



MEETING : DEVELOPMENT MANAGEMENT COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 15 JUNE 2022
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE COMMITTEE

Councillor B Deering (Chairman)

Councillors D Andrews, T Beckett, R Buckmaster, B Crystall, R Fernando, I Kemp, S Newton, T Page, C Redfern, P Ruffles and T Stowe

Substitutes

Conservative Group:	Councillors S Bull, A Huggins and S Rutland-Barsby
Liberal Democratic Group:	Councillor J Dumont
Labour:	Councillor M Brady
Green:	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 the Committee service at least 7 hours before commencement of the meeting.)

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- must not participate in any vote taken on the matter at the meeting;
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AGENDA

1. Appointment of Vice-Chairman

2. Apologies

To receive apologies for absence.

3. Chairman's Announcements

4. Declarations of Interest

To receive any Members' declarations of interest.

5. Minutes - 22 February and 2 March 2022 (Pages 6 - 62)

To confirm the Minutes of the meeting of the Committee held on:

Tuesday 22 February 2022

Wednesday 2 March 2022

6. Planning Applications for Consideration by the Committee
(Pages 63 - 66)

(A) 3/21/1576/OUT - Demolition of existing buildings and redevelopment of site to create up to 20,590sqm of commercial development in use classes E (g), B2 and B8 (outline application with all matters reserved except for access) at Silkmead Farm Industrial Estate, Hare Street, Hertfordshire, SG9 0DX
(Pages 67 - 118)

Recommended for Approval

- (B) 3/21/1925/FUL - Removal of outbuildings and the permanent siting of a caravan to be occupied by an equestrian worker, and associated works at The Old Turkey Farm, Brookbridge Lane, Datchworth, Hertfordshire_(Pages 119 - 138)

Recommended for Approval

7. Items for Reporting and Noting (Pages 139 - 232)

- (A) Appeals against refusal of Planning Permission/ non-determination.
- (B) Planning Appeals Lodged.
- (C) Planning Appeals: Inquiry and Informal Hearing Dates.
- (D) Planning Statistics.

8. 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.

Agenda Item 5

DM

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MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
TUESDAY 22 FEBRUARY 2022, AT 5.30 PM

PRESENT: Councillor B Deering (Chairman)
Councillors T Beckett, S Bull, B Crystall,
I Devonshire, A Huggins, I Kemp, S Newton,
T Page, C Redfern, P Ruffles and T Stowe

ALSO PRESENT:

Councillors E Buckmaster, J Goodeve and
L Haysey

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Jenny Pierce	- Senior Project Officer
Nanci Pomfrett	- Trainee Environmental Health Practitioner
Sara Saunders	- Head of Planning and Building Control
Kevin Steptoe	- East Herts Garden Town Lead Officer
Victoria Wilders	- Legal Services Manager

ALSO IN ATTENDANCE:

Naisha Polaine	- Harlow and Gilston Garden Town
Tanusha Waters	- Harlow Council
Andrew Bramidge,	- Harlow Council
Roger Flowerday	- Hertfordshire County Council
Paul Wilkinson	- Essex County Council
Suzan Yildiz	- Weightmans LLP

349 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Andrews, R Buckmaster and Fernando. It was noted that Councillor Bull was substituting for Councillor Andrews, Councillor Devonshire was substituting for Councillor R Buckmaster and Councillor Huggins was substituting for Councillor Fernando.

350 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

351 DECLARATIONS OF INTEREST

There were no declarations of interest.

352 PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

The Chairman said that concerns had been expressed to the Council by speakers that the allotted time of six

minutes was insufficient. He reminded Members that the Committee had resolved to amend the speaking arrangements for this meeting on the 21 April 2021.

The Chairman said that he would like to consider the procedural implications of allowing additional time in the interest of fairness. The Legal Services Manager said that Part 3B of the constitution included a procedure for the Committee to depart from what was agreed by Members on 21 April 2021. She referred to paragraphs 2.8 and 2.9 of Part 3B of the constitution and said that Committee had the authority to depart from the agreed arrangements and determine specific arrangements for certain applications.

The Legal Services Manager explained that the suggestion from Officers was that the time allowed for objectors, the applicant and the Parish Councils be extended to eight minutes and this time would be split accordingly between the speakers.

Councillor Huggins proposed and Councillor Beckett seconded, a motion that in accordance with paragraph 2.9 of part 3B of the Constitution entitled committee functions and responsibilities, the Committee agree to depart from the speaking arrangements agreed on the 21 April 2021 in respect of applications 3/19/1046/FUL and 3/19/1051/FUL only, on the basis that the time allowed be increased to eight minutes objectors, the applicant and Parish Councils.

After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that in accordance with paragraph 2.9 of part 3B of the Constitution entitled committee functions and responsibilities, the Committee agreed to depart from the speaking arrangements approved on the 21 April 2021 in respect of applications 3/19/1046/FUL and 3/19/1051/FUL only, on the basis that the time allowed be increased to eight minutes objectors, the applicant and Parish Councils.

The Principle Associate for Weightmans, advising the Committee on legal and related planning issues, said that there been late representations referring to predetermination. She outlined a few salient points and said that there was no legal impediment to the Committee determining these applications and then to go on and determine the housing applications at a later date.

The Chairman said that there had been some very late representations and bearing in mind the length of the representations, it would seem to be appropriate to have a short adjournment for 30 minutes for Members to consider this extra material and to consider the response of Officers to the issues that had been raised.

Councillor Newton proposed and Councillor Redfern seconded, a motion that there be a short adjournment for 30 minutes for Members to consider the extra material in the late representations and to consider the response of Officers to the issues that had been raised.

After being put to the meeting and a vote taken, this

motion was declared CARRIED.

RESOLVED – that there be a short adjournment for 30 minutes for Members to consider the extra material in the late representations and to consider the response of Officers to the issues that had been raised.

The meeting reconvened at 18:20.

- 353 3/19/1046/FUL - ALTERATIONS TO THE EXISTING FIFTH AVENUE ROAD/RAIL BRIDGE, AND CREATION OF NEW BRIDGES TO SUPPORT THE WIDENED HIGHWAY TO WEST OF THE EXISTING STRUCTURE TO CREATE THE CENTRAL STORT CROSSING, INCLUDING EMBANKMENT WORKS, PEDESTRIAN AND CYCLE FACILITIES, A PEDESTRIAN AND CYCLE BRIDGE OVER EASTWICK ROAD, LIGHTING AND LANDSCAPING WORKS AND OTHER ASSOCIATED WORKS AT LAND ADJACENT TO FIFTH AVENUE EXISTING EASTWICK CROSSING HERTFORDSHIRE/HARLOW
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The Head of Planning and Building Control recommended that in respect to application 3/19/1046/FUL, planning permission be granted subject to the conditions and the reasons set out at the end of the report submitted.

The Head of Planning and Building Control also recommended that, delegated authority be given to the Head of Planning and Building Control at East Herts Council, in consultation with the Director of Strategic Growth and Regeneration at Harlow District Council and with the Chairs of their respective Development Management Committees, to finalise the

detail of the conditions attached to their respect planning permissions. If any subsequent additions or changes to conditions post Development Management Committee are necessary, the matter would be referred back to them.

The Senior Project Officer summarised the planned development of the Harlow and Gilston and Garden Town. She said that the five Council's involved had been working in partnership to bring about the transformative growth based on garden city principles. Members were advised that the documents produced for the garden town partnership had been endorsed as being material considerations in the determination of the applications by East Herts Council and Harlow Council.

The Senior Project Officer summarised the ambitious targets detailed in the transport strategy and said that the two crossing proposals had been identified as being essential items of infrastructure necessary to deliver the planned growth within the garden town. She said that section nine of the reports had listed the relevant sections of the National Planning Policy Framework (NPPF) that were relevant to the planning matters being considered.

The Senior Project Officer listed the applications that had been submitted by Places for People. Members were advised that the main issues for the Committee to consider included the principle of the development, the design and layout, the mitigation of the impact on the transport network, climate change, flood risk and sustainable drainage, land contamination and

pollution, impact on the natural environment, the impact on the historic environment and green belt issues.

The Senior Project Officer set out the policy context regarding this application and said that the Committee were being asked to determine the part of the application that fell within the East Herts administrative boundary. She said that Members should however be cognisant of the scheme as a whole.

The Senior Project Officer addressed the Committee in detail in respect of the Harlow Local Development Plan and spoke at length in respect of the geography of the site in the context of the surrounding area. Members were reminded that the applicant had to demonstrate that there were matters to which positive weight could be assigned such that any harm resulting from the proposed development in Green Belt and other planning terms was clearly outweighed and very special circumstances were therefore evident in accordance with the NPPF. Officers had acknowledged that the application would cause some harm to the openness of the green belt in this location.

Members were advised that the application proposals provide new essential transport infrastructure to enable and encourage sustainable movement between the new and existing Gilston communities to key destinations within Harlow as part of a wider sustainable transport network.

The Senior Project Officer said that the sustainable

transport solution and the provision of the homes in the Gilston Area were the factors that combined to clearly outweigh the harm to the green belt and other planning harm such that very special circumstances applied. She set out in detail the proposed layout of the Central Stort Crossing including the reconfiguration of the Eastwick Road and Fifth Avenue junction, the access to village one and the new junction to be provided on the Eastwick Road.

Members were advised that Eastwick Road would be realigned northwards away from Terlings Park and would continue eastwards as part of the Eastern Stort Crossing. The Senior Project Officer set out the proposed bus priority arrangements and as well as the dedicated pedestrian footways and cycle routes. She said that to the west of the carriageway there would be a 2 metre wide footpath and a sustainable drainage feature comprising swales and vegetated ditches.

Members were advised that there would be a new footpath and bridge over the River Stort to connect to the tow path to the south through the valley. The Senior Project Officer referred to presentation slides in respect of proposed pedestrian and cycle routes and bus lanes. She also highlighted various proposed public realm improvements which would be secured by condition on this application.

The Senior Project Officer said that as the new carriageway affected a local wildlife site and a nature reserve, the proposed development must mitigate this impact and the application would compensate for the loss of habitat through the provision of new planting

and landscaping.

The Senior Project Officer said that to compensate for the loss of flood storage within the valley through the widening of an embankment feature, the proposals included the conversion of arable grassland to an area of flood plain by lowering ground levels to create an area of wetland habitat using seed collected from managed environments elsewhere within the valley.

The Senior Project Officer said that the applicant had applied a Natural England Biodiversity Impact Calculator known as the DEFRA three metric. She set out the biodiversity net gain percentages and explained how the metric calculated the scores for old and new environments. Members were advised that the difference between the current and proposed score was the biodiversity net gain or net loss.

The Senior Project Officer said that the ecological compensation area was beyond the red line site boundary of the central stort crossing application. The land was in the ownership of the applicant and therefore could be secured and was enforceable by condition 35 and this met the tests that were set out in planning practice guidance.

Members were advised that the main impact from the central stort crossing was the loss of habitat for ground nesting birds and this was sufficiently mitigated by the proposed habitat enhancements. The Senior Project Officer said that several conditions and an ecological management plan would ensure that the habitat was secure and managed in the longer term.

Members were advised of the trees and hedgerows that had been identified for complete and partial removal to facilitate the central stort crossing. The Senior Project Officer said that none of the trees to be removed were classed as category A of the highest quality and full details were included in the report. She referred to a visual illustration of the central stort crossing and set out a number of further details in respect of the proposed landscape strategy and said that there would be an overall increase in the number of trees and opportunities would be taken to remove invasive species and replace these with suitable plant species to introduce biodiversity and support mammals like Otters and Water Voles.

The Senior Project Officer said that the central and eastern stort crossings were two complementary parts of one piece of comprehensive transport infrastructure that would operate together to provide the sustainable transport priority and road capacity required to serve the Gilston area housing allocation and also to enable the delivery of developments within the Harlow and Gilston Garden Town.

Members were advised that the provision of essential infrastructure carried considerable positive weight and the proposed development was considered to be acceptable in principle. The Senior Project Officer said that it was considered that temporary visual harms to the landscape would arise during construction and there would be residual permanent visual harms arising from the scheme once operational. These impacts were considered to be outweighed by the

beneficial impacts arising from the scheme.

Members were advised that the preliminary structural designs had been agreed with the two highway authorities and were considered to meet relevant standards. The proposals were also considered to meet the requirements of the Environment Agency (EA) and the Lead Local Flood Authority (LLFA).

The Senior Project Officer said that whilst there would be some unavoidable impact on openness in green belt terms this was not considered to be significant. She said that the harms to the green belt and other identified harms must be given substantial weight. Members were advised that the benefits of the delivery of development in the Gilston Area, in addition to the transport capacity and sustainable transport improvements enabled Officers to conclude that the harm by reason of inappropriate development in the green belt and any other harm was clearly outweighed. Condition 4, proposed to be applied to any permission, would act to ensure that these benefits were forthcoming.

The Senior Project Officer said that when considering the application on its own merits, it was considered to be in accordance with the NPPF and was also compliant with development plans. She said that other material considerations supported the approval of the central street crossing subject to the conditions and reasons set out in the report.

Mr Rory Joyce, Mr Richard Ford and Yasmin Gregory addressed the Committee in objection to the application.

Mr Yuved Bheenick spoke for the application. Councillor Frank O'Shea addressed the Committee as the Vice-Chairman of Hunsdon Parish Council.

Councillor E Buckmaster addressed the Committee as the local ward Member. The Senior Project Officer referred to the examination in public process for the local plan and said that Officers believed there was sufficient information in the environmental statement and the impact appraisal to make informed and reasoned judgements on these applications.

Members were advised that there was no benefit to delaying determining these applications as they had been considered comprehensively in the impact assessments and were considered to be acceptable in terms of highways impact and design. Members were reminded they must determine the applications that were in front of them.

The Garden Town Lead Officer referred to the judgement to be made in respect of weighing the benefits of the development proposed against any harm to be able to reach a view that very special circumstances, whereby otherwise inappropriate development could be permitted in the green belt, were apparent. He said that the advice to Members was that this infrastructure would enable the delivery of development that had been identified in the District Plan.

Councillor Devonshire commented on the achievability of the 60 percent transport mode share. He asked if there was a time limit for the creation of the ecological compensatory habitat. Councillor Ruffles commented at

length about the heritage of tomorrow and the vision regarding the proposed major bridge and other bridge structures. He asked if Officers could explain the part of the route access to Harlow Town Station to the north which was relevant to this application.

Councillor Page asked for clarity as to whether existing users would be harmed by the superimposition of the sustainable corridors. He commented on the traffic calculations made at the pre-application stage and asked how much new capacity would be directed to the river way crossing.

The Senior Project Officer said that condition 35 covered the time limit and the delivery of biodiversity net gain and details had to be agreed with Officers prior to commencement of any development that resulted in the loss of habitat or habitat impact.

The Senior Project Officer commented on the ambition for the design of the bridge and the landmark brand in the design for this key gateway feature for Harlow and wider garden town. She commented on the stages of the bridge condition, the Burnt Mill Lane access on Fifth Avenue down to where the station access would be. Members were also advised on the part of the application that related to public realm improvements.

Roger Flowerday, Hertfordshire County Council Highways, set out the context and policy position for the central stork crossing. He talked about the vision for the crossing and said that a deferral would not result in a change in design as the proposed development satisfied Highways requirements in

terms of what it was intended to achieve.

Mr Flowerday said that the crossing provided the ability of buses to operate and the cycling and pedestrian provision in line with the requirements set out in the current guidance. He said that the design and the dimensions allowed for full segregation in line with the current LTN1/20 government guidance. He confirmed that the infrastructure was designed to accommodate existing and all future use in terms of existing and future demand.

Councillor Crystall expressed a concern regarding the narrowing of one area of cycle and walking route and whether this should be avoided to ensure that the provision was easy and attractive and prevented accidents. He asked if the west side cycleway could be made a more attractive prospect in terms of being more protected.

Councillor Beckett made a number of points in respect of timings and the design, the attractiveness of the proposed development to users in terms of pollution and his concern over the loss of habitat during construction and the post construction mitigation that had been proposed.

Mr Flowerday said that the degree of separation for cyclists and pedestrians from bus lanes and live carriageways had been properly considered and a balance had been struck in terms of separation and the constraints of the area that was close to the railway. He talked about the benefits and disadvantages and said that the proposed provision

was considered to be reasonable. Members were advised that the impacts had been fully considered by Officers in terms of reaching a fully balanced solution.

Mr Flowerday spoke about the HERT rapid transport scheme and the A414 strategy document. He talked about sensor monitoring for the signal arrangements in terms of air quality and said that a balance had been struck in terms of pollution mitigation as the scheme sought to move people as far away from the traffic as was possible and protect vulnerable users.

The Senior Project Officer said that the site was big enough in terms of ensuring biodiversity net gain. She said the impact on birds and bats was acknowledged in the environmental assessment. The Garden Town Lead Officer said that Members were considering a set of infrastructure proposals that served complementary purposes and fitted into wider policy objectives.

Councillor Kemp made a number of broad points about the District Plan and the planned 10,000 homes. He touched on the provision of infrastructure and made a number of comments about air quality, the opportunities for modal shift and segregation between various transport modes.

Councillor Huggins spoke about the complexities of biodiversity in terms of soil quality. He said that he would like some reassurance as to the intended level of monitoring of biodiversity beyond the assessment of the impact of the proposed development on trees and hedges. He talked about the shift in working patterns during the last two years and expressed a

concern over the apparent lack of additional capacity from the central stort crossing.

Mr Flowerday said that the construction management plan set out how the impact of construction would be minimised and mitigated. He said that the design of the infrastructure had been designed to meet the vision of sustainable place. Members were advised that there would be some residual vehicle based impact and the scheme provided the opportunity for people to switch to sustainable modes of travel.

The Garden Town Leader Officer confirmed that Network Rail were, in principle, fully on board with the proposed northern access to Harlow Town Station and still ensure that their primary objective was achieved, namely the technical operation of the railway. Members asked some general questions regarding the proposed conditions and were given advice by the Legal Officers, the Senior Project Officer and the Garden Town Lead Officer.

Councillor Newton asked about the context of the application and the letter received before the meeting. She asked if Officers were content that the matter of an intended judicial review had been covered. The Principle Associate for Weightmans said that all appropriate steps had been taken to consider and respond to the points that had been raised in the letter. She said that there was no legal impediment to Members voting on the application.

Councillor Kemp proposed and Councillor P Ruffles seconded a motion that, in respect of application

3/19/1046/FUL, planning permission be granted subject to the conditions and the reasons detailed in the report with an amendment to condition 11 to ensure that any design briefing included an engagement strategy. Delegated authority be given to the Head of Planning and Building Control at East Herts Council, in consultation with the Director of Strategic Growth and Regeneration at Harlow District Council and with the Chairs of their respect Development Management Committees, to finalise the detail of the conditions attached to their respect planning permissions. If any subsequent additions or changes to conditions post Development Management Committee were necessary, the matter would be referred back to them.

After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) planning permission be granted subject to the conditions and the reasons set out at the end of the report submitted, with an amendment to condition 11 to ensure that any design briefing included an engagement strategy;

(B) delegated authority be given to the Head of Planning and Building Control at East Herts Council, in consultation with the Director of Strategic Growth and Regeneration at Harlow District Council and with the Chairs of their respect Development Management Committees, to finalise the detail of the conditions attached to their respect planning permissions. If any

subsequent additions or changes to conditions post Development Management Committee are necessary, the matter would be referred back to them.

- 354 3/19/1051/FUL - ERECTION OF A NEW ROAD, PEDESTRIAN AND CYCLE BRIDGE; REPLACEMENT OF AN EXISTING RAIL BRIDGE AT RIVER WAY; ALTERATIONS TO THE EXISTING LOCAL HIGHWAY NETWORK; LIGHTING AND LANDSCAPING WORKS; LISTED BUILDING WORKS TO FIDDLERS BROOK BRIDGE; AND OTHER ASSOCIATED WORKS AT LAND TO THE SOUTH AND EAST OF GILSTON VILLAGE AND NORTH OF RIVER STORT GILSTON HERTFORDSHIRE/HARLOW
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The Head of Planning and Building Control recommended that in respect to application 3/19/1051/FUL, planning permission be granted subject to the conditions and the reasons set out at the end of the report submitted.

The Head of Planning and Building Control also recommended that, delegated authority be given to the Head of Planning and Building Control at East Herts Council, in consultation with the Director of Strategic Growth and Regeneration at Harlow District Council and with the Chairs of their respective Development Management Committees, to finalise the detail of the conditions attached to their respective planning permissions. If any subsequent additions or changes to conditions post Development Management Committee are necessary, the matter would be referred back to them.

The Senior Project Officer, on behalf of the Head of

Planning and Building Control, set out the context of the site in respect of the Harlow and Gilston Garden Town (HGGT). She said that the five Council's involved had been working in partnership to bring about the delivery of the transformative growth based on garden city principles.

The Senior Project Officer summarised the ambitious targets detailed in the transport strategy and said that the two crossing proposals had been identified as being essential items of infrastructure necessary to deliver the planned growth within the garden town. She said that section nine of the reports had listed the relevant sections of the National Planning Policy Framework (NPPF) that were relevant to the planning matters being considered.

The Senior Project Officer detailed the applications that had been submitted by Places for People and Taylor Wimpey. She said the key considerations for the eastern stort crossing were the principle of the development, design and layout, impact on the transport network and mitigation, climate change, flood risk and sustainable drainage, land contamination and pollution, impact on the natural environment and the historic environment and the impact on the green belt.

The Senior Project Officer set out the policy context regarding the application and said that the Committee were being asked to determine the part of the application that fell within the East Herts administrative boundary. She said that Members should however be cognisant of the scheme as a

whole.

The Senior Project Officer referred to the work undertaken with the applicants, the two Highway Authorities for Essex and Hertfordshire County Councils and Harlow Council regarding the plan making stages of the East Herts District Plan, in order to consider the options for both an eastern and western Stort crossing.

Members were advised that transport modelling had identified the need for a second stort crossing and this work had included a strategic highway model produced through a collaborative approach to technical evidence relating to highways and transportation matters within the Strategic Housing Market Area.

The Senior Project Officer said that modelling had identified parts of the Harlow area local road network including the A414 Fifth Avenue Eastwick Road junction which, without intervention, were likely to be adversely affected by the various development scenarios being tested.

Members were advised that the modelling had identified that in order to reduce strain on the network, the delivery of sustainable transport measures across the network would be needed, in addition to interventions on the A414 Fifth Avenue Eastwick Road Junction and a second access into Harlow.

The Senior Project Officer commented on the crossing

options that had been considered as part of the District Plan and the examination in public. She said that a heritage impact assessment had considered the merits and impacts of the eastern and western route options. The assessment had concluded that the eastern location was preferred for heritage reasons and Historic England had been consulted.

Members were advised that it was an aspiration of the Councils to deliver the second crossing at an early stage in relation to the development in the Gilston Area in order to ensure that provision for sustainable transport could be made at the earliest stage of the development.

The Senior Project Officer addressed the Committee in respect of the policy context of the application and spoke about the geography of the site in the context of the surrounding area. Members were reminded that the applicant had to demonstrate that the benefits of the development to which weight could be assigned such that the harm of the proposed development in Green Belt and other terms was clearly outweighed and therefore very special circumstances applied, in accordance with the NPPF. Officers had acknowledged that the application would cause some harm to the openness of the green belt in this location.

The Senior Project Officer summarised the eastern crossing proposals and set out the proposed junctions and the realignment of Eastwick Road. She said that the eastern start crossing would cause some harm to the openness of the green belt and would also conflict with the purpose of the green belt in terms of

safeguarding the countryside from encroachment.

Members were reminded that, in accordance with the NPPF, the application should demonstrate that matters to which positive weight could be assigned existed that clearly outweighed the harm to the green belt and therefore that very special circumstances applied. The application was to provide new essential transport infrastructure to enable and encourage sustainable transport movements between the new and existing Gilston area communities to key destinations in Harlow as part of a wider sustainable transport network and to facilitate the creation of sustainable transport corridors within Harlow.

The Senior Project Officer said that the application for the eastern stort crossing enabled the delivery of 10,000 homes in the Gilston area, which was the single largest allocation in the East Herts District Plan, and development across the wider Harlow and Gilston Garden Town (HGGT). She said that these factors combined enabled Officers to conclude that very special circumstances applied in this case.

Members were given a detailed summary of the village one all modes access as well as the detail for the access to Terlings Park. The Senior Project Officer said the existing alignment of the Eastwick Road would be retained and would become a lane that just served Terlings Park homes and the northern part of Burnt Mill Lane.

Members were advised that new road one was located away from Terlings Park and was separated by a

landscaping buffer providing visual screening and a significant improvement to properties in terms of noise and disturbance. The existing Eastwick Road was narrowed with a new segregated pedestrian and cycle lane installed along its length providing links to Burnt Mill Lane or towards the A414 Fifth Avenue Eastwick junction.

Members were advised that the view from the entrance to Terlings Park would change and Officers considered this change to be acceptable as the screening mitigated the impact of the new road in terms of noise and visual impact.

The Senior Project Officer detailed the location of two existing public rights of way and the new road bridge over Fiddlers Brook. She also set out the other planned footpath links within the valley and over the eastern stort crossing junction.

Members were provided with a summary of the proposed landscaping works around the junction as well as the proposed noise attenuation structures for Terlings Park. The Senior Project Officer commented in detail in respect of the design of the Fiddlers Brook bridge, public rights of way, heritage impact and noise attenuation as well as the accesses between Terlings Park and Pye Corner for cyclists and pedestrians.

The Senior Project Officer set out the impacts of the eastern stort crossing on the setting of the listed Fiddlers Cottage and the listed Fiddlers Brook Bridge. She commented on the preservation of the viable use of the footbridge as well as the proposed public realm

improvements northwards of the footbridge, which served to restore the physical connection between the two listed buildings.

Members were advised that, in policy terms, the provision of a 10,800 square metre area of land was a suitable alternative accessible natural green space for the purposes of general recreation. The Senior Project Officer spoke about tree planting and landscaping and commented at length about the DEFRA three metric in terms of biodiversity net gain. She referred to the importance of compensatory land associated with both of the crossing proposal applications. Members were advised that it was more effective in ecological terms to have one larger area of contiguous habitat mosaic than pockets of improvements.

Members were advised that condition thirty five met the tests set out in planning practice guidance in terms of the ecological compensation area. The Senior Project Officer explained that the loss of habitat for ground nesting birds was sufficiently mitigated by the proposed habitat enhancements. She referred in detail to the conditions in respect of securing and managing the newly created habitat in the longer term.

Members were provided with estimations of trees and landscaping that would be lost and retained as detailed in the arboricultural impact assessment and the landscaping strategy. The Senior Project Officer said that low noise road surfacing was proposed and a majority of properties would see a reduction in noise. She explained that the properties at the entrance to Terlings Park would experience an increase in noise

that could not be fully mitigated.

At this point in the meeting, 9:50 pm, Councillor Deering proposed and Councillor Page seconded, a motion that the meeting would continue beyond 10 pm and until application 3/19/1051/FUL had been determined.

After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the meeting continue beyond 10 pm and until application 3/19/1051/FUL had been determined.

Members were provided with a detailed summary of roads one and two of the eastern stort crossing. The Senior Project Officer said that a new signal controlled junction with bus lanes north and southbound was proposed to create greater priority to sustainable modes of transport at the Village Two access.

Members were advised that pedestrians and cyclists would still be able to access Pye Corner from the north east and vehicles would bypass Pye Corner via roads one and two. The Senior Project Officer spoke about road three and provided details of proposed culverted embankments and new planting. She referred in detail to some pictures of culverted embankments that Officers had located online.

The Senior Project Officer spoke in detail about the proposed works regarding road three and the impact of the application on Latton Island. Members were

advised that the impact on the amenity of residential properties near the tow path would be negligible.

Members were advised that a separate application would be submitted to Harlow Council for the provision of a temporary pedestrian and cycle bridge over the railway line required during the demolition and construction of the existing structure as this involved land outside of this application site and wholly within the Harlow District Council area.

The Senior Project Officer said that a pedestrian and cycle way was proposed along the western side of road three which led to the Edinburgh Way roundabout. The applicant proposed a scheme of improvement works to this junction which would be secured as a condition on this application and delivered through a Section 278 agreement with Essex County Council.

The Senior Project Officer said that the applicant proposed to replace bridge decks and balustrades of two crossings over the Stort navigation which connected the river footpath and canal tow path to the Mead Park industrial estate in Harlow to the south.

Members were advised that the proposed development was considered to be acceptable subject to the conditions and reasons detailed in the report and the application was compliant with the development plan and was also in compliance with the NPPF and other material planning considerations.

Mr Joyce, Mrs Gregory, Mrs Elliot and Mr Ford addressed the Committee in objection to the

application. Mr Bheenick spoke for the application. Councillor Mark Orson, Chairman of Eastwick and Gilston Parish Councillor, addressed the Committee on behalf of the Parish Council. Councillor Eric Buckmaster addressed the Committee as the local ward Member.

The Senior Project Officer said that Members had sufficient information in the environmental statement regarding the impact of the application in respect of construction and operational impacts. She said that viability assessments would be considered in due course by Members as part of the outline applications and these applications and viability assessments would be subject to consultation.

Members were advised that the environmental impact assessment had been presented in a single project approach covering the two crossing applications and the village one to six outline application. The Senior Project Officer said that the habitat assessment had been undertaken in the same way. Officers were satisfied that there were no likely significant effects resulting from construction or operational effects aside from those detailed in the report.

Members were advised that section 13.7 of the report and the heritage statement in the application had provided a detailed and comprehensive assessment of the heritage impacts and these impacts had been addressed. The Senior Project Officer said that the safeguards for the culverts were designed to accommodate mammals but prevent inappropriate access.

Members were advised that there were safeguards in place in the conditions in respect of the metrics that were being applied to the crossing applications. The Senior Project Officer explained the scope of coverage of the metric calculators. She said that the ecological mitigation strategy was such that the conditions required that there be further reassessment and replacement of any element of mitigation infrastructure that was not thriving over a 30 year period.

The Committee was advised that the loss of mature trees was accounted for within the metric and that more than double the number of immature and semi-mature trees were to be planted across the scheme. The Senior Project Officer addressed the matter of construction management conditions and enabling works. She said that enabling works were excluded and there were safeguarding conditions governing site clearance and demolition not being permitted without general management and waste management and mitigation strategies being in place.

The Senior Project Officer said that the worst case scenario had been assessed in the environmental statement with regard to the ecological impact, as the applicant had not been permitted access to parts of the site by the landowner. She said that detailed and conservative surveys had been undertaken by experienced experts and this work would be validated at a future date as required by the conditions.

Members were advised that Officers had

acknowledged that there would be some loss of amenity land and an impact in terms of noise for some of the properties at Terlings Park. The Senior Project Officer said that Officers had no reason to believe that the village applications would not come forward.

The Senior Project Officer advised that there had been a long history of options considered in the local plan making process and Members must consider the applications that were before them. She said that the overall benefits of the applications outweighed the heritage impacts.

Members were advised that the flood impact was calculated and a contingency of 30 percent was added. The Committee was advised of the attenuation strategy and modelling that had been accepted by the lead local flood authority. The Senior Project Officer said that this matter would be validated at the detailed engineering design stage.

The Senior Project Officer said that the visual impact of the culverts had been acknowledged in the report. She emphasised that the culverts would not be visible once planting had become established into a natural embankment. She said that noise, environmental and visual impacts during construction had all been assessed in a full and comprehensive manner.

Mr Flowerday, Hertfordshire Highways, referred to transport modelling and the identified need for additional crossings during the local plan processes. He said that the crossings should be treated as a package of infrastructure as they created additional

global capacity to accommodate trips. He referred to constraints of the A414, the new junction 7a on the M11 and the rebalancing of the usage wider area transport network. He said that Members had been presented with a balanced solution that was the right solution to achieve the right level of vehicle capacity but equally achieve the right amount of sustainable transport.

Mr Flowerday said that there would be a change in level of 2 metres across the whole length of the bridge structure. He explained that the height of the bridge to the deck was 7 metres and the height above the River Stort was 5.5 metres. He said that in terms of managing impacts off-site, Officers had devised an approach that had considered impacts in Sawbridgeworth and contributions which would be sought as part of these developments would also take this approach to expand further improvements in Sawbridgeworth.

Mr Wilkinson, Essex County Highways, said that there was a requirement for new highway infrastructure in the local plan. He mentioned the central stort crossing and the main sustainable transport corridor. He said that the challenge had been to create the sustainable capacity via the central stort crossing and this application. He concluded that the provision of eastern stort crossing did not undermine the Transport Strategy.

The Senior Project Officer explained that the ecological survey covered the scope and potential for Otters as there was a wetland environment and soft banks. She

said that a number of surveys had not found any evidence of Otters.

Councillor Page asked for some further explanation with regard to transport impacts at Sawbridgeworth and developer contributions. Councillor Devonshire asked about the species specific impact surveys and the conditions. He also asked about the impact on Gilston village, High Wych and Pye Corner during the construction period of roads one and two.

Mr Flowerday commented on signalised junction solutions and said that the highway mitigation approach that had been taken was focussed on the place rather than catering for people driving through Sawbridgeworth. He referred to unfettered demand and said that strategic traffic should be using than M11. He said the infrastructure created a benefit for Pye Corner as it in effect introduced a bypass and advised that the impact on High Wych was not so great as to require mitigation. He confirmed that a balance had been struck by creating a blended solution to address the cumulative impact of the crossing applications.

The Garden Town Leader Officer said the plans submitted were appropriate and acceptable for Members to determine the application. The Senior Project Officer said that the species specific surveys would not need to be a full suite of surveys depending on what part of the environment was affected, which species were being assessed and when the last surveys were undertaken.

Mr Flowerday addressed a number of questions from the Committee in terms of junction capacity, sustainable travel corridors and encouraging modal shift by presenting motorists with options and opportunities for sustainable travel.

The Senior Project Officer said that the Landscape Officer had asked for more planting and this would be covered by the landscape strategy management and maintenance plan under condition 32.

Councillor Kemp commented at length about transport modelling, the necessity and impact of the central and eastern stork crossings and possible alternatives. He mentioned noise mitigation and possible speed restrictions to reduce the impact of visual and noise impacts.

The Senior Project Officer said that a noise barrier on the northern side of the road would increase the noise impact on Terlings Park due to a change in land levels and the deflection.

The Principle Associate for Weightmans said that the points missed by Councillor Devonshire, where he had been absent from the meeting for a short period, were not significant and it would be improper to suggest that he could not continue to serve on the Committee at the meeting. In any event, the Senior Project Officer recapped on the points she had made in respect of a phased approach to habitat assessments and conditions covering a phased approach to changes to flora and fauna and mitigation.

The Principle Associate for Weightmans spoke about very special circumstances and benefits that clearly outweighed green belt harm. She addressed the matter of the benefits and harm and the weight that had been given to these points. She said that Officers had acknowledged that the development of both schemes was inappropriate development and they had also acknowledged the impact on openness and the need to safeguard against encroachment. She mentioned a number of other harms that had been identified and acknowledged.

Members were advised that Officers had given very substantial weight to the identified harms and had concluded that they were clearly outweighed by the very substantial benefits that were detailed in the report. She confirmed the requirements of the proposed condition four, in that until outline planning permission was granted, the crossings would not progress beyond enabling works. The Principle Associate said that by that point there would also be a Section 106 agreement in place. This condition could give a degree of comfort to Members. She said that all relevant drawings had been incorporated in to the planning permission and there was no impediment to determining the applications in terms of Members having sufficient detail to reach a decision.

The Principle Associate said that condition 40 could be amended on the basis that if at any period within 21 months of the date of this permission any enabling works had been carried out and planning permission had not been granted for the outline planning application EHDC Ref 3/19/1045/OUT, no further

material operation shall be carried out on the application site except for restoration works in full accordance with the approved Land Restoration Scheme of Works.

Members were advised that a further amendment could be made to condition 40 that a method statement and phasing of any restoration of works would be required. The Principle Associate suggested that this further amendment be made to the recommendation.

Councillor Bull proposed and Councillor Page seconded, a motion that, in respect of application 3/19/1051/FUL, planning permission be granted subject to the conditions and the reasons set out at the end of this report and with delegated authority being given to the Head of Planning and Building Control at East Herts Council, in consultation with the Director of Strategic Growth and Regeneration at Harlow District Council and with the Chairs of the respective Development Management Committees, to finalise the detail of the conditions attached to their respective planning permissions. If any substantive additions or changes to conditions post Development Management Committees are necessary, the matter would be referred back to them. If the Committee resolved to grant planning permission pursuant to recommendation 1, and Harlow District Council decides to defer determination or to consider amendments to the planning application for the part of the Eastern Stort Crossing development in its area, then the Decision Notice will not be released for a minimum period of four weeks, pending progress with

the determination of the associated planning application by Harlow District Council.

The recommendation included the amendment to condition 40 on the basis that if at any period within 21 months of the date of this permission any enabling works had been carried out and planning permission had not been granted for the outline planning application EHDC Ref 3/19/1045/OUT, no further material operation shall be carried out on the application site except for restoration works in full accordance with the approved Land Restoration Scheme of Works and that a further amendment could be made to condition 40 that a method statement and phasing of any restoration of works would be required.

After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) in respect of application 3/19/1051/FUL, planning permission be granted subject to the conditions and the reasons set out at the end of this report and with delegated authority being given to the Head of Planning and Building Control at East Herts Council, in consultation with the Director of Strategic Growth and Regeneration at Harlow District Council and with the Chairs of the respective Development Management Committees, to finalise the detail of the conditions attached to their respective planning permissions. If any substantive additions or changes to conditions post Development Management Committees are necessary, the matter would be referred

back to them.

(B) If the Committee resolved to grant planning permission pursuant to recommendation 1, and Harlow District Council decides to defer determination or to consider amendments to the planning application for the part of the Eastern Stort Crossing development in its area, then the Decision Notice will not be released for a minimum period of four weeks, pending progress with the determination of the associated planning application by Harlow District Council.

(C) condition 40 be amended on the basis that if at any period within 21 months of the date of this permission any enabling works had been carried out and planning permission had not been granted for the outline planning application EHDC Ref 3/19/1045/OUT, no further material operation shall be carried out on the application site except for restoration works in full accordance with the approved Land Restoration Scheme of Works.

(D) a further amendment be made to condition 40 that a method statement and phasing of any restoration of works would be required.

355 3/19/1049/LBC - REPAIR WORKS AND REPLACEMENT
WHITE POST AND 3-RAIL BALUSTRADE TO BRIDGE AT LAND
TO THE SOUTH AND EAST OF GILSTON VILLAGE AND
NORTH OF RIVER STORT HERTFORDSHIRE/HARLOW

The meeting concluded at 00:19 and this application (3/19/1049/LBC) would now be adjourned and determined at the 2 March 2022 meeting of the Development Management Committee, in line with the rules set out in the Council's constitution.

The meeting closed at 0:19 am

Chairman

Date

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 2 MARCH 2022, AT 7.00 PM

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

ALSO PRESENT:

Councillors J Goodeve and J Jones

OFFICERS IN ATTENDANCE:

Steven King	- Finance Management Trainee
Peter Mannings	- Democratic Services Officer
Karen Page	- The Service Manager (Development Management and Enforcement)
Jenny Pierce	- Senior Project Officer
Sara Saunders	- Head of Planning and Building Control
Femi Nwanze	- Development Management

Victoria Wilders Team Manager
- Legal Services
Manager

ALSO IN ATTENDANCE:

Matthew Armstrong - Hertfordshire Highways

375 APOLOGIES

Apologies for absence were submitted on behalf of Councillor R Buckmaster and Councillor Fernando. The Chairman explained that it had not been possible for substitutes to be arranged for Councillor R Buckmaster and Councillor Fernando.

376 CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that the meeting of the Committee scheduled for the 30 March had been re arranged to the 6 April 2022.

377 DECLARATIONS OF INTEREST

There were no declarations of interest.

378 MINUTES - 2 FEBRUARY 2022

Councillor Ruffles proposed and Councillor Kemp seconded, a motion that the minutes of the meeting of 2 February 2022 be approved as a correct record and signed by the Chairman.

After being put to the meeting and a vote taken, the

motion was declared CARRIED.

RESOLVED – that the minutes of the meeting held on 2 February 2022 be approved as a correct record and signed by the Chairman.

379 3/19/1049/LBC - REPAIR WORKS AND REPLACEMENT
WHITE POST AND 3-RAIL BALUSTRADE TO BRIDGE AT LAND
TO THE SOUTH AND EAST OF GILSTON VILLAGE AND
NORTH OF RIVER STORT HERTFORDSHIRE/HARLOW

The Head of Planning and Building Control recommended that in respect of application 3/19/1049/LBC, listed building consent be granted subject to the conditions detailed in the report and with delegated authority being granted to the Head of Planning and Building Control to finalise the detail of the conditions.

The Chairman explained that this application was on this agenda as it had not been determined due to the very late conclusion of the 22 February 2022 meeting after application 3/19/1051/FUL had been determined.

The Senior Project Officer explained that an application for listed building consent would not normally be determined by Members. She said that the application had been submitted for completeness as it was a consequence of the eastern stort crossing proposal considered by Members at the previous meeting.

Members were advised that the bridge was quite small and was in some disrepair. The Senior Project Officer said that the bridge was known as Fiddlers Brook

Footbridge and was Grade 2 listed and was designated in 1984. She said that the listed description referred to the white post and three rail balustrades as being key features of the bridge.

The Senior Project Officer detailed the location of the footbridge and set out the history of the bridge and the relevant planning history.

The Senior Project Officer said that as the proposed road bridge related to the eastern stort crossing affects the Fiddlers Brook and affects the setting of the listed footbridge, consideration was given to opportunities to relocate or to improve the structure.

Members were advised that the reduction in width of the eastern stort crossing enabled the retention of this bridge in situ and the option to improve the structure was instead taken. The Senior Project Officer set out the enhancements that were proposed by the listed building application and said that a management plan would be prepared to ensure the long term conservation of the bridge.

The Senior Project Officer said that the footpath that currently runs parallel to Eastwick Road would be realigned to route beneath the new road bridge back towards the footway network of Terlings Park thereby retaining the use of the bridge.

The Senior Project Officer summarised by stating that the listed building consent application was for works to improve the structural integrity and visual appearance of the bridge through brickwork repointing and

replacement of the balustrade to a design that reflects the original listing description.

Councillor Ruffles asked if Officers could elaborate further in respect of the link between the bridge and the listed property and whether there needed to be some physical appearance link between the bridge and that property. Councillor Page said that he was pleased that the works to be carried out had been explained and asked for some clarification as what was meant by the reference in the report to the setting of the bridge being altered.

The Senior Project Officer said that, in terms of the visual and physical connection between the footbridge and the Grade two listed cottage to the north, known as Fiddlers Cottage, the listing description relating to the cottage and the bridge both referred to the relationship visually between them. Members were advised that this was what was marked as being the significance of the two assets together. She explained that the proposed works in the listed building application or the eastern stort crossing would not affect the setting of either listed structure in that regard.

The Senior Project Officer explained that paragraph 1.3 related to the setting in general of the bridge that was linked to the eastern stort crossing application. She said that as the road bridge was close to the footbridge to the south, the assessment was subjective as the setting was not defined in terms of a distance or a defined catchment. Members were advised that the listed building works and the eastern stort crossing

would not change anything in respect of the setting of the bridge.

Following a further question from Councillor Ruffles, the Senior Project Officer addressed the Committee in respect of then architectural vernacular of the cottage and the bridge.

Councillor Kemp asked about the reasoning for the changes to the bridge to a two rail balustrade and asked for some clarity as to the proposed materials to be use for the new three rail balustrade. Councillor Crystall asked for some clarity as to the proposed deck surface in terms of whether this was to be brick.

The Senior Project Officer said that she was not aware of any reason for the change to the balustrade in the late 1980s or early 1990s as there was no planning history. She said that the balustrade would be metal and the surface was a weathered black top surface and this was to be retained in a neater and tidier state than was currently the case.

Councillor Stowe asked if the asphalt surface was to be a permeable surface as this would be beneficial to the structure underneath. Councillor Newton said that her concern was the metal definition and she asked for some information on this.

The Senior Project Officer set out the definition and proposed appearance of the rails. Councillor Andrews commented on the sustainability of this location and said that his concern regarding permeable paving was that would lead to water ingress into the structure of

the bridge.

There was some general debate regarding the merits of metal and wood as a material to be used for works to the bridge. The Senior Project Officer referred to the advice of the Conservation Officer as to the appropriateness of the proposed materials and the surfacing treatment.

The Legal Services Manager said that the Conservation Officer had been consulted and was satisfied that the materials were suitable. She said that her advice to Members was to follow that advice and proceed to make a decision based upon the merits of the application with the conservation comments in mind.

Councillor Andrews proposed and Councillor Newton seconded, a motion that application 3/19/1049/LBC be granted, subject to the conditions detailed at the end of the report with delegated authority being granted to the Head of Planning and Building Control to finalise the detail of the conditions and in particular, to finalise the wording of the condition three in respect of actual materials to be used and material treatment in respect of appearance and long term maintenance considerations.

After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED –that (A) in respect of application 3/19/1049/LBC, listed building consent be granted subject to the conditions detailed at the end of the report; and

(B) delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the conditions and, in particular, the wording of the condition three be finalised in respect of actual materials to be used and material treatment in respect of appearance and long term maintenance considerations.

380 3/20/1950/FUL - CONSTRUCTION OF 23 RESIDENTIAL DWELLINGS (USE CLASS C3), AND ASSOCIATED WORKS INCLUDING INTERNAL ROAD NETWORK, ASSOCIATED HIGHWAYS WORKS, LANDSCAPING, UTILITIES AND DRAINAGE INFRASTRUCTURE, CAR AND CYCLE PARKING AND WASTE STORAGE AT LAND EAST OF ASPENDEN ROAD, BUNTINGFORD, HERTFORDSHIRE

The Head of Planning and Building Control recommended that in respect of application 3/20/1950/FUL, planning permission be granted subject to the satisfactory completion of a legal agreement and the conditions set out at the end of the report and with delegated Authority being granted to the Head of Planning and Building Control to finalise the detail of the legal agreement and conditions. The application would be refused in the event an acceptable legal agreement was not completed within 3 months of the Committee's decision.

The Development Management Team Manager referred Members to the late representations summary and detailed the late representations that had been received. She set out the background to the development and explained that the site was 0.7

hectares and sat immediately to the north of a development of 65 dwellings which were under construction by the same developer.

Members were advised that the site immediately to the south had been initially determined by the planning inspectorate. The Planning Inspectorate had determined that the constraints presented by the limited width of Aspenden Road were not a constraint to future development of this site.

The Development Management Team Leader said that outline application was therefore granted with a requirement for road improvement width to be improved prior to occupation of any dwelling. She said that the Council had since granted a further full planning application for an increased number of residential units on the same site and the factors considered by the planning inspectorate were taken on board in the determination of that application.

Members were reminded that the width of the road was not considered to be a development constraint and an Officer was present from the highway authority who had worked with the developers to make further improvements to what had been secured by the planning inspectorate in terms of improving the width of Aspenden Road.

Members were advised that the proposals would provide 23 dwellings and the density and the layout was considered to be acceptable. The Development Management Team Leader said that affordable housing will be achieved at 40%, which equated to 9

units being provided on the site. She said that 56 car parking spaces would be provided and no reduction had been applied as there was a Neighbourhood Plan requirement for a higher level of car parking.

The Committee was advised that Officers had balanced other requirements when assessing the application, as required by the Neighbourhood Plan in terms of the distances between dwellings. In the interests of appropriate design, it had not been possible to achieve the 67 parking spaces that would normally be required.

Members were reminded that it was not always possible to satisfy every policy requirement on every application. The Development Management Team Leader said that the scheme was not considered to adversely affect the amenity of any neighbouring occupier and Officers felt that the conditions and planning obligations set out in the report would make this application an acceptable form of development.

The Development Management Team Leader presented the key features of the application. She said that a condition would be applied that the garages would be retained. Matthew Armstrong, Hertfordshire Highways, set out the background to the application.

Mr Armstrong commented on the planning history and the appeal. He said that it had been decided that the appeal could be defended based on the planning history. He said that refusal had been recommended on the basis of the constraints of Aspenden Road and policy LTP4 and the very firm user hierarchy emphasis

on accommodating the needs of pedestrians, cyclists and public transport over and above the private motor car.

Members were advised that the proposed signal arrangement submitted by the applicant helped in terms of sustainable travel and accessibility of the site. Mr Armstrong spoke at length about the proposed improvements for pedestrians and various other improvements on site. He concluded that the proposed changes had resulted in the objection from Highways Officers being withdrawn.

Councillor Jones addressed the Committee at length as the local ward Member.

Councillor Kemp said that it would be helpful to know to what extent the Committee could comment on, request conditions or suggest changes in respect of proposed highways works. He asked whether the site had been referred to in the Buntingford Neighbourhood Plan and in particular, had this site been suggested as a local green space. Councillor Kemp spoke about sustainable transport and commented on the footpath access to the site and the easy egress routes to Fairfields and Crouch Gardens in terms of the benefits to this application and the nearby site for 65 houses.

The Development Management Team Leader said that this site was not designated as a green space in the Neighbourhood Plan and the site was not allocated in the plan for any particular form of development. Members were advised that the site had therefore

been assessed as a windfall site.

The Development Management Team Leader said that access could not be obtained from the east of the site as this land was not in the ownership of the developer. Councillor Andrews said that the application was just at the level of acceptability. He said the matter of highways was a key consideration and he was not convinced that the proposed ameliorations would be effective. He also expressed a concern about the very regular flooding of the road in the context of the proposed installation of sensitive electrical equipment.

Mr Armstrong said that the signalised scheme would cover a 70 metre stretch of Aspenden Road and two vehicles would no longer be passing each other and mounting the footway. He said that the scheme would result in a better environment for pedestrians and was more in accordance with policy LTP4 in terms of sustainable travel and the management of traffic flow. He commented on the cost of the scheme being covered by the developer and the wider public benefits of the scheme. He said that the signalised scheme was necessary and met the tests in the condition and was necessary to make the application acceptable in a planning context.

Mr Armstrong mentioned the White House and said that this unusual arrangement was used very effectively in another part of the county. He said that the detail of the arrangements would be covered by a section 278 agreement stage and one option was for a push button activation of the traffic signals or a remote control would achieve the green signal. He set out

other options including a movement sensor system and talked about the trigger points for when the scheme would have to be completed.

Councillor Crystall commented on the issue of sustainability of the highways arrangements. He asked about the concerns expressed in respect of odours and the matter of the 10% biodiversity net gain and an offsite compensation area.

Councillor Beckett expressed a concern that a 3% improvement in terms of energy efficiency over the base building was woeful. He said that there was no mention of low VOC products in the sustainability statements and expressed concerns about the generic sustainability assessments included with the application.

Councillor Beckett said that the site was being developed too intensively and the only redeeming feature was the 40% affordable housing. He expressed a concern that there was no children's play area proposed by the application and commented on the lack of any legacy for future residents. He asked about the future maintenance costs of the proposed signalised traffic control given the propensity for flooding that had been identified in this location.

Councillor Andrews addressed the Committee at length in respect of highways, flooding and sustainability. Councillor Page asked if the site worked in terms of sustainability in this location. He asked for some clarity as to the definition of a flood risk activity permit and why this was needed.

The Development Management Team Leader confirmed that the applicant did not own the site to the east and the ownership was unknown. She said that securing the use of the landscape strip to east giving views into that site was the best that could be achieved.

Members were advised that the matter of odour management from the treatment plant to the west of the site was a consideration on the previous application to the south of the site.

The Development Management Team Leader said that Thames Water was happy with the discharge of a condition on that application and Thames Water had been consulted on this application and had raised no objection. She said that the biodiversity net gain was 30 years and advised that the density of the scheme was considered to be on the lower side of a medium range density and it was not considered to be necessary to reduce the density.

The Development Management Team Leader said that the matter of play space was addressed in the Section 106 agreement and reminded Members of the nearby 0.6 metres of open space. The application included generous gardens and Officers felt that the proposed green space was acceptable and the proposed open space contributions were proportionate to the number of dwellings.

Members were reminded that that the northern part of the site was not in a flood zone and the

Environment Agency had not objected to the application and a flood risk activity permit might be required in respect of highways works.

The Highways Officer addressed the Committee in respect of policy LTP4 and the LTA120 guidance. He also talked about the Section 278 process and maintenance of signals and other highway features. Members were advised that flooding on the road that was already in place would be identified by a stage three road safety audit. He said vegetation encroaching on the footways would be cut back if this application was approved and ongoing maintenance would be picked as part of the Section 278 agreement.

The Development Management Team Leader addressed the Committee in respect of flooding, the benefits of the scheme in terms of road improvements and affordable housing provision.

The Highway Officer commented on the wider obvious public benefits resulting from the proposed and necessary highways works. He said that on that basis, Highways Officers had not asked for any Section 106 money and there was a condition included regarding pedestrian drop kerbs and tactile paving and a tighter turn radius at the junction onto Aspenden Road. Members were advised that the Highways network management team would consider traffic management and there was a construction traffic management plan condition on the application.

The Legal Services Manager explained that any conditions would need to satisfy all of the usual legal

tests, in terms of being necessary and reasonable. She confirmed that a delegation of conditions would be Officer led and would not involve the consultation of a local ward Member. Members were advised that consultation with local Members in line with the Constitution would be in respect of minor amendments or variations of schemes.

The Legal Services Manager said that decisions of the Committee must be based upon very clear planning reasons that were linked to District Plan policies. Members should keep in mind that any deferral would need to be of benefit to the Committee in terms of a solid planning reason that Members feel would benefit from further discussions between Officers and the applicant in order to resolve any issues of concern. The Legal Services Manager sounded a note of caution in respect of statutory time frames for the determination of planning applications.

At 9.45pm, Councillor Andrews proposed and Councillor Kemp seconded, a motion that the meeting continue until the remaining business on the Agenda had been determined.

After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED –that the meeting continue until the remaining business on the Agenda had been determined.

The Committee had a general debate and discussion in respect of conditions. The meeting was adjourned at

9:55 pm for a brief period of five minutes.

The meeting reconvened at 10 pm and the Service Manager (Development Management and Enforcement) advised that Condition 10 already had sufficient provision for the exploration of opportunities for temporary traffic lights under criteria C and traffic management requirements. The Highways Officer suggested that the recently introduced industry wide 2 clocks standards for a construction traffic management plans be included in criteria C of Condition 10.

The Service Manager (Development Management and Enforcement) said that Condition 11 would be amended to include the word integrated and Condition 29 would be amended to cover the permeability of the fencing. She said that the landscaping Condition 8 would include the wording for a minimum period of 30 years in the last criteria.

Members were advised that an informative would be included in respect of exploring the opportunities for an eastern access. Members were also advised that there was already sufficient provision within the conditions for funding for community transport and a community centre.

Councillor Andrews proposed and Councillor Kemp seconded, a motion that application 3/20/1950/FUL be granted, subject to an additional informative, the amended conditions and the satisfactory completion of a legal agreement and the conditions set out at the end of the report. Delegated authority was being

granted to the Head of Planning and Building Control to finalise the detail of the legal agreement and conditions and the application would be refused in the event an acceptable legal agreement was not completed within 3 months of the Committee's decision.

After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED –that (A) in respect of application 3/20/1950/FUL, planning permission be granted subject to the satisfactory completion of a legal agreement and the conditions set out at the end of this report and subject to the following amended conditions and an additional informative:

- criteria c under condition 10 be amended to include a reference to the recently introduced industry wide 2 clocks standards for construction traffic management plans;
- condition 11 be amended to include the word integrated in respect of bird and bat boxes;
- condition 29 be amended to cover the permeability of the fencing;
- the landscaping condition 8 would include the wording for a minimum period of 30 years in the last criteria;

- an informative would be included in respect of the exploration of opportunities for an eastern access.

(B) delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the legal agreement and conditions; and

(C) the application would be refused in the event that an acceptable legal agreement was not completed within 3 months of the Committee's decision.

381 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following reports be noted:

(A) Appeals against refusal of planning permission / non-determination;

(B) Planning Appeals lodged;

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

(D) Planning Statistics.

382 URGENT BUSINESS

There was no urgent business.

The meeting closed at 10.07 pm

Chairman
Date

East Herts Council Report

Development Management Committee

Date of Meeting: 15 June 2022

Report by: Sara Saunders, Head of Planning and Building Control

Report title: Planning Applications for Consideration by the Committee

Ward(s) affected: All

Summary

- This report is 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.

RECOMMENDATIONS FOR DEVELOPMENT MANAGEMENT COMMITTEE:

A recommendation is detailed separately for each application and determined by the Committee, as appropriate, or as set out for each agenda item.

1.0 Proposal(s)

1.1 The proposals are set out in detail in the individual reports.

2.0 Background

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

3.0 Reason(s)

3.1 No.

4.0 Options

4.1 As detailed separately in relation to each matter if any are appropriate.

5.0 Risks

5.1 As detailed separately in relation to each matter if any are appropriate.

6.0 Implications/Consultations

6.1 As detailed separately in relation to each matter if any are appropriate.

Community Safety

As detailed separately in relation to each matter if any are appropriate.

Data Protection

As detailed separately in relation to each matter if any are appropriate.

Equalities

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.

Financial

As detailed separately in relation to each matter if any are

appropriate.

Health and Safety

As detailed separately in relation to each matter if any are appropriate.

Human Resources

As detailed separately in relation to each matter if any are appropriate.

Human Rights

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.

Specific Wards

As detailed separately in relation to each matter if any are appropriate.

7.0 Background papers, appendices and other relevant material

7.1 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.

7.2 Display of Plans

7.3 Plans for consideration at this meeting are available online. 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 view the full range of plans online prior to the meeting.

- 7.4 All of the plans and associated documents on any of the planning applications included in the agenda can be viewed at:
<https://publicaccess.eastherts.gov.uk/online-applications/>

Contact Member	Councillor Jan Goodeve, Executive Member for Planning and Growth jan.goodeve@eastherts.gov.uk
Contact Officer	Sara Saunders, Head of Planning and Building Control, Tel: 01992 531656 sara.saunders@eastherts.gov.uk
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DEVELOPMENT MANAGEMENT COMMITTEE – 15 JUNE 2022

Application Number	3/21/1576/OUT
Proposal	Demolition of existing buildings and redevelopment of site to create up to 20,590sqm of commercial development in use classes E (g), B2 and B8 (outline application with all matters reserved except for access).
Location	Silkmead Farm Industrial Estate, Hare Street, Hertfordshire, SG9 0DX
Parish	Anstey Parish Council
Ward	Braughing

Date of Registration of Application	1 July 2021
Target Determination Date	30 September 2021
Reason for Committee Report	Major application
Case Officer	Femi Nwanze

RECOMMENDATION

That *outline* planning permission is **GRANTED**, subject the conditions set out at the end of this report and subject to a Section 106 legal agreement.

That delegated Authority is granted to the Head of Planning and Building Control to finalise the detail of the Legal Agreement and conditions and to refuse the application in the event a legal agreement is not completed to the Council's satisfaction following the committee's decision.

1.0 Summary of Proposal and Main Issues

- 1.1 This application seeks outline planning permission for the erection of employment floorspace up to 20,590 sq metres falling within use classes E (g), B2 and B8 together with associated access, landscaping, and infrastructure works. All matters are reserved (for future consideration) at this stage, other than the proposed access arrangements for the site which have been submitted in detail.

- 1.2 The quantum of development proposed has been reduced from its initial proposal of up to 25,000 sq. metres to 20,590 sq. metres during the course of the application.
- 1.3 This site is situated within the rural area beyond the Green Belt and lies 1km north of the village of Hare Street and 3.2 km east of the settlement of Buntingford. Access to the site is obtained from the B1368. The site is designated as an employment area in the East Herts District Plan 2018.
- 1.4 Policies DPS1, DPS2, GBR2, ED1 and VILL4 of the East Herts District Plan 2018 are applicable to the consideration of the principle of the proposed development.
- 1.5 The main considerations in the determination of the application are:
- Principle of development;
 - Layout, design, and visual and landscape impact;
 - Impact on the neighbour amenity;
 - Highway impact;
 - Trees and Ecology;
 - Flood risk and sustainable drainage;
 - Energy and Sustainability;
 - Infrastructure delivery.
- 1.6 The main issue for consideration is whether or not the proposed quantum and type of development proposed is appropriate at this site; and in particular whether or not the proposed access arrangements are acceptable having regard to the nature of the planning permission sought and the policies in the East Herts District Plan 2018, and the National Planning Policy Framework 2021.
- 1.7 The application does not require screening under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as amended (EIA) as it has been determined that the proposed

development does not exceed the relevant threshold (which is 20ha for a development of this nature).

2.0 Site Description

- 2.1 The site comprises of brownfield and open land of approximately 7.9 hectares in area. The site inclines towards the west and falls to the east. A ditch is situated at the front of the site (southern boundary). The site contains a number of low – medium rise shed structures which are set within a site that is heavily landscaped with trees, shrubs, hedges and other landscape features to restrict views into and out of the site. The site is located within a predominantly rural area; surrounded by agricultural/equestrian land although there are residential properties on the eastern boundary of the site.
- 2.2 The site is not located in a Conservation Area and there are no trees on the site that are protected by a Tree Preservation Order.

3.0 Planning History

- 3.1 There is no recent planning history relating to this site.

4.0 Main Policy Issues

- 4.1 The main policy issues relate to the relevant planning policies in the East Herts District Plan 2018, and the National Planning Policy Framework 2021 (NPPF) as set out below.

Key Issue	NPPF	District Plan
Principle of development	Chapters 6 and 11	INT1,DPS1 DPS2 , GBR2 VILL4, ED1,ED2
Design and visual impact	Chapters 8, 11 and 12	DES1,DES2, DES3,DES4, , ,
Impact on neighbour amenity	Section 12 Section 4	DES4 , EQ2, EQ3, EQ4
Highway impacts	Chapter 9	TRA1,TRA2,TRA3
Trees and Ecology	Chapter 15	DES2 ,NE2,NE3 NE4
Flood risk management and sustainable drainage	Chapter 14	WAT1, WAT 4 WAT5,WAT6,
Energy and Sustainability	Chapter 14	CC1,CC2 WAT4
Overall sustainability	Section 2	Chapter 1 INT1 DEL1

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

5.0 **Summary of Consultee Responses**

5.1 Councillor Goodeve: would not want to see B8 use on this site if this were to be a distribution facility. It is important to create an ecosystem of businesses that feed off one another in the area. Opportunity to create quality jobs must not be missed.

5.2 EHDC Conservation and Urban Design: notes that a tree survey has been provided which indicates that most of the existing trees are healthy. Most of the existing peripheral trees are just outside the site boundary. The updated parameter plan shows wider margins to the perimeter of the site and the possibility for effective buffer tree planting, which is welcomed. Detailed designs and specifically landscape proposals will need to be carefully considered at the

reserved matters stage to manage and achieve the required screening.

- 5.3 Compared to the previous scheme, the updated proposal with the wider peripheral landscape buffers are considered to have a reduced impact on the rural character. The landscape and visual impact assessment bases its conclusions on a number of principles which should be adhered to at reserved matters stage and secured by condition.
- 5.4 EHDC Environmental Health (Air and Land): No objection - A phase 1 Geo – environmental Desk Study Report and a Ground Investigation report has been submitted with the application. The findings of the assessments are generally acceptable for the intended commercial /industrial use. Consideration should be given to undertaking a more detailed gas risk assessment if future development is proposed; any changes to the proposals may require a re-interpretation of the report.
- 5.5 EHDC Environmental Health (Noise): No objection – they note that an Acoustic Assessment report has been submitted and are satisfied that the proposed development could be implemented without causing a significant adverse impact on the amenity of the occupants of nearby residential properties, subject to a scheme of appropriate noise mitigation measures being implemented as part of the overall development.
- 5.6 EHDC Environmental Services: No objection subject to conditions.
- 5.7 EHDC Landscape: No objection - The site is within LCA145 of the Landscape Character Assessment SPD – Quin Valley, and Silkmead Farm is one of the detracting features within the area, and an opportunity to improve the site now presents itself.
- 5.8 The Strategy and Guidelines for managing change advises to ensure new planting is encouraged within the area. The site also abuts LCA143 – Wyddial Plateau - and the Strategy and Guidelines for managing change within this area advises to ensure that the

surroundings of converted and new buildings are designed and maintained to be in keeping with their surroundings - by ensuring that new structures are obscured from view where possible and native species used for hedging and tree planting to the perimeter.

- 5.9 The Landscape Visual Impact Assessment states that “the layout submitted is purely indicative and is there to demonstrate that the proposed scale of floor space can be delivered while meeting parking and turning requirements” and that this is an outline application and that the full design details are not known.
- 5.10 The principles proposed by the applicant are appropriate for the location but need to be translated into the layout and incorporated into the full application if/when submitted.
- 5.11 At this stage biodiversity net gain has not been demonstrated, Defra biodiversity metric has not been used. A reduced scheme in terms of the built form that incorporates more significant landscape proposals is required.
- 5.12 There is some symbolic tree planting within the indicative layout, although no associated soft landscape provision such as grass surrounds to accommodate tree planting.
- 5.13 Overall therefore, an indicative layout that is symptomatic of overdevelopment of the site. No objection is raised to the proposed access arrangements, but the proposed indicative layout is not currently acceptable.
- 5.14 Environment Agency: advises that they have no comments to make regarding the proposed development. They have suggested an informative regarding the need for a Flood Risk Activity Permit.
- 5.15 HCC Fire and Rescue Service: request a condition for the installation of fire hydrants by the developer at no cost to the Fire and Rescue Service or the County Council.

- 5.16 HCC Growth and Infrastructure: Planning Obligations should only be sought for residential developments that are major development, which is defined in the National Planning Policy Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. Therefore we will not be seeking financial contributions.
- 5.17 HCC Highway Authority: No objection subject to conditions and a legal agreement.
- 5.18 HCC Lead Local Flood Authority: consider that there is currently insufficient information to provide an assessment. Request that details on how surface water from the development is to be managed is provided: - confirmation of a feasible discharge location, management of existing surface water flow path and provision of half drain down times.
- 5.19 HCC Minerals and Waste: raise no objection to the proposals subject to the provision of a Site Waste Management Plan (SWMP) in accordance with the Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012.
- 5.20 The County Council notes that the Ground Investigation report recommends no further action in relation to contamination. However, notes that their records show a small area of historic landfill within the site (EAHLD34128).
- 5.21 Affinity Water: raise no objection but advise that the application site is located within a Source Protection Zone (SPZ), construction works and operation should accord with relevant British Standards and best management practices to reduce groundwater pollution risk. Any excavations below the ground water table should be avoided. If these are necessary a ground investigation should be first be carried out to identify appropriate techniques and to avoid displacing shallow contamination to a greater depth, which could impact the chalk aquifer. Water efficiency fixtures and fittings should be used in the development as the site is within a water

stressed area.

- 5.22 Herts and Middlesex Wildlife Trust: Objects to the application as measurable biodiversity net gain has not been demonstrated, the DEFRA biodiversity metric has not been used. The application is not compliant with the East Herts District Plan or the NPPF.
- 5.23 North East Herts Swift Group: Requests that 20 integrated swift bricks, integrated bat bricks and 5 bug hotels recommended in the ecological appraisal are secured by condition.
- 5.24 Thames Water: advises that with regard to surface water drainage, no objection is raised if the developer follows the sequential approach to the disposal of surface water. They have suggested an informative to address ground water discharges into the public sewer. Thames Water has advised that they have been unable to determine the waste water infrastructure needs of this application and as such request that this matter is addressed by a pre – occupation condition.
(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Town/Parish Council Representations

- 6.1 Anstey Parish Council: No objection.
- 6.2 Hornmead Parish Council: Large scale commercial development is unacceptable in this rural location. Silkmead Industrial Park is identified in Policy VILL4 as a village employment area for Hare Street which is a Group 2 Village. The policy acknowledges that small scale employment development can enhance the vitality of the villages in rural areas, but that the proposals must be of a scale suitable for the location.
- 6.3 The policy clearly states that larger proposals may be considered acceptable in Group 1 villages, but "only very small-scale developments are likely to be acceptable in Group 2 Villages." This proposal is far from "very small scale" as it proposes to increase the

commercial footprint by approximately 200,000 square feet and quadruple its current footprint.

- 6.4 The B1368 is not capable of taking the additional commercial traffic which is likely to be upward of 100 additional lorry movements per pay through the villages along the B1368.
- 6.5 There will be an unacceptable impact upon the amenity of residents of Braughing, Hay Street, Dassels, Hare Street, Barkway, and Barley. All of these villages are historic and have developed as linear villages along the B1368 with multiple listed buildings that face directly onto the street. It is not acceptable for these villages, their residents, and the heritage assets to be blighted by this proposed level of commercial traffic.

7.0 Summary of Other Representations

- 7.1 44 neighbouring properties have been consulted by letter. 199 responses have been received objecting to the proposals on the following grounds:
- Lack of consultation on this application and on the content of the EHDC District Plan;
 - Development will result in loss of Green Belt land and grazing land; green space and countryside should be preserved – not industrialised;
 - Development would have an adverse impact on neighbouring residential property on grounds of the scale of the development, noise pollution, increase in HGV movements with no alteration to site access, air pollution, overlooking/loss of privacy;
 - Existing access arrangements to the site do not start in front of Cherry Tree House, but the proposed access would – making it a hot spot for noise and pollution;
 - Overshadowing and light pollution of property and land to the north of the application site;
 - Development is inappropriate for this rural location - it will affect Buntingford, Hare Street and the surrounding villages

including Braughing, Dassels, Hay street, Barkway, Barley, Brent Pelham and Great Hormead;

- Precedent set by refusal of planning application 3/17/2877/FUL for 2 houses – due to site being outside the village of Hare Street and future residents likely to be dependent on private cars to access services and facilities;
- The policy acknowledges that small scale employment can enhance the vitality of villages in rural areas but that larger proposals are considered acceptable in Group 1 Villages – only very small scale development are acceptable in Group 2 villages;
- Proposal is contrary to Policy VILL4 which states that only small scale developments are acceptable in Group 2 villages;
- Object to more construction in the area - there has already been so much development in the area – there is no requirement for more. Buntingford already has two large industrial sites serving the town and surrounding area. The industrial estate at Buntingford is half occupied;
- Unnecessary development as there are plenty of vacant industrial sites and town and city brownfield sites across the country that can be used. This development is not required for the local economy. The site will eventually be dis-used;
- Additional units are not required in this location – there are people illegally living in these units and undertaking illegal activities there at night;
- Proposal results in a huge increase in building footprint with a distribution centre proposed– it should be sited near a motorway;
- There is not and never can be due to the nature of the locality, sufficient infrastructure to support such a large and uniquely industrial development and increase in volume of traffic;
- There is no regular public transport that is within safe reach of the site;
- Increase in size of units will lead to an increase in noise from the use of larger machinery and plant, noise from more vehicles entering /leaving the site;
- The size of the industrial unit does not need to increase – it just needs to be updated. The property is adjacent to horse stables

and additional noise coming from larger units closer to the horses may lead to the closure of the stables;

- Boundary dispute with neighbouring property has led to the erection of a fence over the neighbouring ditch and localised flooding which cannot be seen at night;
- Development should take place in an area with suitable infrastructure – not on small village roads;
- Increase in size of units will lead in increase in the number of commercial vehicles – a situation that would be exacerbated if any of the units were to be used for distribution purposes;
- There is no legal HGV turnaround point in case drivers miss the access point;
- There are no local amenities for the proposed workers – this will lead to an increase in vehicle movements during the day;
- Industrial use should be close to the supporting workforce.
- Any increase in jobs created will be offset by the impact on quality of life for residents- damage to health and environment;
- The B1368 is not wide or sturdy enough for HGV lorry movements and not capable of taking the additional commercial traffic – there are two bridle paths which cross the B1368 within 100 m of the entrance of the Silkmead Industrial Estate- speed limit is not adhered to and additional traffic entering and existing the site will make it unsafe for other road users (cyclists, pedestrians , equestrians) and increase noise, vibration and pollution;
- Existing site entrance is dangerous and there is no ability to park, load or turn in this area of the B1368;
- Transport report refers to the 'A1368' – but this is not an 'A road' – it is a 'B road';
- Revised access point is not designed to accommodate two way traffic flows so there will be HGV's idling on the narrow access road;
- Increasing traffic movements without substantially improving road safety would put lives at risk;
- Villages roads not designed for HGV traffic –will lead to congestion, and pavements are not suitable for walking as many cars are illegally parked on pavements;

- Equalities considerations: age disability or health challenged will only be able to access the site by car in this rural location;
- Noise and road impact assessments were completed in the 'lockdown' and are not reflective of typical activity/road usage;
- Closure of Anstey Quarry was beneficial to local amenity – this proposal will result in a return to constant vibration;
- Significant additional traffic will increase run – off into the River Quin (a chalk stream) and decrease habitat and biodiversity;
- Development will put a strain on water supply;
- Air pollution from additional traffic;
- There is already too much development in this area;
- Development is too large, affects local businesses running from the site, affects local wildlife;
- Proposal affects wildlife – bats , badgers, rabbits, deer, foxes, horses etc;
- Whilst the site is recognised as an employment area this should be limited to small extension of the site for Class E (g) and B2 use only - the village roads are not suitable for an increase in Class B8 related traffic and the proposal is not small;
- Developer claims 21% of workers will arrive by foot. The nearest village is 1 mile away along an unlit road with no footpath – this must call into question the validity of the submitted documents. When Anstey Quarry was active there was noise , danger and congestion on the roads and vibration affecting local historic buildings – there is no desire to return to that;
- There is no bus stop at the bottom of Lincoln Hill as stated in the application and walking any stretch of the B1368 with speeding vehicles, no lighting or pathway is a danger to human life;
- The current units are small and only occupied by 2 or 3 occupants. The proposed (total) number of units is approximately 50% smaller but has a greater floorspace – leading to increased manufacturing, greater occupancy and increased lorry movements with larger vehicles;
- Proposal now includes a mobility hub but there is no indication of what this structure will look like.

8.0 Consideration of Issues

Principle

- 8.1 Policy DPS1 (Housing, Employment and Retail Growth) of the East Herts District Plan states that the Council will maximise opportunities for jobs growth, with the aim of achieving a minimum of 10,800 new jobs in the District during the plan period. This will include making provision for 19 – 20 hectares of new employment land for B1/B2/B8 uses.
- 8.2 Policy DPS2 (The Development Strategy 2011-2033) outlines that the strategy of the Plan is to deliver sustainable development in accordance with a hierarchy of sites.
- 8.3 Paragraph 85 of the National Planning Policy Framework actively supports and recognises that in rural locations, in order to support a prosperous rural economy, sites may have to be found adjacent to, or beyond existing settlements and in locations that are not well served by public transport.
- 8.4 The application site is 7.9 ha in area and comprises of brownfield land which is known as Silkmead Farm Industrial Estate. The site currently provides approximately 6000sq. metres of employment floorspace in a series of low rise chicken sheds/buildings of varying condition that are set in a verdant landscape.
- 8.5 Policy ED2 of the East Herts District Plan states that in order to support sustainable economic growth in rural areas and to prevent the loss of vital sources of rural employment, proposals that create new employment generating uses or support sustainable growth and expansion of existing businesses in the rural area will be supported in principle, where they are appropriately and sustainably located and do not conflict with other policies in the plan.
- 8.6 Silkmead Farm Industrial Estate is designated as an Employment

Area in the East Herts District Plan under Policy ED1 (Employment) and specifically a 'Village' Employment Area under Policy VILL4 (Village Employment Areas); it is also identified in the Plan as being located within a 'Group 2' Village. Policy VILL4 outlines the important role that employment areas in the rural locations provide in ensuring that accessible and affordable employment and business opportunities are provided.

- 8.7 The proposals include an increase in built form at this site; providing commercial development in use classes E (g), B2 and B8 for up to 20,590sqm. Officers acknowledge this would constitute a large uplift on the existing floorspace provision. Whilst the supporting text to Policy VILL4 references that only small scale proposals are likely to be acceptable in Group 2 villages, it does not preclude larger proposals.
- 8.8 The adopted Policies Map that forms part of the District Plan defines the extent of the designated Employment Areas in the District. This allows for expansion of the Silkmead Industrial Estate onto parts of the site that are currently undeveloped. Whilst this should not necessarily result in 100% site coverage of this area, it does indicate there is scope to increase the current on-site employment provision in this location.
- 8.9 Policy ED2 supports the expansion of existing employment sites, subject to being sustainably located and not conflicting with other policies in the plan.
- 8.10 The principle of expanding the employment floorspace provision on site is therefore considered to be acceptable in principle; subject to further detailed consideration below to ensure that the development is sensitive to its locational surrounds, does not have an unacceptable impact on the highway network, seeks to improve the sustainability of the site and that the general amenity of the occupants of surrounding properties are not unduly harmed.

Design and visual impact

- 8.11 The application site is located off the B1368; at the rear of 2

residential properties that are on the eastern boundary of the site and which shield its view from the road frontage. To the north and west of the site is agricultural land and to the south is a livery yard and land that is in equestrian use. The site sits within an area that is varied in height; with a raised height towards the west and which is verdant in nature; with varied landscaped features including substantial trees, hedging, fencing and earth bunds.

- 8.12 Matters regarding the overall layout, scale appearance and landscaping of the proposal will be the subject of detailed consideration at the reserved matters stage when detailed plans covering these aspects of the scheme will be submitted and considered.
- 8.13 However in order to assist the Local Planning Authority in their consideration of the principles of the scheme, a proposed parameters plan has been submitted.
- 8.14 The parameters plan indicates the broad extent to which the site will be developed. It includes a 25 – 30m wide landscape buffer around the eastern boundary of the site, a 14 – 37m buffer to the south, a 20 - 26.9m buffer to the north and 13 – 14.5 metre buffer to the west. This will ensure that built development within the site would not be highly visible from surrounding viewpoints. Given that there are residential properties along the eastern boundary of the site (36 - 43 metres from the site boundary), it is imperative that sufficient attention is given to the nature and extent of this landscaped buffer zone which will need to act as both a visual and noise barrier to future development. Additionally sufficient attention should be given to the proximity of the residential property to the immediate south of the site.

8.15 The application initially proposed up to 25,000 sq. metres but now seeks a reduced quantum of development of up to 20,590 sq. metres in order to accommodate the required landscaped buffer around the site. 20,590 sq. metres is now suggested as the maximum floorspace that can be accommodated subject to site considerations and detailed layout.

8.16 Details of the footprint of each building will be provided in due course at the reserved matters stage; however it should be noted that industrial/employment type buildings can often have large footprints and will need to be of a sufficient height to function appropriately.

8.17 Notwithstanding the above and the limited scope of the considerations of this application, the applicant is prepared to accept certain restrictions (which will be imposed as planning conditions) to guide the future detailed plans for the redevelopment of this site. The details are:

- No building on the site shall exceed a height of 6 metres and careful consideration will be given in particular to the location and height of buildings in closest proximity to neighbouring residential properties.
- The buildings will be clad in non – reflective materials
- All buildings will be painted or powder coated in shades of green and grey
- The proposals will retain and enhance (where required) existing trees and scrub within the site
- Planting of native trees, shrubs and hedging will be included within the design of the development. These will help to further screen and soften the proposals to the site boundaries. Planting of trees and other vegetation through the site will create a layered landscape effect, increase bio-diversity within the site and help set it and integrate it within the semi-rural context of the area.

8.18 It is intended that proposed built development will be low rise and have an appearance that is reflective of its rural surrounds. The new

buildings will not exceed a ridge height of 6 metres (a building height that already exists at the site) and will be positioned so that they do not adversely affect the amenity of the occupants of neighbouring properties.

- 8.19 The site is located within the Upper Quinn Valley Landscape Character Area (145) and the South Suffolk and North Essex Clayland National Character Area (86). With the above mentioned caveats to guide the detailed appearance/layout of the proposed development, it is not considered that the proposal will adversely impact the character of these areas.

New employment provision

- 8.20 As indicated above and in accordance with Policy VILL4, the proposal to retain and expand employment provision at this site is considered to be acceptable. The District Plan outlines the key roles that rural employment sites play in providing both accessible and affordable employment and business opportunities. Given the limited number of rural locations that are suitable for employment use, it is considered appropriate to ensure that in welcoming the principle of an expanded employment site in this location; consideration is given to the full scale of employment types that can be accommodated at this site.
- 8.21 In particular it is noted that despite the varied nature, age and size of the buildings on this site, this is not a site that is unoccupied. In addition, this is a site that does not currently have planning restrictions that restrict the type and quantum of employment uses that can operate at the site.
- 8.22 Notwithstanding, the Local Planning Authority are mindful of the need to ensure that development comes forward in such a way that suitable provision is made for a full range of sizes of units and types of employment uses that meet the needs of the locality. In addition, suitable provision is required to meet the needs of existing occupiers; including units that are of a suitable size to be decanted

into.

- 8.23 It is therefore considered appropriate that an employment retention strategy for the site is submitted (to be secured through condition), indicating how provision will be made for the retention of existing employment uses/occupiers. This will ensure that existing employment levels at the site are not reduced or lost. In addition details should be provided which include the proposals for the provision of low - cost employment units on this site and a full range of unit types that can meet a variety of different business needs.
- 8.24 A full range of employment uses are proposed at this site - Class E (g) – *Office/light industrial*, B2 *General Industrial* and B8 *Storage Distribution*. The uses are considered to be compatible with the neighbouring residential properties (subject to appropriate consideration of the detailed design and layout of the site) and will assist in attracting a broad range of end users which will help to ensure the long term viability of the site. It is nevertheless considered appropriate to impose a condition to secure permanent employment use of the site by removing all permitted development rights away from the uses specified.

Impact on neighbour amenity

- 8.25 Policy DES4 of the District Plan requires that development should have be of a high standard of design and layout and avoid significant detrimental impacts on the occupiers of neighbouring properties and land.
- 8.26 The proposed development seeks to intensify the use and built form of a site that is already in employment use and designated as an employment area for uses that fall within use classes B1 (now E (g)), B2 and B8.
- 8.27 There are currently no restrictions on the nature of employment types at the site or the hours in which those uses can operate. Whilst it is clear from the District Plan (map) that the site has

been considered suitable for an expansion; due regard must still be given to the amenity of occupants of surrounding sites and premises.

- 8.28 Uses that fall within Class E (g) (i, ii and iii) (office, research and light industrial use) are uses that can be carried out in a residential area without detriment to neighbouring amenity. Uses B2 (general industry) and B8 (storage or distribution) are uses that may, unless appropriately controlled, have an impact on neighbour amenity in terms of noise or air pollution.
- 8.29 When considering potential impacts on neighbouring amenity, regard must be given to the current designated status of this site as an employment area, and the enlargement of this same area in the District Plan; wherein a full range of employment uses are encouraged and wherein at present there are no restrictions on the specific location of employment types at the site.
- 8.30 Equally due regard must be given to the proximity of the enlarged development site to the nearest residential properties which are located to the east and south of the application site. The parameters plan indicates a 22 – 53 m distance from these residential properties to any proposed built development on the site due to the inclusion of a landscaped buffer of trees and vegetation.
- 8.31 At this stage it is not known in what position or orientation the proposed buildings will be, and neither is there information to indicate the proposed use. An indicative noise assessment has been provided which provisionally indicates the site can be operated without detriment to residential amenity through the design and appropriate orientation of buildings.
- 8.32 Whilst this information is acceptable and satisfies the Environmental Health Service, it is recognised that further analysis will need to be undertaken at the reserved matters stage (when more details are available on site layout and/or use). In this regard it is considered appropriate that a noise assessment will be submitted at this stage,

depending on the proposed uses on the eastern side of the site. This will ensure that the units and the site can operate without detriment to the amenity of neighbouring residential occupiers.

- 8.33 The inclusion of the landscape buffer and restrictions on building height (as set out in paragraph 8.17) are considered to be sufficient to demonstrate that built development can come forward at the detailed reserved matters stage without causing loss of light/overshadowing to neighbouring residential properties.
- 8.34 The proposals are therefore considered to be in accordance with Policies DES4 and EQ2 of the District Plan.

Highway Impacts

- 8.35 The application seeks detailed consent at this stage for the site access. The National Planning Policy Framework (NPPF) states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.
- 8.36 Access considerations: As mentioned above, the site is already in use as an industrial estate and there is already vehicular access from the B1368. The existing site access abuts the flank boundary of Cherry Tree House (the nearest residential property). This access is already the subject of frequent car, LGV and HGV movements; movements that are associated with the nature of the businesses that occupy the site.
- 8.37 To the immediate south of the site lies Silkmead Farmhouse (also a residential property). The farmhouse has a small vehicular access point from the B1368. Silkmead Farmhouse is proposed to be demolished and the access point will be permanently closed off.
- 8.38 As part of this proposal for an expansion of this site, a new access point is proposed which is slightly south (9- 15 metres) of the existing one. This is proposed in order to support the increased activity on site by improving accessibility between the site and the B1368 so that vehicles can access and exit the site in a safe manner

with improved visibility splays. All vehicles will enter and exit in forward gear.

- 8.39 The new access point will have sufficient width to accommodate two HGV's using the junction simultaneously; a factor that will be of benefit to local highway safety and the general amenity of the occupants of the nearest residential property; Cherry Tree House. The proposed re-positioned access will also have the effect of enabling the provision of an enlarged landscaped buffer between Cherry Tree House and the application site.
- 8.40 The Highway Authority have reviewed the proposals for the access and confirmed they are acceptable. It is therefore considered that the access details proposed for this development are acceptable and as such there would be no conflict with policy TRA2 of the East Herts District Plan 2018.
- 8.41 Sustainable travel and trip generation: The proposed expansion of this site to provide up to 20, 590 sq.metres of floor area will undoubtedly lead to additional vehicle movements to and from the site.
- 8.42 The Silkmead farm site is situated circa 2km outside Buntingford town and involves negotiating the fast and relatively straight 60mph B1368 to Hare Street and the twisty and undulating B1038 to Buntingford. HCC (Hertfordshire County Council) Highways initially had concerns over the ability of this location to foster sustainable development in line with National and Local Policies, particularly Policies 1, 2 and 5 of Hertfordshire County Council's Local Transport Plan (LTP 4, Adopted 2018) and policy TRA1 of the East Herts District Plan.
- 8.43 It has been determined that the local restricted Bridal Ways (ANSTEY016/WYDDIAL 011 and ANSTEY015) are of a poor state which makes them completely unsuitable for all but the most extreme of off road bikes and equally being un-surfaced, having poor drainage and unlit etc. they aren't suitable for pedestrians.

- 8.44 Discussions with the HCC PROW (Public Rights of Way Team) have concluded that their upgrade was unrealistic due to their condition. Therefore in order to make the site policy compliant, they should focus on improvements to the local bus service.
- 8.45 Notwithstanding the above, the applicant has also investigated improving walking and cycling connections to the PROWs but determined that the only feasible option would be to construct a 2m wide footway along the western side of the B1368 linking the proposal site to the bridleway south of the site (ANSTEY016/WYDDIAL 011). Hertfordshire County Council Highways accepts that this is the only feasible opportunity to improve the pedestrian network in the vicinity of the proposal site. These works are to be secured by condition (14).
- 8.46 The current closest Bus Stop to the site is on the B1368 approximately 860m north of the proposal site access (just north of the Lincoln Hill junction) this is beyond a reasonably accepted walking distance (400m, 5 minutes' walk) and in relation to the above it was also determined that a pedestrian connection to it was unfeasible.
- 8.47 However, as indicated in the September 2021 Transport Assessment that was submitted in support of the application (Paragraph 4.9), Hertfordshire County Council operates a demand responsive bus service (Herts Lynx) and a 'Mobility Hub' is proposed to be built to accommodate the service. The mobility hub will combine a range of facilities such as:
- Herts Lynx bus and taxi drop-off and pick-up area
 - Sheltered waiting area
 - Secure cycle storage with e-bike charging points
 - Lockers, changing rooms, showers and drying area
 - Travel Plan noticeboard
- 8.48 An overarching Travel Plan is also proposed for the site; this will integrate all of the proposed sustainable travel measures. In addition bespoke Travel Plans are required to be prepared for each

individual unit prior to occupation (based on the overarching principles of the framework travel plan). This will ensure that each unit's operations are well considered and that there is individual unit ownership. A site – wide Travel Plan coordinator will be appointed and report to the Local Highway Authority.

- 8.49 The proposed provision of a mobility hub (the provision of which is to be the subject of a planning condition but the location of which is to be considered at reserved matters stage), the adoption of a site wide Travel Plan and the increased use of electric vehicles at the site; together with improvements to pedestrian accessibility (including a 2 metre wide footway connection to the bridleway) will all be instrumental in ensuring that sustainable transport options are available at this site for both staff and visitors.
- 8.50 The submitted Transport Assessment includes modelling data which looks at the likely impact of the proposals on the local highway network. The Highway Authority has reviewed this data and concluded that whilst the modelling demonstrates that there would be some impact arising from the proposals, this would not be severe and would be further mitigated by the implementation of the sustainable transport measures outlined above.
- 8.51 It is therefore considered that proposals would not give rise to an unacceptable impact on the local highway network and are in accordance with the requirements of Hertfordshire County Council's Local Transport Plan (LTP 4, Adopted 2018) and policy TRA1 of the East Herts District Plan.

Natural Environment

- 8.52 The site comprises in the main, brownfield land which contains a variety of generally poor quality buildings set amongst a heavily landscaped setting with significant tree cover. However there are parts of the site which are undeveloped. There are no Tree Preservation Orders (TPO's) on the site and the site is not protected by any conservation area status.

- 8.53 As required by the NPPF and District Plan Policies NE2, NE3 and NE4 where a proposed development would adversely affect biodiversity, the applicant is required to demonstrate that any negative effects can be mitigated or compensated for. There should in principle be a net enhancement of biodiversity.
- 8.54 The applicants will be required to submit an arboriculture survey at the reserved matters stage that indicates how the existing trees have informed the detailed design layout of the site and been retained as far possible. In addition any losses will be expected to be compensated for. These requirements will be secured through condition.
- 8.55 The application is supported by an ecological impact assessment which indicates that there are no protected species at the site and that the site is of low ecological value. It also sets out how the biodiversity of the site could be enhanced to help achieve no net loss of biodiversity and where possible achieve meaningful net gain in the context of national and local targets.
- 8.56 The comments from consultees in response to the application highlighted that at present no ecological enhancement has been provided. As this is an outline application, full details will not come forward until the reserved matters stage. To ensure that the policy requirements are met, a condition will be imposed requiring any future reserved matters application to demonstrate how a minimum of 10% biodiversity net gain across the site will be achieved. Conditions will also be imposed requiring all future buildings to provide bird and bat nesting habitats/boxes.
- 8.57 Subject to the submission of further details being submitted at the reserved matters stage as set out above, the proposal is considered to comply with Policies NE3 and NE4 of the East Herts District Plan.

Flood risk

- 8.58 The development site is located within the Environment Agency's Flood Zone 1, being an area having the lowest risk of flooding. Local

Planning Authorities are required to apply a risk – based assessment to new developments as a set out in the Planning Practice Guidance (PPG). A proposed development that consists of offices/general industry/ storage and distribution is considered to fall in the category defined as 'less vulnerable'. Accordingly it is considered that this form of development would be appropriate in this location.

- 8.59 The applicant has proposed a surface water drainage strategy for the development. This will involve utilising the existing ditch at the southern (front) part of the site but also providing permeable surfaces and potentially providing soakaways at the site and additional on-site rainwater storage.
- 8.60 The Lead Local Flood Authority (LLFA) has reviewed the principles of what has been proposed, but has indicated that further information should be provided in order for them to be fully satisfied. In particular the LLFA seek information of how surface water is to be managed.
- 8.61 The information that has been requested by the LLFA has been reviewed by the applicant and they have provided additional information. Although the LLFA have been re – consulted they are as yet to respond.
- 8.62 However, as this an outline application, full details of the drainage scheme for the site cannot be determined until the detailed layout of the development is known. As such officers consider that this aspect of the development should, and can, be considered at the reserved matters stage. A condition will be imposed to secure this.
- 8.63 With the information submitted to date and the additional information to be secured through conditions, it is considered that this aspect of the proposal accords with Policies WAT1, WAT2 and WAT5 of the District Plan.

Energy and Sustainability

- 8.64 The Council's District Plan and the Sustainability SPD 2021 seeks to ensure that new development is adaptable to climate change i.e. is designed to minimise overheating in summer and reduce the need for heating in winter, and can demonstrate how carbon dioxide emissions will be minimised across the development site. Achieving standards beyond the requirements of Building Regulations is encouraged.
- 8.65 The application makes high level reference to the reduction of energy use predominantly by high standards of insulation and the use of energy efficient installations. However, as this is an outline application, it is considered that the requirements with regard to sustainability and climate change can be fully addressed at the reserved matters stage and appropriate conditions are therefore proposed to ensure this.

Infrastructure/Planning obligations

- 8.66 The Highway Authority requests measures to mitigate the wider cumulative impact of the development. These will consist of agreed local junction improvements within the vicinity of the site and the provision of a Travel Plan for the site's operation. In addition it is proposed that a financial contribution is secured to provide wider sustainable transport facilities in the locality.
- 8.67 In this regard the following is to be secured by a Section 106 Agreement:
- Agreed junction improvements at Silkmead Farm onto B1368
 - Travel Plan and provision of a Travel Hub
 - £343,086.00 for provision of a wider sustainable transport network.

Response to third party comments

8.68 Responses to the majority of the comments received have been addressed within the body of the report. With regard to the remaining points the following applies:

- Designation of the application site as an employment area in the District Plan – The Local Planning Authority has undertaken extensive public consultation on the East Herts District Plan. There has also been an examination in public; conducted by the Planning Inspectorate on all aspects of the content and publicity of the plan.
- Green Belt – the site is not located in the Green Belt and the proposed development will not result in any loss of Green Belt land.
- Equalities consideration- access to the site by methods other than the private car has been considered. The proposal includes measures to improve the pedestrian environment by making improvements to the footpaths. In addition, the provision of a mobility hub which will link the site to a bus service and taxi provision will further improve the site's public accessibility.
- Water supply - there is no evidence that this development will adversely affect water supply. Whilst detailed layouts will be the subject of subsequent applications, conditions are proposed to ensure that the development complies with the councils sustainability policies. In addition, there are no objections from the relevant water companies.

9.0 Planning Balance and Conclusion

9.1 The proposal seeks to deliver local employment on a site which is designated in the East Herts District Plan for such use and wherein there is in-principle support for expansion of employment uses.

9.2 The proposed development will undoubtedly generate increased employment opportunities and an improvement in building quality

compared to those that exist on site at present. This is to be provided within clear development constraints (outlined in paragraph 8.17) which will limit heights of buildings, retain and improve the landscape features of the site and ensure that visually any development blends in with its rural setting. These development constraints will be secured through condition and will determine/guide the overall quantum of development, its layout and external appearance. Other conditions as set out, seek to control any future development to ensure that it comes forward without detriment to amenity.

- 9.3 The material submitted demonstrates that the proposed new access would provide significantly improved vehicular and pedestrian access to the site.
- 9.4 Subject to the implementation of the sustainable transport measures described in this report, it is also considered that the proposals will not have an unacceptable impact on the local highway network.
- 9.5 Overall, on the balance of considerations, the proposed development is considered to be compliant with the policies of the East Herts District Plan 2018.

10.0 RECOMMENDATION

- 10.1 That outline planning permission is GRANTED, subject the conditions set out at the end of this report and subject to a Section 106 legal agreement.
- 10.2
- 10.3 That delegated Authority is granted to the Head of Planning and Building Control to finalise the detail of the Legal Agreement and conditions and to refuse the application in the event a legal agreement is not completed to the Council's satisfaction following the committee's decision.

11.0 Legal Agreement Terms

- **Agreed junctions improvements at Silkmead Farm/ B1368**
- **Full Travel Plan and provision of a Travel/Mobility Hub**
- **£1,200 per annum index-linked RPI March**

2014 Evaluation and Support Fee

- **£343,086.00 for provision of a wider sustainable transport network.**

Draft Conditions

1. The development hereby approved shall be carried out in accordance with the approved plans, documents and reports listed at the end of this Decision Notice and in accordance with the phasing plan that is the subject of condition 2.

Reason: To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

2. Prior to the submission of any application for the approval of reserved matters in relation to this permission, a site wide phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall set out the details of the following:

- (i) the proposed sequence of development across the entire site
- (ii) the extent and location of individual phases together with details of proposed use class types;
- (iii) proposals for the retention of existing occupiers at the site

Thereafter the development shall be implemented in accordance with the approved phasing plan.

Reason: To ensure the development site is comprehensively developed in accordance with its employment designation and that a suitable and varied range of employment uses and buildings are

provided at the site; for the benefit of existing and prospective occupants; in accordance with Policies ED1, ED2 and VILL 4 of the East Herts District Plan.

3. Application(s) for approval in respect of all matters reserved in this permission shall be made to the Local Planning Authority within a period of 3 years commencing on the date of this notice. The development to which this permission relates shall be begun by not later than the expiration of a period of 2 years commencing on the date upon which final approval is given by the Local Planning Authority or by the Secretary of State, or in the case of approval given on different dates, the final approval of the last such matter to be approved by the Local Planning Authority or by the Secretary of State.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (As Amended).

4. Details of the appearance (including facing materials), landscaping (including boundary treatment), layout (including internal layout and floor to ceiling heights of individual units/buildings, parking and manoeuvring arrangements for vehicles) and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall thereafter be carried out as approved.

Reason: To comply with the provisions of Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (As Amended).

5. The plans and particulars for all Reserved Matters applications shall be accompanied by details that show:
 - Full details of the landscaping of the site, including how the design has been informed by a commitment to retain as far practicable existing trees/hedges on site. The scheme shall reflect the landscape character of the area and indicate on a

- detailed plan, appropriate species, types and densities as well as their distribution on site and a planting programme;
- How provision has been made for the inclusion of bat and bird boxes into the construction of any buildings;
 - Details that demonstrate how the design, materials, construction and operation of the development would minimise overheating in summer and reduce the need for heating in winter and integrate green infrastructure into the development;
 - Details that demonstrate how carbon dioxide emissions will be minimised across the development site, taking account of all levels of the energy hierarchy; achieving standards above the requirements of conversant Building Regulations;
 - Full details of the provision to be made for the secure storage/ parking of cycles and the provision of facilities within the building(s) to encourage travel to work by bike (showers and lockers);
 - Full details of the location of all external parking spaces including the provision of disabled parking spaces.

The development shall subsequently be implemented entirely in accordance with the approved details; prior to the occupation of any building. Thereafter the mitigation measures/ approved details shall be provided and permanently maintained and retained in accordance with the approved details.

Reason: To ensure the provision of a satisfactory form of development in the interests of the visual and general amenity of the site and its surrounds and to provide and promote sustainable transport options at the site in accordance with Policies DES2, DES3, DES4, EQ2, CC1, CC2, WAT5 and TRA1 of the East Herts District Plan 2018.

6. No development shall commence until full details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The

details submitted shall either be submitted in its entirety OR shall accord with the site wide phasing plan once approved.

Those details shall include, as a minimum:

- (i) Information about the lifetime of the development, design storm period and intensity 1 in 30 and 1 in 100 year+ allowance for climate change, discharge rates and volumes (pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharges from the site, the measures taken to prevent flooding (any informal flooding to be allowed on site in events greater than the 1 in 30 storm should be identified on the layout with its volume, depth and area) and pollution of the receiving ground water and/or surface waters, including water courses together with details of floor levels in AOD;
- (ii) The drainage strategy shall demonstrate that the surface water run – off will not exceed the pre – development greenfield run – off rate, that half drain down times can be achieved within 24 hours up to and including the 1 in 100 year + 40% climate change storm or that the network can manage for a 1 in 100 year+ 40% storm followed by a 1 in 30 year storm
- (iii) Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution;
- (iv) Details of surface water drainage for all hardstanding areas that demonstrate adequate provision of oil separators on the site. The separators shall be designed to have a capacity that is compatible with the area being drained.
- (v) A timetable for implementation, including phasing as applicable
- (vi) An assessment of the site conditions to include site investigation (including the existing ditch and culvert) and test results to confirm infiltration rates.

Thereafter no building shall be occupied until the scheme has been implemented in accordance with the approved details. Furthermore the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site; to reduce the risk of flooding to the development, future users of the site and the surrounding locality and to ensure that the development does not adversely affect local water quality in accordance with Policies WAT1, WAT2, WAT3 and WAT5 of the East Herts District Plan 2018.

7. No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:
- (i) Roads, footways.
 - (ii) Cycleways.
 - (iii) Foul and surface water drainage.
 - (iv) Visibility splays
 - (v) Access arrangements
 - (vi) Parking provision in accordance with adopted standard.
 - (vii) Loading areas.
 - (viii) Turning areas.

The details submitted shall either be submitted in its entirety OR shall be submitted in accordance with the site wide phasing plan once approved.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Policies TRA1, TRA2 and TRA3 of the East Herts District Plan (2018).

8. No development shall commence until a finalised Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
- a) The demolition and construction programme and phasing
 - b) Hours of operation, delivery and storage of materials

- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Details of site security, lighting and hoarding
- f) Management of traffic to reduce congestion and protect pedestrians
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CEMP thereafter.

The details submitted shall either be submitted in its entirety OR shall be submitted in accordance with the site wide phasing plan once approved.

Reason: In the interests of avoiding potential detrimental impacts on the amenity of occupiers of neighbouring properties in accordance with Policy DES4 Design of Development, Policy EQ2 Noise Pollution and Policy EQ4 Air Quality of the adopted East Herts District Plan 2018.

9. No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:

- a) Construction vehicle numbers, type, routing;
- b) Access arrangements to the site;
- c) Traffic management requirements
- d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e) Siting and details of wheel washing facilities;
- f) Cleaning of site entrances, site tracks and the adjacent public highway;
- g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h) Provision of sufficient on-site parking prior to commencement of construction activities;
- i) Post construction restoration/reinstatement of the working areas and
- j) temporary access to the public highway;
- k) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- l) Phasing Plan and
- m) Name and contact details of the person responsible for site works and the processes to be implemented to ensure that occupiers surrounding the site are made aware of the commencement of site works.

The details submitted shall either be submitted in its entirety OR shall be submitted in accordance with the site wide phasing plan once approved.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy TRA2 of the East Herts District Plan 2018 and to ensure an adequate level of amenity for the occupiers of surrounding properties in accordance with Policy EQ2 of the East Herts District Plan 2018.

10. No development shall commence until written details of a Site Waste Management Plan (SWMP) have been submitted to, and approved in writing by, the Local Planning Authority in conjunction with the Waste Planning Authority.

As a minimum, a SWMP should include the following:

- Project and People
- Identification of the client
- Identification if the Principal Contractor
- Identification of the person who drafted the SWMP
- Location of the site
- An estimated cost of the project
- Declaration that the client and contractor will comply with the requirements of Duty of care that materials will be handled efficiently and waste managed appropriately (Section 34 of Environmental Protection Act 1990 and Environmental Protection (Duty of Care) Regs 1991)

Estimating Waste:

- A description of the types of waste that are expected to arise on site (recorded through the use of 6-digit European Waste Catalogue codes) and an estimated quantity for each of the types (in tonnes)
- Waste management actions for each of the types of waste (i.e. will it be re-used, recycled, recovered or disposed of)

Space for Later Recordings

- Space for the recording of actual figures against those that are estimated at the start
- Space that will allow for the recording and Identification of those responsible for removing the waste from site and details of the sites they will be taking it too
- Space for recording of explanations that set out the reasons for any deviations from what has been set out in the SWMP, including explanations for differences in waste arising compared to those set out in the initial estimations.

Thereafter, the details of the SWMP shall be implemented and adhered to throughout the course of the development; in accordance with the details approved.

Reason: In order to ensure the development proceeds in accordance with the requirements of Policies 1, 2 and 12 of the adopted Hertfordshire Waste Local Plan.

11. The plans and particulars for all Reserved Matters applications shall be accompanied a noise impact assessment of external noise levels including reflected and re-radiated noise and details of the sound insulation of the building envelopes, of acoustically attenuated mechanical ventilation, and any mitigation measures to achieve this condition as necessary to ensure an acceptable acoustic amenity to nearby residents, has been submitted to and approved in writing by the Local Planning Authority. The noise impact assessment shall demonstrate compliance with the 'good' internal room and external space amenity noise standards in accordance with the criteria of BS 8233:2014 *'Guidance on sound insulation and noise reduction for buildings'* for the nearest and / or most affected noise sensitive receptors.

The approved details shall be implemented prior to first use of the development and thereafter be permanently retained.

Reason: In order to ensure an adequate level of amenity for nearby residential occupiers in the vicinity of the development in accordance with Policy EQ2 Noise Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018.

12. No development shall take place on any phase of the development until an updated Landscape and Ecological Management Plan, including long-term design objectives and mitigation actions has been submitted to, and approved in writing by, the Local Planning Authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

1. details of any new habitat created on site
2. details of treatment of buffers around water bodies, including lighting schemes.
3. the Biodiversity value of the site, determined by applying a locally approved Biodiversity Metric where appropriate.
4. details of invasive species management plan where appropriate.
5. details for the long – term management of the area.

Reason: To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with National Planning Policy Framework and East Herts District Plan Policy NE3.

13. No development shall commence until a scheme for the Mobility Hub

As indicated in the Transport Assessment (V3 September 2021) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

Reason: To ensure the provision sustainable transport infrastructure that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy TRA1 of the East Herts District Plan 2018 .

14. A) Design Approval
Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing number (DWG/3543/009 REV -) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

B) Implementation / Construction

The development shall not be brought into use until, the improvement works referred to in part A of this condition have been completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policies 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy TRA2 of the East Herts District Plan 2018.

15. No development shall commence on the existing access until written details and specifications for the vehicular access improvements, as Indicated on drawing numbers (705-10-011 and DWG/3453/001 Rev A) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

The development shall not be brought into use until the approved vehicular access improvements have been fully implemented. Thereafter they shall be retained.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy TRA2 of the East Herts District Plan 2018 and to clearly indicate the nature of what has been consented.

16. No on-site works above slab level shall commence until details of the measures required to facilitate the adequate provision of fire hydrants at the site have been submitted to and approved in writing by the Local Planning Authority; in consultation with Hertfordshire Fire and Rescue Service.

The details submitted shall either be submitted in its entirety OR shall be submitted in accordance with the site wide phasing plan once approved.

Thereafter, no part of the development shall be occupied until all of/ the relevant fire hydrants associated with the development phase(s) have been provided, installed and permanently maintained/retained by the developer at their own expense, in accordance with the approved details.

Reason: To ensure the site provides appropriate infrastructure to support sustainable development in accordance with Policy DEL1 of the East Herts District Plan 2018.

17. No on-site works above slab level shall commence until details of the measures required to facilitate the provision of high speed broadband internet connections shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable and method of delivery for high speed broadband for each industrial unit.

The details submitted shall either be submitted in its entirety OR shall be submitted in accordance with the site wide phasing plan once approved.

Once approved, high speed broadband infrastructure shall be implemented thereafter in accordance with the approved details (or any development phase) and shall be made available for use in respect of each industrial unit prior to the first occupation of the industrial unit to which it relates.

Reason: In order to ensure the provision of appropriate infrastructure to support the future sustainability of the development in accordance with Policy DES4 of the East Herts District Plan 2018.

18. In connection with all site preparation, demolition, construction and ancillary activities, working hours shall be restricted to 08:00 – 18:00 hours on Monday to Friday, 08:00 – 13:00 hours on Saturdays, and not at all on Sundays or Bank / Public Holidays. Vehicles arriving at / leaving the site must do so within these times.

Reason: In order to ensure an adequate level of amenity for nearby occupants in accordance with Policy EQ2 Noise Pollution of the East Herts District Plan 2018

19. The development (or any phase of the development) shall not be brought into use until arrangements have been made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy WAT5 of the East Herts District Plan 2018.

20. The development shall not be brought into use until a visibility splay has been provided in full accordance with the details indicated on the approved drawing number (DWG/3453/001 Rev A). The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy TRA2 of the East Herts District Plan 2018.

21. The development (or any phase of the development) shall not be brought into use until provision has been made on site for 20% of the car parking spaces to have active provision for Electric Vehicle (EV) charging and 75% of the car parking spaces to have passive provision for EV charging. Additionally, where onsite parking is provided for commercial vehicles, a minimum of 1 'fast electric vehicle charging point shall be provided for every 10 spaces. Thereafter the electric vehicle charging provision shall be permanently retained for the development.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018) and Policies TRA1, TRA3 and EQ4 of the East Herts District Plan 2018.

22. No individual unit shall be occupied within the development until a plan agreeing the appropriate Servicing and Delivery arrangements for that unit has been submitted to and agreed in writing by the Local Planning Authority in consultation with the highway authority. Thereafter the development shall be operated in accordance with the details agreed for that unit.

Reason: To ensure construction and operation of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 4, 5, 12 and 16 of Hertfordshire's Local Transport Plan (adopted 2018) and Policies TRA2 and DES4 of the East Herts District Plan 2018.

23. The development shall not be brought into use until the details of the Overarching Travel Plan and the relevant Plot Travel Plans have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and implemented in accordance with the details approved. Thereafter the development shall be operated at all times in accordance with the approved details.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy TRA1 of the East Herts District Plan 2018.

24. No development shall be occupied until confirmation has been provided that either:

- (i) Waste water capacity exists off site to serve the development,
or

- (ii) A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
- (iii) All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents and to comply with Policy WAT1 of East Herts District Plan 2018.

25. No external fixed plant and / or equipment shall come into operation until full details have been submitted to and approved in writing by the Local Planning Authority. Noise from plant / equipment at the development shall not exceed a level of 10 dB below the LA90 background noise level when measured or calculated at 1 metre from the façade(s) of the nearest noise sensitive receptor(s). The measurements and assessment shall be made according to BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' at the nearest and / or most affected noise sensitive premises, with all plant / equipment operating together at maximum capacity and inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics.

The details submitted shall either be submitted in its entirety OR shall be submitted in accordance with the site wide phasing plan once approved.

Reason: In order to ensure an adequate level of amenity for occupiers in the vicinity of the proposed development in accordance with Policy EQ2 Noise Pollution of the East Herts District Plan 2018.

26. Any external artificial lighting at the development hereby approved shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals Guidance Note 01/20 '*Guidance notes for the reduction of obtrusive light*'. Lighting should be minimized and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.

Reason: In order to ensure an adequate level of amenity for the occupants of nearby properties in accordance with Policy EQ3 Light Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018.

27. No deliveries or collections to /from the development hereby approved shall take place at any time on a Sunday or Bank Holidays, or before 07.00 hours or after 19.00 hours Monday - Friday or before 08.00 or after 13.00 hours on Saturday.

Reason: In order to ensure an adequate level of amenity for the occupants of nearby properties in accordance with Policies DES4 and EQ2 of the East Herts District Plan 2018.

28. The site hereby approved shall only be used for development that falls within use classes E (g), B2 and B8 of the Use Classes Order 1987 (as amended) and any subsequent equivalent uses in any amending Order.

Reason: To ensure the development site is comprehensively developed in accordance with its employment designation and that a suitable and varied range of employment uses and buildings are provided and retained at the site; for the benefit of existing and prospective occupants; in accordance with Policies ED1, ED2 and VILL 4 of the East Herts District Plan.

29. Notwithstanding the details indicated on the submitted drawings:

- buildings on the site shall not exceed 6 m in height ridge level;
- buildings shall be clad in non-reflective materials;

- buildings shall be painted/powder coated in shades of green or grey.

Reason: To ensure the provision of a satisfactory form of development in the interests of the landscape, visual and general amenity of the site and its surrounds ; in accordance with Policies GBR2 and DES2 of the East Herts District Plan 2018.

30. No site demolition or development shall commence on any part of the site until an asbestos survey has been carried out for that part of the site by a specialist asbestos contractor and details submitted to the Local Planning Authority for verification. If any asbestos containing materials are discovered, or subsequently discovered during the course of the development, these shall be handled and disposed of appropriately, including the use of licensed contractors and waste disposal sites licensed to receive asbestos.

Reason: In order to ensure an adequate level of amenity for nearby occupants in accordance with Policy EQ4 Air Quality of the East Herts District Plan 2018.

31. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with Policy DES3 of the East Herts District Plan 2018.

32. No development shall commence until full details (including existing and proposed sections) of the proposed surface attenuation pond has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

Reason: To prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site; to reduce the risk of flooding to the development, future users of the site and the surrounding locality and to ensure that the development does not adversely affect local water quality in accordance with Policies WAT1, WAT2, WAT3 and WAT5 of the East Herts District Plan 2018.

33. Prior to the development being first occupied, all on site vehicular areas, including (but not limited to) internal access roads, forecourts and external parking spaces, shall be accessible, surfaced, marked out and fully completed in accordance with the approved plans.

Reason: So as to ensure satisfactory parking of vehicles outside highway limits and to minimise danger, obstruction, and inconvenience to users of the highway and of the premises in accordance with Policy TRA3 of the East Herts District Plan 2018.

Plans

Plan title	Ref	Dated
Parameters Plan	705-10-014	17/01/2022
Proposed Site Access	DWG_3543_001 rev A	24/04/2021

Informatives

1. Other legislation (01OL1)
2. The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-positionstatements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.
3. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
4. Infrastructure **connections and diversions**
There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com>) or aw_developerservices@custhelp.com

5. In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing: maps@affinitywater.co.uk. Please note that charges may apply
6. Electric vehicle charging point specification
 - A separate dedicated circuit protected by an RCBO should be provided from the main distribution board, to a suitably enclosed termination point within a garage, or an accessible enclosed termination point future connection to an external charging point.
 - The electrical circuit shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practise on Electric Vehicle Charging Equipment Installation 2012 ISBN 978-1-84919-515-7.
7. Commercial and industrial installations may have private 11,000 / 400V substations where a TN-S supply may be available, simplifying the vehicle charging installation design and risk analysis. It is therefore essential for developers to determine a building's earthing arrangements before installation.
8. Commercial vehicles have a range of charge rates and it is appropriate to consider a 3-phase and neutral supply on a dedicated circuit emanating from a distribution board. More than one EV charging station can be derived from a source circuit, but each outlet should be rated for a continuous demand of 63 Amps. No diversity should be applied throughout the EV circuitry, 3-phase RCBOs should be installed and the supply terminated in a switched lockable enclose. If an external application (for example, car park or goods yard) is selected, the supply should be terminated in a feeder pillar equipped with a multi-pole isolation switch, typically a 300mA

RCD, a sub-distribution board (if more than one outlet is fed from the pillar). If an additional earthing solution is required, the earth stake can be terminated within this pillar. See IET guideline risk assessment.

Additional guidance on charge point installation is available from the Office for Zero Emission Vehicles at <https://www.gov.uk/government/organisations/office-for-zero-emission-vehicles>.

9. Highway works (05FC2)
10. Flood Risk Activity Permit
11. Justification – Grant (JG4)
12. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.
Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
13. AN2/. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development->

[management/highways-development-management.aspx](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx)

14. AN3/. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
15. AN4/. Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.
16. AN5/. New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County

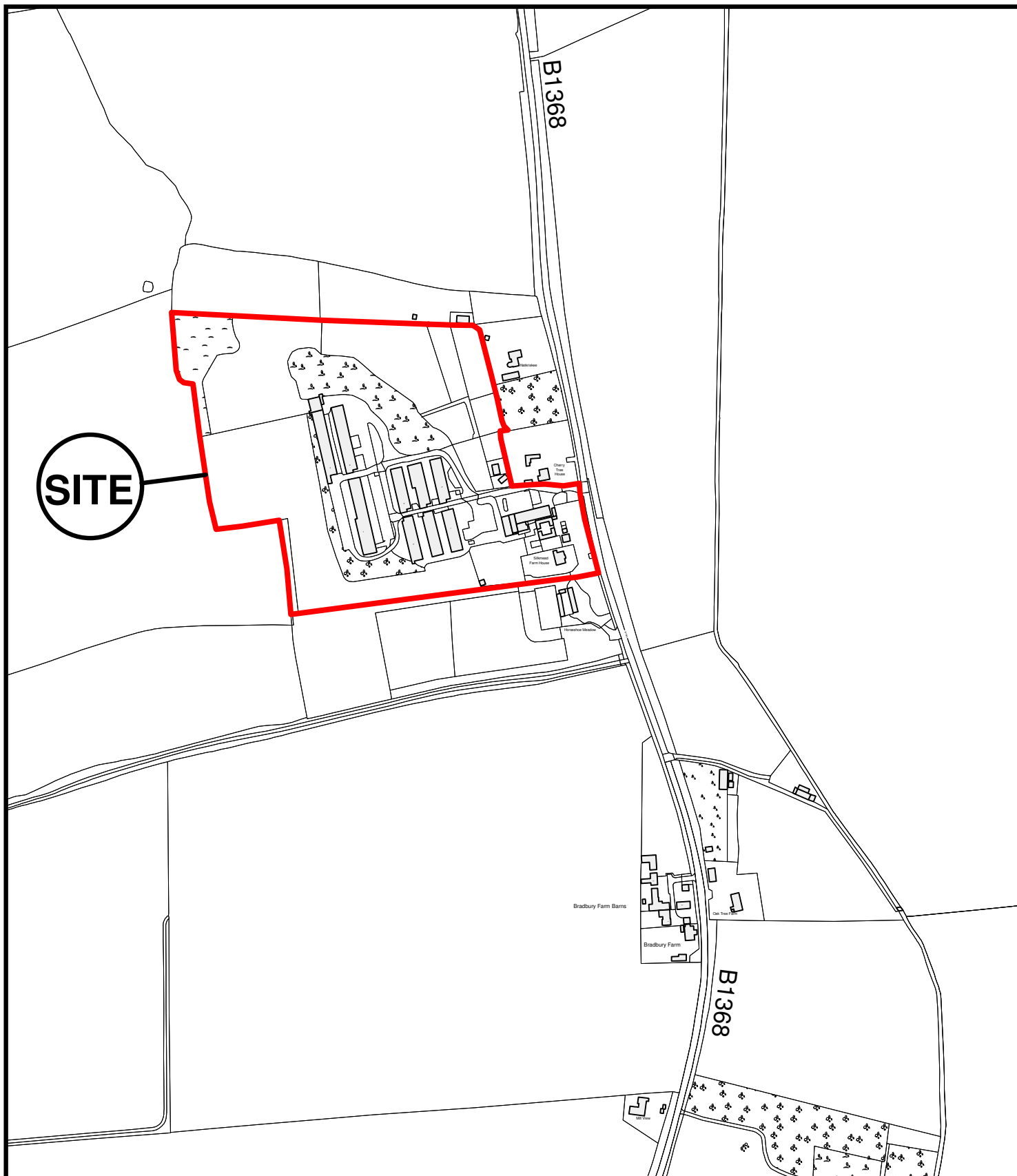
Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 123 4047

17. AN6/.Works within the highway (Section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at:-
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>.
Or by telephoning: 0300 123 4047.

Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated highway improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>



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O.S Sheet: TL3931

Date of Print: 30 May 2022

DEVELOPMENT MANAGEMENT COMMITTEE – 15 JUNE 2022

Application Number	3/21/1925/FUL
Proposal	Removal of outbuildings and the permanent siting of a caravan to be occupied by an equestrian worker, and associated works.
Location	The Old Turkey Farm, Brookbridge Lane, Datchworth, Hertfordshire
Parish	Datchworth Parish Council
Ward	Datchworth and Aston

Date of Registration of Application	06/08/2021
Target Determination Date	01.10.2021
Reason for Committee Report	Referral by Ward Councillor
Case Officer	Sam Dicocco

RECOMMENDATION

That planning permission is **GRANTED**, subject to the conditions set out at the end of this report.

That delegated Authority is granted to the Head of Planning and Building Control to finalise the detail of the conditions and to issue the permission.

1.0 Summary of Proposal and Main Issues

Summary

- 1.1 The application seeks planning permission for the siting of a caravan for use as a dwelling for a rural worker. The caravan would be utilised by an equestrian worker. The application also seeks permission for the removal of outbuildings at a farm which has been in use for equestrian purposes. The site falls within a rural area and the Green Belt.

- 1.2 Policy HOU5 of the East Herts District Plan 2018 (EHDC) requires that rural dwellings for workers are (a) essential to the needs of the business, (b) that the business is viable and (c) that there is no other accommodation available. A statement has been provided to justify this. Whilst some elements of the argument relating to the essential nature of the accommodation are not agreed with, on balance this element of the policy is met, and the other strands are fully met. A condition is recommended to tie the occupant to being a rural worker to ensure this policy continues to be met.
- 1.3 The building meets the criteria of being a caravan. Caravans are considered, in planning terms, to be movable structures which do not require planning permission, in these circumstances. The siting of a caravan, being a change of use of an element of the site, does require permission, as do other elements of the proposal. The proposal therefore meets the criteria of the National Planning Policy Framework (NPPF) whereby some changes of use are appropriate where they preserve the openness of the Green Belt. A log store and machine shed, existing containers, a pole barn and lean-to as well as a further shed are proposed to be removed. It is recommended that the openness of the Green Belt is preserved, when the structures to be removed are taken into consideration. A condition is recommended to ensure that these demolitions are implemented.
- 1.4 The caravan would count as a dwelling for the purposes of calculating the Councils five-year housing land supply and the support for a rural business, in accordance with policy ED2, weighs positively in the balance. Matters relating to biodiversity, landscaping and sustainability improvements can be controlled by condition.

Main issues

- 1.5 The main considerations for the proposal are:
- Principle of Development
 - Green Belt

- Design
- Neighbour Amenity
- Highways/Parking
- Flood Risk
- Biodiversity and Climate Change

1.6 The main issue for consideration is whether or not the proposal is appropriate at this site; having regard to policies in the East Herts District Plan 2018 (the Local Plan) and the National Planning Policy Framework 2021 (NPPF).

2.0 Site Description

2.1 The site comprises part of “Old Turkey Farm” located to the south of Datchworth and has been in use for equestrian purposes since at least 2005. The wider site now comprises of some 6.6 hectares of land which falls within the Green Belt. A Tree Preservation Order is located on part of the site which is not relevant to the current proposal. The area of the site to which this application applies is currently hardstanding.

3.0 Planning History

Reference	Proposal	Decision	Date
3/18/1074/FUL	Retention of caravan as an equestrian worker's dwelling for a temporary three year period	Granted with conditions	06/08/2018
3/15/1719/FUL	The erection of six, timber pole mounted, floodlights around horse exercise area	Granted with conditions	20/10/2015
3/12/0741/CL	A Certificate is sought for 2 field shelters, a range of 6 stables with a corner box, a further range of 3 stables also with a corner box and a stand-alone	Certificate Granted	11/07/2012

	stable		
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4.0 **Main Policy Issues**

- 4.1 The main policy issues relate to the relevant planning policies in the East Herts District Plan 2018, and the National Planning Policy Framework 2021 (NPPF) as set out below.

Key Issue	NPPF	District Plan
Principle of development	Chapter 5 Chapter 11	DPS2, GBR1, HOU5
Design and layout	Chapters 8, 11 and 12	DES1, DES3, DES4, DES5, HOU5
Energy and Sustainability	Chapter 14	CC1, CC2 WAT4
Highway impacts and parking	Chapter 9	TRA1, TRA2, TRA3
Natural Environment	Chapter 15	DES2, NE1, NE2, NE3
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 Highways: do not wish to restrict the grant of permission and recommend an informative be added to the decision notice.
- 5.2 EHDC Environmental Health: No objections relating to noise or contaminated land subject to conditions relating to hours of buildings works and moving of waste material. A condition is also recommended regarding contaminated land, which is further discussed below.

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

6.0 Town/Parish Council Representations

6.1 Datchworth Parish Council : No comments received

7.0 Summary of Other Representations

7.1 9 neighbouring properties have been consulted by letter. 2 responses have been received from 2 neighbouring properties objecting and supporting. The comments are summarised as follows:

- The proposed caravan is significantly larger than that which has benefitted from temporary permission which has sufficed.
- Application appears to represent the thin end of the wedge of getting a permanent dwelling on the site.
- The removal of existing structures and the likely movement of containers from the proposed site of the caravan would be an improvement.
- We consider the proposed caravan itself to be satisfactory on condition that its colour is in keeping with its context, with a preference for dark brown or dark woodland green.
- Concerns about planning creep. Request specific stipulations in any permission to tie the use to the applicant.
- The caravan to be removed would be an improvement, but presumably it would need to be removed in any instance as its time limit approval expires.
- The livery is a good neighbour.

7.2 Councillor Stowe requested that the application be called to Development Management Committee for decision on the grounds that the proposal represents an inappropriate development in the Green Belt with no very special circumstances. Concern about number of shipping containers without planning permission and siting of a permanent lodge exposing the site to more housing in the future.

8.0 **Consideration of Issues**

Principle

- 8.1 The application site lies within the Green Belt as designated by the East Herts District Plan, and is currently lawfully used for equestrian purposes. The impact and appropriateness of the development within the Green Belt is discussed further below.
- 8.2 The sites access is adjacent to the boundary of the village of Datchworth. The access track is not insubstantial, and as a matter of planning judgement, the site is not considered part of the village.
- 8.3 Given the use of the site, and the presence of permanent structures, it is considered the land would fall within the definition of previously developed, or brownfield, land. That being said, it is not considered that the site's location could be reasonably considered 'sustainable'.
- 8.4 Therefore, the proposed development would fall outside of the hierarchy of sustainable development established within policy DSP2 of the East Herts District Plan 2018 (the Local Plan).
- 8.5 Notwithstanding the above, policy HOU5 sets out specific circumstances in which dwellings for rural workers will be permitted where they do not follow the development hierarchy established by policy DPS2. As established previously, whilst the caravan may not be a building for the purposes of development management, its use as a residential dwellinghouse requires consideration, and therefore, as with the previous consideration of the temporary caravan, application of policy HOU5 is considered reasonable and necessary.

Policy HOU5 I. a (whether the accommodation is essential)

- 8.6 Part I of policy HOU5 sets specific criteria by which new permanent dwellings for other rural businesses will be permitted. The first criteria (a) states that it must be demonstrated that the dwelling is

essential to the needs of the business (i.e. there is a need for one or more workers to be available at most times). In the previous application (3/18/1074/FUL), the applicant argued that the site included the care and rehabilitate of sick and damaged horses and as such, it was accepted that there was an essential need for accommodation at most times.

- 8.7 The justification put forward in this case makes no reference to the site currently being used to rehabilitate sick or damaged horses, but it does confirm that part of the business is a livery stable. As such, at least some care of injured horses is likely to occur on site, with associated needs for care. The justification in the context of criteria (a) can be found within section 4.0 of the original Justification Statement. The statement has subsequently been updated following officer feedback that the original Justification Statement failed to evidence the functional need to provide on-site supervision for an equine business based upon the scale and type of enterprises operated and the systems employed.
- 8.8 The updated Justification Statement, received on 01 November 2021, sets out the site specific rational for the need for on-site supervision in this case. In short, there are 17 stables on the site, with the latest occupancy levels evidencing 16 horses over winter and 14 over summer. With the exception of two of these horses in part-time livery, the rest are in full-time livery which has increased since 2016. The statement also sets out occasions in recent history where the on-site occupancy of an equestrian worker has prevented more serious illness or death of the animals in the care of the applicant due to overnight incidences. These were:
- one instance of cast (stabled horse being stuck on back),
 - three instances of colic requiring overnight care, and
 - two instances of fright resulting in horses charging fences causing harm to the animal and resulting in threat to the safe use of the highway).

In addition, the justification statement makes reference to the monetary value of the horses in the care of the applicant.

- 8.9 Careful consideration has been given to this information and whether this does mean that accommodation is essential to the business. It is acknowledged that use of the site for livery services has increased since the temporary permission from the blend of personal and livery stabling, and the value of the horses under the care of the applicant has also increased. Of the instances, only two could not reasonably be resolved by CCTV with audio, so long as this can be monitored from a residential building in reasonable proximity, so as to be able to respond in a reasonable time.
- 8.10 As set out below, however, officers consider that there is no alternative accommodation available and so this lends weight to the applicant's argument. The statement does not set out a full interrogation of other means of providing this care/supervision without having on-site accommodation and does not expand on the amount of care for injured horses which occurs as a result of the livery element of the business.
- 8.11 However, given that the need for on-site accommodation has been accepted in the previous consent on the basis, at least in part, of care associated with livery and that the livery element has increased and, given the conclusions below that there is no other accommodation available in the area, on balance it is considered that the accommodation is essential to the needs of the business.

Policy HOU 1. b (viability of business)

- 8.12 Policy HOU5 requires applicants to demonstrate that the enterprise has been established for at least three years and is, and should remain, financially viable (b). Given the length in which the business has been operating from the site, and the planning history of the site, there is no reason to doubt that this criterion is met.

Policy HOU 1. c (availability of alternative accommodation)

- 8.13 Criteria (c) requires that there is no other accommodation within the site/holding or in the locality which is currently suitable and

available, or could be made available. There is currently a caravan within the site, subject of the previous temporary permission referenced above. The information submitted in the justification statement sets out the reasoning for the existing caravan being insufficient. It is reasonable to conclude that the existing caravan is insufficient to attract an employee of the calibre required to take the job, given the expanded nature of the business. The applicant, or anyone employed in the future to undertake the job, may reasonably expect accommodation suitable for a family considering the job will require them to stay on site 24/7. As such, the existing accommodation on-site is not sufficient for the needs set out in the justification statement

- 8.14 The information submitted in respect to the availability of other dwellings suitable for the requirement is considered to be satisfactory.
- 8.15 In line with the above appraisal of the supporting information, it is considered that the proposed accommodation is on balance justified in respect of the need to demonstrate that the dwelling is essential to the needs of the business. The submitted evidence satisfies the other criteria of part I. of policy HOU5 in full. Therefore, in this instance it is considered acceptable for a residential dwelling to be located in a rural area, designated as part of the Green Belt, outside of the settlement hierarchy set out in the plan, subject to the conditions recommended which ensure that the caravan is only used in conjunction with the equestrian use and that the land is reinstated should that use cease. Part II. of the policy is considered under the "Design" section later in this report.

Green Belt

- 8.16 Policy GBR1 relies upon an assessment against the Green Belt policies within the National Planning Policy Framework.
- 8.17 As discussed in depth above, the development applied for is a mix of operational development (building works) including the base,

brick skirt, and steps/access to the caravan, and the siting of the caravan.

