



Appeal Decision

Site visit made on 17 September 2019

by **Matthew Woodward BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2019

Appeal Ref: APP/X1925/W/19/3232181

Land adjacent to Langley End Cottage, Hill End Farm Lane, Langley, SG4 7PT

- 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 C Jackson against the decision of North Hertfordshire District Council.
 - The application Ref 19/00823/FP, dated 5 April 2019, was refused by notice dated 29 May 2019.
 - The development proposed is the erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision notice refers to policies from the emerging North Hertfordshire Local Plan Proposed Submission Document 2016 Incorporating Main Modifications 2018 (emerging Local Plan). I understand that Examination of the emerging Local Plan has not yet concluded, as such the associated policies I have been provided with could be the subject of amendments. Therefore, I have attributed the policies within the emerging Local Plan limited weight in my determination of this appeal.

Main Issues

3. The main issues are:
 - Whether or not the appeal site is in an appropriate location for a new dwelling with regard to its accessibility to local services; and,
 - The effect of the development on the character and appearance of the area, in particular with regard to the effect on the setting of nearby listed buildings.

Reasons

Location

4. The appeal site comprises a detached parcel of grass land surrounded on all sides by trees. Access would be taken from Hill End Farm Lane, which is a long, narrow, rural cul-de-sac which adjoins London Road. The site lies within proximity of houses and other rural buildings, several of which are Grade II listed, located towards the south western end of Hill End Farm Lane. There is

no dispute between the parties that whilst the site lies close to existing dwellings, it is outside any development limits prescribed by the Local Plan and, thus, for the purposes of planning policy it is in the countryside.

5. According to the appellant, the nearest village is St Ippolyts which is located over 3 km away from the appeal site. I find that the village lies beyond a reasonable walking distance from the appeal site despite the services it may offer. Whilst the settlements of Hitchin and Stevenage include a vast array of services and amenities, they lie even further away from the appeal site than St Ippolyts.
6. Even though Hill End Farm Lane is fairly quiet and straight, it is unlit and does not have any defined footpaths. Beyond this lies London Road, and I observed on my site visit that a significant length of it either side of the junction with Hill End Farm Lane lacked any designated footpaths and was also unlit. Furthermore, vehicles travelled along London Road at high frequency and speed. If future residents of the appeal property were minded to walk or cycle to any of the nearest settlements, they would be required to navigate both of the aforementioned roads. In my view, and for the foregoing reasons, this would be an undesirable and unsafe route for pedestrians or cyclists.
7. I have no evidence before me to indicate the frequency or destination of local bus services, or the location of bus stops, but no bus stops were apparent on my site visit. Moreover, I have had regard to paragraph 103 of the National Planning Policy Framework (the Framework) which states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. It is to be expected, therefore, that some travel by private motor vehicles is likely in rural areas such as this. However, even taking this into account, the outlying location of the proposed dwelling in relation to the services and facilities upon which future occupiers would rely for day to day living, would mean that it is likely that they would be heavily reliant on the use of the private car, which is the least sustainable travel option. I am aware of the Government's intention to restrict the usage of internal combustion vehicles in future, but any such move to all electric vehicles is not imminent, and this consideration does not address the concerns I have regarding the safety of local routes for pedestrians and cyclists.
8. Due to the situation of the appeal site close to where existing housing is present, it is not removed from an existing settlement and, for the purposes of the Framework, the proposal would not constitute an isolated home in the countryside. Nevertheless, there are shortcomings in respect of the site's location relative to services and facilities, and its accessibility.
9. In conclusion, I find that the appeal site is an unsuitable location for a new dwelling due to the lack of suitable access to local facilities and services. It would be contrary to paragraph 78 of the Framework which requires housing to be located where it will enhance the vitality of rural communities as well as supporting services in villages nearby. The reliance of the scheme on the private car and distance to the nearest services and facilities would undermine the contribution a development such as this might otherwise make if it was located closer to more established settlements. Having regard to this, and that the development involves a single dwelling, it would not enhance or maintain the vitality of the rural community in any significant way. The development would also conflict with Policies SP1, SP6 and D1 of the emerging Local Plan

which require, amongst other matters, that development proposals maximise accessibility and enable sustainable journeys to be made to key services and facilities.

10. As well as the emerging plan, the Council's decision notice also refers to the Local Transport Plan No.4 2011-2031 May 2018 (LTP). The development would also be contrary to the LTP policies insofar as they promote good accessibility to services and sustainable forms of transport.

