
Appeal Decision

Site visit made on 21 January 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th April 2025

Appeal Ref: APP/X1925/W/24/3347012

Downs Barns, Ashwell Road, Bygrave, Baldock SG7 5EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr J Northern against the decision of North Herts Council.
 - The application Ref is 24/00151/FP.
 - The development proposed is the erection of four link-detached three-bedroom dwellings with garaging following the demolition of the existing commercial storage buildings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of four link-detached three-bedroom dwellings with garaging following the demolition of the existing commercial storage buildings at Downs Barns, Ashwell Road, Bygrave, Baldock SG7 5EE in accordance with the terms of the application, Ref 24/00151/FP, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024, and I have had regard to this in my decision. The main parties were invited to provide comments on the revised Framework and the comments received have been taken into account in my determination of the appeal.
3. The proposal before me follows a recent planning permission¹ for the construction of three link detached dwellings on the appeal site. The evidence confirms that this permission has been implemented. In my site visit, I observed that construction works were at a very advanced stage and three dwellings have been constructed (although not yet occupied) following the demolition of a former commercial storage building. Therefore, whilst a four dwelling scheme is before me, I am effectively considering a proposal for one additional dwelling to the northern end of the already constructed block and one additional single garage to the southern end, including a reconfiguration of external areas upon a slightly enlarged site when compared to that of the three-unit permission. For the avoidance of doubt, I shall determine the appeal on this basis.
4. Plan PO9 (Complete Front and Rear Elevations) is not listed on the Council's Decision Notice as a refused plan. However, as it is consistent with other proposed plans, I am content to consider it as a plan for formal determination and am

¹ LPA Ref: 22/01410/FP

satisfied that no party with a potential interest on the outcome of the appeal is prejudiced by this approach.

Main Issues

5. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt having regard to the relevant development plan policies, the provisions of the Framework and the effect on the openness of the Green Belt; and
- the effect of the proposal on the character and appearance of the area.

Reasons

Whether inappropriate development

6. The appeal site is located within the Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
7. Policy SP5 of the North Hertfordshire Local Plan 2011-2031 (LP) states that development proposals in the Green Belt will only be permitted where they would not result in inappropriate development or where very special circumstances have been demonstrated. This policy is broadly consistent with the Framework.
8. Paragraph 155 of the Framework includes that the development of homes in the Green Belt should not be regarded as inappropriate where all the following apply: a) the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; b) there is a demonstrable unmet need for the type of development proposed; c) the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework; and d) where applicable the development proposed meets the 'Golden Rules' requirements. I will consider each point in turn.
9. The Framework defines grey belt as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes a), b), or d) in paragraph 143.
10. The evidence indicates that before the dwellings were constructed there was a commercial building on site, and there is no dispute that the site constitutes previously developed land. In any event, the characteristics and location of the site dictate that the land in question does not strongly contribute to any of the Green Belt purposes a), b) or d), as set out at paragraph 143 of the Framework. Therefore, as grey belt land would be utilised and the purposes (taken together) of the remaining Green Belt would not be fundamentally undermined, the proposal would satisfy criterion a).
11. The Council cannot currently demonstrate a five-year supply of deliverable housing sites, which identifies a demonstrable unmet need for housing. As such, criterion b) would be met in this case.
12. The appeal site lies in a rural location where the range of shops or other facilities is modest. However, the site is not far from Baldock and the strategic site BA1 North

of Baldock, as set out in the LP, is also nearby. The evidence indicates that once developed, BA1 will have a large range of community facilities and services, including schools. There is also a bus stop outside of the site entrance which offers services to/from various locations that include Baldock. The Framework recognises that transport solutions will vary between urban and rural areas. On this basis, the development would be in a sustainable location having particular regard to paragraphs 110 and 115 of the Framework and the proposal would therefore accord with criterion c).

13. For completeness, the proposed development is not major development, and therefore the requirement of criterion d) of the Framework, to satisfy the 'Golden Rules', is not applicable to the appeal proposal.
14. The proposed development would satisfy all the relevant criteria of paragraph 155 of the Framework. For this reason, the proposal would not be inappropriate development in the Green Belt. On this basis, there is no need for me to consider other possible exceptions under paragraph 154 of the Framework. Further, the exception at paragraph 155 does not expressly state a need to assess the development's effect on Green Belt openness. Thus, consistent with footnote 55 of the Framework, the proposal should not be regarded as harmful to the openness of the Green Belt. For the avoidance of doubt, as not inappropriate, the proposed development would achieve compliance with LP Policy SP5.

Character and appearance

15. The pattern of development in Ashwell Road is informal and generally characterised by modestly-scaled houses on a semi-detached or short-terraced arrangement. The organic pattern to the built form means the forward and rear building lines tend to be irregular and the dwellings have varying setbacks from the road.
16. There are undeveloped parcels of land opposite the site which are bound by hedges and trees. The properties along the road have soft-landscaped frontages. The mature soft boundary treatments give this area a verdant character and form an important element in the street scene in terms of the overall visual quality of the area. Development along Ashwell Road is surrounded by agricultural fields, so the road is set within a rural landscape. The appeal site bookends the residential development along this side of Ashwell Road, so it is prominent in views when approaching from the south.
17. The additional two-storey dwelling would be positioned to the north of the approved trio of dwellings, so it would result in a more formal layout with a wide and linear form of development. This, in combination with an extended expanse of hardstanding across the frontage of the link-detached row, would exert an urbanising effect and detract, to some degree, from the surrounding pattern of development which is more informal. I also note here that there is no longer a commercial presence at the site to guide my character and appearance considerations.
18. As the proposal would spread development across most of the width of the site, the landscape buffer previously approved would be lessened and the gaps between the buildings and the side boundaries would be relatively modest. This would limit the opportunities to provide generous structural planting to assist with integrating the proposal with the rural surroundings. Even so, the additional

dwelling would be finished to match the appearance of other dwellings within the same link-detached row and be setback from Ashwell Road such that the visibility of it would be constrained. Further, the additional comings and goings fairly anticipated to be generated by one further dwelling would be minor. Accordingly, the scheme's adverse effects would be limited.

19. Nevertheless, in part owing to its urbanising influence in a rural location, the proposal would cause harm, albeit limited in extent, to the character and appearance of the area. It would thus conflict with LP Policies SP9 and D1, which support development that is well designed and responds positively to its local context.

Planning Balance

20. Based on the evidence before me, it is my understanding that the Council is currently able to demonstrate a 3.9 year supply of deliverable housing sites. In such circumstances, where policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development, paragraph 11 d) ii) of the Framework states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to specified key policies.
21. In terms of benefits, the proposed development would contribute to the Council's housing stock and would meet the Framework's objective of boosting the supply of housing. In the context of a significant supply shortfall, the delivery of one additional dwelling upon previously developed land attracts considerable weight as a scheme benefit.
22. While there might be some ecological enhancements, given that the proposal would reduce the landscaping buffer that has been permitted in association with the extant three-unit scheme, these would likely be modest and therefore attract limited weight in favour of the proposal.
23. On the other hand, I have found that the proposal would be harmful to the character and appearance of the area. Indeed, the Framework promotes well-designed places and sets out that the intrinsic character and beauty of the countryside should be recognised in decision-making. These aims are reflected by the detailed provisions of LP Policies SP9 and D1. Whilst these policy conflicts are attractive of full weight, I attribute limited weight to the associated harm that I have identified for the reasons that are set out above.
24. Overall, I find that the limited harm arising from the proposal being at odds with the character and appearance of the area would not significantly and demonstrably outweigh the benefits of the proposal. Thus, in this case, the presumption in favour of sustainable development is applicable and material considerations justify allowing the appeal.

Conditions

25. I have considered the Council's suggested conditions in light of the advice contained within the Framework and the Planning Practice Guidance. I have undertaken some minor editing, in the interests of precision and clarity and in

recognition that three of the four proposed dwellings have already been constructed and have added others.

26. Since three dwellings have already been constructed, it is not necessary to impose the condition relating to the standard time limit for implementation. A condition is necessary to require the development to accord with the approved plans, as this provides certainty.
27. In the interests of protecting the character and appearance of the area it is necessary to secure details of external facing materials and landscaping, as well as landscape maintenance provisions. For the same reason a condition removing permitted development rights for extensions and alterations to the buildings would also be necessary.
28. To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment, and controlled waters, a condition regarding land contamination is necessary.
29. To prevent harm to protected species and in the interests of nature conservation, I have imposed a condition requiring the development to be carried out in accordance with the Ecological Impact Assessment. To encourage the use of low emission vehicles I have attached a condition requiring the provision of an electric vehicle charging points on site. In order to address climate change I have imposed a condition regarding energy measures. In the interests of highway safety, a condition requiring parking facilities to be provided and thereafter retained is reasonable. In the interests of sound surface water management an associated scheme is reasonable to condition.
30. Statutory biodiversity net gain (BNG) has only been commenced for planning permissions granted in respect to an application made on or after 12 February 2024. Permissions granted for applications made before this date are not subject to BNG. Since the application is dated 22 January 2024, it would not be reasonable to impose the biodiversity condition suggested by the Council.

Conclusion

31. The proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it. For the reasons given above the appeal should be allowed.

P Terceiro

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: PO1, PO2, PO3, PO5, PO6, PO7, PO8 and PO9.
- 2) The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures specified in the submitted 'Ecological Impact Assessment' by Green Environmental Consultants dated September 2021.
- 3) (a) Prior to the commencement of development of Dwelling 4 (as depicted upon approved plan PO1) hereby permitted, a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors shall be submitted to and approved in writing by the local planning authority. It shall identify the current and past land uses of this site (and adjacent sites) with a view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the local planning authority is of the opinion that the report which discharges condition (a) above indicates a reasonable likelihood of harmful contamination, then Dwelling 4 shall not be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the local planning authority which includes:
 - (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
 - (ii) The results from the application of an appropriate risk assessment methodology.
(c) Other than the development that is necessary for the discharge of this condition, Dwelling 4 shall not be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the local planning authority.

(d) Dwelling 4 shall not be occupied, or brought into use, until:
 - (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
 - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the local planning authority.
(e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the local planning authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by the local planning authority and subsequently fully implemented prior to the occupation of Dwelling 4.
- 4) Dwelling 4 shall not be constructed above ground level until samples of all external facing materials have been submitted to and approved in writing by the

local planning authority. The development shall be carried out in accordance with the approved sample details.

- 5) Dwelling 4 shall not be constructed above ground level until measures to reduce carbon emissions arising from the development particularly in terms of heating and energy systems to be installed have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) Dwelling 4 shall not be constructed above ground level until full details of all hard and soft landscaping and boundary treatment (including walls / fences both within the courtyard and around the site perimeter) have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to first occupation of the development.
- 7) The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or completion of the development, whichever is sooner, and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the local planning authority agrees in writing to vary or dispense with this requirement.
- 8) Prior to occupation, each new dwelling hereby permitted shall incorporate an Electric Vehicle (EV) ready charging point.
- 9) Before the occupation of any of the dwellings hereby permitted, the car parking facilities shown on the approved plans shall be marked out and made available and shall thereafter be kept available solely for the parking of motor vehicles.
- 10) Before the development hereby permitted is first occupied, a scheme demonstrating how surface water is to be suitably disposed of shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the submitted details unless otherwise agreed in writing by the local planning authority.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no development as set out in Classes A, B, C and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the local planning authority.