
Appeal Decision

Inquiry held on 11 August 2015

Site visit made on 18 August 2015

by C Thorby MRTPI IHBC

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

Decision date: 14 October 2015

Appeal Ref: APP/J1915/W/15/3004594
Land off Green End, Braughing, SG11 8EQ

- 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 Gladman Developments Limited against the decision of East Hertfordshire District Council.
 - The application Ref 3/14/1448/OP, dated 7 August 2014, was refused by notice dated 12 November 2014.
 - The development proposed is outline planning application for a development of up to 60 dwellings with associated access. All other matters reserved.
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Decision

1. The appeal is dismissed.

Procedural matters

2. During the appeal process the appellant indicated that they would like a scheme for 52 houses (shown on a framework plan) to be considered as part of the appeal. This would come within the general description of 'up to 60 dwellings' and there would be no prejudice to any party from accepting this as an option. I have dealt with the appeal on this basis.
3. Following the Council's decision, the appellant put forward revised proposals to amend the access and retain and enhance the hedgerow. The revised access resulted in the Council amending one of the reasons for refusal and I have taken the Council's revised position, and the revised drawings, into account in making my decision.

Main Issues

4. The main issues in this case are the effect of the proposed development on the character and appearance of the area, and the planning balance having regard to the undersupply of housing and the benefits of the proposal.

Reasons

5. Braughing is an attractive, rural village with a compact core of historic interest. Green End lies at the western edge of the village where development is sparser, with small groups of houses and fields lining or set behind the road. A number of hamlets are located nearby, but, essentially, the character of the area is one of an undulating, rural landscape interspersed with relatively small, distinct settlements. The Upper Rib Valley Landscape Character Area (LCA)

identifies Braughing as a significant ancient settlement located within an undulating arable valley. It is also part of the attractive valley slope of the River Quin. Although the character assessment is a few years old, I find it accurately describes the landscape and is of relevance.

6. The appeal site is a field of open pasture, located outside the settlement boundary just to the north of the village. The site is important to the landscape as it forms part of the open undulating valley, the valley slope to the River Quin and the countryside setting to Braughing. Although development along Green End becomes interspersed with fields towards the settlement boundaries, the appeal site marks a clear change from the village to the countryside, with long field boundaries, open views of countryside seen through gaps in the hedges and large open fields on the opposite side of the road. It forms part of an effective gap between the small Hamlet of Hay Street and the village of Braughing, and they appear as separate settlements, a typical characteristic of the surrounding rural landscape. There is a row of houses further along Green End sitting some distance from Braughing and Hay Street. However, because it is a small, single row of houses, surrounded by open land (including the appeal site) it does not reduce the sense of being in the countryside. In terms of both visual and landscape character, the appeal site makes a significant contribution to the character and appearance of the area.
7. The appeal scheme could be low density with large areas of open space and landscaping. Nevertheless, 52 (or up to 60) would be a considerable number of dwellings sited over a large area which could not be easily assimilated. There is no doubt that the appeal scheme would significantly alter the visual and landscape character of the site from open pasture to a housing development. Although there is some development along the valley sides and ridges, there would be a significant adverse effect on the character of the landscape within the local area. The contribution of the site to the rural, undulating valley landscape and the attractive and open setting of the village would be lost. The countryside gap between Hay Street and Braughing would be significantly reduced undermining the distinct and separate settlements typical of the area.
8. The greatest visual effect would be experienced in local views due to the topography and range of high field boundaries. However, where there are views of the site from both nearby houses and local footpaths, those living and walking in the area would experience the change as significant, clearly harmful to the attractive vistas and countryside views, and the appreciation of the open and rural land surrounding the village. Although the single row of houses on Green End sits on the skyline, it would not reduce the visual impact of the proposal which would sweep down across the sloping site, highly visible where there are views of the site from paths to the north, west and south. Mitigation in the form of planting and the retention of much of the hedgerow along Green End would help to screen the new housing, but the existing views across the open field and beyond would be lost and this would be a long term, significant adverse effect. It would probably take up to fifteen years for new planting to be effective and even then it would not be likely to overcome the urbanising effect of the development.
9. Overall, the appeal scheme would detract significantly from the character and appearance of the area, contrary to aims of the East Herts Local Plan Second Review policy GBC14, which seeks to improve and conserve local landscape

character. Although this policy refers to an old method of character assessment, seeking to conserve the local landscape in this rural area takes account of different roles and character of different areas, including recognising the intrinsic character and beauty of the countryside. The aim of the policy is, therefore, consistent with one of the core principles of the National Planning Policy Framework (NPPF) and I attach significant weight to these aims. The emerging plan is at an early stage and carries little weight. A Neighbourhood Plan is being drafted and at a very early stage in the process, it too carries little weight.