Character and appearance

11. The site lies close to several buildings, including 1 and 2 Hill End Farm cottages, and Langley End Cottage, both of which are Grade II listed. These buildings were designed by E L Lutyens, a highly regarded 20th Century architect. According to the Council, several other buildings in the area were also designed by E L Lutyens, including Langley End House, Bathgate House, Clifton House, Bridleways and a barn at Hill End Farm (the Lutyens buildings).
12. The appeal site is occupied by a single-storey former stable building on a relatively open plot. It lies on the same side of the road as 1 and 2 Hill End Farm Cottages but is separated from them by a parcel of land which is populated by numerous trees and a manège. Langley End Cottage lies on the opposite side of the road facing the appeal site but is well screened from it by trees. The lack of substantial built form within this large verdant plot means it exudes a rural feel, and due to its relatively close distance and relationship with each of the listed buildings, it falls within each of their respective settings.
13. Both 1 and 2 Hill End Farm Cottages and Langley End Cottage are characterised by their low eaves, fenestration pattern and style, intricate red brick banding and the presence of steep roof pitches containing distinctive chimney pots. This distinguishing architectural style is reflected in the other Lutyens designed buildings in the area. Several more recent building examples are visible from the street generally to the north east comprising modern agricultural buildings, a dwelling, and other outbuildings. A number of more recent extensions and domestic additions and alterations to existing buildings are visible within the group of Lutyens properties, some of which are clearly visible from the street. Overall these additional elements of built form have diluted the otherwise notable historic architectural qualities of the area. Nevertheless, the area retains a quaintness, and the presence of the historic architectural form and layout of the Lutyens buildings prevails in the street. The appearance, layout and design of each of the buildings in relation to one another and the spaces between them are characteristics which form part of the settings of the aforementioned listed buildings, which in turn contribute to the significance of each of the heritage assets.
14. Even though the trees surrounding the site would reduce obtainable views, the height of the roof associated with the proposed dwelling, its overall scale, and the extent of its associated garden area means it would be partially visible the street. It would erode the contribution the site makes to its verdant surroundings by introducing a form of encroachment which would reduce the openness of this part of the countryside. Despite the proposal including several traditional architectural elements and a roof pitch which would be reminiscent of the other traditional dwellings in the area, the position, scale and design of the dwelling, set in the heart of the group of historic Lutyens buildings and within the setting of 1 and 2 Hill End Farm Cottages and Langley End Cottage,

would interrupt the visual harmony and historic layout associated with the existing group by introducing a built form which would erode the verdure of the appeal site, adversely affecting the setting of the listed buildings.

15. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I pay special regard to the desirability of preserving the setting of listed buildings. The harmful effect I have identified to the setting of the listed buildings is a matter to which I attribute considerable importance and weight. In terms of the Framework, the development would result in less than substantial harm to the setting of the listed buildings. The appellant states that the proposal would contribute to local housing stock and deliver a high-quality dwelling at a time when the Council are failing to meet their housing targets. It would provide an employment opportunity for a local house builder and would contribute to the local economy through spending and taxation. It would also involve the development of brownfield land and would benefit the Council through the new homes' bonus. However, in connection with one dwelling, the totality of these benefits would be limited and whilst I have considered them as public benefits, I am not satisfied that collectively they would be sufficient to outweigh the less than substantial harm I have identified, which would be contrary to paragraph 196 of the Framework.
16. Overall, the proposal would harm the character and appearance of the area, in particular it would not preserve the setting of the listed buildings. The North Hertfordshire District Council Local Plan No. 2 with Alterations 2007 Saved Policies (the Local Plan) dates from 2007 but the weight to be attached to policies within it does not hinge on its age. I find in this instance that the development would be in conflict with Policies 6 and 57 of the Local Plan which require, amongst other matters, that development relates to and enhances its surroundings, and in respect of this appeal, the conflict with these policies I have identified is generally in line with the requirements of the Framework in recognising the character and beauty of the countryside. I therefore attach significant weight to the conflict with these policies. The development would also be in conflict with Policies SP5, SP9, SP13, D1 and HE1 of the emerging Local Plan which seek, *inter alia*, that development is well designed and located and responds positively to its local context, protecting the historic environment, and is justified by public benefits where it would lead to less than substantial harm to a heritage asset.

Other Matters

17. The Council are unable to demonstrate a 5-year housing land supply but footnote 6 of paragraph 11 of the Framework effectively means that the presumption in favour of sustainable development is not engaged where a proposal would result in harm to a heritage asset, as is the case here.
18. The proposal would comprise the redevelopment of brownfield land within an existing settlement, in line with the principles set out in paragraph 68 of the Framework. The proposal would also result in economic benefits associated with the construction of the dwelling and indirect benefits to the local economy. However, these considerations, in connection with a single dwelling, do not outweigh the harm I have identified in terms of the countryside location of the appeal site and its relationship with heritage assets, and the conflict I find with the development plan overall.

19. The appellant has raised concerns that the Council did not assess the planning application on its own merits having instead considered some of the effects of the proposal in combination with a separate application for a pair of semi-detached dwellings. However, I have based my assessment solely on the proposal before me and not in light of the other application referred to by the Council, but I nevertheless find unacceptable harm for the reasons given.

Conclusion

20. For the reasons given above, I conclude that the appeal is dismissed.

Matthew Woodward

INSPECTOR