaking travel using such practices. Therefore, the aforementioned adverse effects have a notable likelihood of occurring.
 10. I therefore conclude that the appeal site is not a suitable location for the proposed development. The development, in this regard, would conflict with Local Plan Policies SP1; SP6; T1; and D1. Amongst other matters, these seek to maintain the role of key settlements within, and adjoining the district, as the main focus for housing; promote the use of sustainable transport modes; secure sustainable transport measures; and maximise accessibility.

Character and appearance

11. The proposed development would be located within a field separated from the rest of the settlement. It therefore has an undeveloped and rural character, including landscaping.
12. Although it would appear that there are no defined settlement boundaries, the character of Hinxworth is such that most buildings are arranged in a single cluster. The proposed development would conflict with this character given that it would extend the settlement in a linear form along the road. Furthermore, the proposal would not be related to an existing building on the appeal site.
13. The proposed development would result in an increase in the overall level of built form. This would therefore contribute to an erosion of the area's more rural character by reason of the increase in the scale of the development and its more domestic style of architecture. This adverse effect would occur irrespective of the materials from which the proposed development would be constructed from.

14. The proposed development features a dwelling of a significant height and footprint. It would therefore have a great urbanising effect upon the rural character of the appeal site and the surrounding area. This adverse effect would be compounded by reason of the presence of a large outbuilding, which would be sited close to the front of the site.
15. In addition, the proposed development would be in use as a domestic dwelling. This means that there is a likelihood that items of domestic paraphernalia are likely to be placed in the garden of the dwelling. The result of this is that the generally rural character of the landscape would be eroded. Therefore, the development would appear incongruous.
16. This is a concern owing to the general prominence of the appeal site. This means that the proposal would be readily viewed from the surrounding road. Therefore, the development has the potential to be experienced by a great number of people, such as passing road users. In consequence, the proposed development would result in a strident addition to the locality.
17. There is an existing dwelling near to the appeal site. However, the proposed development, in conjunction with the existing dwelling, would create an erosion of the more rural character of this particular area.
18. My attention has been drawn to a previously approved development on the adjacent site. I do not have the full information regarding the planning circumstances of this, which means that I can only give it a limited amount of weight. Nonetheless, I note that this planning permission was for the change of use of the land only and that certain permitted development rights were removed. Therefore, the effects of this development are different to the scheme before me. In consequence, this previous decision does not outweigh my earlier findings.
19. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with SP1; SP2; SP5; CGB1; and D1 of the Local Plan. Amongst other matters, this seeks to ensure that proposals create high-quality developments; direct developments to a hierarchy of settlements; operate a general policy of restraint; ensure development relates to an existing rural building; and respond positively to the site's local context.

Highway safety

20. The proposed development would create an additional access point from the road. This would serve the driveway of the proposed dwelling. The boundary treatments of the site comprise hedges.
21. By reason of the boundary treatments, motorists looking to leave the appeal site and join the highway would have a diminished level of visibility. This means that such motorists would not necessarily be able to view approaching vehicles. This means that there would be a greater risk of collisions.
22. These concerns would be exacerbated by the fact that the vehicles on this stretch of highway can travel at speeds of up to 60 miles per hour. This means that the potential conflict between vehicles travelling on the highway and vehicles looking to leave the site would be exacerbated.

23. I am aware of a survey that has been carried out that indicates that some approaching vehicles might be travelling slower than the speed limit of 60 miles per hour. Although this might be the case, the possibility of vehicles travelling at speeds close to, or at, the speed limit cannot be discounted. Therefore, the previously described adverse effects have a reasonable likelihood of occurring.
24. In addition, I note that the boundaries of adjoining land to the appeal site features a variety of planting that are set back by a relatively small amount from the highway edge. However, if these areas of planting were to grow in size, there would be a diminished ability for motorists looking to leave the appeal site to view approaching road users. This would compromise highway safety.
25. Given that such planting is outside of the appeal site and therefore the control of the appellant. Therefore, it would be unreasonable to impose a condition to prevent these planting from being grown to a larger size as it would not be in the gift of the appellant to ensure compliance. In result, there is a likelihood that it would not be possible to secure highway safety throughout the life of the development.
26. In consequence, I am not persuaded that sufficient visibility could be provided for all motorists looking to leave the appeal site and to ensure a satisfactory level of highway safety.
27. In reaching this view, I have had regards to the National Planning Policy Framework (the Framework). Amongst other matters, the Framework is unambiguous that any erosion of highway safety by a development is unacceptable.
28. I therefore conclude that the proposed development would have an adverse effect upon highway safety. The development, in this regard, would conflict with the requirements of Policies SP9 and T2 of the Local Plan; and the Framework. Amongst other matters, these seek to create integrated, accessible and sustainable transport; demonstrate a layout that will function satisfactorily; and maintain highway safety.

Other Matters

29. My attention has been drawn to planning appeal decisions elsewhere. Whilst I have had regard to these, I note that these are located in different settlements to the appeal site. Therefore, the effects of the proposed development are likely to vary depending on context. In result, the effects of these developments would potentially be different to the scheme before me. Accordingly, they do not outweigh my previous conclusions.
30. The proposed development would add to the local housing supply, even though the Council can now currently demonstrate a five-year housing land supply. Although this matter is a benefit, the amount of weight that can be attributed to it would be small by reason of the scale of the proposed development. Accordingly, it does not outweigh my findings in respect of the main issues.
31. Concerns regarding the manner in which the planning application was considered by the Council fall outside of the scope of this decision.

Conclusion

32. The proposal would therefore conflict with the development plan taken as a whole. There are no material considerations, including the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR