

Appeal Decision

Site visit made on 26 July 2016

by **S D Harley BSc(Hons) MPhil MRTPI ARICS**

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

Decision date: 11 August 2016

Appeal Ref: APP/J1915/W/15/3141413

Tickle Meadow, near Ware, Herts

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Miss Kate Hooper against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/0815/VAR, dated 16 April 2015, was refused by notice dated 15 July 2015.
 - The application sought planning permission for erection of two stables and hay store without complying with a condition attached to planning permission Ref 3/13/1170/FP, dated 13 September 2013.
 - The condition in dispute is No 2 which states that: The development shall be carried out in accordance with the following approved plans Location Plan, Block Plan, KH005.
 - The reason given for the condition is: To ensure the development is carried out in accordance with the approved plans, drawings and specifications.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. There is a history of planning proposals on Tickle Meadow (previously Huntersfield) in respect of stables/store provision. The principle of the construction of 2 stables and hay/straw store with a hard surfaced yard on two sides in Tickle Meadow has already been established under Ref 3/13/1170/FP, dated 13 September 2013 subject to the disputed Condition 2.
3. The current proposal, in essence, seeks to reposition the development further up the slope than the permitted scheme and to add a 1.5m deep canopy over doors to the proposed stables and hay/straw store. Revised plans to this effect were submitted with the planning application.
4. On the basis of the above I consider the main issues are the effect of the removal of the condition on the character and appearance of the area and on the living conditions of the occupiers of the nearby property, Swangles, taking particular account of noise and disturbance.

Reasons

Character and appearance

5. Tickle Meadow is a field in the countryside in a rural area where Policy GBC3 of the East Herts Local Plan Second Review 2007 (the LP) states that permission
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for new buildings will not be given unless it is for one of a number of stated purposes, one of which is essential small scale facilities for outdoor sport and recreation. Tickle Meadow slopes upwards from Cold Christmas Lane. On the opposite side of Cold Christmas Lane fields rise up into the distance. Access is from Cold Christmas Lane via a bridleway that leads to the top of Tickle Meadow where there is a wide gated entrance and hard standing. The dwelling Swangles, which is to the east of Tickle Meadow, is also accessed from the bridleway.

6. Policy ENV1 of the LP requires all development proposals to be of a high standard of design, compatible with the surrounding area. Policy GB3 provides for small scale facilities for sport and outdoor recreation. Stables as proposed would fall within this definition. Taken together these policies seek to protect open countryside and minimise the effect of any development within it. In these respects the policies accord with those principles of the National Planning Policy Framework (the Framework) that require good design and seek to protect the intrinsic character and beauty of the countryside.
7. The appellant considers that Policy GBC11 of the LP does not apply as the proposed development is not a riding or livery stable, but that even if it did the proposal would satisfy its criteria. In my view, even if the proposal is for low key personal use, Policy GBC11 is a material consideration for horse related development in that Policy GBC11(e) provides for British Horse Standards in respect of stabling and the justification for the development is the essential welfare of horses.
8. The site boundaries have a mix of open post and rail fencing in places with mature planting especially along Cold Christmas Lane and most of the bridleway. The effect of the current proposal would be that the proposed building would be sited in a higher, more prominent position than both the permitted scheme and the proposal dismissed by a colleague Inspector in January 2013 Ref APP/J1915/A/12/2176110 (the 2013 appeal). Although the proposed building would be smaller than the building of the 2013 appeal, and a simpler rectangular shape, it would appear more massive than the permitted building due to the proposed canopy addition along the length of the building. This would not meet the requirements of minimising visual intrusion as envisaged by Policy GBC11.
9. In mitigation the appellant proposes that the building would be cut into the slope, that the hedge along the bridleway boundary and additional trees planted by the appellant in the field would be retained and that a screen hedge would be planted along the southern edge of the yard. These measures would go some way towards reducing the prominence of the proposed building. However, the plans show the building and yard sited very close to the existing hedge and trees. Reducing the level of the land as proposed would be likely to adversely affect the existing hedge and trees unless the development was positioned further towards the centre of the field. Moving the development in such a way would increase the intrusion of built development in the open countryside.
10. The proposed additional landscaping on the southern boundary of the enclosure would in due course help screen the development from the south. However, as a short section protruding at a right angle to the boundary vegetation, it would

itself appear somewhat incongruous. Accordingly I give the proposed landscaping relatively little weight in my considerations.

11. On balance I consider that the proposed cutting into the slope and landscaping would not satisfactorily minimise the visual intrusion caused by the relocation of the building and yard higher up the slope. For these reasons I conclude that the proposed removal of Condition 2, notwithstanding the proposed mitigation measures or the beneficial effects that traditional horse keeping may have on the character and appearance of Tickle Meadow, would have a significant harmful effect on the character and appearance of the countryside area. Accordingly it would be contrary to Policies ENV1 and GBC11 and would not meet the environmental strand of sustainable development as envisaged in the Framework or those principles of the Framework that seek to protect the countryside.

Living conditions

12. The proposed re-siting would position the development directly opposite Swangles. In my view I consider it likely that there would be noise arising from caring for the horses, cleaning out the stables and associated vehicles in the hard surfaced yard area a couple of times a day albeit for 1 or 2 hours. These noisy activities would be concentrated much closer to that house and would be different to tending animals in the field in general and would not be satisfactorily mitigated either by the separation distance between Swangles and the proposed development or the vegetation along the bridleway. At the time of my site visit I observed that the area is tranquil and such activities would be unduly intrusive.
13. Accordingly I conclude that the removal of the condition as proposed would have a significant harmful effect on the living conditions of the occupiers of Swangles and would be contrary to Policy ENV1 of the LP and those principles of the Framework that seek to ensure a good standard of amenity for existing and future occupiers of land and buildings. I note that the Council has not provided comments from the Environmental Health Officer in relation to noise. However, the absence of such comments is not a determining matter in my considerations.
14. Although the permitted scheme shows a gated access, the revised plans do not show a gate direct into the hard standing area from the bridleway. The appellant says that the existing access midway up the field or the access at the top of the field would be used. As a result vehicles would traverse the slope to reach the enclosure. This may not be convenient and may damage the pasture leading to potential pressure for a new access closer to Swangles, with associated additional noise and disturbance for the occupiers of that property.
15. The appellant suggests a condition could be used to control any nuisance associated with the storage of manure. Whilst this might be the case, it seems unlikely to me that it would be convenient to have a manure store situated at any significant distance from the proposed stables. Accordingly I consider it likely that there would be additional nuisance arising from the storage of manure. Whilst the Council has not specifically mentioned odour in the reason for refusal in my view this adds to the level of disturbance that would arise from re-siting the proposed development.

16. I appreciate that the occupiers of Swangles currently have a view across Tickle Meadow uninterrupted by buildings and would prefer to retain this. However, it is not unusual to find stables in the countryside, and due to the distance from Swangles and the proposed reduction in ground levels the proposed building would not be so overbearing or intrusive as to justify refusal on these grounds.

Other matters

17. The appellant considers that the re-siting of the development is required to provide satisfactory drainage. However, the Council is of the view that alternative arrangements could be made and on the balance of probabilities this seems likely. I therefore give relatively little weight to this justification. Moreover, the re-siting would appear to position the proposed building closer to the power lines which cross the site. Whilst not a determining factor in my appeal conclusion I note that these matters appear not to have been fully resolved whether by way of planning legislation or other mechanisms.
18. The proposal could provide some positive, albeit rather limited, support for the local economy and local community and contribute to the recreational use of the site and surrounding country side. However, these benefits would equally accrue from the permitted scheme. Accordingly they attract relatively little weight in the context of this appeal and are outweighed by the effects on the character and appearance of the area and on the living conditions of the occupiers of Swangles. Therefore I consider the proposal would not amount to sustainable development as envisaged by the Framework
19. My attention has been drawn to other stables and paddocks nearby including a similar stable building at Swangles Barn. However, from the limited evidence available this does not appear as prominent or intrusive as the proposal before me and does not lead me to any different conclusions.

Final conclusion

20. For the reasons set out above and taking into account all other relevant matters raised, I conclude the appeal should not succeed.

SDHarley

INSPECTOR



Appeal Decision

Site visit made on 12 July 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 29 July 2016

Appeal Ref: APP/J1915/W/16/3146568

The Haven, Albury Road, Little Hadham, Ware, Herts SG11 2DW

- 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 Ms Jody Holdgate against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/1614/FUL, dated 28 July 2015, was refused by notice dated 7 October 2015.
 - The development proposed is a new detached two bed dwelling to the rear of The Haven, including change of use.
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Decision

1. The appeal is allowed and planning permission is granted for a new detached two bed dwelling to the rear of The Haven, including change of use, at The Haven, Albury Road, Little Hadham, Ware, Herts SG11 2DW in accordance with the terms of the application, Ref 3/15/1614/FUL, dated 28 July 2015, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. Albury Road leads from the village of Little Hadham into the surrounding countryside. At its southern end, it consists of a number of detached properties including The Haven. While properties predominantly front onto Albury Road, there is much variation in terms of the degree of set back from the road. There are also properties located behind other properties, such as Watts Close immediately to the north of The Haven. A number of outbuildings are dispersed across back gardens and there is an extant planning permission for a residential annexe to the rear of The Haven. As a consequence, the overall character and pattern of development is loosely distributed.
 4. The appeal site forms part of the grounds to the rear of The Haven in an area currently used for paddocks and stables and is accessed by a track from Albury Road. Thick vegetation screens the site from the adjoining countryside to the north and west, with only a brief glimpse from the public footpath to the west. Therefore, the site is very secluded and forms part of the domestic character and setting of The Haven rather than part of the surrounding countryside.
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There is no dispute between the Council and the appellant that the site is located within the built-up area of Little Hadham.

5. The proposed dwelling would be sited a long way back from Albury Road to the rear of an existing property. While this is unusual, it would not be out of keeping given the loose distribution of development, with the properties at Watts Close extending back almost as far as the appeal site. Furthermore, the proposed dwelling would be of a modest size similar in scale and appearance to an outbuilding and so would not look out of character. Finally, the dwelling would be located within a domestic setting and would not harm the rural character of the surrounding countryside or the rural setting of the village.
6. It is accepted that the proposed development would be used as a separate dwelling rather than as a residential outbuilding ancillary to The Haven. However, this would have little perceptible effect on the character and appearance of the surrounding area as the level of activity and paraphernalia associated with a single small dwelling house in an already domestic setting would not be significant. I am conscious of the personal circumstances behind the proposed development, but they have had no bearing on my findings. However, the provision of a dwelling would provide a small beneficial contribution to local housing supply and economic investment.
7. The Council expresses concern about the cumulative impact of similar development sited in a similar location. However, no two sites are identical along Albury Road, and the likelihood of additional development will depend on the site specific circumstances and the detailed scheme. Each proposal must be determined on its own merits.
8. Concluding on the main issue, the proposed development would have an acceptable effect on the character and appearance of the surrounding area and would not result in any harm. Therefore, it would accord with Policies HSG7, ENV1 and OSV2 of the East Herts Local Plan Second Review April 2007 as an infill housing scheme that would be well sited and would complement the character and pattern of development in the surrounding area.

Conditions

9. Conditions setting a time limit for the commencement of development and for it to be carried out in accordance with the approved plans are necessary for clarity and compliance. Conditions concerning the materials and landscaping works to be used are necessary and relevant to ensure that the appearance of the development is satisfactory.

Conclusion

10. The proposed development would not result in any harm that would outweigh the benefits. For the reasons set out above, and having had regard to all other matters raised, I therefore conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 354/01A and 0207-09-14/05A.
- 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 4) No development shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include (a) car parking layouts (b) hard surfacing materials (c) planting plans (d) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and (e) implementation timetables. All hard and soft landscape works shall be carried out in accordance with the approved details. Any plant material removed, dying or becoming seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Appeal Decision

Site visit made on 26 July 2016

by **S D Harley BSc(Hons) MPhil MRTPI ARICS**

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

Decision date: 4 August 2016

Appeal Ref: APP/J1915/H/15/3138917

116 High Street, Ware, Hertfordshire, SG12 9AP

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against conditions imposed when granting express consent.
 - The appeal is made by Mr Chris Dellar, Chris Dellar Properties, against the decision of East Hertfordshire District Council.
 - The advertisement consent Ref 3/15/1786/ADV is dated 20 October 2015. The condition in dispute is No 3 which states that: "The signage hereby approved should only be illuminated during the opening hours of Chris Dellar Properties". The reason given for the condition is: "To safeguard the visual impact within the Conservation Area in accordance with Policy BH15 of the East Herts Local Plan Second Review 2007".
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The fascia sign comprises of individual coloured letters attached to a clear backing. Below this are a number of angled spot lights. I am told these are switched on when the office closes.
3. The main issue is the effect that removing the condition would have on the visual amenity of the area taking particular account of the location within the Ware Conservation Area.

Reasons

4. The National Planning Policy Framework states that advertisements can have a negative impact on the appearance of the environment and are subject to control only in the interests of amenity and public safety. The Planning Practice Guidance says that in assessing the effect on amenity the local characteristics of the area including scenic, historic, architectural or cultural features should be taken into account.
 5. The appeal site is a two storey property situated behind a single storey property which forms the end of a terraced row of buildings in the historic town centre core of the Ware Conservation Area. The area is generally a pleasant historic mixture of architectural styles and the High Street properties have a mix of retail and other uses usually found in a town centre. The appeal site is close to a junction. Nearby are St Marys Church, Ware Library, Ware Museum and the entrance to Ware Priory.
 6. The advertisement is positioned on the side wall of the appeal property close to its eaves level in prominent position above the roof of the adjoining property.
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There is a mix of signage in the area. This generally is relatively restrained in terms of size, style and degree of illumination reflecting the historic and scenic characteristics of the Conservation Area, and positioning is generally below first floor level. There are some exceptions but those nearby tend to be small projecting or fascia signs positioned between windows, as in the examples drawn to my attention by the appellant.

