



---

# Appeal Decision

Site visit made on 26 June 2018

**by Zoe Raygen Dip URP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18<sup>th</sup> July 2018**

---

**Appeal Ref: APP/X1925/W/18/3193322**

**The Woodman PH, Nuthampstead, Herts SG8 8NB**

- 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 Stuart Johnson against the decision of North Hertfordshire District Council.
  - The application Ref 17/01289/1, dated 18 November 2016, was refused by notice dated 19 October 2017.
  - The development proposed is the erection of one detached 4 bedroom house and garage.
- 

## Decision

1. The appeal is dismissed.

## Procedural matter

2. The application was made in outline form with matters of appearance and landscaping reserved for future consideration. I have determined the appeal on that basis. Although a plan has been submitted showing the appearance of the dwelling I have treated this as illustrative only.

## Main Issues

3. The main issues are:
  - The effect of the proposal on the setting of the Woodman Inn a Grade II listed building
  - Whether the proposal would provide a suitable site for housing with particular regard to its location
  - The effect of the proposal on the character and appearance of the area
  - The effect of the proposal on the vitality and viability of the Woodman Inn with regard to the loss of garden space and potential parking space

## Reasons

### *Setting of listed building*

4. The Woodman Inn (PH) is a Grade II listed building set in a relatively isolated location in the open countryside. The original part of the building has been extended, so that it has been subsumed by later additions. Nevertheless, the form of the original cottage is apparent, particularly in views when approaching

from the north east along the narrow country lanes. From the south west views are more intermittent due to the tree cover, although this would be different when the deciduous trees lose their leaves. To the rear of the building is a complex of buildings known as Bee Farm. These are predominantly low single storey buildings which are set back from, and do not compete with, the PH.

5. From the evidence before me, the significance of the listed building is largely derived from its historic form and particular architectural features. However, the buildings location surrounded by mainly open countryside contributes to its significance, allowing an appreciation of the building on its approach roads. Furthermore, there appears to be some link to the use of the local area by the 398<sup>th</sup> Bombardment group, and others, during the second world war with the presence of two memorials within the grounds of the PH.
6. The proposal is to divide the plot of the PH on its south west side to provide for a detached four bedroom house and garage. The layout plan shows that although the house would be set back from the front of the PH the garage would project in front of it and would be clearly visible in views from the road. Furthermore, even though the house would be slightly set back, the scale of the proposed four bed house would be large. Together with the garage therefore it would unnecessarily compete with the heritage asset, and would not be subordinate to it. Consequently, the position and scale of the proposal means that it would intrude into and erode the open isolated setting of the PH to an unacceptable degree, and consequently harm its significance.
7. In the parlance of the National Planning Policy Framework (the Framework) the harm to the designated heritage asset would be less than substantial. The harm I have found carries great weight in my decision, but in accordance with Paragraph 134 of the Framework this harm should be weighed against any public benefits of the proposal.
8. The appellant states that the money from the sale of the house would be used to pay off existing debts and put capital into the business to achieve investment for the future. The Framework seeks to promote the retention and development of local services and community facilities in villages such as public houses, and seeks to guard against the unnecessary loss of valued facilities and services. I note the high level of support from the local community for this proposal, particularly given the lack of local facilities within the village.
9. Nevertheless, although some figures have been included in the design and access statement, no substantive evidence has been provided to enable a meaningful assessment of the business's viability. Therefore, in the absence of any further information, such as financial accounts or an indication of net profits or liability levels which reflect the operation of the business over its operating period, and its future projections based on the input of capital from the sale of the land, I cannot be satisfied that the proposal would be capable of ensuring the future operation of the business, and secure the future of the heritage asset, as alleged by the appellant.
10. Even if I was satisfied that the proposal would provide sufficient funds to ensure the continuation of the business there is no mechanism in front of me, such as a S106 legal agreement to require the proceeds from the sale of the land to be spent on the PH.

11. Other public benefits would include the contribution of one house towards the Council's housing supply, and the provision of employment during the construction of the proposed house. However, given that this would be restricted in scale and time, such benefits would be limited.
12. The Framework notes that heritage assets are an irreplaceable resource and that great weight should be given to their conservation. Therefore, in this instance, on the basis of the evidence before me, the limited benefit of the additional housing would not in this instance outweigh the resulting harm to the setting of the listed building.
13. For the reasons above, I conclude that the proposal would be harmful to the setting of the Woodman Inn a Grade II listed building. It would therefore be contrary to section 12 of the Framework which seeks to conserve and enhance the historic environment.

#### *Location*

14. The appeal site is located to the south-west of the built up area of Nuthampstead. There is a considerable gap between the appeal site and the edge of the built form of the settlement formed by open countryside. As a result, even though the dwelling would be viewed in association with the Woodman Inn and Bee Farm it would be physically isolated from the settlement, which would be reinforced by the lack of any segregated footway from the appeal site to the village, contrary to paragraph 55 of the Framework. This seeks to avoid new isolated homes in the countryside unless there are special circumstances.
15. I have already found that a convincing case has not been presented to demonstrate that the development would secure the future of the business and the heritage asset. Furthermore, there is limited other evidence to suggest that the proposal would enhance or maintain the vitality of the rural community. Based on the evidence before me therefore the proposal would not meet the requirements of paragraph 55.
16. In addition, I saw at my site visit that Nuthampstead has very limited facilities that would be unlikely to cater for the day to day needs of the future occupiers of the houses. Instead occupiers would need to travel further afield to settlements such as Royston, Buntingford or Barley which I saw would be some distance from the appeal site, where a wider range of services would be available.
17. I saw that the obvious routes to these settlements would be mostly along narrow, unlit country lanes with no or limited footway or cycleway. The distances involved and the specific conditions I have identified means they are unlikely to be attractive or realistic for pedestrians or cyclists. Furthermore, I have not been advised of any bus services which run through Nuthampstead.
18. Therefore, I consider it more likely that future occupants would be reliant on the car for most of their journeys. Whilst I recognise that there is generally a greater reliance on the private car in more remote rural areas, and the car journeys may be relatively short, it remains the case that there would be a lack of sustainable transport choices available to enable future residents to conveniently access services and facilities. The appeal proposal would therefore undermine the aims of paragraphs 7 and 17 of the Framework of locating new

dwelling in rural areas close to services and facilities as a means of reducing unnecessary travel by car, with its associated carbon emissions, as one measure to cumulatively limit the effects of climate change.

19. For the reasons above, I conclude that the proposal would not provide a suitable site for housing with particular regard to its location. It would therefore be contrary to paragraphs 7, 17 and 55 of the Framework.

#### *Character and appearance*

20. The appeal site is located within an area designated as Rural Area Beyond the Green Belt outside of a settlement. Saved Policy 6 of the North Hertfordshire District Council District Local Plan No. 2 with Alterations originally adopted April 1996, Written Statement 2007 (DLP) restricts development in this area to that meeting a number of criteria in order to protect the character of the countryside. None of the criteria apply to the appeal proposal.
21. The landscape character assessment for Nuthampstead states that the key characteristics of the area are gently rolling landform, arable land use with extensive woodland cover, irregular pattern of farm boundaries and dispersed scattered farmsteads. I saw this to be the case at my site visit with the appeal site located in the open countryside with open fields, and some enclosed by hedgerows. Although the appeal site forms part of the grounds of the PH it is mainly laid to grass, and contributes to the open rural character of the area.
22. Consequently, the introduction of a substantial house and garage on the appeal site, would have a significant visual impact in the countryside location and create a more continuous and intensive built frontage which would reduce the openness particularly as the site adjoins fields and has extensive views across open countryside. This would be reinforced through the introduction of further residential paraphernalia such as washing lines, car parking and refuse bins and be accompanied by further traffic generation and more intensive domestic activity in and around the building, all of which would detract from the rural character of the area.
23. For the reasons above, I conclude that the proposal would be harmful to the character and appearance of the area. It would therefore be contrary to the aims of Policy 6 of the DLP, Policy 57 of the DLP and section 7 and paragraph 17 of the Framework. These seek to safeguard the character of the rural area, secure high quality design, relate to the character of the surroundings and recognise the intrinsic character and beauty of the countryside.

#### *Vitality and Viability*

24. The Council raises concerns regarding the loss of the area covered by the appeal site in terms of its use as garden space and potential parking area. I saw at my site visit that an area to the side and rear of the PH, separate from the appeal site, is used for car parking. At the time of my site visit just before midday a large number of spaces were available. I appreciate that this is only a snap shot in time and the PH is likely to be busier at other times of the day. Furthermore, given its relatively isolated location, and lack of footway it is likely that the majority of the customers would travel to the PH by car.
25. Nevertheless I have seen nothing to suggest that the existing car parking is not sufficient to cater for demand without having to rely on parking on the appeal site. Part of the appeal site is grassed and capable of being used as a sitting

out area and play space for the pub. However, I have seen no evidence to demonstrate that the considerable area that would remain at the front and rear of the pub would not provide sufficient space for customers in the future.

26. The Council refer to an unspecified appeal decision regarding a proposed dwelling on the car park for the Fox and Hounds Public House. The Inspector dismissed the appeal with concerns about the loss of an area to form a sitting out space for the pub. However, from the limited information before me, I note that the area concerned was the only one available for sitting out. In this respect it is different to the proposal before me now.
27. Therefore, for the reasons above, I conclude that the proposal would not have a materially harmful effect on the vitality and viability of the Woodman Inn with regard to the loss of garden space and potential parking space. There would therefore be no conflict with paragraphs 28 and 70 of the Framework which seek to promote the retention of local services and community facilities.

### **Other matters**

28. The appellant refers to other public houses which have received planning permission for residential development in support of his proposals (Tally Ho at Barkway, Fox and Hounds and Chequers at Barley and the Blind Fiddler at Anstey).
29. The Council have provided further details of each application. I note that three of the sites were considered to be a sustainable location being located either within or on the edge of settlements. Furthermore, both the Chequers and the Tally Ho are not listed buildings. The fourth, The Blind Fiddler is located within the administrative area of a different Council and therefore would have been determined with reference to a different development plan. Furthermore, the Council advises that the application was accompanied by a S106 agreement to secure the investment of some money into The Blind Fiddler. This is not the case here. I am satisfied therefore, that there are sufficient differences between these cases and that before me now in order for me to reach a different decision.

### **Conclusion**

30. Although I have found that the loss of the garden space and potential parking area would not have a materially harmful effect on the future vitality and viability of the PH this would not outweigh the harm I have found to the setting of the listed building, the character and appearance of the area and the harm caused by the location of the proposed house in the open countryside.
31. For the reasons set out above, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*Zoe Raygen*

INSPECTOR