



Alison Stuart  
Head of Legal and  
Democratic Services

**MEETING** : DEVELOPMENT MANAGEMENT COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 14 AUGUST 2019  
**TIME** : 7.00 PM

**PLEASE NOTE TIME AND VENUE**

**MEMBERS OF THE COMMITTEE**

Councillor T Page (Chairman)

Councillors D Andrews, T Beckett, R Buckmaster, B Crystall, B Deering (Vice-Chairman), R Fernando, J Jones, A Huggins, C Redfern, P Ruffles and T Stowe

**Substitutes**

Conservative Group: Councillors S Bull, J Kaye and I Kemp

Labour: Councillor M Brady

Green Party: Councillor J Frecknall

*(Note: Substitution arrangements must be notified by the absent Member to the Committee Chairman or the Executive Member for Planning and Growth, who, in turn, will notify Democratic Services at least 7 hours before commencement of the meeting.)*

**CONTACT OFFICER: PETER MANNINGS**

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## **DISCLOSABLE PECUNIARY INTERESTS**

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
  - must not participate in any discussion of the matter at the meeting;
  - must not participate in any vote taken on the matter at the meeting;
  - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
  - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
  - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

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## AGENDA

### 1. Apologies

To receive apologies for absence.

### 2. Chairman's Announcements

### 3. Declarations of Interest

To receive any Members' declarations of interest.

### 4. Minutes - 17 July 2019 (Pages 7 - 24)

To confirm the Minutes of the meeting of the Committee held on Wednesday 17 July 2019.

### 5. Planning Applications and Unauthorised Development for Consideration by the Committee (Pages 25 - 30)

(A) 3/19/0408/FUL - Erection of 23 dwellings (9 affordable dwellings) including associated highway works, landscaping, utilities, drainage infrastructure and car parking at Land at Stortford Road (R/O 12-18 Town Farm Crescent), Standon\_(Pages 31 - 54)

Recommended for Approval

### 6. Items for Reporting and Noting (Pages 55 - 94)

(A) Appeals against refusal of Planning Permission/  
non-determination.

(B) Planning Appeals Lodged.

(C) Planning Appeals: Inquiry and Informal Hearing Dates.

(D) Planning Statistics.

7. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

MINUTES OF A MEETING OF THE  
DEVELOPMENT MANAGEMENT  
COMMITTEE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
WEDNESDAY 17 JULY 2019, AT 7.00 PM

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PRESENT: Councillor T Page (Chairman)  
Councillors D Andrews, T Beckett, S Bull,  
B Crystall, B Deering, R Fernando, J Kaye,  
I Kemp, C Redfern, P Ruffles and T Stowe

ALSO PRESENT:

Councillors J Goodeve, J Dumont and  
S Rutland-Barsby

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Rachael Collard	- Principal Planning Officer
June Pagdin	- Principal Planning Officer
Jill Shingler	- Principal Planning Officer
Sara Saunders	- Head of Planning and Building Control
David Snell	- Service Manager (Development Management)
Victoria Wilders	- Legal Services Manager

ALSO IN ATTENDANCE:

Matt Armstrong	- Hertfordshire County Council
Roger Flowerday	- Hertfordshire County Council

70 APOLOGIES

Apologies for absence were submitted on behalf of Councillors R Buckmaster and J Jones. It was noted that Councillors S Bull and J Kaye were substituting for Councillors J Jones and R Buckmaster respectively.

71 CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to a number of housekeeping issues and reminded those in attendance that the meeting was being webcast and that their image might be captured.

The Chairman said that due to the level of public interest, he intended to bring forward agenda items 5 (D) (HERT2) Land East of Marshgate Drive, Hertford and 5 (F) Land West of Hoddesdon Road, St Margaretsbury, Stanstead Abbots. This was supported.

The Chairman said that application 3/19/0408/FUL, (Land at Stortford Road (r/o 12-18 Farm Crescent) Standon, Hertfordshire, was not on the agenda this evening for consideration by Members. He apologised for any confusion caused.



72 DECLARATIONS OF INTEREST

Councillor B Deering declared a non-pecuniary interest in agenda item 5(B) St Joseph's Roman Catholic Primary school Great Hadham Road, Bishop's Stortford by virtue of the fact that he was a Hertfordshire County Councillor.

73 MINUTES - 19 JUNE 2019

Councillor T Beckett proposed and Councillor B Crystall seconded, a motion that the Minutes of the meeting held on 19 June 2019 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 19 June 2019, be confirmed as a correct record and signed by the Chairman.

- 74 3/18/2465/OUT - HYBRID PLANNING APPLICATION COMPRISING: FULL PLANNING PERMISSION FOR 375 RESIDENTIAL DWELLINGS (COMPRISING 29 HOUSES AND 5 APARTMENT BUILDINGS FOR 346 APARTMENTS), 420 SQM FOR A GYMNASIUM (CLASS D2 FLOORSPACE), 70 SQM OF RESIDENTS CO-WORKING FLOORSPACE, CAR AND CYCLE PARKING, ACCESS, OPEN SPACE, LANDSCAPING AND ASSOCIATED WORKS, IMPROVEMENTS TO MARSHGATE DRIVE AND CREATION OF A SPINE ROAD IN THE NORTHERN SECTOR; AND OUTLINE PLANNING PERMISSION FOR THE CONSTRUCTION OF 2,220 SQUARE METRES OF EMPLOYMENT FLOORSPACE (USE CLASS B1C), CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS (ALL MATTERS RESERVED EXCEPT ACCESS) AT (HERT2) LAND EAST OF MARSHGATE DRIVE, HERTFORD

The Head of Planning and Building Control recommended that in respect of application 3/18/2465/OUT, planning permission be refused for the reasons detailed in the report now submitted.

The Principal Planning Officer, on behalf of the Head of Planning and Building Control summarised the outline application and detailed the relevant planning history.

Mr Steven Gough spoke for the application. Hertford Town Councillor Jane Sartin addressed the Committee in objection to the application.

Councillor S Rutland-Barsby referred to the fact that the adopted District Plan recognised that the site could accommodate 200 dwellings but not the 325 proposed by the developer. She referred to the impact this application would have on Highways and supported

refusal of the application.

Councillor J Kaye said he was concerned about the scale of the development and about the number of proposed dwellings. He sought clarification that the developer had been given guidance at the pre-application stage. The Principal Planning Officer confirmed that advice had been given and that the applicant had also been part of the district plan consultation process which had been examined by an Inspector. She added that the developer should submit an application which was policy compliant.

Councillor T Stowe sought clarification as to whether the developer had been involved with other Steering Group meetings. The Service Manager (Development Management) was unable to confirm how many Steering Group meetings the Developer had attended on the basis that other Officers had previously been involved.

Councillor D Andrews requested that in future, phrases such as “benefit from” in reports be removed so that the content sounded more objective. He expressed concern about the impact the application might have in relation to the provision of social housing if the developer reduced the housing provision to 200 dwellings.

Councillor I Kemp said he was disappointed with the application, given that the applicant was a specialist in the development of such sites. He commented on the site’s high levels of contamination, problems with access, the design layout (in that many people would

not enjoy the river view), and the potential for heavily shaded gardens. He felt that this was a substandard design given the developer's previous experience.

Councillor P Ruffles said the timber yard was included in Part 2 and was not included in this application for 375 dwellings. He asked Members to keep this in mind.

Councillor I Kemp sought clarification regarding egress from the eastern end. Mr Flowerday from Hertfordshire County Council (Highways) summarised the County Council's concerns which had contributed to a recommendation for refusal of the application.

Councillor T Beckett commented on parking for the site and encouraged sustainable transport. These concerns were shared by Councillor D Andrews who commented on the closeness of the railway station and bus hub. He commented that people would still need their vehicles close to their homes in order to charge them if they had electric cars.

Councillor D Andrew proposed and Councillor T Beckett seconded, a motion that in respect of application 3/18/2465/OUT, planning permission be refused for the reasons detailed in the report submitted.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee supported the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that, in respect of application 3/18/2465/OUT, planning permission be refused for the reasons detailed in the report submitted.

75      3/18/1228/FUL - ERECTION OF 8NO. DWELLINGS, NEW ACCESS AND LANDSCAPING AT LAND WEST OF HODDESDON ROAD, ST MARGARETSBURY, STANSTEAD ABBOTS

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The Head of Planning and Building Control recommended that in respect of application 3/18/1228/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Service Manager (Development Management), on behalf of the Head of Planning and Building Control, summarised the full application and detailed the relevant planning history.

Ms Alderman addressed the Committee in objection to the application. Mr Shrimplin spoke for the application. Councillor N Cox addressed the Committee on behalf of St Margarets Parish Council.

Councillor J Dumont addressed the Committee as the local Ward Member and summarised residents' concerns.

Councillor D Andrews said Highways were satisfied with the design and that Thames Water had not responded to the consultation. The trees would need to be surveyed to establish whether protection under a TPO was appropriate. He was concerned about

accessibility and the collection of refuse. He felt there was sufficient space to overcome accessibility issues.

The Service Manager advised that he was not aware of any other developments where private waste arrangement were in place and that there was a condition regarding the protection of trees relating to a biodiversity plan.

Members debated at length issues in relation to highways, visibility surveys and how a private refuse collection arrangement would work. Councillor B Crystall said he was concerned about the application from an ecological viewpoint and asked whether an assessment of the site had been carried out before a request for planning permission.

Councillor S Bull said the village did not have a Neighbourhood Plan in place and that he was concerned at the suggestion of a private arrangement for waste collection. The Service Manager explained that it was unusual for a full ecological assessment to be submitted in relation to a minor application and that the site was not a designated wildlife site of ecological significance.

Councillor T Beckett explained that he had visited the site and witnessed cars travelling at speed. He questioned the timing of letters to residents and said that the developer should be requested to widen the road.

The Service Manager explained that there was an error in relation to advising residents of an incorrect date for

Development Management Committee but this had been quickly rectified. He suggested that Members could resolve to defer consideration of the application or delegate the decision to Officers once the issue in relation to waste management had been resolved.

The Legal Services Manager explained that a decision to defer could impact on the target date from the view point of non-determination and the possible submission of an appeal by the applicant. She further explained that there was no evidence from an accident viewpoint and that the Highways viewpoint had been given.

Councillor I Kemp said that the application should be deferred to enable further consultation to take place in relation to the need to widen the road, to provide a pedestrian crossing / introduction of traffic calming measures and safety refuge.

Councillor R Fernando raised the issue of habitable rooms on the ground floor and accessibility issues. The Service Manager said the location was in Flood Zone 2 and that there were other properties along that strip with living accommodation on the first floor.

It was moved by Councillor B Deering and seconded by Councillor P Ruffles that the application be deferred. After being put to the meeting and a vote taken, the motion was declared LOST.

It was moved by Councillor T Beckett and seconded by Councillor B Crystall that the application be refused on highways, ecological and safety grounds. After being

put to the meeting and a vote taken the motion was declared CARRIED. The Committee rejected the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/18/1228/FUL, planning permission be refused for the following reasons.

1. The proposed development fails to demonstrate that it acceptable in highways safety terms as required by Policy TRA2 of the East Herts District Plan 2018.
2. The proposed development fails to demonstrate that there was no harm to ecological interests contrary to Policies NE2 and NE3 of the East Herts District Plan 2018.

(There was a short adjournment of the meeting at 8:20pm to allow members of the public to leave the meeting. The meeting recommenced at 8:25pm)

76      3/18/1213/FUL - DEMOLITION OF EXISTING COMMERCIAL BUILDING AND ERECTION OF REPLACEMENT BUILDING FOR CLASS B1, B2, AND B8 USES AND ANCILLARY VEHICLE SALES AT UNITS C, D AND E, RAYNHAM ROAD, BISHOPS STORTFORD

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The Head of Planning and Building Control recommended that in respect of application 3/18/1213/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.



The Principal Planning Officer, on behalf of the Head of Planning and Building Control summarised the full application and detailed the relevant planning history.

Members made a number of comments regarding vehicle storage, the need for electric charging points, and noise which might be generated from the use of a ramp. The Principal Planning Officer provided a detailed response to each of the issues that had been raised by Members.

Councillor T Beckett proposed and Councillor I Kemp seconded, a motion that in respect of application 3/18/1213/FUL, the Committee support the recommendation for approval, subject to the conditions detailed in the report submitted and additional conditions relating to the provision of electric car charging point and limiting the hours of use of the ramp.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee supported the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that, in respect of application 3/18/1213/FUL, planning permission be granted subject to the conditions detailed in the report submitted and the following additional conditions:

11. Prior to the above ground construction of the development hereby approved, details

of a scheme to make provision for electric vehicle charging points for four vehicles within the area allocated for staff and customer parking on the application site shall be submitted to and approved by the LPA. The development shall be constructed in accordance with the approved details and retained thereafter.

Reason: To ensure provision for sustainable modes of transport further to Policy TRA1 of the East Herts District Plan 2018 and Policies TP2 and BP5 of the Bishops Stortford Neighbourhood Plan for All Saints, Central, South and part of Thorley 2017.

12. The external vehicle ramp on the north elevation of the development hereby permitted shall only be used between 07:00 and 21:00 hours.

Reason: In the interests of mitigating against noise pollution having regard to Policy EQ2 of the East Herts District Plan 2018.

77 3/18/1961/FUL - CONSTRUCTION OF A TWO STOREY PRIMARY SCHOOL BUILDING (2FE) AND ASSOCIATED FACILITIES FOR UP TO 420 PUPILS. ASSOCIATED LANDSCAPING WORKS, WIDENED ACCESS ROAD AND INCREASE CAR PARKING SPACES TO 48. NEW EXTERNAL HARD AND SOFT PLAY AREAS WITH FENCING. DEMOLITION OF EXISTING SCHOOL BUILDING AT ST JOSEPH'S ROMAN CATHOLIC PRIMARY SCHOOL, GREAT HADHAM ROAD, BISHOPS STORTFORD

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The Head of Planning and Building Control recommended that in respect of application 3/18/1961/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Principal Planning Officer, on behalf of the Head of Planning and Building Control summarised the full application and detailed the relevant planning history.

Mr Fletcher spoke for the application.

Councillor D Andrews welcomed the work in relation to the car park, drop off and facilities for coaches. He expressed concerns about the utilitarian design of the building. He further commented that as it was a state run school funded by the public purse, it should be made as environmentally capable and sustainable as possible by including schemes for grey water recovery, photoelectric cells, solar water heating and ground source energy. He said that fire and rescue sprinklers should be installed.

Members supported Councillor Andrew's comments regarding the need to include energy sustainability measures at this stage rather than later. Queries were raised regarding access to the playing fields and the provision of changing rooms and toilet facilities.

The Principal Planning Officer commented on the issues raised adding that no guidance had yet been adopted in relation to energy sustainability measures and that sprinklers would be a matter for Building

Control.

Councillor Andrews said he recognised the content of Condition 20 in respect of minimising the use of mains water and urged the Executive Member for Planning and Growth to bring forward policies for adoption, which had environmental empathy.

Councillor T Beckett proposed and Councillor D Andrews seconded, a motion that in respect of application 3/18/1961/FUL, the Committee support the recommendation for approval, subject to the conditions detailed in the report submitted.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee supported the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that, in respect of application 3/18/1961/FUL, planning permission be granted subject to the conditions detailed in the report submitted.

- 78      3/19/0308/FUL - DEMOLITION OF EXISTING BUILDINGS AND CREATION OF 45 DWELLINGS, COMPRISING 28NOS. 2 BEDROOM APARTMENTS, 13NOS. 2 BEDROOM HOUSES AND 4NOS. THREE BEDROOM HOUSES, ASSOCIATED ROADS, CAR AND CYCLE PARKING AND LANDSCAPING, PLUS VEHICLE ACCESS FROM WARE ROAD AND A NEW AREA OF PUBLIC OPEN SPACE OFF HAMELS DRIVE AT 306-310 WARE ROAD, HERTFORD
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The Head of Planning and Building Control

recommended that in respect of application 3/18/0308/FUL, subject to a Section 106 legal agreement, planning permission be granted subject to the conditions detailed in the report now submitted.

The Principal Planning Officer, on behalf of the Head of Planning and Building Control summarised the application and detailed the relevant planning history. She provided an update in relation to the Section 106 contribution.

Ms Paige Harris spoke for the application.

Councillor P Ruffles raised the issue of the inability of the NHS to identify specific projects to which section 106 contributions could be allocated. Councillor B Deering commented on the problems in getting the NHS to engage with the Council on such issues. Councillor D Andrews agreed that the NHS could do more to work with the Council.

The Service Manager said the Council had, on many occasions, explained to the NHS that they needed to provide Officers with projects that they would wish to see funded. The Head of Planning and Building Control agreed that Officers would continue to push the NHS to take a broader approach on this issue in moving forward and that Health Scrutiny Committee at Hertfordshire County Council might be able to provide a further push.

Councillor C Redfern expressed concern regarding the location of the recreational facilities on the site and that the green area could not be accessed. She felt

that local recreational facilities were particularly important to those children who were being brought up in flats.

Councillor R Fernando proposed and Councillor K Beckett seconded, a motion that in respect of application 3/19/0308/FUL, subject to a Section 106 legal agreement, the Committee support the recommendation for approval, subject to the conditions detailed in the report submitted.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee supported the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that, in respect of application 3/19/0308/FUL, subject to a Section 106 legal agreement, planning permission be granted subject to the conditions detailed in the report submitted.

79 3/19/1039/HH AND 3/19/1040/LBC - SINGLE STOREY REAR EXTENSION TO PARTIALLY INFILL THE COURTYARD, AND LEVELLING OF A LARGE LAWN BY USE OF RETAINING WALLS AT THE GABLES, 19 GREEN END, BRAUGHING

The Head of Planning and Building Control recommended that in respect of applications 3/19/1039/HH and 3/19/1040/LBC, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

The Service Manager (Development Management) on behalf of the Head of Planning and Building Control summarised the applications and detailed the relevant planning history.

Councillor D Andrews said he was aware of the property and that what was being proposed was sympathetic to the building. Councillor S Bull commented on the nature of the listed building and asked Officers to make sure that the materials used were in keeping with its appearance.

Councillor D Andrews proposed and Councillor S Bull seconded, a motion that in respect of applications 3/19/1039/HH and 3/19/1040/LBC, the Committee support the recommendations for approval, subject to the conditions detailed in the report submitted.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee supported the recommendations of the Head of Planning and Building Control, as now submitted.

RESOLVED – that, in respect of applications 3/19/1039/HH and 3/19/1040/LBC, planning permission and listed building consent be granted subject to the conditions detailed in the report submitted.

## 80 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following reports be noted:

(A) Planning Statistics.

The meeting closed at 9.33 pm

Chairman .....
Date .....



EAST HERTS COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE – 14 AUGUST 2019

REPORT BY HEAD OF PLANNING AND BUILDING CONTROL

PLANNING APPLICATIONS AND UNAUTHORISED DEVELOPMENT FOR  
CONSIDERATION BY THE COMMITTEE

WARD(S) AFFECTED: As identified separately for each application and unauthorised development matter.

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**Purpose/Summary of Report:**

- To enable planning and related applications and unauthorised development matters to be considered and determined by the Committee, as appropriate, or as set out for each agenda item.

<b><u>RECOMMENDATION FOR DEVELOPMENT MANAGEMENT COMMITTEE</u></b>	
<b>That:</b>	
<b>(A)</b>	<b>A recommendation is detailed separately for each application and unauthorised development matter.</b>

1.0 Background

1.1 The background in relation to each planning application and enforcement matter included in this agenda is set out in the individual reports.

2.0 Report

2.1 Display of Plans

2.2 Plans for consideration at this meeting will be displayed outside the Council Chamber from 5.00 pm on the day of the meeting. An Officer will be present from 6.30 pm to advise on

plans if required. A selection of plans will be displayed electronically at the meeting. Members are reminded that those displayed do not constitute the full range of plans submitted for each matter and they should ensure they inspect those displayed outside the room prior to the meeting.

2.3 All of the plans and associated documents on any of the planning applications included in the agenda can be viewed at: <http://online.eastherts.gov.uk/swiftlg/apas/run/wphappcriteria.display>

2.4 Members will need to input the planning lpa reference then click on that application reference. Members can then use the media items tab to view the associated documents, such as the plans and other documents relating to an application.

### 3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

### Background Papers

The papers which comprise each application/ unauthorised development file. In addition, the East of England Plan, Hertfordshire County Council's Minerals and Waste documents, the East Hertfordshire Local Plan and, where appropriate, the saved policies from the Hertfordshire County Structure Plan, comprise background papers where the provisions of the Development Plan are material planning issues.

Contact Member: Councillor Jan Goodeve – Executive Member for Planning and Growth.

Contact Officer: Sara Saunders – Head of Planning and Building Control, Extn: 01992 531656.  
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**IMPLICATIONS/CONSULTATIONS**

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	Priority 1 – Improve the health and wellbeing of our communities  Priority 2 – Enhance the quality of people's lives  Priority 3 – Enable a flourishing local economy
Consultation:	As detailed separately in relation to each matter if any are appropriate.
Legal:	As detailed separately in relation to each matter if any are appropriate.
Financial:	As detailed separately in relation to each matter if any are appropriate.
Human Resource:	As detailed separately in relation to each matter if any are appropriate.
Risk Management:	As detailed separately in relation to each matter if any are appropriate.
Health and wellbeing – issues and impacts:	As detailed separately in relation to each matter if any are appropriate.
Equality, diversity and human rights considerations, and whether Equality Impact Assessment required:	As detailed separately in relation to each matter if any are appropriate.
Environmental Sustainability	As detailed separately in relation to each matter if any are appropriate.

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## DEVELOPMENT MANAGEMENT COMMITTEE – 14 AUGUST 2019

<b>Application Number</b>	3/19/0408/FUL
<b>Proposal</b>	Erection of 23 dwellings (9 affordable dwellings) including associated highway works, landscaping, utilities, drainage infrastructure and car parking
<b>Location</b>	Land at Stortford Road (R/O 12-18 Town Farm Crescent)
<b>Parish</b>	Standon
<b>Ward</b>	Thundridge and Standon

<b>Date of Registration of Application</b>	22 Feb 2019
<b>Target Determination Date</b>	22 August 2019
<b>Reason for Committee Report</b>	Major Application
<b>Case Officer</b>	David Snell

### **RECOMMENDATION**

That planning permission be **GRANTED** subject to a legal agreement and the conditions set out at the end of this report.

#### **1.0 Summary of Proposal and Main Issues**

- 1.1 The application proposes the construction of 23 dwellings with associated highway works, landscaping, utilities, drainage, infrastructure and car parking.
- 1.2 The application submission follows from the decision to approval of an outline application reference 3/16/2311/OUT for a development of 15 dwellings in November 2018.
- 1.3 The main issues for consideration are
  - Principle;
  - The quality of the layout and design;
  - Housing mix, density and affordable housing provision;
  - Flood risk and sustainable drainage;

- Impact on the natural environment;
- Heritage impact;
- Infrastructure and planning obligations
- Overall sustainability

1.4 Members will need to consider the overall planning balance and whether the proposal will result in a sustainable form of development having regard to the above considerations.

## **2.0 Site Description**

2.1 The site is located to the east of the village of Standen adjacent to the defined settlement boundary. To the west of the site is the residential development of Town Farm Crescent, to the north and east are open agricultural fields and to the south is the boundary with the A120 (Stortford Road). The southern boundary with the road features a number of mature landscape features and a field access into the site. There is also a layby which has been expanded along the highway where vehicles owned by householders who live opposite the site park on an informal basis.

2.2 Standon and Puckeridge is a designated Group 1 Village within the adopted District Plan 2018. The boundary of the Standon Conservation Area includes a strip of land within the site along the frontage on Stortford Road (A120).

## **3.0 Planning History**

3.1 The following planning history is of relevance to this proposal:

Application Number	Proposal	Decision	Date
3/16/2311/OUT	Outline planning for the erection of 15 dwellings with all matters reserved except access	Approved	8.11.2018



## 4.0 Main Policy Issues

4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts District Plan 2018 (DP), and the Standon and Puckeridge Neighbourhood Plan (NP). The Neighbourhood Plan has recently passed through referendum stage and it should therefore be attributed full weight.

<b>Main Issue</b>	<b>NPPF</b>	<b>LP policy</b>	<b>DP policy</b>	<b>NP policy</b>
Principle, including housing growth	Section 5		INT1 DPS1 DPS2 DPS3	SP1 SP7
Design and layout	Section 12		DES1, DES2, DES3, DES4, DES5, C1, CC2	SP13 SP14
Housing and affordable housing	Section 5		HOU1, HOU2, HOU3 HOU7	SP10 SP11 SP12
Highways and parking	Section 9		TRA1 TRA2 TRA3	SP17
Healthy and safe communities	Section 8		DES5 CFLR1 CFLR7 CFLR9 CFLR10	

Flood risk management, including climate change, water efficiency and quality	Section 14		WAT1 WAT2 WAT3 WAT4 WAT5 WAT6 CC1 CC2	SP2 SP21
Contamination and pollution			EQ1 EQ2 EQ3 EQ4	
Natural environment	Section 15		DES2 NE1 NE2 NE3 NE4	SP6
Heritage impact	Section 16		HA1 HA3	SP4
Infrastructure delivery and planning obligations	Section 2 Section 4		DEL1 DEL2	
Overall sustainability	Section 2		Chapter 1 INT1	

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

## 5.0 **Summary of Consultee Responses**

5.1 HCC Highway Authority consider that an appropriate access may be formed at this location (replacing the existing farm access), including the required visibility splays. A Section 278 agreement will be required in order to facilitate the proposed access.

5.2 The internal layout has been subject to review by the Highway Authority and has been designed to adoptable standards. The Highway Authority has agreed in principle to the areas of adoption

as shown on drawing number ST-2797-04-E. The aforementioned drawing includes the required service strips either side of the carriageway. This scheme is in response to an element of public benefit given that the existing parking area is being re-purposed within the site. A Section 38 Agreement will be required in order to facilitate the adoption.

- 5.3 It is noted that the existing car parking spaces available within the lay-by on Stortford Road are being re-provided within the site and the arrangement as shown on drawing number ST-2797-04-E is acceptable. The Highway Authority has agreed to these spaces and the connecting access road being adopted in order to ensure that no public car parking spaces are lost.
- 5.4 In conclusion, the Highway Authority is content in principle with the measures outlined in the supporting documents and does not wish to restrict the grant of permission, subject to a range of conditions.
- 5.5 Lead Local Flood Authority have no objections subject to conditions
- 5.6 Environment Agency have no objection
- 5.7 Thames Water have no objection.
- 5.8 EHDC Conservation and Urban Design Advisor comments that following amendments to the layout of the development and changes to some of the house types, no objections are raised.
- 5.9 EHDC Environmental Health Advisor has no objection, subject to conditions.
- 5.10 HCC Historic Environment Unit have no objection, subject to conditions
- 5.11 Campaign to Protect Rural England raise objections on the grounds that the design is of a poor quality and is contrary to Policies DES2, DES3 and DES4 of the East Herts District Plan.

5.12 HCC Growth and Infrastructure Unit request planning obligations towards middle education, library services and youth services.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

## **6.0 Standon Parish Council Representations**

6.1 The Parish Council object to the proposed development on the following grounds:

- The development proposal is outside the village boundary.
- The proposal does not fully address the increased risk of flooding in the village, a major issue explained in the Standon Parish Neighbourhood Plan.
- The proposed development may lead to the loss of heritage assets.
- The proposal does not make adequate provision for car parking.
- The access to the development, which is also the access to the field, creates an accident risk
- The proposal will lead to loss of Wildlife.
- The development proposal will lead to loss of amenity to dwellings in Town Farm Crescent
- The social benefit of the development in the form of affordable housing for example is not guaranteed by a condition

## **7.0 Summary of Other Representations**

7.1 14 responses have been received objecting to the proposals on the following grounds:

- Noise and disturbance
- Loss of lay-by parking spaces
- Loss of views and light to neighbouring properties
- Overdevelopment of the site

## **8.0 Consideration of Issues**

### Principle

- 8.1 The site is located within the Rural Area Beyond the Green Belt wherein Policies GBR2 and VILL1 of the adopted East Herts District Plan 2018 and Policy SP7 of the Standon Parish Neighbourhood Plan are the relevant policies that apply. Policy GBR2 sets out acceptable development types within the rural area. Policy GBR2 (e) states that limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings) in sustainable locations, where appropriate to the character, appearance and setting of the site and/or surrounding area will be permitted, provided they are compatible with the character and appearance of the rural area.
- 8.2 District Plan Policy VILL1 and Neighbourhood Plan Policy SP7 provide that development will be permitted within Group 1 Villages. The settlement boundary defined on the Policies Map which ends on the western boundary of the site to the rear of properties on, Town Farm Crescent.
- 8.3 The extant permission for 15 dwellings was approved by the Development Management Committee in April 2017 on the basis of the NPPF presumption in favour of sustainable development during a period when the Council could not demonstrate a 5 year housing land supply. However, notwithstanding that the District can now demonstrate a 5 year housing land supply following the adoption of the District Plan this permission is a material consideration in assessing the current application which carries significant weight.
- 8.4 The proposal would conflict with Policies GBR2 and VILL1 of the District Plan and Policy SP7 of the Neighbourhood Plan, in that the site is located outside the settlement boundary. However, the Neighbourhood Plan acknowledges that the site has planning permission. Furthermore, the site is in a sustainable location on the edge of the Group 1 Village.

- 8.5 Therefore, the principle of the development is considered to be acceptable.

Design and layout

- 8.6 Policy DES4 of the District Plan and Policy SP14 of the Neighbourhood Plan (SNP) sets out the criteria for design requirements. The site is situated to the northwest of Standon and the proposed layout would reflect the approved indicative layout submitted with the approved outline application.
- 8.7 The proposed development would represent a denser scheme to that approved for 15 dwellings with an increase of 7 units to 22 units. The increase in density to 25 dwellings per hectare (dph) would accord with the NPPF in that it would make more effective use of the land. The proposal would be comparable to prevailing densities in Standon and the density of the adjoining Town Farm Crescent development which is also 25 dph. Therefore having regard to the characteristics of the site and its surroundings the density of development is considered to be acceptable.
- 8.8 The layout has been revised to provide a landscape belt and public amenity space along the eastern boundary of the site to provide a soft edge to the development. Internal hard and soft landscaping provides a soft gateway to the development and an appropriate setting for the buildings.
- 8.9 The proposed dwellings would be predominantly two storeys in height with one block three storey apartments located in the south eastern corner of the development.
- 8.10 The proposed dwellings are of traditional external design reflective of the predominant traditional architecture found in Standon. The house designs provide variety and their external appearance is of good quality.

- 8.11 The Conservation and Urban Design Team note that the proposals have been heavily revised, and are now greatly improved, and the revisions have addressed original concerns. The streetscape at the entrance to the site has been improved, the prominence of parking reduced and the outlook of many of the units improved.
- 8.12 Some residents have raised concern with regard to the relationship between the new residential properties and existing development. It is considered that the separation distances and intervening existing and proposed planting are such that an acceptable relationship is achieved.
- 8.13 Sustainable design and construct and water usage information has been requested and Members will be updated at the meeting.
- 8.14 Overall, and subject to the information requested above the layout and design of the proposed development is of good quality attracting positive weight.

#### Housing and affordable housing

- 8.15 The proposed development proposes 23 residential units in the following mix:

	Market housing	Affordable housing
1bed maisonette		4 (44.4%)
2 bed dwelling	4 (28.6%)	4 (44.4%)
3 bed dwelling	6 (42.8%)	1 (11%)
4 bed dwelling	4 (28.6%)	
Total	14 (60.9%)	9 (39.1%)

- 8.16 Whilst the housing mix is not in conformity with the Strategic Housing Mix Assessment (SHMA) this is a strategic mix target across the District and it would not be expected that a relatively small development would be in strict conformity. The housing mix is considered to be acceptable.

- 8.17 9 units (39.1%) affordable housing units are proposed in a mix of 6 (67%) affordable rent units and 3 (33%) shared ownership units. Due to the relatively small scale of the development and its form with 3 of the 9 affordable units being within the block of maisonettes, it is accepted that it would be difficult to pepper pot their distribution across the site. However, the block faces a different road frontage to the houses and although grouped they are considered to be satisfactorily integrated with the market housing.
- 8.18 In terms of adaptability and accessibility all of the units are designed to be Building Regulations M4(2) compliant.
- 8.19 The provision of good quality housing and affordable housing carries significant positive weight.

#### Highways and parking

- 8.20 The Highway Authority considers that the traffic generation is acceptable in this location and that access arrangements and internal road layout are satisfactory.
- 8.21 52 parking spaces and 12 garage spaces are proposed across the site providing 64 spaces overall compared to the District Plan maximum requirement of 52 spaces, however 8 spaces are provided close to the existing highway in replacement for existing on-street spaces to be lost. The parking arrangements are considered to be satisfactory.
- 8.22 Each unit is to be provided with cycle parking provision either within the garages or in garden sheds.
- 8.23 The proposal would have neutral impact on the highway network.

#### Flood Risk

- 8.24 The site is located in Flood Zone 1 and there is no risk from fluvial flooding.



- 8.25 The submitted drainage strategy is based on infiltration and infiltration tests have been carried out onsite to ensure the feasibility of the proposed strategy. The strategy includes infiltration trench, porous paving and an infiltration basin. The basin has been designed to accommodate the critical 1 in 100 year + 40% climate change event. Subject to conditions the Lead Local Flood Authority (LLFA) are satisfied that a satisfactory sustainable drainage scheme can be achieved subject to its detailed design and recommend.

#### Natural environment

- 8.26 The application is accompanied by a Preliminary Ecological Appraisal. This identified the main ecological interest on the site to be concentrated in the boundary hedgerow and field margins. The arable land was considered to provide negligible value to wildlife. Although the hedgerow is to be retained there will be a loss of a 2 – 3 m strip of field margin containing ruderal and grassland species. The flora of this area is assessed to be of low ecological value and be composed of commonly occurring species.
- 8.27 Herts Ecology advise that notwithstanding that the floral survey was carried out at a sub optimal time of year, having considered the species list contained in the report and the location of the site, there is no reason to doubt the conclusions of the assessment. On this basis, they advise that there is no justifiable reason to object to the development on the grounds of ecology. However, this area is potential habitat for roman snails. These are protected under the Wildlife and Countryside Act 1981 (as amended) making it an offence to deliberately kill, or take them. If roman snails are in the field margin to be cleared, they will be affected and must be taken account of in considering the application. Herts Ecology advise that this can be adequately addressed by a condition.
- 8.28 The ecological impact of the proposal is regarded as neutral.

#### Heritage impact

- 8.29 A strip of land on the frontage of the site lies within the conservation area and the land opposite the frontage is also within the conservation area. The layout and design of the proposed development is of good quality and the impact on the Conservation Area is regarded as neutral.
- 8.30 The proposed development abuts Area of Archaeological Significance no. 282. This covers the historic core of Standon village, which has Late Saxon and medieval origins. The proposed development is just outside the historic core, as identified by the submitted Archaeological Desk-based Assessment, and it is likely that the archaeological potential of the location for Late Saxon, medieval and post-medieval remains is comparatively low. However, given the size of the site (circa 1 ha), its relatively favourable topographic position and the general potential of the landscape for prehistoric and Roman remains, there is potential for the proposed development to disturb archaeological remains. Cropmarks of ring-ditches (possible Bronze Age barrows) are present within the northern part of the same field. Further cropmarks perhaps indicative of prehistoric or Roman occupation are visible nearby to the east and to the south east.
- 8.31 Therefore, evidence exists that archaeological remains survive in the surrounding fields. The potential is, however, not so high that it is recommend that intrusive work is carried out prior to determination of the application and this can be addressed by a condition.

#### Infrastructure and planning obligations

- 8.32 HCC have requested the following financial obligations:

- Middle Education £30,821  
towards the expansion of expansion of  
The Ralph Sadleir Middle School from 3  
forms of entry to 4 forms of entry;
- Library Service £3,233  
towards the enhancement of the  
Children's Area at Bishops Stortford Library

- Youth Service £657  
towards additional furniture within the  
Information and Guidance Suite at Bishops  
Stortford Young Peoples Centre.
- Sustainable transport – walking and cycling  
Improvements in Standen £21,250

8.33 The following EHDC obligations are recommended (subject to the identification of projects and compliance with CIL Regulation;

Community/village halls	£5,273
Outdoor Sports Facilities	£19,761
Children and Young People	£2,918

## **9.0 Planning Balance and Conclusion**

- 9.1 The proposal will provide for a development of 23 units on land that has outline planning permission for residential development. The provision of housing and affordable housing carries significant positive weight.
- 9.2 The site lies outside the village boundary but it adjoins it and it is regarded as a sustainable location for residential development on the scale proposed.
- 9.3 Overall, the design of the proposed development is considered to be of good quality and this is attributive positive weight.
- 9.4 The Highway Authority considers that the proposed access and internal highway arrangements are satisfactory and car parking provision complies with the adopted standard. The highway impact of the development is regarded as neutral.
- 9.5 The proposal would serve to preserve the character of the conservation area and the impact is therefore regarded as neutral.

- 9.6 The site is not one of significant ecological interest and subject to a condition providing for enhanced biodiversity the ecological impact is regarded as neutral.
- 9.7 It has been satisfactorily demonstrated that a sustainable drainage scheme can be provided and subject to a condition in regard to the detailed design of the system the impact of the development on surface water drainage is regarded as neutral.
- 9.8 Overall and subject to conditions, it is considered that the proposal meets the relevant District Plan policy requirements and it is regarded as a sustainable form of development.

## **RECOMMENDATION**

That planning permission be **GRANTED**, subject to the conditions/ reasons set out below and the satisfactory conclusion of a legal agreement to secure the following:

### **Legal Agreement**

- Affordable housing as specified on the affordable housing plan and schedule;
- Arrangements for the future maintenance of the public realm and amenity areas
- EHDC (subject to the identification of projects and compliance with CIL Regulations);
 

Community/village halls	£5,273
Outdoor Sports Facilities	£19,761
Children and Young People	£2,918
- HCC
 

Middle education	£30,821
Library Services	£3,233
Youth Services	£657

Walking and cycling improvements	£21,250
Total	£83,883

(all index linked)

### **Conditions**

1. Three year time limit (1T12)
2. Approved plans (2E10)
3. No development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. This condition will only be considered to be discharged when the planning authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to publication has been made.

Reason: To ensure any archaeological significance is recorded.

4. Prior to the commencement of the development hereby permitted, a visibility splay measuring 2.4m x 43 metres shall be provided to north of the access and 2.4m x 57m to the south of the access (as illustrated on drawing number MBSK181023-03) where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

5. Construction of the development hereby approved shall not commence until a Construction Traffic Management Plan (CMP) has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the

construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

- a) Construction vehicle numbers, type, routing;
- b) Traffic management requirements;
- c) Construction and storage compounds (including areas designated for car parking);
- d) Siting and details of wheel washing facilities;
- e) Cleaning of site entrances, site tracks and the adjacent public highway;
- f) Timing of construction activities to avoid school pick up/drop off times;
- g) Provision of sufficient on-site parking prior to commencement of construction activities;
- h) Post construction restoration/reinstatement of the working areas.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way.

6. Prior to the completion of the foundations, samples of external materials of construction shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In the interest of the appearance of the development and in accordance with Policies ENV4 and DES4 of the East Herts District Plan.

7. Before occupation of the development, the new access serving the development, including the visibility splays shall be completed in accordance with the drawing number ST-2797-04E and arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway. The gradient of the access shall not be

steeper than 1:20 for the 10 metres from the edge of the carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

8. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment prepared by RAB reference: 1198B dated 22<sup>nd</sup> December 2015 and the following mitigation measures as detailed within the above mentioned report.
  1. Limiting the surface water run-off generated by the 1 in 100 year + climate change event critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site;
  2. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event;
  3. Implement the drainage strategy based on infiltration as indicated on drawing reference ST-2797-05-D to include the above ground SuDS features.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

9. No development other than site clearance and preparation shall take place until the final design of the drainage scheme is submitted and approved in writing by the Local Planning Authority. The scheme shall be based on the Flood Risk Assessment prepared by RAB reference: 1198B dated 22<sup>nd</sup> December 2015 and drawing No. ST-2797-05-D. The scheme shall include:
  1. Detailed engineers drawings of the proposed SuDS features including their, location, size, volume depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure that the

- scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event;
2. Details regarding areas of informal flooding (events exceeding the 1 in 30 year rainfall event), shown on a plan with estimated extents and depths;
  3. Details of final exceedance routes, including those for an event which exceeds the 1 in 100 year + climate change event.

The approved scheme shall be fully implemented and thereafter maintained, in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may be agreed, in writing, by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

10. On completion of each phase of the drainage works, a complete set of as built drawings for the site drainage management shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

11. Prior to first occupation of the development full details providing for the future management and management of streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved detail until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

Reason: To ensure the upkeep and maintenance of streets to a suitable and safe standard.

12. In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the



premises before 0730hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.

Reason: To safeguard the amenity of residents of nearby properties, in accordance with policies EQ2 of the East Herts District Plan.

13. Prior to the completion of foundations details of the design and construction of the dwellings and to demonstrate how the design, materials and operation of the development minimises overheating in summer and reduces the need for heating in the winter to reduce energy demand and reduces water demand shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To adapt to climate change, reduce carbon emissions and efficiently use water resources in accordance with Policies DES4, CC2 and WAT4 of the East Herts District Plan 2018.

14. Landscape design (4P12)
15. Landscape implementation (4P13)
16. Prior to first occupation of the development full details providing for the future management and maintenance of the public realm, including communal amenity space and landscaped areas and the areas occupied by above ground SuDS features shall be submitted to and approved in writing by the Local Planning Authority. The public realm shall thereafter be maintained in accordance with the approved detail.

Reason: To ensure satisfactory maintenance of the public realm in the interests of amenity.

## **Informatives**

1. Other legislation (OL01)

2. Street naming and numbering (19SN)
3. The applicant is advised that any unsuspected contamination that becomes evident during the development of the site should be brought to the attention of the Local Planning Authority and appropriate mitigation measures agreed.
4. Protected species (amended Roman Snail)
5. Highways works (05FC02)

### **Summary of Reasons for Decision**

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the East Herts District Plan, the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies is that permission should be granted.

**Key Data**

<b>Residential density</b>	25 units/Ha	
	Bed spaces	Number of units
Number of existing units demolished		
Number of new flat units	1	4
	2	
	3	
Number of new house units	1	
	2	8
	3	7
	4+	4
Total		23

**Affordable Housing**

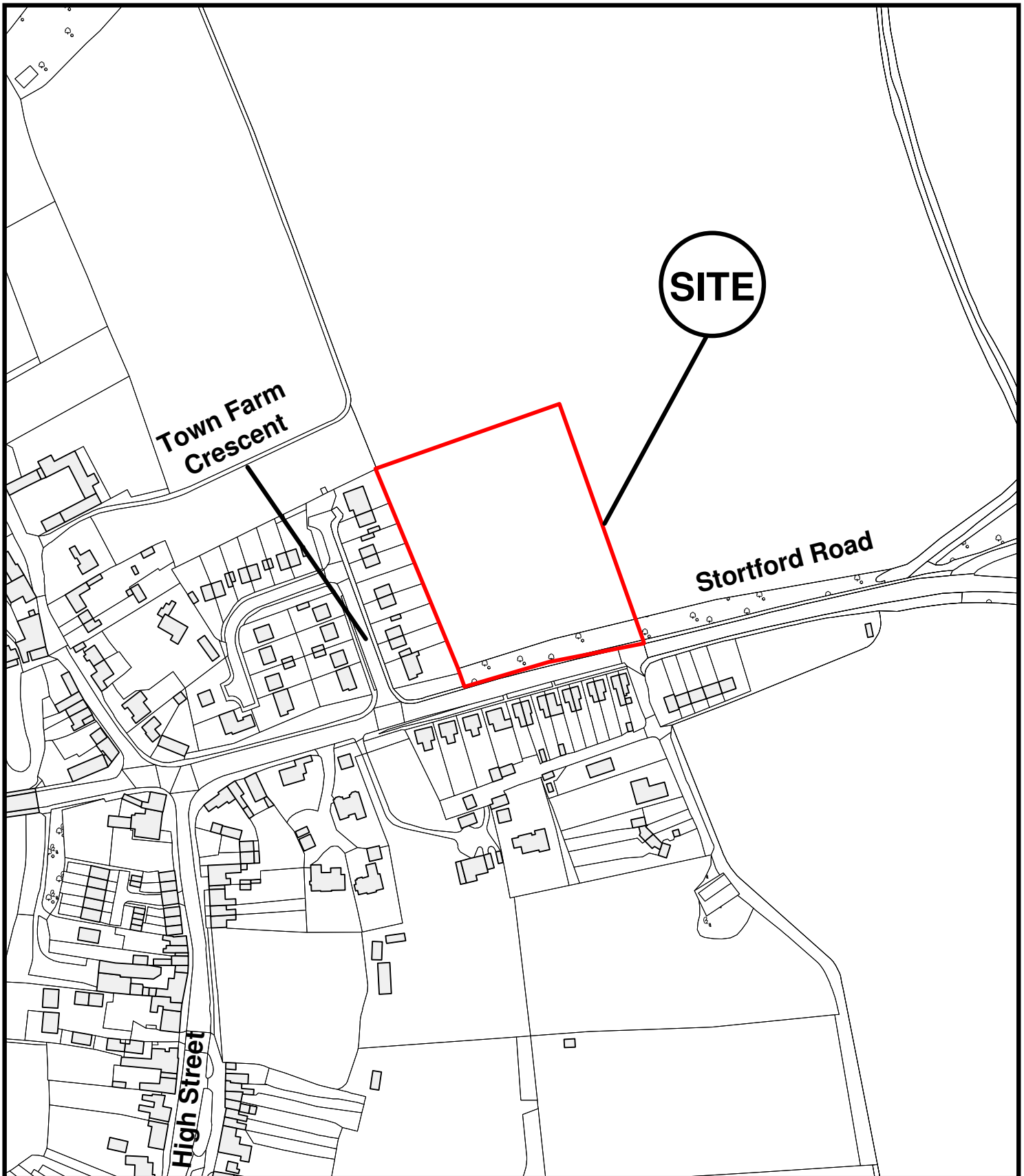
<b>Number of units</b>	<b>Percentage</b>
9	39.1%

**Residential Vehicle Parking Provision**

Parking Standards (endorsed at District Plan Panel 19 March 2015)

Parking Zone	4	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	6
2	2.00	16
3	2.50	18
4+	3.00	12
Total required		52
Accessibility reduction		
Resulting		

requirement		
Proposed provision		64



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**East Herts Council**  
Wallfields  
Pegs Lane  
Hertford  
SG13 8EQ  
Tel: 01279 655261

**Address: Land At Stortford Road, (R/O 12-18 Town Farm Crescent),  
Standon, Hertfordshire**

**Reference: 3/19/0408/FUL**

**Scale: 1:2500**

**O.S Sheet: TL3922**

**Date of Print: 31 July 2019**

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**EAST HERTS DISTRICT COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
ITEMS FOR REPORT AND NOTING  
JUNE 2019**

<b>Application Number</b>	3/17/2786/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	The Stables Land Adjacent To Sacombe Corner WoodFrogmore HillHertsAstonSG14 3RS
<b>Appellant</b>	Mr Gary Madgin
<b>Proposal</b>	Change of use of The Stables from equestrian (sui generis) to residential use (C3) for 1no dwelling. New window and door openings and alterations to fenestration.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/18/1536/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	35 Burnham Green RoadBurnham GreenWelwynHertfordshireAL6 0NL
<b>Appellant</b>	Mr P Smith
<b>Proposal</b>	Erection of 1no detached 4 bedroomed dwelling.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/18/1606/HH
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	25 Church RoadLittle BerkhamstedHertfordHertfordshireSG13 8LY
<b>Appellant</b>	Mr Lee Edwards
<b>Proposal</b>	Demolition of garage and single storey rear extension. Erection of a two storey side extension, single storey rear extension and erection of porch.
<b>Appeal Decision</b>	Allowed

<b>Application Number</b>	3/18/2006/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	The Birches1 Farm PlaceBury GreenLittle HadhamWareHertfordshireSG11 2HA
<b>Appellant</b>	Mr Brian Shea
<b>Proposal</b>	Change of use of land adjacent The Birches into residential curtilage - Retrospective.
<b>Appeal Decision</b>	Allowed

<b>Application Number</b>	3/18/2211/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Fairholme StablesArchers Green LaneTewinWelwynHertfordshireAL6 0JF
<b>Appellant</b>	Heronlea Group
<b>Proposal</b>	Demolition of existing buildings, erection of 5 no. dwellings together with associated parking amenity space and access from Archers Green Lane.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/18/2212/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Fairholme StablesArchers Green LaneTewinWelwynHertfordshireAL6 0JF
<b>Appellant</b>	N/A
<b>Proposal</b>	Demolition of existing buildings. Erection of 7 no. dwellings together with associated parking amenity space and vehicle access.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/18/2261/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated

<b>Address</b>	Old Hall Cottage EastKettle Green LaneMuch HadhamHertfordshireSG10 6AF
<b>Appellant</b>	Mr Christopher Nicola
<b>Proposal</b>	Change of use and alterations (to roof and fenestration) of building and garage from Light Industrial (B1(c)) to residential (C3) to create 1 No 3 bedroom dwelling with studio/garden room. Demolition of 2 no. greenhouses.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/18/2752/HH
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Ashbourne ManorMedcalf HillWidfordWareHertfordshireSG12 8SZ
<b>Appellant</b>	Mr Lester
<b>Proposal</b>	Erection of a 2.5 meter high acoustic wooden fence along part of the front boundary of the property.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/19/0258/HH
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Crumps FarmWest RoadSawbridgeworthHertfordshireCM21 0LJ
<b>Appellant</b>	Mr B Wood
<b>Proposal</b>	Demolition of existing garage and erection of replacement garage
<b>Appeal Decision</b>	Dismissed

#### Background Papers

Correspondence at Essential Reference Paper 'A'

#### Contact Officers

Sara Saunders, Head of Planning and Building Control – Extn: 1656





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## Appeal Decision

Site visit made on 5 April 2019

**by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS**

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

**Decision date: 4<sup>th</sup> June 2019**

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**Appeal Ref: APP/J1915/D/19/3222748**

**25 Church Road, Little Berkhamsted, Hertford SG13 8LY**

- 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 Lee Edwards against the decision of East Hertfordshire District Council.
  - The application Ref 3/18/1606/HH, dated 12 July 2018, was refused by a notice dated 23 November 2018.
  - The development proposed is the demolition of garage and single storey rear extension and erection of a two-storey side extension, single storey rear extension and erection of porch at 25 Church Road, Little Berkhamsted, Hertford SG13 8LY.
- 

### Decision

1. The appeal is allowed and planning permission is granted for demolition of garage and single storey rear extension and erection of a two storey side extension, single storey rear extension and erection of porch at 25 Church Road, Little Berkhamsted, Hertford SG13 8LY in accordance with the terms of the application, Ref 3/18/1606/HH, dated 12 July 2018, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1712.001 (Location Plan); 1712.054 (First Floor Plans - Proposed); 1712.053 (Ground Floor Plans - Proposed); 1712.055 (Roof Plan - Proposed); 1712.060 (Side Elevation & Section Details- Proposed); 1712.070 (Elevations - Proposed).
  - 3) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to

and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 30 days of the report being completed and approved in writing by the local planning authority.

### **Preliminary Matter**

2. I have taken the description of development from the appeal form. I consider this to be a more accurate description of the proposal and removes narrative text from the original description. It is also the description of development used by the Council in their decision and in the appellant's statement of case.

### **Main Issues**

3. The appeal site is located within the Green Belt. The main issues are therefore:
  - (a) whether the appeal proposal would be inappropriate development in the Green Belt;
  - (b) the effect of the proposal upon the openness of the Green Belt, and
  - (c) if it is inappropriate, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

### **Reasons**

4. The village of Little Berkhamsted is within Green Belt. Policy GBR1 of the East Herts District Plan 2018 (LP) sets out that proposals for development within the Green Belt will be determined in accordance with the provision set out in the National Planning Policy Framework (Framework).

*(a) whether the appeal proposal constitutes inappropriate development in the Green Belt*
5. The area of Church Road surrounding the appeal site is a residential village street characterised by detached and semi-detached cottage style dwellings laid out in a spacious manner. The appeal site is one part of two pairs of semi-detached cottages with dormer windows at first floor level. The other three dwellings in the same row have all been altered and extended over recent years to different degrees.
6. The Framework, at paragraph 145 sets out that the construction of new buildings in Green Belt is inappropriate, unless the (specified) exceptions to this are met. At paragraph 145 c) there is an exception where the proposed development is for an extension or alteration that would not result in disproportionate additions over and above the size of the original building.
7. The proposal would add an additional two storeys of living space with a side extension and a rear extension that would run across the full width of the dwelling. The key issue here is therefore whether the proposals would

constitute a disproportionate addition, having regard to the size of the original building. The original building was small and from the appellant's submissions did not include the first-floor side extension or the single storey garage to the side of the property. Having taken account of the built form proposed to be demolished, I consider that the appeal proposals would result in a net increase in floorspace. This is reinforced by the detail of Plan 1712-053 (Ground Floor as Proposed) which shows the existing outline of the dwelling and garage with the new extensions shown. Taken together with the proposed first floor additions, I consider the proposed development constitutes a disproportionate addition above and beyond the original dwelling and it therefore constitutes inappropriate development in the Green Belt.

*(b) the effect of the proposal upon the openness of the Green Belt*

8. Paragraph 133 of the Framework states that a fundamental aim of Green Belt policy is to prevent urban sprawl and keep land permanently open and the essential characteristics of Green Belt are their openness and permanence.
9. I consider that the proposed development would result in harm to the openness of the Green Belt, although the harm would be limited, as the proposal would also remove the garage from the rear/side garden area and would result in a more consolidated form of development.
10. Albeit small, there would still be a conflict with policy GBR1 of the LP and the Framework.

*Other considerations*

11. I have found that the scheme proposed comprises inappropriate development, which is, by definition, harmful to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
12. I consider the demolition of the unsympathetic and incongruous first floor extension counts in favour of the appeal. The proposed extension would significantly improve the appearance of the property, rebalance the semi and enhance the street scene. This is a positive benefit to which I attach considerable weight.
13. As a result, the proposals would represent an improvement on the existing situation in terms of character and appearance.
14. I also consider the demolition of the single storey garage to the rear of the property also counts in favour of the appeal. Its removal would have the benefit of consolidating development on the site, resulting in less overall sprawl. This weighs in favour of the proposal. The appellants also claim there would be a benefit associated with the removal of asbestos within the garage and I concur with this.
15. These aspects are considerations that count in favour of allowing the appeal.

*(d) whether any harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development*

16. The proposed extension would, having regard to the development plan and the Framework, constitute inappropriate development in the Green Belt. There would also be some harm to the openness of this part of the Green Belt. However, the removal of the existing garage, consolidation of development on the site and the removal of the incongruous first floor extension are material considerations to which I afford considerable weight. Given that the impact on the openness of the Green Belt would be limited, I consider the other considerations of sufficient weight to clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness. Thus, very special circumstances necessary to justify the development proposed have been demonstrated. Accordingly, whilst there would be conflict with the development plan, the balance of planning considerations in this case lead me to the view that the appeal should succeed.

### **Conclusions**

17. The Council have put forward conditions should the appeal be allowed. I have had regard to these in light of the tests in the Framework and National Planning Practice Guidance. I have imposed a standard condition which limits the lifespan of the planning permission and I have specified the approved plans, for the avoidance of doubt and in the interests of proper planning. Finally, I have included a further condition which relates to the presence of asbestos within the roof of the existing garage structure, as highlighted by the Council. This is required prior to the commencement of development, because of the potential for health impact.

18. For the reasons given above, and taking into account all other matters raised, I consider the appeal should be allowed.

*Sian Griffiths*

INSPECTOR



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## Appeal Decision

Site visit made on 26 April 2019

by **E Griffin LLB Hons**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2019

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**Appeal Ref: APP/J1915/W/19/3219816**

**Land adjacent to the Birches, Farm Place, Bury Green, Little Hadham  
SG11 2HA**

- 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 Brian Shea against the decision of East Hertfordshire District Council.
  - The application Ref 3/18/2006/FUL dated 7 September 2018 was refused by notice dated 3 January 2019
  - The development proposed is change of use of land to residential.
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### Decision

1. The appeal is allowed. Planning permission is granted for change of use to residential at land adjacent to the Birches, Farm Place, Little Hadham, Bury Green SG11 2HA in accordance with the terms of the application, Ref 3/18/2006/FUL dated subject to the following conditions:
  - 1) The development hereby approved shall not extend beyond the boundaries set out in the proposal plan reference 13499-LP001-1<sup>st</sup>.
  - 2) The change of use hereby permitted shall cease and any structures or equipment brought onto the land for the purposes of such use shall be removed within 30 days of the failure to meet any one of the requirements set out in i) to iii) below
    - i) Within 3 months of the date of this decision, details of a) boundary walls, fences, or other means of enclosure and b) details of means of safe access between the development and the original garden area shall be submitted for the written approval of the local planning authority and the submitted details shall include a timetable for its implementation.
    - ii) The approved details shall be carried out and completed in accordance with the approved timetable.
    - iii) Upon implementation of the approved details specified in this condition, they shall thereafter be retained.
  - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development covered by Schedule 2, Part 1, Class E of the Order shall be carried out without planning permission granted by the Local Planning Authority.

### **Procedural Matter**

2. The appeal proposal is retrospective as the appeal site has been incorporated into the appellant's garden. However, the boundary treatment and decking on the appeal site do not form part of this appeal.

### **Main Issue**

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

### **Reasons**

4. The Birches is one of a group of new dwellings on Farm Place which has a rural character. It is a large detached dwelling with a spacious garden to the rear. The appeal site is in a corner location and is a narrow roughly rectangular parcel of land which runs along the back of the garden and also behind the neighbouring property at No 2 Farm Place. Beyond the appeal site, there is a large field. To the south, there is mature vegetation.
5. The appeal site is a grassed area as is the field beyond. The northern boundary of the appeal site has a field type gate and a post and rail fencing. To the other side of the fence, there is an area of hardstanding that was being used for the storage of horse boxes and trailers at the time of my site visit. The same type of fencing continues along the longer western boundary with the adjacent field so that the appeal site and the area being used for horse equipment storage has one continuous boundary with the adjacent field.
6. An area of flat decking has been constructed to provide a bridge between the ditch between the original garden and the appeal site. The Council has referred to the ditch previously providing a distinction between the open nature of land and the garden area, but the ditch is not particularly prominent. Whilst the Council has referred to what it considers to be the unlawful removal of trees, I have limited information about the trees and, in any event, I am assessing the appeal proposal before me.
7. Whilst the appeal site does extend to the rear of No 2 Farm Place, it does not appear out of place as it forms a continuous line with the area beyond No 2, which is being used for storage of horse trailers and boxes. There are mature trees to the rear of No 2 Farm Place. The appeal site's corner location does mean that it is well related to other residential land and at the same time, wider rural views of the open fields beyond remain. The appeal site is currently open apart from the area of flat decking and fencing that are not part of this appeal.
8. I therefore do not find that the appeal proposal would harm the character and appearance of the area. Policy HOU12 of the East Herts District Plan October 2018(the District Plan) deals specifically with the change of use of land to residential garden and the supporting text refers to rural landscapes. I do not find the proposal to be in conflict with Policy HOU12 of the District Plan which states, amongst other things, that the change of use may be permitted if the proposal is not likely to result in an adverse effect on the character and appearance of the surrounding area and landscape, is well related to other residential land and not does involve a harmful incursion into the countryside and includes the provision of appropriate landscaping and boundary treatment.

9. Policy GBR2 of the District Plan lists certain types of development that will be permitted. All of the examples given relate to built development rather than a change of use but are acceptable provided that they are compatible with the character and appearance of the rural area. As I have found that the appeal proposal does not harm the character and appearance of the area, I do not find the appeal proposal to be in conflict with Policy GBR2 of the District Plan.

### **Other Matters**

10. The appellant does state in his appeal statement that the removal of permitted developments rights by way of condition would give the Council control over the extended curtilage. The removal of permitted development rights is referred to in the supporting text of Policy HOU12 of the District Plan in paragraph 14.13.1. A key element of the appellant's case is that changing the use of the land with no other form of development would not have an adverse effect upon the character and appearance of its surroundings.
11. The Planning Practice Guidance does refer to exceptional circumstances existing to remove permitted development rights. However, I do consider that the location of the appeal site and the openness of the land does justify the imposition of such a condition. The Council has referred to not being able to control the use of garden furniture on the land but that does not overcome my findings due to its temporary nature.
12. The Council considers that a previous application that was refused is material to this appeal. However, I have limited details of the previous application and each application has to be assessed on its own merits. I note the objection of the Parish Council who are concerned about incremental development and would wish to see the removal of permitted development rights in the event of a grant. However, their objection, in itself, does not alter my findings.
13. Although a small corner of the appeal site to the south is within the Bury Green Conservation Area that is not cited as a reason for refusal by the Council and I see no reason to disagree with that assessment.

### **Conditions**

14. As the change of use has already taken place, I have amended the usual plan condition to define the extent of the development. A condition is required to ensure that boundary treatments and safe access between the garden and the appeal site in view of the ditch are submitted to the Council for approval in the interests of good design and amenity. I am imposing a condition removing permitted development rights for the reasons previously given.

### **Conclusion**

15. For the reasons given, the appeal is allowed subject to conditions.

*E Griffin*

INSPECTOR



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## Appeal Decisions

Site visit made on 21 May 2019

**by Andrew Smith BA (Hons) MA MRTPI**

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

**Decision date: 12 June 2019**

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### **Appeal A Ref: APP/J1915/W/19/3221608**

#### **Fairholme Stables, Archers Green Lane, Tewin AL6 0JF**

- 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 Heronslea Group against the decision of East Hertfordshire District Council.
  - The application Ref 3/18/2211/FUL, dated 3 October 2018, was refused by notice dated 5 December 2018.
  - The development proposed is demolition of existing buildings and erection of 5no. dwellings together with associated parking amenity space and access from Archers Green Lane.
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### **Appeal B Ref: APP/J1915/W/19/3221609**

#### **Fairholme Stables, Archers Green Lane, Tewin, Welwyn AL6 0JF**

- 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 Heronslea Group against the decision of East Hertfordshire District Council.
  - The application Ref 3/18/2212/FUL, dated 4 October 2018, was refused by notice dated 11 December 2018.
  - The development proposed is demolition of existing buildings and erection of 7no. dwellings together with associated parking amenity space and access from Archers Green Lane.
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### **Decision**

1. Appeal A is dismissed and Appeal B is dismissed.

### **Procedural Matters**

2. It is apparent that the Council, when refusing the planning application that is now the subject of Appeal B, added an additional reason for refusal (when compared to their determination of the application that is now the subject of Appeal A) related to the loss of existing equine recreational facilities at the site. However, the delegated officer report related to 3/18/2212/FUL (now the subject of Appeal B) highlights that the Council considers that the additional reason for refusal would equally apply to 3/18/2211/FUL (now the subject of Appeal A). This appears logical given that both appeal schemes would have the same effect on existing facilities. I shall therefore, in the interests of completeness and clarity, consider the effect of both appeal proposals upon equine recreational facilities. I do not consider that any party with an interest in this appeal is prejudiced by me doing so.



3. The appellant has submitted revised plans for both appeals (which are listed in paragraph 4.6 in each of the appeal statements submitted). These revisions, it has been explained, have sought to introduce pitched roof elements above windows and doors, to simplify the intended palette of materials and to confirm that 1.2m high post and rail boundary treatment is proposed to be consistently applied to the western boundary of the site. Because of the minor nature of the proposed amendments (taken in the context of each appeal proposal considered as a whole), I am content to determine each appeal based on the revised plans before me replacing the earlier iterations of the same plans determined by the Council. I am satisfied that no party is prejudiced by me doing so.

### **Main Issues**

4. The main issues in both appeals are:
  - Whether or not the proposals are inappropriate development in the Green Belt;
  - The effect of the proposals upon the character and appearance of the area;
  - The effect of the proposals upon equine recreational facilities;
  - If the proposals were to be inappropriate development, whether or not 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 development.

### **Reasons**

#### *Whether or not inappropriate development*

5. The revised National Planning Policy Framework (February 2019) (the revised Framework) sets out that the construction of new buildings in the Green Belt shall be regarded as inappropriate development unless, amongst other exceptions, they represent limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. In this instance both proposals represent the complete redevelopment of previously developed land. Thus, I must consider whether or not the proposals would have a greater impact on openness when compared to the existing development on the site.
6. I note that whilst the Council has stated, in the case of each appeal, that development may constitute limited infilling (as opposed to complete redevelopment), it is apparent that they have assessed each appeal on the basis of the proposed plans before them and the intended full demolition and replacement of the existing buildings on the site (and thus a complete redevelopment of the site).
7. The appeal site contains 2 large buildings of simplistic rectangular form with pitched roofs. There are also areas of hardstanding in place alongside the buildings. The taller of the buildings is metal-clad and contains an indoor ménage. It also provides cover to an unenclosed area to its western side. The other building has a timber-clad finish and contains stabling as well as residential living quarters. Both buildings have a presence in the landscape

and are visible from various publicly accessible vantage points, including at different points along Archers Green Lane and from nearby footpath links situated to both the east and west of the Lane.

8. The development proposed in each of the appeals before me involves the construction of 2 blocks of terraced housing that loosely follow the positions/footprints offered by the 2 large buildings that would be replaced. In the case of both appeals, blocks of housing with interlocking dual-pitched roof elements are proposed that provide for front, rear and side-facing gables. The proposed dwellings incorporate a first-floor level of living accommodation.
9. In the case of both appeals, the full ridge height of the northernmost block of dwellings would closely follow the full ridge height of the existing metal-clad building. Although its proposed ridge running an approximate north-south axis would, in comparison, be set slightly lower in height. In the case of the existing timber-clad building, the southernmost block of replacement dwellings (in both appeals) would protrude above its full ridge height (yet, in comparative terms, slightly beneath the full ridge height exhibited by the existing metal-clad building).
10. With respect to both appeals, it is apparent that each block of housing would, in-part, cover land that falls outside of the footprints of each of the existing buildings to be replaced. Indeed, with respect to Appeal B, almost the entirety of the built extent of proposed Plot 1 would sit outside of the metal-clad building's footprint area and, when viewed alongside the other dwellings that are proposed, would appear as a significant built addition at the northern end of the site. In terms of the smaller southern block of 3 dwellings that is proposed under Appeal B, this would also extend beyond both ends of the timber-clad building that it would replace.
11. With respect to Appeal A, I acknowledge that excursions beyond existing built footprint positions would be limited when compared to those proposed under Appeal B. Indeed, at the southern end of the southernmost block of dwellings proposed, its southern side building line would be set in slightly (to the north) when compared to the southern side building line of the timber-clad building. The proposal (Appeal A) would still however involve narrow separation between the 2 blocks of dwellings proposed and result in wide coverage of the site (i.e. when considered on an approximate north-south axis).
12. I acknowledge that the built depth of the dwellings that are proposed, in both appeals, would be shorter in distance when compared to the depths of the existing buildings on site (i.e. when measured on an approximate east-west axis). The appellant has provided a comparison table to illustrate that, in overall terms, the extent of building footprint, cross-sectional area and building volume that is proposed in the case of each appeal would be less when compared to the existing on-site situation. The identified reductions would be most apparent with respect to Appeal A.
13. However, as set out in an appeal decision<sup>1</sup> that has been submitted in evidence, the measure of openness is not confined to the consideration of spatial dimensions. The visual effects of height, site layout and the use of space around the buildings also have a bearing on openness. Indeed, a number of appeal decisions relating to sites elsewhere appear in the evidence

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<sup>1</sup> APP/L3625/W/17/3189035

before me and refer to the effects of proposed development on openness. I have given due consideration to these other decisions but note that material differences apply (when compared to the schemes under consideration here) and that each case must be considered on its own merits and in the context of its own surroundings.

14. I agree with the Council's assertion that the existing buildings, notwithstanding their scale, have a subdued and inconspicuous presence on the site and within their surroundings, appearing inherently rural and simplistic in their form and appearance. I am not persuaded that the design approach that has been followed with respect to both appeal proposals, whereby architectural variety and visual interest would be created, would assist in limiting effects on openness. Indeed, the variations in form (including punctuated rises in ridge height) and the busy nature of many of the proposed elevations and roof slopes would only assist in drawing prominence and attention to each of the proposals before me when compared to the existing buildings that are in place.
15. Various views of each of the appeal proposals would be available from Archers Green Lane whilst views would be available across the undulating and open agricultural land that is situated to the west of the site (most pertinently from public footpath routes that exist). The proposals would also be visible across agricultural land from public footpath links that are in place to the eastern side of the Lane, notwithstanding the presence of intervening planting.
16. With respect to Appeal A, a notable extent of site coverage is proposed. The development, noting that the height of the proposed dwellings would be broadly comparable to the heights of existing buildings on the site and noting the design approach that has been taken (as discussed above), would have a prominent effect on views experienced. This would particularly be the case from either the east or west of the site, given the intended alignment of dwellings along an approximate north-south axis.
17. Furthermore, the proposal (Appeal A), whilst providing for a reduction in the extent of hardstanding when compared to that which currently exists across the site, would provide residential garden areas of not insignificant size. These would extend to the rear beyond the extent of hardstanding that is in place to the west of the existing buildings. The introduction of regularly positioned post and rail boundary treatments is also proposed.
18. Whilst to be set at ground level and proposed to be accompanied by the introduction of new landscaping, a noticeable presence of residential paraphernalia associated with the domestic use of the proposed garden areas would be anticipated to result. This is particularly as these garden areas would, for the most part, be relatively tightly spaced. This is notwithstanding the potential to withdraw the future use of permitted development rights with respect to the erection of domestic outbuildings and/or additional boundary treatment.
19. As such, taking all relevant considerations in to account, including the present arrangement of buildings and function of external areas, the proposal (Appeal A) would result in a loss of Green Belt openness. It thus follows that the proposal subject to Appeal B, given the greater extent of built coverage that is proposed when compared to Appeal A, would also result in a loss of openness.

20. Furthermore, with respect to views that would be available from eastern vantage points relative to the site, it was apparent from inspection that the visual impact of the existing buildings is tempered by the existence of what appears as a strong and vigorous hedgerow that lines Archers Green Lane. As indicated on the plans before me for both appeals, a not insignificant stretch of this hedgerow would need to be removed in order to fully accommodate the new access arrangements that are proposed.
21. I acknowledge that, with respect to both appeals, replanting of a hedge of similar height is proposed (in addition to the planting of new tree specimens). Whilst the submitted Arboricultural Survey, Impact Assessment and Protection Plan alludes to re-planting providing satisfactory mitigation in the short term, I am sceptical that a hedge line of comparative vigour and robustness could be replaced instantaneously. It would instead reasonably be expected to take time to fully establish. Whilst not determinative, I consider this to be a further factor that would exacerbate the loss of openness that I have identified with respect to each of the appeal proposals before me.
22. For the above reasons, the proposals subject to both Appeal A and Appeal B, would be inappropriate development in the Green Belt and, in this regard, they would conflict with Policy GBR1 of the East Herts District Plan (2018) (the District Plan) and with the revised Framework in so far as these policies state that inappropriate development is, by definition, harmful to the Green Belt and that the essential characteristics of Green Belts are their openness and their permanence.

#### *Character and appearance*

23. The appeal site is located outside of the defined settlement boundary of Tewin and therefore forms part of the District's rural area. Whilst I accept that the site is not covered by any statutory or non-statutory designations for landscape character or quality, its immediate surroundings are dominated by undeveloped agricultural land that is inherently rural in character. Notwithstanding the current existence of living quarters within the timber-clad building, the existing buildings upon the site are simple and agricultural in their general character and appearance. Whilst the village's settlement boundary is located only a short distance away (on the opposite side of Archer's Green Lane and on an approximate northeastern orientation from the site), the existing buildings sit distinct and separate from existing development contained within the settlement boundary.
24. I accept that the proposals before me have been designed to seek to respect the local vernacular and the character and appearance of existing residential properties located nearby. Indeed, when compared to the existing buildings upon the site itself, the proposed dwellings would evidently assimilate more closely with residential development contained within the village. The issue however is that the site sits separate to where a distinctive edge to the village is formed and in a position typified by rural/agricultural surroundings. Whilst the site's existing buildings complement this host rural character and appearance and sit comfortably in this context, the proposed dwellings, in the case of both appeals, would appear at odds with these rural surroundings.
25. For the above reasons, the proposals subject to both Appeal A and Appeal B, would cause harm to the character and appearance of the area. The proposals would conflict with Policy DES4 of the District Plan in so far as this policy

requires that proposals will be expected to make the best possible use of the available land by respecting or improving upon the character of the site and the surrounding area.

*Equine recreational facilities*

26. Policy CFLR6 of the District Plan states that proposals that result in the loss of equestrian facilities should be accompanied by an Equestrian Needs Assessment to demonstrate that the facilities are no longer needed. Indeed, the supporting text to this policy states that such uses, including riding schools and stables, can fit in well with agricultural activities and help to diversify the rural economy.
27. However, the appellant has stated that the site has not been used for equine purposes for a number of years and I have not been presented with any clear contradictory evidence to disprove this assertion. From inspection, I noted no obvious signs within the stabling facilities of recent habitation by horses. There were also no signs of recent activity within the ménage. Indeed, notwithstanding the presence of a couple of jumping obstacles, the soil/sand floor inside the metal-clad building appeared undisturbed by any recent horse-related activity. In this context I consider that it would not be reasonable to insist that the appellant produce an Equestrian Needs Assessment to demonstrate that the facilities are no longer needed.
28. For the above reasons, the proposals in both Appeal A and Appeal B would not lead to harm being caused as a result of equine recreational facilities being lost and would not conflict with Policy CFLR6 (Equine Development) of the District Plan.

*Other Matters*

29. I note that various concerns relating to matters such as highway safety and the effect of the proposals upon the setting of a listed building have been raised by interested parties to these appeals. But, notwithstanding any associated statutory duties that would apply, as I find the developments unacceptable for other reasons it is not necessary for me to consider these matters further as part of these decisions.
30. For the avoidance of doubt, irrespective of whether or not the Council can currently demonstrate a five-year supply of deliverable housing sites, I have not applied the tilted balance as set out in paragraph 11 of the revised Framework. This is because the Green Belt provisions contained within the revised Framework provide a clear reason for refusing each of the proposals before me.

*Whether very special circumstances exist*

31. The revised Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
32. The proposals would deliver additional housing units (5 in the case of Appeal A and 7 in the case of Appeal B) and that the revised Framework reaffirms the Government's objective of significantly boosting the supply of homes. The proposals would also secure the efficient use of previously developed land and promote revenue benefits and resident expenditure in the local economy. I do

not dispute that high-quality accommodation would be provided alongside opportunities for home ownership. Furthermore, the newly proposed amenity/garden areas would provide recreational facilities for future occupiers.

33. These contributions, to which I apportion moderate weight in the case of both Appeal A and Appeal B, would not however clearly outweigh the significant harm identified to the Green Belt (including harm derived from loss of openness, which would be greater with respect to Appeal B when compared to Appeal A due to the quantum of development proposed) and to the character and appearance of the area so as to amount to the very special circumstances necessary to justify the proposals. Indeed, the revised Framework is clear that substantial weight should be given to any harm to the Green Belt. The proposed development, in the case of both Appeal A and Appeal B, conflicts with the development plan when read as a whole, and material considerations do not lead me to decisions otherwise.

### **Conclusion**

34. For the above reasons Appeal A is dismissed and Appeal B is dismissed.

*Andrew Smith*

INSPECTOR



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## Appeal Decision

Site visit made on 26 April 2019

by **E Griffin LLB Hons**

an Inspector appointed by the Secretary of State

Decision date: 06 June 2019

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**Appeal Ref: APP/J1915/W/19/3221628**

**Old Hall Cottage East, Kettle Green Lane, Much Hadham SG10 6AF**

- 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 Christopher Nicola against the decision of East Hertfordshire District Council.
  - The application Ref 3/18/2261/FUL dated 12 October 2018 was refused by notice dated 11 December 2018.
  - The development proposed is conversion of existing builder's yard outbuildings to create a new dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. A revised National Planning Policy Framework (the Framework) was published in February 2019 after the issue of the Council's decision. However, as any policies that are material to this decision have not fundamentally changed in the Framework, I am satisfied that this has not prejudiced any party and I have had regard to the latest version in reaching my decision.
3. The main issues are (i) whether the appeal proposal is an employment site for the purposes of local policy and (ii) whether the appeal proposal would represent a suitable site for rural housing having regard to facilities and services.

### Reasons

4. The appeal site is on Kettle Green Lane which is a narrow rural lane. It is roughly triangular and has a boundary with the lane with mature hedging. There is a pair of semi-detached dwellings Old Hall Cottage West and Old Hall Cottage East to the one side with countryside to the other. There are open fields to the north and to the south beyond Kettle Green Lane.
5. The appeal site currently consists of an outbuilding that resembles a garage and wooden buildings described as shed 1 and shed 2 with shed 1 being larger and irregular in shape which are both behind the garage and are to the north west corner of the appeal site. Sheds 1 and 2 would be converted to the main dwelling and the separate garage building would be a studio/garden room. Parking for two cars would be towards the other side of the appeal site and an existing access would remain.

### *Employment Use*

6. The appellant indicates that the appeal buildings were last used commercially over 15 years ago as a coach builders yard. Whilst the Council has referred to a brewery business operating from the site, this is disputed by the appellant. He has stated that he is a keen home brewer and from my site visit, the limited storage use is more akin to hobby use.
7. However, Policy ED1 of the East Herts District Plan October 2018 (the District Plan) states that development which would cause the loss of a site which is currently or was last in employment use will only be permitted where certain criteria are met. Whilst the appellant has referred to the building being redundant, the policy would still apply as the last use was as a coach builders yard. The criteria refer to fully exploring the retention of the employment use and considering making improvements to the existing premises and undertaking discussions with officers with regard to potential and suitability of alternative uses. Whilst evidence of marketing of 12 months is referred to, a proportionate approach is recommended.
8. Whilst the appellant has referred to the state of the appeal buildings when he bought it, there is limited evidence of marketing or advertising in order to satisfy the requirements of Policy ED1 of the District Plan. The appellant states that no one has ever been employed there but the application refers to a coach builders yard which would have provided a form of employment and there is no dispute about that previous use taking place.
9. I therefore find that the appeal proposal would be in breach of Policy ED1 of the District Plan which states that, amongst other things, that development that was last in employment use would only be permitted where certain criteria have been met including the full exploration of the retention of the premises for Use Classes B1, B2 and B8 without success.

### *Suitable Location*

10. Policy GBR2 of the District Plan provides for certain types of development to be permitted in the Rural Area beyond the Green Belt. The exception referred to by the Council refers to redevelopment of previously developed land whether redundant or in continuing use in sustainable locations where appropriate to the character and appearance of the area.
11. In policy terms, the appeal site lies within the Rural Area Beyond the Green Belt and the village of Much Hadham is around a mile away. Reference is made to cycling and walking as being alternative options to private vehicle. Whilst the appellant has referred to cycling events taking place that is not comparable to every day transport choices of future occupiers. Whilst the appellant has referred to a path halfway down the lane, given the rural location and the narrowness of Kettle Green Lane, I agree with the appellant's Design and Access Statement that the private vehicle will be the main mode of transport as opportunities to travel other than by private car are limited.
12. Whilst the appellant has referred to the village itself having a restricted bus service links, but that does alter the sustainable assessment of the appeal site. Paragraph 77 of the Framework refers to promoting sustainable development in the rural areas and states that housing should be located where it will enhance or maintain the vitality of rural communities. The location is not necessarily



isolated, but nevertheless, the provision of one dwelling would not maintain or enhance rural facilities in any significant way.

13. I do not consider that the appeal proposal is in a sustainable location. The appeal proposal would therefore be contrary to Policy GBR2 of the District Plan which, amongst other things, seeks to maintain the Rural Area beyond the Green Belt as a valued countryside resource subject to certain exceptions.
14. Whilst the Council has a concern about the urbanising effect of the hard surfacing for the car parking area, I do not share that view. The proposed plans show the car parking area to be modest with areas of landscaping and garden to be provided either side of the car parking area. The appellant has stated that the parking area is proposed to be gravel or a similar suitable permeable surface. Given the location of the appeal proposal and the screening on the lane with mature hedging, a combination of landscaping and highway conditions could have ensured the most appropriate solution for the outdoor and parking areas. However, the lack of harm arising out of the character and appearance does not overcome my findings with regard to the employment issue or sustainability.

### **Other Matters**

15. Whilst the Design and Access statement has referred to a number of rural policies including change of use of an agricultural building, limited information is provided as to how those policies relate to the appeal site.
16. The appellant has referred to other sites that have been granted planning permission and which he considers to establish local precedent, but each scheme falls to be assessed on its own merits. In any event, I am unaware of the full circumstances associated with the other cases.
17. The support of the occupier of the neighbouring property does not in itself alter my findings. The appeal proposal would improve the appearance of the appeal site, but an improvement could also be achieved through exploring other uses.
18. The appeal proposal would make a very modest contribution of a single dwelling to the housing supply. Although the appeal site is previously developed land, the Framework states that the use of previously developed land is supported other than where this would conflict with other policies in the Framework. The Design and Access Statement suggests that the Council is not able to demonstrate a 5 year deliverable supply of housing but provides no further information other than that the weight must be attached to the provision of residential dwellings. Even if that were to be the case, the adverse impacts that I have found would significantly and demonstrably outweigh the modest benefits that would be derived from the development.

### **Conclusion**

19. Limited work has been undertaken to establish whether the appeal site could be retained as an employment site and I have found that the appeal site is not in a sustainable location. For the reasons given, the appeal is dismissed.

*E Griffin*

INSPECTOR



## Appeal Decision

Site visit made on 4 June 2019

by **J Bell-Williamson MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 June 2019

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### **Appeal Ref: APP/J1915/D/19/3226027**

### **Ashbourne Manor, Medcalf Hill, Widford SG12 8SZ**

- 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 Lester against the decision of East Herts Council.
  - The application Ref 3/18/2752/HH, dated 17 December 2018, was refused by notice dated 12 February 2019.
  - The development proposed is 'erection of 8ft high acoustic wooden fence along part of the front boundary of the property. It will be positioned such that the hedgerow is not disturbed'.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matter**

2. The Council has confirmed that despite its decision notice not including reference to the revised versions of the submitted plans, it did have regard to these revised plans in reaching its decision. The appellant confirms also that these are the correct plans and, accordingly, I have had regard to the same ones in my consideration of this appeal.

### **Main Issues**

3. The main issues are the effect of the proposed fence on trees and other planting, and related to this the effect on the character and appearance of the appeal site and surrounding area; and its effect on the setting of the Grade II listed Ashbourne Manor.

### **Reasons**

4. The appeal site is part of the linear planted boundary to the south-eastern corner of the large grounds belonging to Ashbourne Manor. The fence would run from the corner entrance gate for some 80 metres or so to a point just beyond the Manor itself, which is located close to this boundary fronting the road.

### *Trees and Character and Appearance*

5. The boundary of Ashbourne Manor in which the fence would be sited is a narrow belt of trees, shrubs and other planting of mixed species, size and
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<https://www.gov.uk/planning-inspectorate>

maturity. I note that the appellant has invested in this planting and acknowledge that it would not be in his interests to unduly disturb or otherwise damage the trees and other vegetation that is in place. Nonetheless, given the extent of the fence and requirement for appropriate foundations, it appears that there would inevitably be some disturbance to this existing planting; but I accept also that this could be addressed in large part either through providing gaps to incorporate mature trees or replacing vegetation that is unavoidably damaged during the construction of the fence, which could be required by condition as suggested.

6. However, the fence would be an extensive structure, eight feet high and some 80 metres in length running along the boundary, parallel with and close to the road. Despite the planting that exists and any additional planting that might be provided, it would not be possible entirely to screen the fence from view. Indeed, due to its overall size and length and the fact that the form of planting to the boundary naturally has small gaps in it and is not so dense to prevent any views through to the grounds of the Manor, the fence would be visible from the road and surrounding land.
7. The surrounding area is highly rural and verdant with hedgerows and other planting forming field boundaries or frontage boundaries to the small number of properties in the vicinity of the appeal site. The appeal site currently reflects these characteristics. The scale and appearance of the fence as a man-made feature in this otherwise natural setting would appear incongruous and uncharacteristic, thereby drawing the eye and making it more prominent than it otherwise might be in a more urban setting.
8. Accordingly, for these reasons, while I conclude that the proposed fence would not have a harmful effect on trees and other planting to the site's boundary, it would result in material harm to the character and appearance of the appeal site and surrounding area. Consequently, it is contrary to Policy DES4 of the East Herts District Plan (2018), which requires all development proposals to be of a high standard of design and layout to reflect and promote local distinctiveness. This policy is consistent with the National Planning Policy Framework (the Framework), particularly section 12 concerning well-designed places.

#### *Listed Building*

9. I note that the parties do not dispute that the fence would be located within the setting of the Grade II listed building. I agree with this, particularly given the proximity of the building to the location of the fence.
10. The appellant contends that the fence is a common feature of conventional design and appearance, and that the Manor itself is a relatively plain structure. I have found above, however, that the fence would be an extensive and prominent feature of substantive height and length that would have a harmful effect on the character and appearance of the area. This largely rural character and appearance is also part of the setting of the listed building, which, despite any views on its design, is as a matter of fact a designated heritage asset. It follows, therefore, that the extent and appearance of the fence would be harmful to the listed building's setting, particularly due to its proximity to the building. The fact that the listed building is not highly visible from the public

realm is not a determinative factor in the above findings that the fence would harmfully affect the heritage asset's setting.

11. I give little weight to the appellant's comparison with the scale of fences permissible under permitted development rights. Such rights are not applicable within the setting of a listed building due to the sensitivity of such locations and the protected status of these designated heritage assets. I accept that the appearance of the fence may change over time due to weathering, but this would not be sufficient to mitigate the overall effects of its scale, solidity and presence.
12. I note the appellant's suggestion that the height of the fence could be reduced to two metres. However, I am required to consider the proposal as submitted and due to the extent of this change it would not be appropriate to take account of it in reaching a decision in this case. In reaching the above findings I am particularly mindful of the statutory requirements for decision makers to have special regard to the desirability of preserving the setting of a listed building<sup>1</sup>.
13. Therefore, for the above reasons, I conclude that the proposed fence would have an unacceptably harmful effect on the setting of the Grade II listed Ashbourne Manor. As such, it is contrary to Policy HA1 of the Local Plan, which requires development to preserve and where appropriate enhance the historic environment; and to Policy HA7 also of the Local Plan, which concerns listed buildings and includes the requirement that proposals that affect the setting of a listed building will only be permitted where the setting of the building is preserved. These policies are consistent with the Framework.
14. Where there is a harmful effect on the significance of a designated heritage asset which is less than substantial harm, which would apply in this case, the Framework requires the harm to be weighed against the public benefits of the proposal (paragraph 196). The appellant contends that the improvements to the residential environment and living conditions resulting from the fence will ensure that residential occupation and upkeep of the listed building is continued. However, there is no specific evidence to support this contention in terms of the levels of noise associated with the residential use or that the lack of a fence of this type would realistically result in the building not being occupied. As such, I give limited weight to these arguments and they do not overcome the harm and conflict with development plans policies that has been found above.

### **Conclusion**

15. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

*J Bell-Williamson*

INSPECTOR

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<sup>1</sup> Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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# Appeal Decision

Site visit made on 4 June 2019

**by J L Cheesley BA(Hons) DIPTP MRTPI**

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

**Decision date: 28<sup>th</sup> June 2019**

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**Appeal Ref: APP/J1915/D/19/3226913**

**Crumps Farm, West Road, Sawbridgeworth, Hertfordshire CM21 0LJ**

- 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 Bill Woods against the decision of East Herts Council.
  - The application Ref 3/19/0258/HH was refused by notice dated 9 April 2019.
  - The development proposed is demolition of existing garage and erection of replacement garage.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. I consider the main issue to be whether the proposal would amount to inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies, and if so, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposal.

## Reasons

3. The Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. The construction of new buildings in the Green Belt is inappropriate unless in accordance with exceptions in the Framework. One exception is the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces.
4. Policy GBR1 in the East Herts District Plan (2018) states that planning applications in the Green Belt will be considered in line with the provisions of the Framework.
5. The appeal building comprises two adjoining buildings. The front building is a garage with an up-and-over door. This adjoins a building to the rear, which is of agricultural barn appearance. The proposed garage would be repositioned to overlap the footprint of the existing building and be set forward towards Crump

- Farmhouse. It would not be materially larger than the building it would replace.
6. The Council has stated that given the history of site, the rear building is likely to have been for agricultural or equestrian storage. The planning application site includes existing buildings adjacent to the dwelling which are currently being converted to commercial units. In these circumstances, it does not follow that the rear building is necessarily part of the domestic curtilage. Its appearance is more in keeping with these former equestrian/farm storage buildings undergoing conversion.
  7. Whilst the planning application is for a replacement garage and at the time of my site visit, there were vehicles parked in the building to the rear, the appellant has clearly stated in representations that the appeal involves the replacement of the linked garage and storage outbuilding.
  8. The rear building has large double doors wide enough for vehicles to enter. However, in their central location, the doors require vehicles to be parked at an angle within the building. This is not a usual design for a domestic garage, where one would expect a much wider entrance, similar to that proposed in the replacement building.
  9. There is no evidence to suggest that the rear building has been used for domestic storage. There are no shelves or other storage containers or structures one would expect to see in an outbuilding of this size used for domestic storage.
  10. The front building is clearly a domestic garage. Nevertheless, having considered the use of the adjoining building to the rear, for the above reasons, I have reached the conclusion that the new building would not be in the same use as the one it would replace. Thus, the proposal would constitute inappropriate development in the Green Belt.
  11. Due to the scale and siting of the proposed garage, I do not consider that it would diminish the sense of openness of this part of the Green Belt. Nevertheless, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

#### *Other Considerations*

12. The *Planning (Listed Buildings and Conservation Areas) Act 1990* imposes duties requiring special regard to be had to the desirability, at Section 16(2), of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
13. The Framework advises 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.
14. Crumps Farm House is a Grade II listed building, a designated heritage asset. Its significance is derived from the traditional design. The listing description includes reference to a large early C17 timber farmhouse, including early C18 red brick additions.
15. The proposed garage would be situated to the rear of this farmhouse. It would be constructed in painted timber boarding, with a brickwork plinth and clay roof tiles. From my observations, due to the design and siting of the proposal, I

consider that it would appear as a subservient building that would preserve the setting of the farmhouse and the significance of this heritage asset. Therefore, I have attributed some weight to this matter in my determination of this appeal.

16. The appellant has stated that if the Council believes the linked outbuildings are not in a residential use, then an application for their re-use for garaging in association with Crumps Farm House would not be inappropriate development and be likely to be successful, as would a subsequent application for their replacement for that purpose. The appeal process should not be used to evolve a scheme. It is not for me to determine such a proposal which is not before me. Therefore, I have attributed limited weight to this matter in my determination of this appeal.

### *Conclusion*

17. In reaching my conclusion, I have had regard to all matters raised. It is necessary to determine whether there are other considerations which clearly outweigh the harm to the Green Belt, and any other harm, hereby justifying the proposal on the basis of very special circumstances. For the reasons stated above, in my opinion the considerations advanced in support of the proposal do not clearly outweigh the harm it would cause to the Green Belt. In conclusion, I am of the opinion that there are no material factors that would amount to the very special circumstances needed to clearly outweigh the presumption against inappropriate development in the Green Belt. Thus, the proposal would be contrary to policy outlined in the Framework and Policy GBR1.

*J L Cheesley*

INSPECTOR



## Appeal Decision

Site visit made on 20 May 2019

**by M Savage BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2019

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**Appeal Ref: APP/J1915/W/18/3211815**

**The Stables, Land adjacent to Sacombe Corner Wood, Frogmore Hill, Aston, Herts SG14 3RS**

- 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 Madgin against the decision of East Hertfordshire District Council.
  - The application Ref 3/17/2786/FUL, dated 1 December 2017, was refused by notice dated 20 March 2018.
  - The development proposed is a change of use of stables to residential use.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. At the time the Council determined the application, the Development Plan was the East Herts Local Plan 2007. The Council adopted the East Herts District Plan on the 23<sup>rd</sup> of October 2018 and this now forms the development plan for the area.
3. The application was determined prior to the publication of the revised National Planning Policy Framework (2018)(the 'Framework'). The parties have been given the opportunity to comment on the implications of this on the appeal. During the course of the appeal a further revised Framework (February 2019) was published. As policies of the Framework that are material to this case have not changed fundamentally, I have taken it into account in reaching my decision and am satisfied that this has not prejudiced either party.

### Main Issues

4. The Council advise that the site falls within an area of the Green Belt. Because national policy on Green Belt must be considered, the main issues are:
  - Whether the proposal would be inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework; and
  - Whether the appeal site is a suitable location for the proposed development having regard to access to local shops, community facilities and bus services and to local and national policy.



## Reasons

### *Whether inappropriate development*

5. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 146 of the Framework establishes that certain forms of development are not inappropriate in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of including land within it. The re-use of buildings of permanent and of substantial construction is identified under this paragraph. Policy GBR1 of the East Herts District Plan (EHDP)(October 2018) states that planning applications within the Green Belt will be considered in line with the provisions of the National Planning Policy Framework.
6. The appeal building is of permanent and substantial construction and would therefore fall to be considered under this exception set out in the Framework. The proposal would not result in any additional built development and permitted development rights could be withdrawn via condition to ensure that there is no loss of openness. Given that the building is already upon the site, the proposal to change its use to a residential dwelling would not result in a loss of openness to the Green Belt, or conflict with the purposes of including the land within it. I therefore conclude that the proposal would not represent inappropriate development within the Green Belt, nor would it conflict with Policy GBR1 of the EHDP or the Framework (2019).

### *Suitability of the site for housing*

7. The appeal site is located in a generally rural area off Frogmore Hill, a single track road which serves a small number of other properties. The Council cited Paragraph 55 of the Framework of the National Planning Policy Framework (2012) in its reason for refusal. Whilst the Framework has since been revised, the general approach has been carried forward in the 2019 Framework in Paragraph 79. Whilst there are a number of other properties along Frogmore Hill, Pumping Station Cottages, these are physically and visually detached from the appeal building which sits to the south of Frogmore Hill Road in isolation. Moreover, the appeal site is not within an identified settlement. I therefore conclude that, for the purposes of applying Paragraph 79, the proposed dwelling would be isolated.
8. Paragraph 79 of the Framework states that decisions should avoid the development of isolated homes in the countryside unless certain circumstances apply, including that the development would re-use redundant or disused buildings and enhance its immediate setting. The appellant asserts that the appeal building is redundant and has submitted evidence indicating that the site has limited potential for office, workshop and storage uses. However, the stables appeared in good condition at the time of my site visit and whilst it was not occupied by horses, I see no reason why it could not be used as such in the future.
9. Whilst it is proposed to remove the ménage, it is located outside the appeal site and there is no mechanism before me to secure its removal. I am therefore unable to afford this matter weight. Thus, even if I were to conclude that the appeal building is redundant, the proposal would not enhance its immediate setting.

10. Paragraph 78 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Although not specifically referenced by the Council in its reason for refusal, I have been provided with a copy of Policy TRA1 of the EHDP which has similar aims to Paragraph 78 and states that development should primarily be located in places which enable sustainable journeys to be made to key services and facilities to help aid carbon emission reduction.
11. The appeal site is divorced from Aston and, given the general lack of footpaths and street lighting along the roads to the settlement, I consider future occupants are unlikely to choose to walk there. This would be particularly the case for those with limited mobility, parents with young children or at night, or in inclement weather. Future occupants are therefore likely to be highly reliant on private car.
12. Although there are some facilities in Aston, including a primary school, public house, cricket ground, village hall and church, I consider these are unlikely to meet the day-to-day needs of future occupants and consider it likely that it would be necessary for future occupants to travel further to access other facilities and services.
13. I accept that the equestrian use would generate vehicle movements and that the number of daily movements which would be generated by the appeal scheme would be modest. Nevertheless, future occupants would have a limited choice of transport mode, contrary to the objectives of the Framework, and the overall aim of the East Herts District Plan to reduce the need to travel. This is a significant factor weighing against the scheme.
14. Whilst the appeal site comprises previously developed land, given its isolated location I attach limited benefit to the reuse of the building. The appeal scheme would make a very limited contribution towards housing needs within the area and would provide limited economic benefit during construction and occupation of the dwelling. These benefits would not outweigh the harm arising from the site's unsuitable location with poor access to local facilities and services. I therefore conclude that the appeal site is not a suitable location for the proposed development, contrary to Policy TRA1 of the EHDP and the Framework.

### **Other Matters**

15. The Council advise that following adoption of its District Plan in 2018, Policies HOU12, DES3 and TRA3 are of relevance. Policy HOU12 of the EHDP relates to residential garden land and, whilst of relevance, since the effect of the garden on the character and appearance of the countryside is not in dispute, has therefore not been determinative in my consideration of the appeal. Policy TRA3 relates to vehicle parking provision and Policy DES3 relates to landscaping, which are also matters which are not in dispute and have therefore not been determinative in my consideration of the appeal.

### **Conclusion**

16. There is no substantive evidence before me that the appeal should be determined other than in accordance with the development plan, and no benefits are before me of sufficient weight to outweigh the harm I have

identified, including the provision of additional housing, to which I attach limited weight in the circumstances before me. For the reasons given above, and taking into account all matters raised, I therefore dismiss the appeal.