7. Due to the height and position of the advertisement in relation to the roof, at a level where illuminated lettering would be unexpected, the illumination of the advertisement would appear incongruous and out of keeping with the simplicity of the façade and its surroundings, particularly during periods of darkness. This would be the case even if the lighting would be soft and glow around the lettering. Accordingly I conclude that the removal of the condition to allow illumination of the advertisement at all hours would be detrimental to the visual amenity of the area and would harm the character and appearance of the Conservation Area.
8. I have taken into account other nearby illumination such as traffic signals at the junction together with the examples of advertisements drawn to my attention by the appellant. None of these are at such a height as the appeal proposal. Accordingly I do not consider they set a precedent or lead me to any different conclusion. Similarly whether or not complaints about the lighting have been received or not by the appellant does not affect my view.

Conclusion

9. For the reasons set out above and taking into account all other matters raised, the appeal is dismissed.

SDHarley

INSPECTOR

Appeal Decision

Site visit made on 5 July 2016

by **Andrew Owen MA MRTPI**

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

Decision date: 14 July 2016

Appeal Ref: APP/J1915/W/16/3144208

Bury Grange Farm, Ardeley, Hertfordshire SG2 7AE

- 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 & Mrs Simon York against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/1790/FUL, dated 28 August 2015, was refused by notice dated 27 October 2015.
 - The development proposed is the conversion of granary to a single dwelling with associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of granary to a single dwelling with associated parking and landscaping at Bury Grange Farm, Ardeley, Hertfordshire SG2 7AE in accordance with the terms of the application, Ref 3/15/1790/FUL, dated 28 August 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 14_361 L 001_C, 14_361 L 101_D, 14_361 L 103_D, 14_361 L 104_E, 14_361 L 105_B, 14_361 L 106_D, 02BGF_E, 02BGF_G and 558.15.3C.
 - 3) The development shall be carried out in accordance with the list of recommendations in paragraph 5.13 of the Structural Survey Report Ref 214202 dated August 2015 Rev A. Where additional materials are required in the construction of the external surfaces of the development they shall match those used on the existing building.
 - 4) No development shall take place within the site until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Main Issues

2. The main issues are whether the granary is worthy of retention and whether the development is sustainably located.
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Reasons

Retention of granary

3. The site accommodates one of a number of agricultural buildings at Bury Grange Farm. Though the farm is still operating, the granary is not currently useable due to its dilapidated condition. Many of the roof slates, the weather boarding facia and the wall studs are missing, as are the double doors in the south elevation. The structural survey dated August 2015 calculates generally that around 30% of the weatherboarding, roof slates and wall studs have been lost, which corresponds with my own observations. However from my site visit the main structure appears to be substantially in place and intact. Indeed, the structural survey advises that the barn is structurally stable and the Council do not dispute this.
4. Policy GBC9 of the East Herts Local Plan Second Review (the 'Local Plan') relates to the re-use of rural buildings and part (II) of the policy concerns conversions to residential use. Part (II) identifies four criteria to be met, one of which relates to listed buildings so it not applicable to this appeal. The other three require development to demonstrate that a) the building is worthy of retention and a residential use would not detract significantly from the character and appearance of the area, b) that the retention of the building cannot be facilitated by another use, and c) that the building cannot contribute to local affordable housing needs.
5. The historic building appraisal, dated January 2012, identifies the building as being of great interest as a late 19th century multi-functional barn. I have no evidence to the contrary and therefore consider that the building has some historical value and would be worthy of retention. Furthermore, although it is not disputed that a significant amount of work would be required to convert the granary to a dwelling, the proposal would repair and reuse the existing structure and, where practicable, reuse the existing facing materials. As such the resultant dwelling would reflect the existing granary in terms of its materials, size, height, shape and appearance. This would ensure the proposal appears as a retention of the existing building and not a new development altogether. Also I consider that a residential use would be congruent with the other residential uses nearby including at the farmhouse and Bury Grange Cottages and therefore would not detract from the character and appearance of the area. Consequently it is considered that part a) of Policy GBC9(II) is satisfied.
6. The appellant has demonstrated that other uses of the barn would not be viable. The Council have not disputed this and I have no reason to come to a different view. As such, it is considered that part b) of Policy GBC9(II) is met.
7. In respect of the development's suitability for affordable housing, I have had regard to the Planning Practice Guidance which advises that contributions to affordable housing should not be sought from developments of 10 units or less. Therefore, the proposal should not be required to make a contribution to local affordable housing provision and hence the development accords with part c) of Policy GBC9(II).
8. Accordingly I conclude the building would be worthy of retention, and that the development would achieve its retention. The proposal therefore accords with Policy GBC9(II) of the Local Plan.

9. The Council have also referred to paragraph 90 of the National Planning Policy Framework (the 'Framework') which relates to development in the Green Belt. However the appeal site is not within the Green Belt, and therefore paragraph 90 is not relevant to my considerations.

Sustainable location

10. The site is north of the village of Ardeley which contains a few local services including a pub, a school and a farm shop/café. Although access to the village is via a narrow lane, the village centre is reasonably close to the site. As such it is considered that the occupiers of the development would be likely to visit Ardeley for some of their daily needs. Therefore the development would have good access to local services and would be likely to enhance the vitality of the local community. Consequently I conclude that it would be sustainably located and would be consistent with the advice in paragraphs 7 and 55 of the Framework.

Conditions

11. With the exception of a condition suggested by the Council's archaeologist, which I have altered to better reflect the requirements of the Planning Practise Guidance and the Framework, no conditions have been suggested by the Council. Nonetheless, I have attached conditions having regard to the advice in the Planning Practise Guidance and the Framework. I have imposed the standard condition relating to the commencement of development and imposed conditions in the interests of proper planning and for archaeological protection. I have also attached a condition to ensure the character and appearance of the area is retained by requiring the development to be undertaken in accordance with the conclusions and recommendation of the structural survey report, which states the existing materials will be reused where practicable, and supplemented with matching materials where necessary.
12. Condition No 4 requires compliance prior to the commencement of development so that the effects of the development are properly mitigated for in order to make the development acceptable.

Conclusion

13. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be allowed.

Andrew Owen

INSPECTOR

Appeal Decision

Site visit made on 13 July 2016

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 18 August 2016

Appeal Ref: APP/J1915/W/16/3147639

**Westmill Fish and Trout Farm, Westmill, Near Ware, Hertfordshire
SG12 0ET**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q(a) and Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Alan Burns against the decision of East Hertfordshire District Council.
 - The application Ref: 3/15/1807/ARPN, dated 28 August 2015, was refused by notice dated 26 October 2015.
 - The development proposed is change of use of the existing farm office/preparation room to provide a one bedroom dwelling.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q(a) and Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the change of use of the existing farm office/preparation room to provide a one bedroom dwelling at land at Westmill Fish and Trout Farm, Westmill, Near Ware, Hertfordshire SG12 0ET in accordance with the terms of the application Ref: 3/15/1807/ARPN, dated 28 August 2015, and the plans submitted with it. The approval is subject to the condition that the development must be completed not later than 3 years from the date of this decision in accordance with Paragraph Q.2 (3) of the GPDO.

Main Issue

2. The main issue in this appeal is whether or not the proposed development is permitted development under the provisions of Schedule 2, Part 3, Class Q(a) and Q(b) of the GPDO, and specifically whether the appeal building is an agricultural building.

Reasons

3. Class Q permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwelling house) of the Schedule to the Use Classes Order¹ (Class Q(a)), and building operations reasonably necessary to convert the building (Class Q(b)). This is subject to a number of situations where such development is not permitted, listed under paragraph Q.1.

¹ The Town and Country Planning (Use Classes) Order 1987 (as amended)

4. The appeal building is rectangular in shape and is located at the western end of the fish farm. It is of primarily timber construction with a flat, felted roof and walls finished in brown stained timber boarding. The doors and windows are white uPVC. There is wooden decking along the frontage of the building. Internally the building contains an office, a staff welfare room, and a food preparation and storage room. A small addition to the end of the building accommodates a toilet and shower. The proposed development would not physically enlarge the building but would result in the external doorway to the toilet and shower being blocked up and the replacement of an existing window and doorway with a larger patio door.
5. It is not in dispute between the parties that the fish farm is an agricultural use for the purposes of applying the GPDO. However, the principal disagreement is whether or not the appeal building is an agricultural building. The Council contends that the uses carried out within the building are not agricultural uses with respect to the accepted planning definition set out in Section 336 of the Town and Country Planning Act 1990 (as amended). They do not, however, suggest what the use of the building is, if it is not an agricultural building.
6. The interpretation section of Part 3 of Schedule 2 to the GPDO defines an agricultural building as meaning a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business; and that agricultural use refers to such uses.
7. The fish farm is a commercial business, rearing fish both for food and for sale to environmental and conservation bodies. From the evidence before me, and from what I saw on my site visit, the uses carried out in the building, such as the storage and preparation of fish food and medication, record keeping in connection with the operation of the fish farm, and welfare facilities for employees are inextricably and necessarily linked to the agricultural use and the fish farm business.
8. Whilst the building is not a typical barn or agricultural storage shed, it is nonetheless occupied and used solely in connection with the fish farm. The appellant has also submitted evidence that states the building was used in the past for the preparation and packaging of fish for sale. This has not been contested by the Council.
9. In the absence of any substantive evidence to the contrary, I conclude that the appeal building is an agricultural building within the definition contained in the GPDO.
10. Paragraph Q.1 of Schedule 2, Part 3 of the GPDO sets out various circumstances whereby development is not permitted. The development would not be in breach of any of these criteria, and this is confirmed in the Council Officer's report. The proposal would therefore be permitted development subject to the conditions set out in paragraph Q.2, as discussed below.
11. Development permitted by Class Q of the GPDO, is subject to a condition requiring the developer to apply to the local planning authority for determination as to whether the development requires the prior approval of the authority on a number of matters, namely:
 - (a) transport and highways impacts of the development,
 - (b) noise impacts of the development,

- (c) contamination risks on the site,
 - (d) flooding risks on the site,
 - (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and
 - (f) the design or external appearance of the building.
12. The Council carried out an assessment of these matters as part of their consideration of the application and have raised no objections on any of the above grounds. The application was accompanied by a flood risk assessment which concluded that the proposed dwelling would not be at significant risk from flooding. In addition, the Environment Agency was consulted on the application and did not express any concerns in respect of the proposal. The Highway Authority was also consulted and raised no objections.
13. On the basis of the evidence before me, I can see no reason to reach a different conclusion on these matters and therefore find that the proposed change of use is permitted development under Class Q of the GPDO.
14. In accordance with another condition imposed by the GPDO, development must be completed within a period of three years starting with the prior approval date and in accordance with the submitted plans.

Conclusion

15. I have found that the proposed change of use is permitted development under Class Q of the GPDO. Therefore for the reasons set out above, I conclude that the appeal should be allowed.

John Dowsett

INSPECTOR

Appeal Decision

Site visit made on 14 June 2016

by Geoff Underwood BA(Hons) PGDip(UrbCons) MRTPI IHBC

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

Decision date: 07 July 2016

Appeal Ref: APP/J1915/W/16/3145317

Cheyne House, Cottered, Hertfordshire SG9 9QB

- 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 Gary Verschuur against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/1813/FUL, dated 2 September 2015, was refused by notice dated 15 October 2015.
 - The development proposed is conversion of existing stables building to provide a residential annex to Cheynes House.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing stables building to provide a residential annex to Cheynes House at Cheynes House, Cottered, Hertfordshire SG9 9QB in accordance with the terms of the application, Ref 3/15/1813/FUL, dated 2 September 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 281/S/001, 281/P/002A and 281/P/003.
 - 3) The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Cheynes House, Cottered.
 - 4) No site clearance, preparatory work or development shall take place until the requirements of the scheme for the protection of the retained trees set out in the Tree Survey, Arboricultural Impact Assessment and Method Statement (the Method Statement) has been carried out. The development shall subsequently be carried in accordance with the Method Statement. All tree work shall be carried out in accordance with British Standard BS 3998: Tree work: Recommendations (or an equivalent British Standard if replaced).