Other matters

10. The proposed houses would be too far away to affect the setting of the Braughing Conservation Area which would be preserved. The site is within reasonable walking distance of a wide range of facilities. Although not every need is catered for (including employment) and public transport is limited, it would be a relatively sustainable site for new housing in a rural location. There would be sufficient capacity on the roads and safe access would be provided. The appellant has demonstrated that there would be no flood risk either at the site or elsewhere. The planning obligation would meet the Council's demands and where necessary would ensure that the local infrastructure could accommodate the proposed development; however, it would not overcome the identified harm and given the decision in this case, I have not considered the obligations any further.
11. A large number of appeal decisions and High Court judgements were put before me. Many related to legal principles which I have taken into account in my reasoning. Others relate to sites where circumstances are different to either the appeal proposal or the appeal site. I have given limited weight to the 1990 appeal decision for development at the appeal site as it was arrived at under different local and national policies and I have considered this case on its own merits.

Planning balance

12. The Council accepts that they cannot demonstrate a five year housing land supply. I have taken into account the high court judgement relating to the weight to be attached to the policies for the supply of housing, which may vary according to the circumstances, including the extent of the shortfall. However, in this case there is an agreement about which policies this relates to and that no weight is to be attached to those policies.
13. The proposed housing would make a valuable contribution towards the provision of housing (including the five year supply) in an area where, if using the appellant's figures which are lower than the Council's, there is a very considerable shortfall and a long way to go to make up the undersupply. In these circumstances substantial weight is attached to the provision of housing, including the provision of affordable housing.
14. There would be economic benefits in terms of jobs relating to construction and future residents would contribute to the local economy, helping to maintain and support local businesses. There would be some social benefits from adding new residents who would support community infrastructure and services, and there would be new play area for children. However, these are small benefits as there is no evidence that the village and its local economy are not active and

thriving. It would not be possible to say who would move into the proposed houses and any benefit in terms of age profiling of the village could not be relied upon. Therefore, some modest weight is attached to the social and economic benefits.

15. There may be some areas of improved biodiversity at the site with a wider range of habitats, but this would come at the expense of a loss of a large, open and natural area and I am not convinced that anything other than limited weight should be attached in this regard. Although the Council consider that there would be social disadvantages, these rely on comments taken from other appeal decisions and the Council officer's views, rather than any detailed and conclusive evidence supporting the arguments and I give them little weight.
16. I have found that the environmental impact is a significantly adverse one, of a very high order leaving permanent damage to the landscape character and the appearance of the area. The environmental harm would not meet the environment strand of sustainable development as set out in the NPPF which is described as contributing to protecting and enhancing, among other things, our natural environment. I conclude that the harm in this respect would be more than substantial and of a high order, significantly and demonstrably outweighing the benefits in this case and, taking into account the NPPF as a whole, it would not be sustainable development. For these reasons the appeal fails.

C Thorby

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ms R Clutton of Counsel

She called

Mr P Stevens

Ms H Izod

Landscape Officer

Principal Planning Officer

FOR THE APPELLANT:

Ms C Coloquhoun of Counsel

She called

Mr N Weeks

Mr D Hartley

Mr P Rech

Mr M Spry

Mr L Lane

Director of Stirling Maynard Transportation
Consultants

Director of Planning, Rural Solutions

Director of fpcr

Senior Director of Nathaniel Lichfield and
Partners

Planning Manager, Gladman Developments
Limited

INTERESTED PERSONS:

Mr Boylan

Cllr Cheswright

Cllr Harris-Quinney

Braughing Parish Council

Local Councillor

Local Councillor

Documents received at the Inquiry

- Doc 1 Attendance sheets
- Doc 2 Landscape sensitivity and capacity
- Doc 3 Gladman and Council Response to Inspector Note
- Doc 4 Planning Obligation
- Doc 5 Viewpoints K and L
- Doc 6 Copy of committee report
- Doc 7 Letter from NHS
- Doc 8 PPG extract Rural Housing
- Doc 9 Email from Braughing Playing Field Association
- Doc 10 List of planning conditions
- Doc 11 CIL compliance schedule
- Doc 12 Dacorum Council Core Strategy extract
- Doc 13 Appeal decisions and High Court transcripts
- Doc 14 Braughing Parish Council statement
- Doc 15 Letter from The Ramblers Association