*M Savage*

INSPECTOR



## Appeal Decision

Site visit made on 19 June 2019

by **John Morrison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 June 2019

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**Appeal Ref: APP/J1915/W/19/3225623**

**35 Burnham Green Road, Burnham Green AL6 0NL**

- 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 P Smith against the decision of East Hertfordshire District Council.
  - The application Ref 3/18/1536/FUL, dated 4 July 2018, was refused by notice dated 1 October 2018.
  - The development proposed is the erection of a replacement dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issues

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

### Reasons

#### *Background*

3. The appeal site is enclosed by a mix of timber fencing, construction hoarding and mature planting. It is currently devoid of physical development save for some storage containers, a trailer and some construction equipment. It is in its current state due to the fact that the dwelling the appeal scheme seeks to replace has been demolished. This has been following the commencement of an approved scheme for a replacement dwelling that was granted in December of 2016 (Council Ref 3/16/2000/FUL). By virtue of this action, according to the evidence, this scheme remains extant. I shall return to this later.

### *Inappropriate Development*

4. Saved Policy GBC1 of the Local Plan<sup>1</sup> sets out that the construction of new buildings in the Green Belt will be inappropriate development. A stance also explained by paragraph 145 of the Framework<sup>2</sup>. GBC1 stipulates that one of the exceptions to this principle is replacement dwellings. Whilst GBC1 points to what the Council identify as an out of date policy, paragraph 145 of the Framework goes on to specify (in the case of the erection of replacement buildings) that such should be in the same use and not materially larger than the one it replaces.
5. Whilst I agree with the appellant that there is no hard and fast definition of what constitutes 'materially larger' it seems to me from the proposed plans that the replacement in this case would be a generously proportioned two storey dwelling which, as explained by the figures quoted in the written evidence, would be more than a substantial uplift on the footprint, floor space and volume of the one that was previously on the site. Whilst I don't have details before me on the appearance of the previous dwelling, there is indication that it was a relatively modest, modern two storey dwelling. The proposals have the impression of a much grander, broader and significantly more imposing building with large rooms and a substantial land take.
6. With these factors in mind, I can make no conclusion other than that the proposed replacement dwelling in this case would be a building materially larger than that one it replaces. Thereby inappropriate development in the Green Belt. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt.

### *The Openness of the Green Belt*

7. Paragraph 133 of the Framework states that the essential characteristics of Green Belts is their openness and permeance. It has been established that openness has both a visual and spatial aspect.
8. As I have said, I do not have visuals of the dwelling that was on the site prior to its demolition before me. However, and according to the Council's evidence which the appellant does not appear to dispute in this respect, it seems to have been a relatively modest two storey modern building as I have identified above. As I have also alluded to, the proposed replacement would be grand, of a tall and imposing appearance with a contained but broad footprint. The appeal site is relatively secluded but the proposed building, due to its scale and height, would not be unnoticeable. Put simply, it would take up a noticeable amount of additional space. There would therefore, by virtue of the impression of the increased size of the new dwelling, be a reduction in the visual aspect of the Green Belt's openness.
9. The demolished dwelling had a footprint of, again taken from the Council's evidence which the appellant does also not disagree with in this respect, 68 square metres. Its floor space was 125 square metres and it had a volume of around 430 cubic metres. Taking the appellant's measurements of the one proposed as part of the appeal scheme, it would have a footprint of 127 square metres, a total floor area of 226 square metres and a volume of 923 cubic metres. Purely on the face of the figures, this would be a building more than

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<sup>1</sup> East Hearts Local Plan Second Review 2007

<sup>2</sup> The National Planning Policy Framework 2019

twice the overall size of the previous that occupied the site and by virtue of this, there would again be an unavoidable reduction in the spatial aspect of the Green Belt's openness.

10. This reduction in the openness of the Green Belt would result in harm to one of its essential characteristics. It would be harm in addition to that caused by the appeal schemes inappropriateness.

*Other Considerations*

11. The appellant's case in favour of the appeal scheme relies heavily on the extant scheme. It appears from the evidence that, in granting this planning permission, the Council attached weight to green energy solutions and carbon neutrality, how the previous dwelling could have extended and the fact that a proportion of the new volume was below ground.
12. Whilst I shall come onto environmental sustainability credentials and extensions later, it appears from the appellant's measurements that the appeal scheme before me would be smaller in each respect than that which has been approved. On the one hand therefore one could perhaps argue that there is both a fall back position to consider and that the appeal scheme could have a net less impact on the Green Belt's openness.
13. I do not however agree with such an argument. Firstly, the relevant test in terms of development of this type in the Green Belt applies to the building a replacement would replace and not what might have been granted planning permission before. Secondly, the proposal in this case would have all of its volume above ground. The plans do not show a basement. In the visual sense therefore, it would have much more of a presence and therefore more obvious and real time reducing effect on the openness of the Green Belt's visual and spatial aspects. Thirdly, the contained and concentrated bulk of the proposed dwelling in this case, when also taking into account the above ground volume, lead me to conclude that the approved and extant scheme would not be a sufficiently comparable fall back position to justify the appeal scheme. Particularly given how much larger it is than the previous dwelling that occupied the site.
14. Returning to the permitted size of the extant scheme, it seems to me that the Council took into account both what could theoretically be added to the previous dwelling under permitted development as well as some that had the benefit of planning permission and/or a lawful development certificate. Be this as it may, the dwelling to which those related has been demolished. Consequently, the relative sizes and volumes any extensions accounted for have equally fallen. I would not therefore be able to take them into account in the same way in the context of what is proposed as part of the appeal scheme.
15. The appellant has provided, through an energy statement, details of measures that are intended to be incorporated into the proposed dwelling. There are a number and from the statement appear to be photovoltaic solar panels, air source and ground source heat pumps and a waste water heat recovery system. It also appears to be the case that the fabric of the building would be an enhancement over the previous in terms of its thermal efficiency. These measures are eminently achievable and laudable. The building however would have to have a degree of thermal efficiency to comply with building regulations and the measures suggested in the energy statement are mostly retrofitted

technologies readily available to other existing dwellings. They are not therefore important to the design philosophy of the building. The measures do not strike me as unique nor integral to the building. By virtue of these factors it does not seem to me that the dwelling would necessarily be exemplar. Whilst I have agreed they would be positive, the weight I would ascribe to these measures in this respect would not be significant for the reasons I have set out.

16. It appears that the Council do not object to the design of the proposed dwelling per se and as an example of its type in the context of those around it I would not disagree. The scheme would also provide for sufficient in curtilage vehicle parking and would not be unduly harmful to occupiers of neighbouring dwellings. These are however lacks of harm in each area and would thus be neutral in any balance. They could not be used to weigh against harm.
17. It seems the weight that the Council attached to the low to zero carbon technologies on the previous scheme was sufficient to, along with other matters, constitute very special circumstances. Whilst I do not have the extent of those previously proposed before me, based on what I have seen and for the reasons I have given I do not consider that they should carry as much weight. Apportioning weight is a matter for the decision maker in each case and very special circumstances, by definition, is a high test indeed.

### **Conclusion**

18. I have identified that the proposed development would be inappropriate development in the Green Belt and it would fail to preserve its openness. This would yield multiple harms as well as result in conflict with saved Policy GBC1 of the Local Plan and the Framework which together seek to ensure the essential characteristics of the Green Belt are protected. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt. For the further reasons I have given, I am of the view that there are no other considerations of such sufficient weight to constitute the very special circumstances that would be necessary to justify the proposed development in this light.
19. The appeal is therefore, whilst having regard to all other matters raised, dismissed.

*John Morrison*

INSPECTOR

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PLANNING APPEALS LODGED JUNE 2019  
Head of Planning and Building Control

Application Number	Proposal	Address	Decision	Appeal Start Date	Appeal Procedure
3/18/1506/HH	Erection of ground floor side extension linking dwelling to detached garage. Erection of first floor side extension. Raise roof height and new first floor front and rear dormer windows. New front porch and alterations to fenestration.	The Paddocks6 Waterford CommonWaterfordHertford SG14 2QD	Refused Delegated	19/06/2019	Fast Track
3/18/1761/HH	Ground floor and basement extension to side and rear of existing dwelling following demolition of outbuildings and replacement of existing retaining wall	Tollgate HouseAmwell HillGreat AmwellWare SG12 9QZ	Refused Delegated	11/06/2019	Fast Track
3/18/2007/ODPN	Prior approval for the change of use from Class B1a (offices) to Class C3 (dwelling houses) - to create eighteen flats	Collier HouseMead LaneHertford SG13 7UZ	Refused Delegated	03/06/2019	Written Representation
3/18/2277/OUT	Construction of a new house and garage and ancillary development.	Prestwick Ermine StreetBuntingford SG9 9RT	Refused Delegated	25/06/2019	Written Representation
3/18/2314/FUL	Use of land for the stationing of a caravan for permanent residential occupation - Retrospective.	Mobile Home Adj. To How Green StablesBaldock RoadBuntingford SG9 9EW	Refused Delegated	25/06/2019	Written Representation
3/18/2517/HH	Demolition of single storey projection and erection of new single storey extension with new entrance way.	1 Court LodgeThe BourneWare SG12 0PU	Refused Delegated	12/06/2019	Fast Track
3/18/2533/HH	Two storey side extension and single storey front extension. Alterations to rear fenestration.	90 High Oak RoadWare SG12 7NZ	Refused Delegated	12/06/2019	Fast Track
3/18/2694/HH	Proposed front porch	Knoll FarmStandon Green EndHigh CrossWare SG11 1BP	Refused Delegated	25/06/2019	Written Representation
3/18/2695/LBC	Proposed front porch	Knoll FarmStandon Green EndHigh CrossWare SG11 1BP	Refused Delegated	25/06/2019	Written Representation
3/18/2722/FUL	Erection of a detached dwelling	Land Adjacent To 7 Pearman DriveDane EndWare SG12 0LW	Refused Delegated	12/06/2019	Written Representation
3/18/2763/HH	Outbuilding to provide double garage and annexe with office on first floor.	12 Waterford CommonWaterfordHertford SG14 2QD	Refused Delegated	14/06/2019	Written Representation
3/19/0218/HH	Demolition of garage. Part double, part single storey side-rear extension. Erection of porch to front elevation.	3 Chapel LaneLetty GreenHertford SG14 2PA	Refused Delegated	20/06/2019	Fast Track
3/19/0325/HH	Part single storey, part two storey rear extension. Insertion of ground floor and first floor windows to rear elevation.	33 Station RoadWatton At StoneHertford SG14 3SH	Refused Delegated	20/06/2019	Fast Track
3/19/0343/FUL	Erection of 24 standalone solar panels.	Highfield FarmMangrove LaneBrickendon	Refused Delegated	24/06/2019	Written Representation
3/19/0401/HH	Erection of single storey side and single storey rear extensions with glazed links	Wayside CottageBaldock RoadCotteredBuntingford SG9 9QW	Refused Delegated	25/06/2019	Written Representation
3/19/0402/LBC	Proposed single storey side and single storey rear extensions with glazed links.	Wayside CottageBaldock RoadCotteredBuntingford SG9 9QW	Refused Delegated	26/06/2019	Written Representation
3/19/0467/HH	Variation of the roof forms of the first floor side and rear extensions under previously approved 3/15/1119/HH as well as hip to gable roof alteration with 2 no. roof lights and erection of rear dormer window.	60 Station RoadPuckeridgeWare SG11 1TF	Refused Delegated	11/06/2019	Fast Track
3/19/0622/HH	Erection of timber framed and weather boarded garage/barn (retrospective).	32 Ermine StreetThundridgeWare SG12 0SY	Refused Delegated	10/06/2019	Written Representation

Background Papers

None

Contact Officers

Sara Saunders, Head of Planning and Building Control - Ext 1656

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**Public Inquiry and Hearing Dates**  
**All Hertford Council Chamber unless specified**

Application	Case Officer	Address	Proposal	Appeal Status	Procedure Type	Date
3/17/1491/FUL	Lisa Page	10 Benington Road Aston Stevenage SG2 7DX	Alterations, extensions and conversion of existing Public House to create 2no x 2-bed units and 1no micro-pub with associated cellar, upper floor accommodation, facilities and pub garden with associated access, parking and refuse. Conversion of detached rear barn to create 1no 2-bed unit with associated access, parking, refuse and private amenity space. Erection of 5.no dwellings on the existing PH car park and garden with associated access, parking, refuse and private amenity space.	INPROG	Public Inquiry	19/06/2019 10:00 Room 27, Wallfields
3/18/1041/FUL	Fiona Dunning	10 Benington Road Aston Stevenage SG2 7DX	Erection of five dwellings, 2no. 3-bed units and 3no. 4-bed units on the existing car park and garden with associated access, parking, refuse and private amenity space. Conversion of the existing, disused listed Public House to create 3no. 2-bed units with associated access, parking, refuse and private amenity space. Alterations to the listed building and partial demolition of areas of the existing flat roof rear extension area to form new entrances. Conversion of the Listed Barn to the rear of the Public House to create 1no. 2-bed unit with associated access, parking, refuse and private amenity space. Retained willow tree and landscaped open space to the centre of the scheme.	INPROG	Public Inquiry	19/06/2019 10:00 Room 27, Wallfields
3/18/1668/FUL	Ellis Edmonds	The Green Man High Street Widford Ware SG12 8SR	Change of use of public house to 2 no. dwellings. First floor rear extension and alterations to fenestration. Change of use of outbuilding, to create 1no dwelling with a single storey rear extension, with associated parking, and associated landscaping.	INPROG	Public Inquiry	17/09/2019 10:00 Council Chamber

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# DEVELOPMENT CONTROL

## Major, Minor and Other Planning Applications

**Cumulative Performance**  
(calculated from April 2019)

	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20
<i>Total Applications Received</i>	202	438	641									

<i>Percentage achieved against Local and National Targets</i>	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	<b>Targets for Local Performance (set by East Herts)</b>	<b>National Targets (set by Government)</b>	
<b>Major %</b>	0%	0%	75%										<b>Major %</b>	<b>60%</b>	<b>60%</b>
<b>Minor %</b>	92%	95%	92%										<b>Minor %</b>	<b>80%</b>	<b>65%</b>
<b>Other %</b>	96%	95%	94%										<b>Other %</b>	<b>90%</b>	<b>80%</b>

<i>Appeals</i>	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20
Total number of appeal decisions (Monthly)	16	17	8									
Number Allowed against our refusal (Monthly)	4	9	2									

Total number of appeal decisions (Cumulative)	16	33	41									
Number Allowed against our refusal (Cumulative)	4	13	15									

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