Main Issue

2. The main issue raised by this appeal is whether the proposed development would provide a suitable site for a residential annexe, having regard to its location and the character and appearance of the area.
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Reasons

3. Cheynes House is situated in extensive grounds on the edge of the village of Cottered and the appeal site is located in the north east corner of these grounds, adjacent to a vegetable garden and a disused horse riding arena. The stable block has a large area of hardstanding to the front and there are mature trees to the north. The building is no longer used for stabling but provides some storage of gardening equipment.
4. The appellant's intention is that it could provide accommodation for an elderly person with live in carers or a full-time gardener/caretaker. The proposed conversion works would domesticate the exterior appearance of the building although it would retain an overall character of a single storey equestrian building.
5. The proposed door arrangements would make it likely that surrounding space within the appeal site would also take on a more domestic use and appearance. However, although not a domestic garden, the part of the grounds within which it is situated has the character of ancillary spaces associated with the house as opposed to the more expansive, open parkland character the grounds take on to the west.
6. The appellant's Tree Survey, Arboricultural Impact Assessment and Method Statement (AMS) proposes to retain the majority of the mature trees which enclose the site to the north and east. This would not only preserve these important features which make a positive contribution to the area's character but also assist in the development's assimilation into its surroundings.
7. In this context the conversion would preserve the area's character and appearance and any domestic paraphernalia which may subsequently appear around the building would not appear as unduly intrusive. Changes to the building's surroundings could lead to a degree of enhancement compared to the current neglected appearance of the immediate vicinity of the stable block. The proposed design and layout would not conflict with the design and environmental quality requirements of East Herts Local Plan Second Review, 2007 (EHLP) Policy ENV1 in that respect.
8. EHLP Policy ENV8 permits the conversion of an existing outbuilding to a residential annexe subject to a number of criteria. There is no suggestion that the existing building's size is incompatible with its requirements or that parking would be insufficient or inappropriately located. The existing building's design and appearance is in keeping with its locality.
9. The annexe would be some distance from Cheynes House. The 'appropriately located' requirement of criterion (II) (c) of that policy is not defined further. The proposal is illustrated with all the facilities of a self-sufficient dwelling and there would be little functional or physical relationship between the two buildings beyond the shared access. Nevertheless in the context of the extensive grounds of Cheynes House, whilst such a distance is not immaterial, neither is it such that would render the proposal in conflict with EHLP Policy ENV8 in that respect.
10. The appellant has not raised any objection to the Council's condition (suggested without prejudice to their position) limiting occupation to that which

is ancillary to the house. Such a condition would bring the proposal in line with the aims of EHLP Policy ENV8.

11. The lack of any interdependencies between the two buildings, lack of any evidence to suggest that occupants would live as part of the household of the main house, as well as its size and configuration, mean that it could nevertheless be capable of occupation as an independent dwelling, even if that is not the appellant's intention. If no longer required as an annexe it may not be straightforward for it to be successfully incorporated into the existing dwelling in any manner given its degree of separateness.
12. It is therefore appropriate to consider the proposal in light of other development plan policies. In considering whether the re-use of rural buildings is appropriate EHLP Policy GBC3 considers such circumstances are an exception to its restrictive approach to new buildings in the countryside. This is subject to EHLP Policy GBC9 (II) which only permits a residential conversion of unlisted buildings where the building is 'worthy of retention', would not detract from the area's rural character and appearance, its retention cannot be facilitated by conversion to a range of non-residential and it would not provide affordable housing.
13. Whilst the building is of a functional appearance and of no evident architectural or other significance, it is well proportioned with a pitched roof and is not inherently unattractive or otherwise harmful to the area's character. There is no suggestion that the building is not capable of beneficial re-use. There is little evidence to suggest that the building is not, therefore, worthy of retention. However, no evidence has been provided to demonstrate that the building cannot make a contribution to local affordable housing or be re-used for a range of non-residential uses. The proposal would consequently not comply with the requirements of EHLP Policy GBC9.
14. However, this policy pre-dates the National Planning Policy Framework (the Framework). This considers that the re-use of redundant or disused buildings which would lead to the enhancement their immediate setting are special circumstances where isolated new dwellings in the countryside are acceptable¹. In doing so it applies no further limitations and therefore policy EHLP Policy GBC9 is not in full accordance with the Framework and that limits the weight to which I can afford that policy. This is an approach which I note has been taken by Inspectors in other appeal decisions² brought to my attention by the appellant.
15. Although, as the Council point out, the appellant has not demonstrated a need for the annex, this is not a requirement of either development plan policies or the Framework in determining the acceptability of such a proposal.
16. On balance, taking account of the proposal's compliance with EHLP Policies ENV1, GBC3 and ENV8 and giving limited weight to the lack of compliance with criteria (II) (b) and (c) of EHLP Policy GBC9, as well as the consideration of its accordance with the Framework's approach to the re-use of buildings in the countryside for housing, the proposal would be acceptable.

¹ Paragraph 55.

² APP/J1915/W/15/3140417 and APP/J1915/C/13/2190207.

Other Matters

17. The site lies within the boundary of the grade II* Registered Park and Garden of The Garden House Cottaged, whose significance is primarily derived from the early C20 Japanese Garden originally associated with Cheynes House. Although the designation includes the appeal site along with other extensive gardens, parkland and pleasure grounds, the Japanese Garden is separated from the appeal site to the east.
18. The effect of the proposal would be limited to the stable block and its immediate surroundings where adjoining mature trees would largely be retained. It would not result in the loss of any buildings or landscape features which contribute to the special historic interest of the heritage asset and there is no evidence to suggest that the proposal would harm the significance of the gardens. In giving great weight to the asset's conservation, I consider that the proposal would have a neutral impact and therefore preserve its significance.
19. Part of the site is located within Cottaged Conservation Area which includes the historic buildings within the village along with areas of parkland and countryside surrounding them. The boundary goes through the appeal building. The existing building has neutral effect on the character and appearance of the Conservation Area (including, for that part of building immediately outside the area, its setting) and its conversion would not significantly alter this effect. Having paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, the proposal would preserve its significance.

Conditions

20. Notwithstanding that the building could have the potential to be occupied as a separate dwelling, this is not the appellant's intention and this is not the development for which permission was sought. It is therefore reasonable in light of the requirement of EHLP Policy ENV8 (III) to attach a condition limiting the use of the converted building to that of an ancillary annexe.
21. A condition is necessary to provide certainty that the development would be carried out in accordance with the appellant's AMS in order to ensure that mature trees which contribute to the area's character are retained and appropriately managed during the development. To be effective this needs to be implemented before other works on site. Given that this requires adherence to a report which formed part of the application, although not a condition suggested by the Council, it would not be unexpected and as such no prejudice to any parties would be caused by my attaching it.

Conclusion

22. For the above reasons, and having had regard to all other matters raised, the proposal would accord with the development plan except where material considerations including the Framework have indicated otherwise. The appeal is therefore allowed.

Geoff Underwood

INSPECTOR

Appeal Decision

Site visit made on 5 July 2016

by Andrew Owen MA MRTPI

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

Decision date: 14 July 2016

Appeal Ref: APP/J1915/W/16/3144790

7 Elm Road, Bishops Stortford, Hertfordshire CM23 2SS

- 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 Grovebury Homes Ltd against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/2009/FUL, dated 5 October 2015, was refused by notice dated 17 December 2015.
 - The development proposed is described as 'proposed extensions, alterations and conversion into 2 dwellings'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupier of the neighbouring property at No 14 Half Acres with respect to their outlook and privacy.

Reasons

3. The appeal site currently accommodates a detached bungalow. The site is on a steep gradient rising from front to back and this reflects its immediate surroundings. The adjacent dwelling at No 14 Half Acres is also a bungalow, but as it is positioned further back from Elm Road than the bungalow at the appeal site, it is sited on higher land. As such the ground floor of No 14 is broadly level with the roof of the existing bungalow at the site and would be level with the proposed first floor extension.
 4. Also, because the dwellings at No 7 and No 14 do not sit side by side, the window on the side elevation of No 14, which serves a bedroom, faces towards the rear garden at the appeal site and the rear elevation of the existing bungalow. The close boarded fence on the common boundary is below the height of this facing window so does not prevent the occupier of No 14 looking over the garden at the site. I note the appellant's comments that that this window should not have been permitted. However I must consider the proposal on the basis of the evidence before me including the current circumstances of the site and its surroundings.
 5. The proposed first floor extension would retain a gap of around three metres from the adjacent dwelling, and the distance between this extension and the side window at No 14 would be slightly greater. Due to this gap, the fact that
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the extension would not directly oppose that facing window and would not be significantly higher than that window, it is not considered that the development would result in a loss of light to that facing window or would result in the outlook from that window being adversely affected.

6. The proposed extension would include bedroom windows on its rear elevation. These windows would generally be level with the facing window at No 14 and there would be a gap of around seven metres between the closest of the proposed windows and that window at No 14. Due to this proximity, future occupiers of the development would have a clear view into the bedroom of No 14, particularly from that window closest to No 14. It is considered that this would result in a loss of privacy for the neighbouring occupier.
7. I acknowledge the appellant's comments that the scheme could be re-designed so that the proposed bedroom windows are re-positioned, altered to high level windows or that the height of the boundary fence be increased. However I have no details of any such alterations before me, notwithstanding the fact that these amendments would be fundamental alterations to the proposal and have not been subject to public consultation. As such I must determine the appeal on the basis of the plans before me. Also, a condition which requires the bedroom windows to be obscurely glazed and fixed shut would not be reasonable, despite the appellant's acceptance of such a condition, and hence would fail to accord with paragraph 206 of the National Planning Policy Framework ('the Framework') and the advice in the Planning Practice Guidance.
8. Accordingly, although the development would not adversely affect the outlook from No 14, I consider that the proposal would detrimentally affect the privacy of the occupier of No 14 which would harm their living conditions. Consequently, the development would conflict with saved policies ENV1, ENV5 and ENV6 of the East Herts Local Plan Second Review which all confirm that development is expected to respect the amenity of occupiers of neighbouring buildings.

Other matters

9. It is not disputed that the Council do not currently have a five year supply of housing. I also acknowledge that the design of the development would have no unacceptable impact on local townscape or the character and appearance of the area generally. Nonetheless these factors do not outweigh the adverse impact of the development on the living conditions of the neighbouring occupiers.
10. Also, though the site is close to Bishops Stortford town centre and the goods, services and employment opportunities available therein, the development would not improve the living conditions of the neighbouring occupier so would not be consistent with the aspect of sustainable development set out in the fourth bullet point of paragraph 9 of the Framework.

Conclusion

11. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR

Appeal Decision

Site visit made on 14 June 2016

by Geoff Underwood BA(Hons) PGDip(UrbCons) MRTPI IHBC

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

Decision date: 18 July 2016

Appeal Ref: APP/J1915/W/16/3145957

11 Cannons Mill Lane, Bishops Stortford, Hertfordshire CM23 2BN

- 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 Imran Karim against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/2022/FUL, dated 6 October 2015, was refused by notice dated 14 December 2015.
 - The development proposed is erection of new domestic dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of the proposal used on the application form in the heading above, albeit omitting superfluous site details as these are not an act of development.

Main Issues

3. The main issues raised by this appeal are whether the site is appropriate for housing development having regard to local and national policies relating to development in areas at risk of flooding, the effect the proposal would have on the character and appearance of the area and the effect the proposal would have on highway safety.

Reasons

Flood risk

4. The appeal site includes the house and garden of 11 Cannons Mill Lane and extends into that part of the River Stort which flows past it, although the proposed dwelling would occupy a relatively modest plot at the southern end of the site. Cannons Mill Lane bounds the location of the proposed dwelling, continuing to the north west over a bridge.
5. The appeal site lies within Flood Zone 2, which is one that has a medium probability of river flooding. Dwelling houses are identified in the national Planning Practice Guidance (PPG)¹ as being development which is More Vulnerable to flooding.

¹ Table 2: Flood Risk Vulnerability Classification, Paragraph: 066, Reference ID: 7-066-20140306

6. In considering whether development is acceptable in areas at risk of flooding saved policy ENV19 of the East Herts Local Plan Second Review, 2007 (EHLP) does not permit development in such areas subject to a number of criteria. However, the EHLP pre-dates the National Planning Policy Framework (Framework) which is more explicit in its requirement at paragraphs 100 and 101 to steer new development to areas with the lowest probability of flooding and not permitting it if there are reasonably available sites with a lower probability of flooding.
7. The Council considers that there are number of sites at a lower risk of flooding than the appeal site which could accommodate the development and that consequently the 'Sequential Test' would not be passed, a position acknowledged by the appellant in their Statement.
8. Referring to his Flood Risk Assessment (FRA), the appellant considers that the combination of the siting of the proposed dwelling and its proposed finished floor level would mean that it would be above the 1 in 1000 year flood level based on the Environment Agency data for flooding from the River Stort. However, the site is nevertheless located within Flood Zone 2 whose extent is not limited to land within the 1 to 1000 year flood level identified in the FRA.
9. The PPG advises that development proposals should take into account the likelihood of flooding from other sources, with the sequential approach to locating development in areas at lower flood risk being applied to all sources of flooding². Whilst the FRA concludes that such flooding would be unlikely to affect the site, the Historic Flood Maps provided in the FRA indicate that the site falls into an area which has been subject to historic flood events in 1947 and 2001, which the FRA states was caused by an extreme rainfall event (with part of the site being similarly affected in 1987). The extent of these historic events corresponds with the flood zoning in the area. Furthermore the Council's Environment and Engineering Team and local residents have reported additional, more recent flooding events affecting the garden of No 11 and the wider area.
10. Although the FRA considers that works carried out since the 2001 event, including the removal of a sluice, will have reduced the risk of flooding on the site, there is no evidence to suggest that the site is no longer located within Flood Zone 2 nor that the site is no longer at risk of flooding. Furthermore, although the FRA considers a sequential test has been passed, this refers to a consideration of the location of the proposed dwelling within the site and does not consider any sites outside of Flood Zone 2.
11. Therefore, it has not been demonstrated that the Sequential Test has been passed and consequently neither that occupiers of the proposed dwelling and those nearby would not be at risk of flooding nor that the proposal would not increase the risk of flooding elsewhere. The proposal would constitute inappropriate development in an area at risk of flooding, contrary to the Framework, supported by the PPG, and saved EHLP Policy ENV19.
12. Furthermore, the Bishop's Stortford Town Council Neighbourhood Plan for Silverleys and Meads Wards (NP) has been referred to by interested parties. The proposal would not comply with NP Policy GIP7 which only permits development in Flood Zone 2 where it meets Framework requirements.

² Paragraph: 033, Reference ID: 7-033-20140306

13. Although the appellant has referred to the local need for additional dwellings as a result of population forecasts, a view shared by an interested party, there is little evidence that such a need could only be met by the development of dwellings within areas at risk of flooding and consequently outweigh the harm identified above.

Character and appearance

14. Given how far into the site No 11 itself is set, the appeal site presents a garden frontage to the corner of Cannons Mill Lane and Millcroft, although existing boundary treatments, a shed and vegetation limit views into the garden and across it of the river. Whilst this corner would be developed, the Council have not identified any important landscape features which would be lost as a result and mature trees beyond the site would remain visible in the background. The proposed dwelling appears to take its design cues from No 11 although the surrounding dwellings have a varied character and appearance. In such a setting the development would not materially harm the character and appearance of the area in this respect.
15. The siting of the proposed dwelling would be roughly in line with the frontages of existing houses at 17 and 18 Millcroft and those on the north side of Cannons Mill Lane, and in that context would not appear unduly obtrusive or prominent. The built character of the vicinity is predominantly one of houses being located relatively close to the road and No 11 is not typical of this arrangement. Therefore, although very close to the boundary, the proposed dwelling would not have a harmful affect in light of the existing pattern of development and would be situated far enough away from No 11 to avoid any awkward relationship between the two.
16. The proposal would complement rather than harm the existing pattern of development and relate well to the surrounding townscape and, in light of the above, would comply with saved EHLP Policies ENV1 and HSG7.

Highway safety

17. The site is located on the outside bend of the corner, immediately adjacent to the narrow continuation of Cannons Mill Lane and close to the junction with Johns Road and a number of a number of domestic driveways. The proposed site layout shows space for a single car and accommodating a second would appear challenging given the size and configuration of the area which would remain to the front of proposed dwelling.
18. The occupiers of a house of the size proposed could reasonably be expected to have access to more than one car and it is likely that any additional vehicles would be parked outside the site, in an area which neighbours report is heavily parked. Whilst this may well lead to inconvenience, there is limited evidence that if this should occur that it would necessarily lead to any material harm to either highway safety or the living conditions of neighbouring occupiers.
19. The location of the proposed driveway on the outside of the bend would mean that any car exiting the site, even in reverse gear, would have reasonable visibility of users on adjoining roads and accesses. Similarly, any exiting vehicles would be clearly seen by other road users, including pedestrians and cyclists using that part of Cannons Mill Lane leading over the bridge.

20. Furthermore, the nature of the bend, and roads leading to it, would mean that motor vehicles would be unlikely to approach or travel through it at great speed. A condition could reasonably ensure that visibility from the drive would not be blocked within the site by structures or planting. As a number of existing dwellings in the vicinity also have drives which do not enable a car to be turned around before leaving, reversing into or out of drives would not be unusual or unexpected in the area.
21. In the absence of any convincing evidence that existing parking conditions are at such a level of severity that any parking which could not be accommodated within the site would give rise to unacceptable effects, or that the access would be unsafe, the proposal would be acceptable in this respect and comply with the design requirements of saved EHLP Policy ENV1.
22. As the parking standards referred to in saved EHLP Policy TR7 should be taken as a maximum, not achieving those maximum standards for the size of development would not bring the proposal into conflict with that policy. Saved EHLP Policy TR2 requires proposals to be assessed against the County Council's roads design guide. Notwithstanding that the Highways Authority and the Council consider that insufficient information was provided, conversely there is limited evidence as to how the proposal would be in conflict with this policy or that any detailed design requirements could not be controlled by way of a condition.
23. The residual cumulative impacts of the development would not be severe, circumstances the Framework requires to prevent development on transport grounds. However, although I have not found that the appeal fails on this or character and appearance grounds, this does not alter my conclusion on the flooding issue.

Conclusion

24. For the reasons set out above, and having had regard to all other matters raised, the proposal would not be appropriate development in an area at risk of flooding, contrary to the development plan and the Framework, supported by the PPG. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR



Appeal Decision

Site visit made on 5 July 2016

by Andrew Owen MA MRTPI

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

Decision date: 14 July 2016

Appeal Ref: APP/J1915/W/16/3145611

Cambridge Road Cottages, High Road, High Cross, Hertfordshire SG11 1BA

- 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 Unique Construction Ltd against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/2267/FUL, dated 26 August 2015, was refused by notice dated 6 January 2016.
 - The development proposed is a change of use from builders yard to residential comprising the erection of 3 detached dwellings (1 x 2-bed, 2 x 3-bed).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Unique Construction Ltd against East Hertfordshire District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Policy background

4. It is not disputed that the Council do not currently have a five year supply of housing. In such circumstances, paragraph 49 of the National Planning Policy Framework (the 'Framework') advises that policies relating to the supply of housing should not be considered up-to-date.
 5. Saved Policy HSG7 of the East Herts Local Plan Second Review (the 'Local Plan') relates to the provision of housing within the six main settlements and category 1 and 2 villages. High Cross is a designated category 1 village. I consider this policy relates to the supply of housing and therefore should not be considered up-to-date. Consequently I give it only limited weight in my considerations. However saved Policy ENV1 of the Local Plan relates generally to the design and environmental quality of all development, so does not relate
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to the supply of housing, and therefore I give this policy significant weight in my considerations.

Character and appearance

6. The immediate area is strongly characterised by a ribbon of development on the east side of High Road within which the site is centrally located. Sutes Farm, north of the site, is set back some distance from the road and hence doesn't conform to this characteristic. However this farm is some distance from the site and doesn't materially affect the context of the site.
7. The site is vacant and is mostly open with the exception of some empty storage buildings and an empty office building. It is bounded to its north and south sides by dwellings and opposite the site, and to its rear, there are fields. The site is 'L' shaped and runs alongside and behind a detached bungalow, called The Bungalow. The Bungalow is rendered white and has a slate roof and is strikingly different from the other dwellings in the vicinity which are two-storey and finished in red brick and roof tiles. The neighbouring properties to the south are mostly terraced and those to the north are semi-detached. However they all have a similar scale, height and appearance. As such, the vacant nature of the site and the contrasting appearance of The Bungalow provides a visual break in the otherwise consistent street scene.
8. The proposal provides one dwelling at the front of the site with two behind. The house at the front of the site would be positioned further forward than the adjacent dwelling at No 11, to the extent that around half of the proposed dwelling would be forward of the main part of this neighbouring house. I acknowledge that the proposed dwelling would be marginally behind the front elevation of The Bungalow, and that there is no strong building line in the vicinity. However the proximity of the dwelling to No 11 when combined with the extent of its forward projection means it would appear as a prominent and jarring feature in the street scene. It would adversely accentuate the existing visual break in the street scene.
9. Also, due to its shape, form and the vertical emphasis of its design, the dwelling would appear narrow compared to the other neighbouring units. This results in it appearing cramped and contrived in its context and hence incongruous in the street scene. Also it would be slightly lower than the adjacent two storey units which, although assists in bridging the height difference between these two storey dwellings and The Bungalow, does add to the impression that it would be a small dwelling contrived to fit a narrow plot.
10. Although the existing buildings on the site are sizeable examples of built development set well back from the road and rear of the neighbouring houses, the two dwellings in the rear of the site would be taller and have a greater visual bulk. Indeed they would be taller than The Bungalow and so would be visible in the street scene. As such, the dwellings would appear as large buildings separated from the main ribbon of residential development and hence would detract from the character and appearance of the area.
11. Consequently I conclude the development would harm the character and appearance of the area and so would fail to accord with saved Policy ENV1 of the Local Plan which expects all development to relate well to the surrounding townscape. It would also not comply with saved Policy HSG7 of the Local Plan

which requires infill housing development to be well sited in relation to the remaining surrounding buildings.

Planning balance

12. Paragraph 14 of the Framework advises that where relevant policies are out of date, such as is the case here, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
13. The existing buildings on the site and the commercial use of the site does contrast with the residential nature of the immediate area, and a residential re-use of the site would be more in keeping with its surroundings. Indeed, the Council does not object to residential development in principle. Also the Framework does support the re-use of previously developed land.
14. Also I recognise the contribution the development would make, albeit relatively limited, to the Council's housing supply, and the sustainable location of the dwellings.
15. I note the appellant's concern that a smaller scheme would most likely be unviable, which may result in the site remaining undeveloped. However I have no evidence before me to suggest this would necessarily be the case.
16. On balance, it is considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits. Consequently, the development would fail to accord with the fundamental sustainable principles of the Framework.

Conclusion

17. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR



Appeal Decision

Site visit made on 21 June 2016

by Rory Cridland LLB (Hons)

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

Decision date: 02 August 2016

Appeal Ref: APP/J1915/W/16/3147451

Prestwick, Ermine Street, Buntingford, Hertfordshire SG9 9RT

- 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 Brian Bethell against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/2272/OUT, dated 11 November 2015, was refused by notice dated 26 January 2016.
 - The development proposed is construction of a new house and garage and ancillary development.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline, with all matters reserved. I have dealt with the appeal on that basis, treating all plans as illustrative.

Main Issues

3. The main issues are:
 - (i) whether the site offers an acceptable location for the proposed development, having regard to its accessibility to local facilities;
 - (ii) whether the loss of the existing employment site would be detrimental to the economic well-being of the area; and
 - (iii) the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Sustainable development.

4. Saved Policy GBC3 of the East Herts Local Plan¹ ("the Local Plan") restricts the construction of new buildings within the Rural Area Beyond the Green Belt except for in a limited number of circumstances. Similarly, Paragraph 55 of the National Planning Policy Framework ("the Framework") indicates that development should be located where it will enhance or maintain the vitality of rural communities. It also advises that isolated homes in the countryside should be avoided unless there are special circumstances which justify it.

¹ East Herts Local Plan Second Review 2007.

5. The appeal site is located in an area of ribbon development approximately one mile from Buntingford, a reasonable sized settlement serving a predominantly rural area. It is outside the settlement boundary and forms part of a cluster of dwellings surrounded by mostly open countryside.
6. The proposed dwelling would be located in the garden of the existing property, Prestwick, which, in addition to being located on a larger than average plot, also contains a small builders yard. The proposal would erect a new dwelling to the front of this property and would involve the demolition of the builder's yard to the rear. It would, along with the existing dwelling, be accessed via a shared driveway.
7. The Council is concerned that the proposal would represent isolated development contrary to the advice contained in the Framework. In view of its location some distance outside the settlement boundary and surrounded by open countryside these concerns are well founded. Although there are a small number of other properties located nearby, no services are evident in the immediate vicinity and it appears remote from the wider settlement. As such, I consider it isolated within the meaning of Paragraph 55.
8. While I note that there is a public footway along one side of the main road leading into Buntingford, it is unlit for the majority of the distance. Furthermore, during my site visit, I observed a number of vehicles travelling at quite high speeds along this section of road. This, together with the lack of lighting, would positively discourage walking and cycling along this route and would result in a reliance on the private car to access nearby services. Similarly, the lack of any nearby bus stop is a further indication that the proposal would not provide sustainable transport opportunities or offer real choice to future occupiers. This lack of sustainable transport provision would be contrary to the advice set out in the Framework.
9. I understand that approval has been granted for the erection of 180 new dwellings on land in close proximity to the appeal site. When built it would extend the settlement boundary bringing it to within a single fields separation distance of the appeal site. Furthermore, as part of the implementation of that permission, the developer is required to make provision for transport infrastructure including a bus stop. However, while I note that the site appears to be undergoing preparatory clearance work, it was clear that any development was at an early stage and no substantive works have commenced. If the (Redrow) development goes ahead as currently envisaged, then I agree it will change the context of the present appeal site somewhat. However, at the present time, that remains to be seen. It is not unknown for large schemes to change, before or during implementation, and until the development has progressed further, it seems to me that nothing is yet certain. For the time being, I do not consider this nearby development as sufficient to overcome the objections identified above.
10. Consequently, I find that the proposal would be isolated from nearby services and would not provide suitable opportunities for sustainable transport. As such, it would not offer an acceptable location for the proposed development and would be contrary to Saved Policy GBC3 of the Local Plan and Paragraph 55 of the Framework.

Loss of Employment Site

11. Turing then to the loss of employment opportunities, Policy EDE2 of the Local Plan only permits development which results in the loss of an employment site where certain limited criteria have been met, including that the retention of the site for employment use has been fully explored without success. However, this must be read in line with Paragraph 22 of the Framework which indicates that the long term protection of employment sites should be avoided where there is no reasonable prospect of a site being used for that purpose.
12. The proposal would result in the demolition of the existing builder's yard. The appellant has not provided any evidence which would establish that its retention has been fully explored. As such, it would be contrary to Policy EDE2 of the Local Plan
13. However, the Council acknowledges that as a business enterprise it is small scale. Any impact on the wellbeing of the area resulting from its loss would be minimal. Furthermore, in the event that the ownership was severed, its close proximity to Prestwick has the potential to result in serious conflict between the residential amenity of the occupiers of that dwelling and the business activity being carried out.
14. While I note the Council's concerns, in view of its small size, the contribution it makes to the rural economy is negligible. On balance, I find its removal would be sufficiently positive to be a material consideration indicating that a departure from Policy EDE2 would be justified.

Character and appearance:

15. The appeal site forms part of a cluster of houses in an area surrounded by mostly open countryside. It currently consists of a modest single storey dwelling positioned centrally within the plot while to the rear of the site are a number of outbuildings, one of which currently operates as a builder's yard.
16. Policy ENV1 of the Local Plan requires high standards of design and layout which reflects local distinctiveness and expects proposals for new development to, amongst other things, demonstrate compatibility with the layout of the surrounding area as well as providing effective connections with existing routes and spaces.
17. The Council is concerned that the proposal, being sited close to the boundary of the site, would appear cramped. However, this is an outline application and the appellant has indicated a degree of flexibility in relation to its siting. Furthermore, the plot is sufficiently large that with the removal of the existing builder's yard, the site is easily capable of accommodating an additional dwelling.
18. Moreover, its siting to the front of Prestwick, filling an existing gap between that property and the nearby ribbon development would not materially alter the existing layout. As such, I am satisfied that any harm resulting from its siting would be limited and insufficient to warrant a refusal of planning permission.
19. Accordingly, I conclude that the proposal would not be detrimental to the character and appearance of the surrounding area and, as such, find no conflict with Policy ENV1 of the Local Plan.

Conclusion and Planning Balance

20. In conclusion, although I have found that the proposal would not have a material impact on the character and appearance of the area and that there are material considerations which would justify the loss of the existing use, I have nevertheless found that the scheme would be located in an unsustainable location and would provide limited transport opportunities. This would be contrary to Policy GBC3 of the Local Plan and the advice set out in the Framework.
21. Nevertheless, the Framework states that if a five year supply of deliverable housing sites cannot be demonstrated, relevant policies for the supply of housing should not be considered up to date. The Council accepts that it cannot currently demonstrate a five year supply of deliverable housing sites and Policy GBC3 is such a policy. As such, paragraphs 49 and 14 are engaged.
22. Although there are a number of identifiable benefits to the scheme, the greatest of which would be its contribution to the overall housing supply and the removal of the existing builder's yard, they are generally modest and are significantly and demonstrably outweighed by its unacceptable location and limited transport opportunities.
23. Accordingly, I find that the proposal is not an example of sustainable development for which the Framework indicates there should be a presumption in favour and accordingly conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR

Appeal Decision

Site visit made on 4 July 2016

by **M Brookes BA MSc MRTPI**

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

Decision date: 7 July 2016

Appeal Ref: APP/J1915/D/16/3146976

Thorne Cottage, 14 Cole Green, Hertford, Hertfordshire, SG14 2NL

- 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 Mark Johnston against the decision of East Hertfordshire District Council.
 - The application, Ref. 3/15/2347/HH, dated 25 November 2015, was refused by notice dated 13 January 2016.
 - The development proposed is a two storey side extension and porch.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the development would be inappropriate development in the Green Belt;
 - the effect of the development on the openness and the character and appearance of the Green Belt; and
 - if the development is inappropriate development, whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations, so as to amount to the 'very special circumstances' necessary to justify it.

Reasons

Whether inappropriate development

3. The site lies within the Metropolitan Green Belt. The National Planning Policy Framework (the Framework) sets out various forms of development that are not inappropriate in the Green Belt. These include the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building.
 4. Saved Policy GBC1 of the East Herts Local Plan Second Review (2007) (LP) states that limited extensions or alterations to existing dwellings in accordance with Policy ENV5 will not be inappropriate development. Policy ENV5 includes the provision that outside the main settlements and Category 1 and 2 Villages, an extension to a dwelling will be expected to be of a scale and size that would
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either by itself, or cumulatively with other extensions, not disproportionately alter the size of the original dwelling.

5. The appeal property is a semi-detached house outside the main settlements and Category 1 and 2 Villages as defined in the LP.
6. The original dwelling has already been enlarged by extensions to the side and rear and the Council has calculated that the construction of the proposed extensions would result in the size of the original building being increased by over 100%. The appellant has not disputed this calculation.
7. I consider such an increase to constitute disproportionate additions over and above the size of the original building. The development would therefore be inappropriate development which is, by definition, harmful to the Green Belt. Such development, which would conflict with LP Policies GBC1 and ENV5, should not be approved except in very special circumstances.

Openness and character and appearance of the Green Belt

8. The Framework identifies openness as an essential characteristic of Green Belts. LP Policy EN5 expects an extension to a dwelling not to intrude into the openness or rural qualities of the surrounding area.
9. Although not unduly large in themselves, the extensions would increase the amount of built development on the site and reduce the openness of the Green Belt. In particular, the side extension would increase the height and bulk of the existing single storey extension and intrude into open views from in front of the site. Consequently, the extensions would conflict with Policy EN5.
10. The Council has expressed concern about the design of the side extension and in particular the inclusion of a second forward-facing gable. However, that gable would be narrower and set back behind the line of the main gable and would appear subordinate. Furthermore, the building as a whole does not display any clearly defined symmetry that needs to be respected and overall I find that the extensions would not be harmful to the character or appearance of the Green Belt other than in terms of its openness.
11. In summary, the extension would cause some harm to the openness of the Green Belt but would not otherwise be harmful to the character, appearance or rural qualities the area.

Other considerations

12. There are no benefits or other considerations in this case that clearly outweigh the harm to the Green Belt. Very special circumstances to justify the development do not therefore exist.

Conclusion

13. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed.

M Brookes

INSPECTOR

Appeal Decision

Site visit made on 12 July 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 28 July 2016

Appeal Ref: APP/J1915/D/16/3150905

42 Thornton Street, Hertford, Hertfordshire SG14 1QH

- 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 Jody Collins against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/2428/HH, dated 4 December 2015, was refused by notice dated 2 March 2016.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 42 Thornton Street, Hertford, Hertfordshire SG14 1QH in accordance with the terms of the application, Ref 3/15/2428/HH, dated 4 December 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2559-15A2-01, 2559-15A2-03 Rev B, Block Plan.
 - 3) The materials to be used in the construction of the external surfaces of the development shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the terrace and the wider Hertford Conservation Area.

Reasons

3. Hertford Conservation Area is a large and diverse conservation area covering the town's historic core and inner suburbs. Thornton Street forms part of an inner suburb characterised by rows of small terraced housing which make a positive contribution to the significance of the conservation area. While the terraces have an overall consistency in terms of scale and appearance, there is variety in terms of detailed alterations to individual properties.
 4. 42 Thornton Street is situated within a terrace of properties that each had an original single storey pitched roof offshoot at the rear shared with one of its neighbours. No 42 sits within a group of six properties with unaltered offshoots. These offshoots are a distinctive feature of each property.
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5. However, a number of properties on the terrace have built single storey rear extensions in recent years with the benefit of planning permission. Most of the extensions have mono-pitched roofs and have resulted in the alteration or loss of the original offshoot. As a consequence, the overall appearance of the rear elevation of the terrace is varied, whether viewed from the appeal site, the alleyway to the rear or Oldhall Street to the south-east.
6. I have not been provided with precise details of why these extensions were approved, but given the recent planning permissions and no evidence of changed policy context or design guidance, I cannot ignore their presence. I have also not been provided with any evidence to prove that the demolition of the offshoot could not be carried out under permitted development rights.
7. The proposed development would be similar in scale and appearance to a number of the existing mono-pitched roof extensions on the terrace. Although the extension would be separate from any existing extension, it would be seen within the context of these developments. The loss of the offshoot and its distinctive roof form is unfortunate but represents a minor change to an already varied rear elevation on this terrace. The overall consistency of the terrace in terms of scale and appearance would not be adversely affected.
8. Concluding on the main issue, the proposed development would have an acceptable effect on the character and appearance of the terrace and as such would preserve the character and appearance of Hertford Conservation Area. Therefore, it would accord with Policies ENV1, ENV5 and BH5 of the East Herts Local Plan Second Review April 2007 which, amongst other things, seek development that is sympathetic to the character and appearance of the building, adjacent buildings and overall area. The development would also comply with the aims of the National Planning Policy Framework as it would sustain the significance of a designated heritage asset.

Other Matters

9. The proposed development would be wider than the existing offshoot and adjoin the boundary with No 40. However, the extension would be no deeper than the existing offshoot and its effect would be mitigated by the existing boundary treatment. As such, there would be no harm to the living conditions of neighbouring occupiers at No 40 in terms of their outlook.

Conditions

10. Conditions setting a time limit for the commencement of development and for it to be carried out in accordance with the approved plans are necessary for clarity and compliance. A condition requiring materials to match the existing building is necessary to ensure that the appearance is satisfactory.

Conclusion

11. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR

Appeal Decision

Site visit made on 13 July 2016

by **John Dowsett MA DipURP DipUD MRTPI**

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

Decision date: 11 August 2016

Appeal Ref: APP/J1915/W/16/3147738

Albury Lime Kiln, Albury Road, Little Hadham, Hertfordshire SG11 2DR

- 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 and Mrs Catton against the decision of East Hertfordshire District Council.
 - The application Ref: 3/15/2455/OUT, dated 8 December 2015, was refused by notice dated 4 February 2016.
 - The development proposed is five dwellings with all matters reserved for subsequent approval with the exception of vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for five dwellings with all matters reserved for subsequent approval with the exception of vehicular access at Albury Lime Kiln, Albury Road, Little Hadham, Hertfordshire SG11 2DR in accordance with the terms of the application, Ref: 3/15/2455/OUT, dated 8 December 2015 subject to the conditions in the attached schedule.

Procedural matters

2. The proposed development has been applied for in outline with all matters other than access reserved for subsequent consideration. The application included an indicative site layout drawing showing five dwellings arranged around a cul-de-sac served by a shared access from the public right of way leading to the site from Albury Road. I have had regard to this but, as layout was reserved for future consideration, have treated it as illustrative only.

Main Issue

3. The main issue in this appeal is whether the site is a suitable location for housing having regard to the development plan and the principles of sustainable development.

Reasons

4. The appeal site is part of a former chalk quarry located on the edge of Little Hadham. The site is accessed by an unmade track approximately 160 metres long leading from Albury Road. The quarry use ceased in the 1960's and the site has subsequently been used for running a scrap metal business which has the benefit of a Certificate of Lawfulness. A number of buildings are present on the site, which are remnants of the quarrying activity, and there is also a significant quantity of materials that are associated with the scrap metal business. As a result of the previous chalk extraction the site sits at a lower level than the surrounding landscape and natural regeneration has resulted in a
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significant number of trees and other vegetation being present in and around it. The remainder of the former quarry is designated as a County Wildlife Site.

5. It is common ground between the parties that the site lies outside the built up area of Little Hadham and as such would be subject to Policy GBC3 of the East Herts Local Plan Second Review 2007 (Local Plan) which seeks to restrict development to that which is appropriate to a rural area or which meets certain criteria.
6. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications and appeals must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration and this sets out that there is a presumption in favour of sustainable development. However, the Framework is also clear that it does not change the statutory status of the development plan as the starting point for decision making and that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise.
7. Paragraph 49 of the Framework requires proposals for housing development to be considered in the context of the presumption in favour of sustainable development, and states that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing land. It is not in dispute that the Council do not have a five years housing land supply and consequently I can only attach limited weight to Policy GBC3 as, whilst it is not directly related to housing supply, the policy seeks to restrain development and therefore influences housing supply.
8. The presumption in favour of sustainable development is set out in Paragraph 14 of the Framework which states that, where relevant policies are out of date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework. Paragraphs 7 and 8 of the Framework set out the three dimensions to sustainable development; economic, social and environmental, and state that these are mutually dependent.
9. The development would result in some jobs in construction being created or maintained during the construction period, and the future occupiers of the dwellings would result in additional spending in the local economy which would be an economic benefit from the development, albeit small in scale due to the limited size. The Council suggest that this is outweighed by the loss of the existing employment use on the site. The appellants state that the scrap metal business is now very small scale and is limited in the area that it can operate from by the terms of the Certificate of Lawfulness and, therefore, provides only a minimal benefit to the local economy.
10. I saw on my site visit that, whilst there are still materials on the site associated with this use, there is little evidence that the business is still operating in any significant manner. Due to the location of the appeal site and the narrowness of the access track, I consider that it is unlikely the business would be attractive to a new operator and would, therefore, agree with the appellants' position that the economic benefit from retention of the use is, at best,

minimal. The development would therefore satisfy the economic dimension of sustainable development.

11. With regard to the social dimension, as it is common ground that the Council cannot demonstrate a five year supply of housing land, the provision of five additional houses would represent a social benefit.
12. Turning to the environmental dimension, whilst the development would be located at a slight remove from the main built up area of the village and would have countryside on three sides, due to the lower ground levels of the site the prominence of the development in the landscape would be reduced. High hedges along the access track and public right of way, and trees around the site periphery would add to the screening effect. Although the development would be visible to users of the public right of way that runs past the site, due to trees growing around the edge of the former quarry, views would be restricted when approaching from the south east. From the north west the development would be more visible in short range views but the footpath is again bordered by trees and hedgerows a short distance beyond the appeal site which restricts longer views.
13. The surrounding landscape is gently rolling, with a pattern of medium to large scale fields bounded by hedgerows and containing scattered blocks of woodland. The small scale of the development proposed on the edge of a built up area would be absorbed into this large scale landscape without causing harm to its intrinsic character.
14. The Council suggest that the development would result in a more urbanised appearance to the appeal site. However, immediately adjacent to the appeal site is an existing bungalow and there are other buildings currently present on the site. In addition, the former quarry has not been subject to any formal restoration and has been left to regenerate naturally. As a result, it currently has a different character from the surrounding countryside. Whilst redevelopment for housing would change this character, it would not be inherently more harmful than the current uses of the site.
15. Although the application was made in outline, the appellants have submitted an indicative layout that shows that five dwellings can be accommodated on the appeal site. On this basis I am satisfied that a detailed development proposal could be evolved which represents a high standard of design and which could incorporate some of the existing trees on the site.
16. Little Hadham has very little in the way of services within the village, although there is a primary school. There are some further facilities in Hadham Ford approximately 1.6 kilometres to the south which could be accessed by cycle on relatively quiet roads. There are also some limited local employment opportunities at Hadham Hall and Hadham Industrial estate, both of which are within approximately 2 kilometres of the appeal site.
17. The main town of Bishops Stortford lies approximately 4 kilometres to the west of the appeal site and whilst this could be accessed by cycle, the distance and the busy nature of the A120 road are likely to deter some cyclists particularly during the winter months. However, there are bus stops within Little Hadham, approximately 500m from the appeal site, with a number of services a day to both Bishops Stortford and Hertford. Whilst it is perhaps inevitable that occupiers of the development would have to use private cars to access some

goods and services, they would not be entirely dependent on the private car and the location of the appeal site does allow opportunities to access employment, shops and services by other modes of transport. In this respect the development would meet the aim of moving to a low carbon economy.

18. The development therefore meets the three dimensions of sustainable development and within this context, although the appeal site is located outside of the built up area of the settlement, in my opinion, it is not so isolated that it is an unsuitable location for dwellings.
19. I therefore find that the site is a suitable location for housing having regard to the development plan and the principles of sustainable development. The development would comply with the relevant requirements of Policies EDE2, ENV1 and GBC14 of the Local Plan which seek to ensure that new development retains existing viable employment sites, achieves a high standard of design and protects the character of the local landscape.

Other matters

20. Access to the development would be via an existing unmade track leading to the site from Albury Road. The access track would be provided with a metalled surface and widened to provide passing places and turning areas along its length. Suitable visibility would also be achieved at the junction of the access track with Albury Road. I am satisfied that this would provide a safe and suitable access to the development and I note that the Highway Authority have no objection to the proposal, subject to conditions to secure the upgrading of the access.

Conditions

21. I have had regard to the conditions suggested by the Council. In order to ensure that the access track is improved to the required standard, to achieve a safe and suitable access to the site, and in the interests of highway safety, it is necessary to attach conditions requiring the provision of a visibility splay at the junction of the access track and Albury Road and the widening of the access track beyond the junction. Due to the proximity of the appeal site to other residential properties it is also necessary to impose a condition restricting the times that demolition and construction works can be undertaken.
22. The Council have suggested a condition requiring reclamation of the site in accordance with the Desktop Study Report submitted with the application. Due to the historic uses of the site and the findings of the Desktop Study, it is necessary to attach a condition requiring remediation of the site in order to comply with the requirements of Paragraph 121 of the Framework. However, whilst the Desktop Study identifies potential contamination and recommends further intrusive investigations, it does not set out a remediation strategy. I have therefore altered the wording of the Council's suggested condition to require that a remediation scheme be submitted.
23. The Council have also suggested a condition requiring the provision of affordable housing. The appellants have commented that this should only be imposed if it is altered to include a clause that it would only be triggered if the combined gross floorspace of the development exceeds 1000 square metres. During the course of the appeal, on 13 May 2016, the Court of Appeal issued its judgement in Secretary of State for Communities and Local Government v

West Berkshire District Council and Reading Borough Council, and the National Planning Practice Guidance (the Planning Guidance) was updated. The Planning Guidance now states that contributions for affordable housing should not be sought from developments of 10-units or less, where they have a maximum combined gross floorspace of no more than 1000 square metres.

24. Following the Court of Appeal's decision, the Council have stated that they would still seek affordable housing on the site if the 1000 square metres threshold would be passed at the reserved matters stage. I do not have any evidence in respect of the need for affordable housing in the area and, as the application is in outline, there are no floor space figures for the proposed dwellings. In their final comments the appellants state that they are confident that the development will not trigger an affordable housing requirement. There is no substantive evidence before me to show either a need for affordable housing or that the development would result in a combined gross floorspace exceeding 1000 square metres and, therefore, I find that the suggested condition would not meet the test of necessity.

Conclusion

25. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

John Dowsett

INSPECTOR

Schedule of conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place where until a detailed remediation scheme shall have been submitted to, and approved in writing by, the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred options, the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified

contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.

- 5) No dwelling shall be occupied until visibility splays have been provided on both sides of the access from Albury Road between a point 2.4 metres along the centre line of the access, measured from the edge of the carriageway, and a point 43 metres along the edge of carriageway, measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.
- 6) No dwelling shall be occupied until the access drive has been widened to 4.1 metres for the first 10 metres into the site from Albury Road, and provided with a bituminous surface.
- 7) Demolition or construction works shall take place only between 07:30 and 18:00 on Monday to Friday, 07:30 and 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

Appeal Decision

Site visit made on 19 July 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 9 August 2016

Appeal Ref: APP/J1915/W/16/3147980

2 Benningfield Road, Widford, Hertfordshire SG12 8RD

- 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 Mrs Linda James against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/2496/FUL, dated 14 December 2015, was refused by notice dated 10 February 2016.
 - The development proposed is described on the application form as "revision of planning application 3/15/1590/HH to new two storey 2 bedroom dwelling".
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Decision

1. The appeal is allowed and planning permission is granted for single storey front and rear extensions and two storey side extension to facilitate the subdivision of house to two dwellings at 2 Benningfield Road, Widford, Hertfordshire SG12 8RD in accordance with the terms of the application, Ref 3/15/2496/FUL, dated 14 December 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 1581-01 Rev B.

Procedural Matter

2. The description of the proposed development on the original application form lacked clarity and so I have used the description from the appeal form, which also matches the description on the Council's decision notice.

Main Issues

3. The main issues are the effect of the proposed development on (a) the character and appearance of the surrounding area and (b) the living conditions of future occupants of the new dwelling with regards to outlook.

Reasons

Character and appearance

4. Benningfield Road is a residential cul-de-sac located off Ware Road adjacent to Widford Conservation Area. The appeal site is situated on a section of Benningfield Road that consists mainly of two storey semi-detached properties.
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Some of these properties have two storey side extensions, with a small terrace at 3 and 4 Benningfield Road following the creation of No. 3A.

5. The appeal property at 2 Benningfield Road forms a symmetrical pair with No 1, which is largely mirrored on the opposite side of the road with Nos 29 and 30. These four properties face towards Ware Road, but are set back from this road by a considerable amount of green space. This space makes a positive contribution to the character and appearance of the surrounding area including the conservation area.
6. Extant planning permission exists for a two storey side extension and single storey front and rear extensions to the appeal property (ref 3/15/1590/HH). At my site visit, I noted that part of the single storey rear extension was under construction. The extant permission would significantly alter the symmetry of Nos 1 and 2 and the balance with Nos 29 and 30. The additional width that the proposed development would add to the approved two storey side extension and single storey rear extension is modest and would make little difference to the unbalancing of the existing properties that has already been consented. The additional reduction in the gap to the side boundary would be slight and would not make the new development any more prominent. The green space in front of the appeal property would be sustained.
7. The subdivision of the appeal property into two dwellings would introduce elements such as an additional front door, new boundary treatments and extra off-road parking spaces. This would further unbalance of the existing four properties, but given the scale of the extensions already approved, the effect on the street scene would be limited. Moreover, with the existence of the small terrace at Nos 3, 3A and 4, the proposal would not be out of keeping with the existing pattern of development.
8. Concluding on this main issue, the proposed development would have an acceptable effect on the character and appearance of the surrounding area including Widford Conservation Area. Therefore, it would accord with Policies HSG7 and ENV1 of the East Herts Local Plan Second Review April 2007 ('the Local Plan') as it would be well sited and compatible with the structure and layout of the area and would complement its surroundings. It would also accord with Policy OSV2 of the Local Plan as infill housing development that would be satisfactorily integrated into the village.

Living conditions of future occupants of the new dwelling

9. The appeal property has existing off-street parking via a dropped kerb that accessed a now demolished garage and would provide access to new off-street parking spaces for the new dwelling. The proximity of the parking spaces to the rear elevation of the house is tight, but the view of parked cars from inside a property is fairly commonplace and not inevitably a negative experience. Cars are moveable objects and if necessary, the off-street parking could be mitigated by screening.
10. Concluding on this main issue, the effect of the proposed development on the living conditions of future occupants of the new dwelling with regards to outlook would be acceptable. Therefore, the development would accord with Policy ENV1 of the Local Plan which, amongst other things, seeks to respect the amenity of future occupants and ensure that their environments are not harmed.

Other Matters

11. The Parish Council has expressed concerns about the development adding to on-street parking problems. The section of Benningfield Road nearest the appeal site was heavily parked up at my site visit, possibly exacerbated by the proximity of the village school and the end of the school day. I have not been provided with any information on parking requirements for this location, but consider that two off-street parking spaces for each new dwelling would be adequate given their relatively modest size. Therefore, there would be no material harm to parking and highway safety.

Conditions

12. Conditions setting a time limit for the commencement of development and for it to be carried out in accordance with the approved plans are necessary for clarity and compliance. The Council suggest a condition requesting details of a revised parking area for the new dwelling to be submitted and agreed in writing before development commences. However, because I have found the proposed parking arrangements to be acceptable, such a condition is not necessary.

Conclusion

13. The proposed development would have an acceptable effect on both the character and appearance of the surrounding area and the living conditions of future occupants of the new dwelling with regards to outlook. For these reasons, and having had regard to all other matters raised, I therefore conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR

Appeal Decision

Site visit made on 4 July 2016

by M Brookes BA MSc MRTPI

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

Decision date: 18 July 2016

Appeal Ref: APP/J1915/D/16/3146450

Tile Cross, Epping Green, Hertford, Hertfordshire, SG13 8NB

- 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 & Mrs J Smyth against the decision of East Hertfordshire District Council.
 - The application, Ref. 3/15/2529/HH, dated 4 December 2015, was refused by notice dated 10 February 2016.
 - The development proposed is the erection of a detached double garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the development would be inappropriate development in the Green Belt;
 - the effect of the development on the openness of the Green Belt; and
 - if the development is inappropriate development, whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations, so as to amount to the 'very special circumstances' necessary to justify it.

Reasons

Whether inappropriate development

3. The site comprises a detached dwelling and its grounds which lie within the Metropolitan Green Belt. The appellants submit that the proposed double garage should be considered to be a detached, free-standing building within those grounds, but the Council has assessed it as an extension of the dwelling because of its proximity to the existing house.
 4. The National Planning Policy Framework (the Framework) sets out various forms of development that are not inappropriate in the Green Belt. These do not include new ancillary residential buildings. Considered as a detached, free-standing building, the proposed garage would therefore constitute inappropriate development. It is also not a form of development that would accord with saved Policy GBC1 of the East Herts Local Plan Second Review (2007) (LP).
-

5. However the Framework defines the extension of a building as not inappropriate in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building. Policy GBC1 also states that in the Green Belt limited extensions or alterations to existing dwellings in accordance with Policy ENV5 will not be inappropriate development. Policy ENV5 includes the provision that outside the main settlements and Category 1 and 2 Villages, an extension to a dwelling or the erection of outbuildings will be expected to be of a scale and size that would either by itself, or cumulatively with other extensions, not disproportionately alter the size of the original dwelling nor intrude into the openness or rural qualities of the surrounding area.
6. The appeal property is a detached house outside the main settlements and Category 1 and 2 Villages as defined in the LP.
7. The Council and the appellants have produced different figures for the sizes of the original dwelling and of the dwelling as previously and proposed to be extended, including the proposed double garage. The principal difference is in the figures for the size of the original dwelling. The Council, by reference to a planning permission in 1957 for a single storey building, calculates it as having a floor space of 119.6m². The appellants, by reference to plans from 1982 and 1986 of a building with first floor accommodation, calculate the original floor area as 227m².
8. The Council's and appellants' estimates of the building as proposed to be extended are 434.2m² and 411m² respectively. The Council's figures therefore indicate a much bigger increase in the size of the original dwelling than those of the appellants.
9. The 1957 plans show such similarity to the somewhat larger dwelling shown on the later drawings provided by the appellants that I consider it likely that the 1957 permission was implemented and constituted the original dwelling. I therefore find the Council's estimate of the size of the original dwelling to be more convincing. However, even on the basis of the appellants' figures there would be more than an 80% increase in the floor area of the original dwelling. I consider that this would be a disproportionate increase.
10. In summary, whether the proposal is considered to be a free-standing building within the curtilage of Tile Cross or as an extension to the dwelling it would constitute inappropriate development which is, by definition, harmful to the Green Belt. Such development, which would conflict with LP Policies GBC1 and ENV5, should not be approved except in very special circumstances.

Openness of the Green Belt

11. The Framework identifies openness as an essential characteristic of Green Belts.
12. The garage would increase built development on the site and would fill most of the open gap between the dwelling and the side boundary of the site. It would therefore materially reduce the openness of the Green Belt and this would be readily apparent in views from in front of the appeal site.
13. In summary, the garage would cause harm to the openness of the Green Belt and in this respect would conflict with LP Policies GBC1 and ENV5.

Other considerations

14. The appellants consider that the proposal constitutes permitted development. This is disputed by the Council, which has refused to grant a Certificate of Lawful Development for it. However, it is not the purpose of this appeal to resolve that issue and I have determined the appeal proposal on its planning merits.
15. The appellants have also submitted that the proposal should be permitted because the alternative would be a smaller or relocated garage which could be constructed as 'permitted development' and could have a potentially greater impact on the openness of the Green Belt. However, in the absence of a detailed alternative proposal that is demonstrated to be permitted development and a realistic fall-back that would have a comparable or greater impact on the openness of the Green Belt, I am not satisfied that there are any benefits or other considerations in this case that clearly outweigh the harm to the Green Belt. Very special circumstances to justify the development do not therefore exist.

Conclusion

16. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed.

M Brookes

INSPECTOR

Appeal Decision

Site visit made on 12 July 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 28 July 2016

Appeal Ref: APP/J1915/W/16/3146774

Longridge, Amwell Hill, Great Amwell, Hertfordshire SG12 9RG

- 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 & Mrs PA & JL Taylor against the decision of East Hertfordshire District Council.
 - The application Ref 3/15/2570/FUL, dated 23 December 2015, was refused by notice dated 29 February 2016.
 - The development proposed is a new dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. Amwell Hill is a largely green and rural main road through Great Amwell to Ware. The appeal site is situated between Gypsy Lane and the goods entrance to Van Hage Garden Centre where there are only a handful of properties mostly along the western side of the road. Properties occupy spacious plots with generous gardens, reinforcing the rural and sparse pattern of development.
4. The appeal site forms part of the rear garden to Longridge and would be accessed by a narrow driveway that leads to Heathview. The garden has clear views to the neighbouring properties at The Firs and 2 The Firs due to the limited height of boundary treatment, while Heathview is largely hidden by thick vegetation and a drop in levels. As a consequence of its open and green character, the appeal site contributes positively to existing pattern of development.
5. The appeal site is situated within the Metropolitan Green Belt. A previous appeal decision concerning works to Longridge¹ considered that the site formed part of the village of Great Amwell by virtue of its location and I see no reason to take a different view. Therefore, I agree with the Council that the proposal would not be inappropriate development in the Green Belt as it would represent limited infilling within a village.

¹ APP/J1915/D/14/2217104

6. The proposed development would be situated on the bottom half of the rear garden. Given the width and depth of the existing garden, the new dwelling would have sufficient amenity space to the rear for its occupants. However, it would occupy a plot much smaller than any of the surrounding properties with very little space to its side boundaries. This would result in a cramped appearance and reduce the spaciousness of the existing plot surrounding Longridge. The negative effect would be accentuated by the proximity of the dwelling to the driveway, providing little space at the front. Therefore, the proposal would be significantly out of keeping with the established pattern and character of development.
7. I note that the Council has no objectively based guidance regarding plot size, layouts and amenity space, but this does not lessen the harm I have identified. Each proposal has to be assessed on its own merits regardless of whether defined guidance and standards exist.
8. Concluding on the main issue, the proposed development would result in significant harm to the character and appearance of the surrounding area. Therefore, it would not accord with Policies ENV1 and OSV2 of the East Herts Local Plan Second Review April 2007 which, amongst other things, seek development that respects local character and is compatible with the structure and layout of the surrounding area.

Other Matters

9. The appellant suggests that the Council cannot demonstrate a 5 year housing land supply and so the presumption in favour of sustainable development expressed in Paragraph 14 of the National Planning Policy Framework applies. The evidence before me is inconclusive. However, the economic and social benefits arising from the provision of a single house are limited. Even if I were to accept that the Council cannot demonstrate a 5 year supply, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. As a consequence, the proposal would not represent sustainable development.
10. I have taken into account all other matters raised, including the effect on the listed buildings at The Firs and 2 The Firs and the effect on living conditions of occupiers of neighbouring properties. However, they have not led me to any different overall conclusion.

Conclusion

11. For the above reasons, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR

Appeal Decision

Site visit made on 26 July 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 28 July 2016

Appeal Ref: APP/J1915/D/16/3150936

Mountains, Cold Christmas Lane, Cold Christmas, Thundridge, Ware, Herts SG12 7SW

- 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 Mrs Jennie Salt against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/0056/HH, dated 7 January 2016, was refused by notice dated 7 March 2016.
 - The development proposed is the re-development of Mountains to form a 4 bedroom dwelling: works to include re-modelling, raising the ridge, two and single storey extensions, dormer windows, cladding, raised decking, and 3-bay cart barn including associated landscaping works.
-

Decision

1. The appeal is allowed and planning permission is granted for the re-development of Mountains to form a 4 bedroom dwelling: works to include re-modelling, raising the ridge, two and single storey extensions, dormer windows, cladding, raised decking and 3-bay cart barn including associated landscaping works at Mountains, Cold Christmas Lane, Cold Christmas, Thundridge, Ware, Herts SG12 7SW in accordance with the terms of the application, Ref 3/16/0056/HH, dated 7 January 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 358.01, 358.02, 358.03, 358.04, 358.05 and 1 OF 1 F1.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 358.03 and 358.05 and the submitted application form.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the existing property, site and surrounding area.

Reasons

3. The existing property known as Mountains is modest in scale and appearance, situated at the top of an extensive garden with views westwards to open
-

countryside below. The site is very secluded from the surrounding area due to the dense planting along every boundary. Even within the site, the property is often hidden by mature trees, while public views are restricted. There is a clear view of the north-east corner of the property from the gravel bridleway that runs past the existing entrance on the northern side of the site. There is also a view from the public footpath that runs along the western edge of the site, where the property is set back by a considerable distance and is partly screened by trees. The property, site and surrounding area are therefore defined by a strong rural character and appearance.

4. The proposed extensions to the existing property would represent a significant alteration and would effectively subsume the original dwelling into a new building. The proposed cart barn would also be a large structure to the south-east, albeit screened from the road by boundary planting. The proposed development would clearly be disproportionate to the original dwelling and would not be limited. Thus, there would be a notable effect on the character and appearance of the dwelling. However, the dwelling has no particular architectural or historic interest, and so the effect would be limited in terms of harm. Furthermore, the extended dwelling and cart barn would have a rural character and appearance by virtue of their sympathetic design and materials.
5. In addition, given the size of the garden surrounding the property, it would be possible to accommodate the proposed development with little harm to the rural character and appearance of the site. Many of the trees would remain and would help to screen the new buildings from views within the site.
6. The site would remain very secluded from the surrounding area as a result of the dense boundary planting. The view from the existing entrance next to the gravel bridleway would not alter greatly because the majority of the extensions would be on the southern side of the property. The view from the public footpath would take in the extensions, including the prominent two storey rear gable addition, but the property would continue to be set back by a considerable distance and screened by trees to limit the effect. The encroachment of built development would be restricted and thus the rural character and appearance of the surrounding area would endure.
7. For the avoidance of doubt, I have considered this proposal on its own merits irrespective of examples of similar development highlighted by the appellant and the existence of housing on the site prior to the existing property.
8. Concluding on the main issue, the effect of the proposed development on the rural character and appearance of the property, site and surrounding area would be acceptable. Therefore, while not in accordance with Policy GBC3(c) of the East Herts Local Plan Second Review April 2014 which seeks limited extensions to existing dwellings in rural areas beyond the Green Belt, or the second sentence of Policy ENV5 insofar as it seeks to avoid disproportionate extensions to dwellings, the site specific circumstances indicate that it would not intrude into the openness and rural qualities of the surrounding area in accordance with the remainder of the second sentence of Policy ENV5. Furthermore, it would accord with the first sentence of Policy ENV5 as well as Policies ENV1 and ENV6 which, amongst other things, seek extensions that reflect local distinctiveness, relate well to their surroundings, avoid detriment to the existing dwelling and utilise complementary design and materials.

Conditions

9. Conditions setting a time limit for the commencement of development and for it to be carried out in accordance with the approved plans are necessary for clarity and compliance. A condition concerning the materials to be used is necessary to ensure that the appearance of the development is satisfactory.

Conclusion

10. Despite some conflict with specific policies, the proposed development accords with the overall development plan. Therefore, for the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR

Appeal Decision

Site visit made on 8 July 2016

by Sue Glover BA (Hons) MCD MRTPI

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

Decision date: 19 July 2016

Appeal Ref: APP/J1915/D/16/3148329

10 Fanshawe Crescent, Ware, Hertfordshire, SG12 0AS

- 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 J Pettit against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/0066/HH was refused by notice dated 2 March 2016.
 - The development proposed is a two storey and a single storey rear extension including a rear facing dormer to facilitate a loft conversion.
-

Decision

1. The appeal is dismissed.

Main Issue

2. Permission was granted in 2015 for the single and two storey extensions. The subsequent application to the Council is a re-submission that incorporates a rear dormer and front roof lights.
3. The main issue is the effect of the proposed dormer on the character and appearance of the host dwelling and the area.

Reasons

4. This part of the street is predominantly characterised by pairs of semi-detached houses, some that have been extended with a 2-storey side extension, as has the appeal dwelling. For the most part however the dwellings retain their symmetry and regular building lines at the front and rear.
 5. Views of the proposed dormer would be obscured from the street by the extended roof at the appeal dwelling, the roof of the attached house, and an extension that is under construction on the house at the other side. There are no public vantage points from the rear. There is a long rear garden, vegetation and distant views of a recently constructed supermarket.
 6. The proposed dormer would be a box shape with a flat roof, and of significant depth between the ridge line and eaves. It would dominate the rear roof slope and appear out of keeping within the sloping hipped main roof. In this respect, there would not be a high quality of design.
 7. There are no other similar dormers visible on the rear roof slopes of nearby dwellings as seen from the rear garden of no. 10. There are a few box dormers seen from the street that do not appear as sympathetic or positive additions.
-

8. Notwithstanding the lack of visibility from the street, I find material harm to the character and appearance of the host dwelling on account of the scale, design and position of the proposed dormer. There is conflict with saved Policy ENV1 of the East Hertfordshire Local Plan Second Review (LP), which expects proposals to be of a high standard of design and to reflect local distinctiveness.
9. There is also conflict with saved LP Policy ENV5, which indicates that permission will be granted for extensions provided the character and appearance of the dwelling and adjacent dwellings would not be significantly affected to their detriment. The proposal conflicts with saved LP Policy ENV6, which indicates that dormers should generally be of limited extent and modest proportions so as not to dominate the existing roof form.
10. The development plan policies are broadly compatible with paragraphs 17 and 60 of the National Planning Policy Framework that seek to secure a high quality of design, and to reinforce local distinctiveness. The policies are also compatible with paragraph 64, which says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The proposal does not meet the objectives of the Framework in these respects.
11. The Council indicates that the proposed front roof lights are permitted development. I find no harm from this aspect of the proposal since the roof lights would appear as discrete additions within the street scene. I have taken into consideration the appellant's desire to convert the loft space to provide more accommodation for his family, the size and shape of the existing roof space, and the support from neighbours.
12. I have also taken into account all other matters, including all the policies in the Framework and other national planning policy and guidance. Notwithstanding all the other matters, the harm that I have identified to character and appearance in respect of the proposed roof dormer is significant and overriding. The appeal does not succeed.

Sue Glover

INSPECTOR

Appeal Decision

Site visit made on 8 July 2016

by Sue Glover BA (Hons) MCD MRTPI

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

Decision date: 18 July 2016

Appeal Ref: APP/J1915/D/16/3148845

19 Talbot Street, Hertford, SG13 7BX

- 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 & Mrs Phillips against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/0125/HH was refused by notice dated 17 March 2016.
 - The development proposed is the erection of a rear dormer extension and 2 no. conservation roof lights to the front roof slope.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal preserves or enhances the character or appearance of the Hertford Conservation Area.

Reasons

3. This part of the conservation area has a mix of 2 and 3 storey buildings of varying designs and ages closely positioned to the street in a dense urban setting. The appeal dwelling is mid terrace in a terrace of 5, 2-storey modest sized cottages. They are of a traditional design, with slate tiled roofs and predominantly brick frontages. The terrace makes a positive contribution to the character and appearance of the conservation area.
 4. There is a single roof light at the front of an adjacent cottage. The addition of 2 conservation-type roof lights recessed into the roof plane at the front of no. 19 would not appear overly prominent or obtrusive. This aspect of the proposal would preserve the character and appearance of the conservation area.
 5. The white rendered rear elevation of no. 19, although not visible from public vantage points, retains the traditional cottage appearance with an unobscured slate roof slope, a 2-storey outrigger, and 2 modest sized and subservient single storey extensions.
 6. The proposed rear dormer extension would be of a substantial size covering most of the rear roof slope, and only slightly lower than the roof ridge. Although traditional slate materials would be used, the dormer would have a box shape with a flat roof and 2 large windows. It would appear as a flat roofed
-

second storey, entirely out of keeping with the traditional features of the cottage and terrace.

7. There would not be a high quality of design, so significantly harming the character and appearance of the cottage and the terrace in which it sits. Whilst there is a dormer to an adjoining cottage, I noted that this dormer is a small size in comparison with the appeal proposal.
8. I therefore conclude that the proposed rear dormer extension would neither preserve nor enhance the character and appearance of the Hertford Conservation Area. In this respect, there is conflict with saved Policy ENV1 of the East Hertfordshire Local Plan Second Review (LP), which expects proposals to be of a high standard of design and to reflect local distinctiveness.
9. There would also be conflict with saved LP Policy ENV5, which indicates that permission will be granted for extensions provided the character and appearance of the dwelling and adjacent dwellings would not be significantly affected to their detriment. The proposal also conflicts with saved LP Policy ENV6, which indicates that dormers should generally be of limited extent and modest proportions so as not to dominate the existing roof form.
10. The development plan policies are broadly compatible with paragraphs 17 and 60 of the National Planning Policy Framework that seek to secure a high quality of design, and to reinforce local distinctiveness. The policies are also compatible with paragraph 64, which says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
11. Paragraph 132 of the Framework says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The proposal does not meet the objectives of the Framework in these respects.
12. I have taken into consideration the appellants' desire for more space for the family, and that the Town Council did not object to the proposal. I have taken into account all other matters, including all the policies in the Framework and other national planning policy and guidance.
13. Notwithstanding the other matters, the harm that I have identified to the character and appearance of the conservation area from the proposed dormer extension is significant and overriding. The appeal therefore does not succeed.

Sue Glover

INSPECTOR



The Planning Inspectorate

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Development Control
East Hertfordshire District Council
Development Control
Wallfields
Pegs Lane
Hertford
SG13 8EQ

Your Ref: 3/16/0285/FUL
Our Ref: APP/J1915/W/16/3149695

SCANNED

SCANNED

15 July 2016

Dear Development Control,

Town and Country Planning Act 1990
Appeal by land & county development ltd
Site Address: Land adjacent to 7 Pearman Drive, Dane End, Ware, Hertfordshire

I enclose for your information a copy of a letter received withdrawing the above appeal(s).

I confirm no further action will be taken.

Yours sincerely,

Arash Nazemi
Arash Nazemi

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search



The Planning Inspectorate

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mr sebastian vallance
land & county development ltd
Old Bell Cottage
Langley Upper Green
SAFFRON WALDEN
CB11 4RU

Your Ref:
Our Ref: APP/J1915/W/16/3149695

15 July 2016

Dear Mr Sebastian Vallance,

Town and Country Planning Act 1990
Appeal by land & county development ltd
Site Address: Land adjacent to 7 Pearman Drive, Dane End, Ware, Hertfordshire

Thank you for your letter withdrawing the above appeal(s).

I confirm no further action will be taken.

Any event arrangements made for the appeal(s) will be cancelled.

A copy of this letter has been sent to the local planning authority.

Yours sincerely,

Arash Nazemi

Arash Nazemi

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search

Appeal Decision

Site visit made on 26 July 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 10 August 2016

Appeal Ref: APP/J1915/D/16/3150920

**Dene Orchard, 5 Little Berkhamsted Lane, Little Berkhamsted,
Hertfordshire SG13 8LU**

- 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 Ciaran Leahy against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/0524/HH, dated 4 March 2016, was refused by notice dated 27 April 2016.
 - The development proposed is new front entrance porch; pitched gable roof feature over; and ground floor rear extension (extended kitchen area).
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the proposal would be inappropriate development, whether the harm by reason of its inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal is inappropriate development in the Green Belt

3. The appeal site is within the Metropolitan Green Belt in the small village of Little Berkhamsted. Paragraph 89 of the NPPF establishes that new buildings within the Green Belt are inappropriate unless, amongst other things, it involves the extension or alteration of a building that does not result in disproportionate additions over and above the size of the original building. Policy GBC1(d) of the East Herts Local Plan Second Review April 2007 ('the Local Plan') states that limited extensions or alterations to existing dwellings in accordance with Policy ENV5 will not be inappropriate development. Policy ENV5, amongst other things, expects extensions to dwellings outside of main settlements and larger villages "to be of a scale and size that would either by
-

itself, or cumulatively with other extensions, not disproportionately alter the size of the original dwelling nor intrude into the openness or rural qualities of the surrounding area". This policy approach is consistent with the approach of the NPPF to the Green Belt.

4. The appellant does not dispute the Council's assessment that the existing building known as Dene Orchard has already been increased by 82% over the original footprint and that the proposed development would represent a total footprint increase of over 100%. Size is more than just footprint, but it is clear from the evidence before me, including my site visit, that the building has been extended considerably over and above its original size since 1948.
5. It follows that the proposed development would result in a disproportionate addition to the original building given the existing extensions. Therefore, it would be inappropriate development in the Green Belt. I note the appellant's comments that the building, even with the proposed development, is modest in size to the rest of the plot. However, national and local policy requires me to consider the size of the building rather than the size of the plot to determine inappropriate development in terms of extensions to buildings.

Effect on the openness of the Green Belt

6. Paragraph 79 of the NPPF states that openness is an essential characteristic of the Green Belt. The extensions at the front and rear of the property would, both individually and collectively, erode the space around the property in terms of footprint and volume. The degree of harm arising from this would be tempered by the relatively modest size of the extensions and the limited visual impact of the single storey rear extension given the secluded nature of the rear elevation. I also recognise that the rear extension would be limited to the infilling of a corner location to make a more regular ground floor layout. Nevertheless, there would still be minor harm to the openness of the Green Belt through the encroachment of built development.

Other considerations

7. The appellant seeks the proposed development to meet the essential living space requirements for their family. However, personal circumstances seldom outweigh other planning considerations and therefore attribute very little weight.
8. The appellant notes a range of increased measures under permitted development rights to allow householders to improve and extend their homes without the need for planning permission. I have not been provided with any evidence to demonstrate that the exercise of permitted development rights at this property would be more harmful than the proposed development, and so give this other consideration very little weight.
9. The appellant also argues that the proposed development would enhance the character and appearance of the property within the Little Berkhamsted Conservation Area. The existing property has a simple appearance that does not detract from the character and appearance of the conservation area which has a mix of attractive architectural styles. The proposed development with its mock-Tudor remodelling of external elevations would be very prominent, especially when viewed from the road, and would be out of keeping with the architectural styles found within the conservation area. While the development

would not cause significant harm to the character and appearance of conservation area, it also would not represent an enhancement of the dwelling. Therefore, I can attribute no weight to this other consideration.

Conclusion

10. Paragraph 87 of the NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, while the proposed development would only result in minor harm to the openness of the Green Belt, paragraph 88 of the NPPF makes clear that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
11. As explained above, I give very little or no weight to the other considerations mentioned in support of the proposal, and so they do not clearly outweigh the harm the proposed development would cause.
12. Consequently, very special circumstances do not exist to justify the proposed development. Thus, it would not accord with Policies GBC1 or ENV5 of the Local Plan or the aims of the NPPF. Therefore, for the above reasons and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR



The Planning
Inspectorate

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Development Control
East Hertfordshire District Council
Development Control
Wallfields
Pegs Lane
Hertford
SG13 8EQ

Your Ref: 3/16/0571/AGPN
Our Ref: APP/J1915/W/16/3149476

15 August 2016

Dear Development Control,

Town and Country Planning Act 1990

Appeal by Mr Mark Peters

**Site Address: Crouchfields Farm, Wadesmill Road, Chapmore End,
Hertfordshire, SG12 0EX**

I enclose for your information a copy of a email received withdrawing the above appeal(s).

I confirm no further action will be taken.

Yours sincerely,

Darren Cryer

Darren Cryer

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search

Appeal Decision

Site visit made on 8 August 2016

by Jonathan Price BA(Hons) DipTP MRTPI DMS

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

Decision date: 18 August 2016

Appeal Ref: APP/J1915/D/16/3153724

Carmel House, Sacombe Green, Sacombe, Hertfordshire SG12 0JQ

- 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 Andrew Sims against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/0703/HH, dated 23 March 2016, was refused by notice dated 13 May 2016.
 - The development proposed is oak clad triple garage with storage above.
-

Decision

1. The appeal is allowed and planning permission is granted for oak clad triple garage with storage above at Carmel House, Sacombe Green, Sacombe, Hertfordshire SG12 0JQ in accordance with the terms of the application Ref 3/16/0703/HH, dated 23 March 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1027.15.245 Rev A, 1027.15.247 Rev A, 1027.15.249 Rev A.

Main Issue

2. The effect of the proposal on the character and appearance of the area.

Reasons

3. Sacombe Green is a well-wooded hamlet of loosely and informally arranged development, comprising farm buildings, stables, housing and other ancillary development. Carmel House is a large detached property within this hamlet that is set back from the road with a drive to the front and a second access to the side. The second access runs round the side of the property to a parking area within the expansive area of garden to the rear. Here there is a covered swimming pool, a residential annexe, tennis court, a shed and stables. These are set back to the side boundary against tall trees and vegetation.
4. The site falls within the Rural Area Beyond the Green Belt where the Local Plan¹ has policies which, quite appropriately, seek to control development which might harm the open character of the countryside.

¹ East Herts Local Plan Second Review April 2007

5. Policy ENV5 expects that outside main settlements, such as in this case, domestic outbuildings, alone or cumulatively, should not intrude into the openness or rural qualities of the surrounding area. Policy ENV6 sets criteria for the design of these to be complementary to their setting.
6. The quite large triple garage would be sited where the smaller stables currently stand. It would have a pitched, half-hipped roof and a front dormer window serving storage space in the roof. There is no strongly coherent design character to these domestic buildings or to the widely separated development in this area. The triple garage would be of an acceptable appearance in this context and its visual impact would be lessened by being set within large grounds against existing trees and next to a group of existing buildings. Public views would be quite distant and mainly from roads to the north.

Conclusion

7. For the above reasons this proposal would satisfy the relevant Local Plan Policies ENV5 AND ENV6. In addition to the standard time limit a condition is necessary in the interests of certainty that the development be carried out in accordance with the submitted drawings. Subject to this, having taken account of all other matters raised, I conclude that this appeal should be allowed.

Jonathan Price

INSPECTOR



Appeal Decision

Site visit made on: **29 June 2016**

By: Jim Unwin BSCFor MICFor FArborA CEnv.

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

Decision date: 25 August 2016

Appeal Ref: APP/TPO/J1915/5116

No 4 The Grotto, Ware, Hertfordshire, SG12 9JH.

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to trees protected by a Tree Preservation Order (TPO).
- The appeal is made by Mr Allan Foreman, against the decision of East Herts Council.
- The application Ref: P/TPO/524/562070, dated 21 November 2015, was refused by notice dated 20 January 2016.
- The work applied for and refused is felling two pine trees, T3 & T8 of the TPO.
- The relevant Tree Preservation Order is the *East Hertfordshire District Council Tree Preservation Order No.9 ("The Grotto", Ware, Herts) 2005*, which was confirmed on 5 April 2006.

Decision

1. The appeal to fell pine T3 & T8 is dismissed.

Main Issues

2. I consider the main issues in this appeal are:
 - the impact the proposal would have on the appearance and character of the locality, and
 - whether the reasons given for felling either or both pines are sufficient to justify that course of action.

Reasons

Appearance and character of the locality

3. Scotts Road and Myddleton Road are two straight residential roads rising south off the A119 in the southern half of Ware, within a mature residential area. The Grotto cul-de-sac runs west off Scotts Road to access six detached two-storey houses, No 4 at the end, and a public path running north west past No 4, linking to Middleton Road.
4. No 4 is a single-storey detached house set centrally in a medium-sized plot. The front garden east of the house is mostly paved and used for parking. The small rear garden west of the house is enclosed, and is the property's main private outdoor amenity space.

Amenity value of the appeal trees

5. There are many smaller trees in gardens around The Grotto. There are a few larger trees in gardens around The Grotto, for instance a false acacia stands at its mouth and a tall silver birch stands on its southern side 20-25m east from pine T8. Immediately north west from No 4 is a Lawson cypress, and adjacent to the footpath nearer Myddleton Road is a mature Scots pine.
6. Scots pine T8 is a small tree, only 9.5m tall, with a compact and high canopy whose radial spread ranges from about 2.3m to 3.2m. However, it is set in a raised bed about 0.5m above front-garden level on the southern edge of No 4's front garden. Therefore, pine T8 is a prominent feature at the western end of The Grotto, clearly seen from seven nearby houses and the footpath; and is just visible from Scotts Road.
7. Black pine T3 is close to another similar pine T4, on the opposite side of the footpath. Both T3 & T4 have been topped long ago, but they are still quite tall at about 17m. Both have long branches which form a large combined canopy of between 5m and 5.5m radial spread.
8. The combined canopy of T3 & T4 is very prominent: clearly seen as a skyline landscape feature in views east off Myddleton Road, and in views west along The Grotto and from its junction with Scotts Road. I agree with the Council that the pines form a focal point within The Grotto.

Impact of proposed felling on the appearance and character of the locality

9. Removal of smaller pine T8 would remove a prominent local landscape feature. Removal of pine T3 would leave T4 as a rather gaunt and open-crowned tree. It would materially reduce the amenity value provided by the two pines (T3 & T4) together. Strong justification would be required for removal of either T3 or T8.

Location of trees

10. Needles from pines T3, T4 & T8 will fall onto or be blown onto roofs. Needles, cones and other debris will fall onto the front garden of No 4. Therefore, clearing of debris from gutters and downpipes, and from the garden and parking areas, is a regular chore at No 4. However, this is part of routine property maintenance, and is not justification to remove healthy trees contributing to the quality of the local landscape. I note also that No 4 has low gutters, so access for cleaning is not onerous nor hazardous, as might be the case for a taller building.

Stability

11. The appellant refers to previous discussion about wind forces on the pines at the end of The Grotto, perhaps when there were more pines. At my site visit I saw no evidence of ill-health or instability in either appeal pine, which could suggest increased risk of windthrow. I do note that pines T3 and non-appeal pine T4 form a combined canopy and do provide each-other some mutual shelter. Therefore, I do place a little weight in this appeal on the desirability of not leaving one pine (either T3 or T4) isolated. However, should that happen at some time in the future, the remaining tree must be re-assessed on its merits.

Conclusions

12. The appeal pines T3 and T8 are healthy trees, providing good landscape value to domestic properties and public roads, and a path, near the end of The Grotto.
13. Pines do shed needles and other debris, and these do require clearing from roofs, rainwater goods and gardens. No evidence has been provided to suggest either tree is unstable. Therefore, the evidence to justify removing either tree is insufficient to justify the resulting loss of local amenity value.
14. Therefore, I dismiss the appeal to fell pines T3 and T8 standing in the front garden of No 4 The Grotto, Ware.

Jim Unwin

Arboricultural Inspector.