- 8.18 Paragraphs 149 and 150 of the Framework set out that the construction of new buildings and other development is inappropriate and that substantial weight should be given to this. The paragraphs set out exceptions to this, including the partial or complete redevelopment of previously developed land (part G of para 149) and changes in the use of land (para 150). Both these exceptions are subject to considering the impact on the openness of the area and the purposes of the Green Belt (in the case of changes of use of land).
- 8.19 Consequently, the scheme could be considered to be appropriate development in the Green Belt, subject to an appraisal of the impact of the proposal on the openness and purposes of the Green Belt.
- 8.20 The design and access statement sets out the applicants' case in respect the impact on the openness and purposes of the Green Belt. The table provided sets out the proposed caravan footprint and volume against existing structures to be removed.
- 8.21 There are no concerns with the measurements provided, or the removal of the pole barn, log/machine store and shed to compensate the proposed caravan. The pole barn, store and shed are small, and the pole barn and store are open fronted to some extent. The pole barn, store and shed are also ancillary to the equestrian use, and agrarian in character. That being said, they are buildings of some structural integrity and permanence, thereby their removal will benefit the Green Belt. The existing caravan, although only benefitting from a temporary consent which has expired, is present on the site.
- 8.22 Consequently, in purely arithmetic terms, the proposal would result in a net reduction in footprint and volume of built form on the site. Openness, as the absence of built form, has both a visual and spatial component however.

- 8.23 In visual terms, the proposed caravan would be located on a section of the site whereby existing built form is sited and proposed to be permanently removed. Whilst the proposed caravan would have a greater height than the existing structures, it would be contained to a smaller area of the site, thereby having an equal if not reduced impact on the visual openness of the site.
- 8.24 In spatial terms, the proposal would not increase the spread of the site or the use beyond its existing established parameters. In addition, the proposed mixed use would not materially intensify the level of activity on the site. It is acknowledged that the dwelling use of the caravan would spread the activity of the wider site into the night, however, the spatial impact on the openness of the Green Belt of the site would not be increased.
- 8.25 In respect the purposes of the Green Belt, the built form and use of the site would not be increased in area, and as such, the proposal would not result in sprawl of large built-up areas; result in towns merging into one another, or encroach on the countryside. No harm would result from the proposal to the setting and special character of any historic town, and the development would not discourage the recycling of derelict and other urban land.
- 8.26 In accordance with the above appraisal, the proposal would preserve the openness and purposes of the Green Belt, and so constitutes appropriate development and complies with policy GBR1 of the Local Plan and section 13 of the Framework. A condition is recommended to secure the removal of the structures indicated as being removed prior to the first occupation of the proposed unit.

Design

- 8.27 Policies DES3 and DES4 seek design quality that respects the constraints of a site and integrates landscaping into the design. Policy DES2 expects development proposals to conserve the district's landscape character. Section 15 of the Framework recognises the intrinsic character and beauty of the countryside.

Section 12 of the Framework promotes creation of high quality, beautiful and sustainable buildings and places.

- 8.28 The caravan would be sited towards the west of the site, a significant distance from Brookbridge Lane. In addition to the distance from Brookbridge Lane, the site also has intersecting features and built form which would make the caravan an imperceptible feature from this public vantage.
- 8.29 There is a public right of way just to the west of the site. Mature hedging and vegetation would go some way to screening the caravan, however, it would remain present in outlook from vantage points along the rights of way to the east of the site.
- 8.30 The caravan would not be physically or functionally distinct from the wider site's equestrian use and associated existing built form. Details of the potential finishes of the caravan have been provided, but these do not specify an exact finish and the finishes illustrated would have a different visual impact from each other. As such, a condition is recommended to secure the full details of the external finishes and materials. Given the siting of the caravan, it is clear that no existing soft landscaping would need to be removed as a result of the development.
- 8.31 Accordingly, the proposal would respect the existing contribution of the site to the character of the wider area, the beauty of the countryside, and be integrated into the existing landscape character, complying with policies DES2, DES3, DES4 and HOU5 of the Local Plan and sections 12 and 15 of the Framework.

Neighbour Amenity

- 8.32 The location of the site is set away from other residential dwellings. Therefore no concerns are raised in this respect and the development would be in accordance with policy DES4 of the East Herts District Plan 2018 and policy SP16 in-so-far as it relates to the living conditions of the occupiers of adjoining premises.

Highway Access / Parking

- 8.33 As part of the application the Highway Authority has been consulted on the application and have no objection subject to informatives. Consequently, the proposal would have no impact on the safe use of the highway. The application form states that no additional parking will be required as a result of the proposed development. As the development is closely linked to the use of the entire site, this is considered to be reasonable. In addition, the site's current parking situation and extent of hard surfacing is such that parking provision is not likely to be an issue which would result in any material planning harm.

Flood Risk

- 8.34 The proposal is located in an area which is not defined as being at risk of flooding from the rivers or the sea. Whilst some surface water run off may occur on site due to the presence of hardstanding in the area, the proposal is not considered likely to significantly contribute to this as it does not add to the amount of hardstanding present. Furthermore, as the internal floor level is raised above the existing ground level, the proposal is not at significant risk of itself flooding.

Biodiversity and Climate Change

- 8.35 The proposal will not result in any significant loss of existing landscaping or biodiversity and, through the demolitions and removals, there is the potential to enhance biodiversity in accordance with the Environment Act 2021 and the NPPF. Furthermore, there are opportunities in the wider site to provide additional biodiverse landscaping in order to provide this enhancement if not possible in the areas to be demolished or removed. A condition is recommended to secure details of soft landscaping, including biodiverse planting.

- 8.36 Regarding climate change mitigation, the proposal would be better insulated and of a more modern construction than the existing caravan. Given the nature of the construction, and that it is an improvement from an existing, albeit temporary building, it is not considered necessary to secure specific measures beyond those inherent in the fabric of the proposal.

Other matters

- 8.37 The Environmental Health team have recommended that a pre-commencement condition is attached to any planning permission as the agricultural use of the site may give rise to a rise of contaminants from processes previously at the site, such as through the use of fertilisers.
- 8.38 A condition is also recommended controlling the hours of construction. Due to the form of the proposed development, construction activities would be limited and would be at some distance from surrounding residential properties and it is likely that the amount of traffic that would result from this is similar to the levels of traffic that a similar site would generate in their day to day business. As such, a condition is not considered to be justified in this instance. It is noted that there is other legislation which can control this matter should it reach the level of constituting a statutory Nuisance.

Response to third party comments

- 8.27 Responses to the majority of the comments received have been addressed within the body of the report. With regard to the remaining points the following applies:
- The proposal needs to be assessed on its own merits, and not on the basis of what applications could be made in the future, which would themselves be subject to consideration as appropriate.

- It is understood that the applicant agrees that the caravan is of the best appearance in a dark brown or green and a condition is recommended to secure the final details.

9.0 Planning Balance and Conclusion

- 9.1 The proposal accords with the policy provision of the up-to-date development plan. The need for rural workers dwellings to be outside of settlements is clearly set out through the Local Plan and the proposal complies with this, albeit one element being on balance.
- 9.2 Uses, in instances such as this, are not inappropriate within the Green Belt providing they preserve their openness and do not cause harm to the purposes of them. The proposal meets these criteria.
- 9.3 The proposal would accord with policies relating to the provision and encouragement of the rural economy and the information submitted suggests that the level of economic activity at the site has increased, which weighs positively in the planning balance.

10.0 RECOMMENDATION

- 10.1 That planning permission is **GRANTED**, subject to the conditions set out at the end of this report.

That delegated Authority is granted to the Head of Planning and Building Control to finalise the detail of the conditions and to issue the permission.

Conditions

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As Amended).

2. The development hereby approved shall be carried out in accordance with the approved plans, documents and reports listed at the end of this Decision Notice.

Reason: To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

3. The development hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:
 1. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
 2. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
 3. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.
 4. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to [first occupation of the

development/the development being brought into use]. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework, and in order to protect human health and the environment in accordance with policy EQ1 of the adopted East Herts District Plan 2018.

4. The occupation of the caravan for the purposes of residential accommodation shall be limited to a person solely or mainly working, or last working, within the site for the purposes of equestrian care, and to any such resident's dependants.

Reason: The proposed residential accommodation as part of the mixed use of the site is situated in a location where the Local Planning Authority would not normally grant permission for such a development and this permission is granted solely in order to fulfil an essential agricultural need, in accordance Policy HOU5 of the East Herts District Plan 2018.

5. Following the cessation or change of use of the site from the use approved herein, or the redevelopment of the site, the caravan shall be removed within 2 months and the residential accommodation part of the use ceased.

Reason: The proposed residential accommodation as part of the mixed use of the site is situated in a location where the Local Planning Authority would not normally grant permission for such a development and this permission is granted solely in order to fulfil an essential agricultural need, in accordance Policy HOU5 of the East Herts District Plan 2018.

6. The existing buildings indicated on page 22 of the submitted Design and Access Statement as being to be removed from the site shall be removed prior to the first occupation of the development hereby approved.

Reason: In order to preserve the openness of the Green Belt, in accordance with policy GBR1 of the East Herts District Plan 2018 and the National Planning Policy Framework

7. Prior to any above ground construction works being commenced, the external materials of construction for the development hereby permitted shall submitted to and approved in writing by the Local Planning Authority, and thereafter the development should be implemented in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance of the development, in accordance with policies HOU5 and DES4 of the East Herts District Plan 2018.

8. Prior to first occupation of the development hereby approved, details of landscaping shall be submitted and approved in writing and shall include full details of both hard and soft landscape proposals (including biodiverse planting), finished levels or contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policies DES3 and DES4 of the East Herts District Plan 2018.

Plans

Plan Ref	Version	Received
DPH-6022-0001		06.08.2021
TI-VP011 003		29.07.2021

Design and Access Statement		20.07.2022
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Informatives

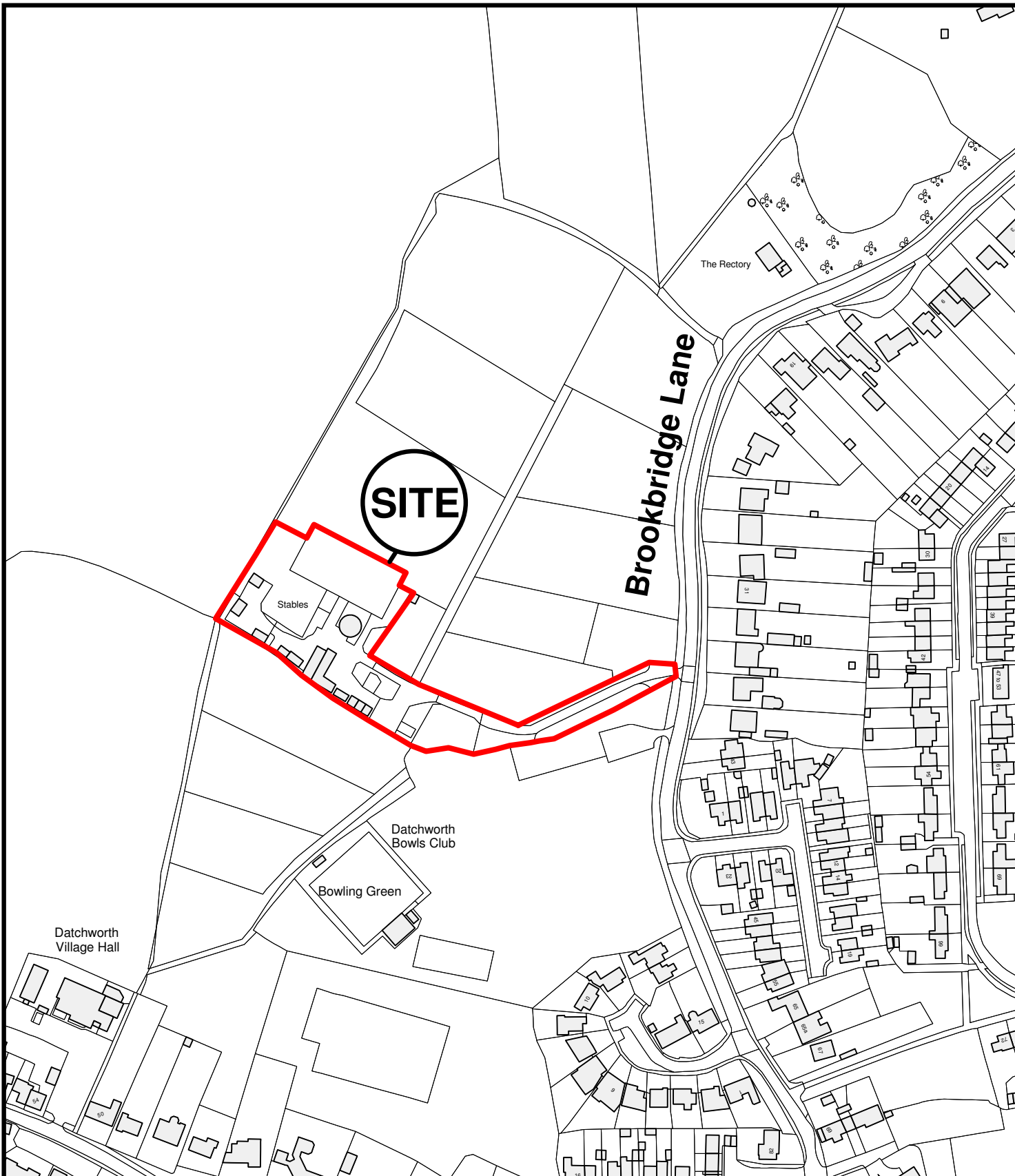
1. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>.

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 and any relevant material considerations. The balance of the considerations is that permission should be granted.



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

Address: The Old Turkey Farm, Brookbridge Lane, Datchworth

Reference: 3/21/1925/FUL

Scale: 1:2500

O.S Sheet: TL2618

Date of Print: 30 May 2022

EAST HERTS COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
ITEMS FOR REPORT AND NOTING
FEBRUARY 2022

Application Number	3/20/0611/HH
Decsn	Refused
Level of Decision	Delegated
Address	4 The WillowsAmwell LaneStanstead AbbotsWare SG12 8DG
Appellant	Mr Will Turner
Proposal	Loft conversion with insertion of dormer window and insertion of window to front elevation
Appeal Decision	Allowed

Application Number	3/20/1683/VAR
Decsn	Refused
Level of Decision	Delegated
Address	Wickham HallHadham RoadBishops Stortford CM23 1JG
Appellant	Harvey
Proposal	Variation of condition 2 (approved plans) of planning permission ref : 3/19/1133/FUL (Construction of an A3 cafe/restaurant (amended scheme) to show new external alterations to remove some windows and replace with new positioned windows; removal of flues and replace with small ventilation intakes , removal of covered walk way with addition of barn doors. Amendments to fenestration of ground floor doors.
Appeal Decision	Allowed

Application Number	3/20/2045/FUL
Decsn	Refused
Level of Decision	Delegated
Address	CraycombeParsonage LaneSawbridgeworth CM21 0ND
Appellant	Mr A O'Conner
Proposal	Subdivision of the site, to include associated landscaping (fencing, shrubs, hard surfacing), conversion of office and outbuildings to a two bedroom dwelling, with associated fenestration alterations, insertion of additional fenestration and alterations to and raising of the roof ridge, along with the erection of a shed and bin store.
Appeal Decision	Dismissed

Application Number	3/20/2077/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Toad HallSacombe GreenSacombeWare SG12 0JQ
Appellant	Rachel Milton
Proposal	Creation of 4 three-bedroom dwellings and 4 office use units (Class E) together with associated car parking and boundary works.
Appeal Decision	Dismissed

Application Number	3/21/0496/TEL
Decsn	Refused
Level of Decision	Delegated
Address	Land At Havers LaneBishops Stortford
Appellant	Hutchison 3G UK Ltd
Proposal	Installation of a 15 metre high monopole and 4 equipment cabinets.
Appeal Decision	Dismissed

Application Number	3/21/0539/FUL
Decsn	Not Determined
Level of Decision	
Address	11, 13 And 15 London RoadSawbridgeworth CM21 9EH
Appellant	Mr Geoffrey Hewson
Proposal	Proposed crossover and the regularisation of a hardstanding and a levelled parking area to provide 2 off-street parking spaces for nos. 11, 13 and 15 London Road properties.
Appeal Decision	Dismissed

Application Number	3/21/1664/PNHH
Decsn	Refused
Level of Decision	Delegated
Address	19 Firs WalkTewin WoodTewinWelwyn AL6 0NY
Appellant	Valentin Mangu And Andreea Vrancea
Proposal	Single storey side (depth 8m, width 5.5m, height 3.8m and eaves 2.4m) and single storey rear extension (depth 7.9m, width 5.2m, height 3.4m and eaves height 2.40 metres)
Appeal Decision	Allowed

Application Number	3/21/2132/HH
Decsn	Refused
Level of Decision	Delegated
Address	Cavehall CottageWyddialBuntingford SG9 0ER
Appellant	Ms Kirstie Adams
Proposal	Rear first floor extension with Juliet balconies and the addition of a window to the first floor side elevation.
Appeal Decision	Withdrawn

Application Number	3/21/2382/HH
Decsn	Refused
Level of Decision	Delegated
Address	MargrayLondon RoadSpellbrookBishops Stortford CM23 4BA
Appellant	Ms Gemma Lonsdale
Proposal	Two storey side extension, part two and part single storey rear extension. Loft conversion including rear dormer window.
Appeal Decision	Withdrawn

Application Number	X/20/0221/CND
Decsn	Refused
Level of Decision	Delegated
Address	Hertford Golf CourseLondon RoadHertford SG13 7NS
Appellant	—
Proposal	Discharge appeal conditions 3 (details of clubhouse and practice bays), 4 (landscaping), 5 (landscape management plan), 6 (external lighting), 7 (Construction and Environmental Management Plan), 10 (Surface Water Sustainable Drainage Scheme), 11 (infiltration), 12 (cycle parking), 16 (Landscape and Ecological Management Plan), 17 (Development Phasing Scheme) and 18 (Flood Risk Assessment/Surface Water Drainage Strategy) attached to 3/17/1867/FUL
Appeal Decision	Dismissed

Background Papers

Correspondence at Essential Refusedeference Paper 'A'

Contact Officers

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



Appeal Decision

Site visit made on 8 October 2021

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 9th February 2022

Appeal Ref: APP/J1915/D/20/3255151

4 The Willows, Amwell Lane, Stanstead Abbots SG12 8DG

- 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 against the decision of East Herts Council.
 - The application Ref 3/20/0611/HH, dated 20 March 2020, was refused by notice dated 18 May 2020.
 - The development proposed is a loft conversion with insertion of dormer window and insertion of window to front elevation.
-

Decision

1. The appeal is allowed and planning permission is granted for a loft conversion with insertion of dormer window and insertion of window to front elevation at 4 The Willows, Amwell Lane, Stanstead Abbots SG12 8DG, in accordance with the terms of the application, Ref 3/20/0611/HH dated 20 March 2020, 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: P9153/03A (site plan), P9153/01B (existing elevations), P9153/02C (proposed elevations) and P9154/OS (location plan).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. The Council's second reason for refusal of permission was on the basis that it lacked sufficient information regarding the proposal to properly consider the application due to inconsistencies with the submitted plans. New plans were subsequently submitted with the appeal by the appellant. These did not materially alter the proposal, but corrected the initial drafting errors.
3. In considering whether to accept the amended drawings I have had regard to the "Wheatcroft Principles". As the development is unaltered the alterations are not substantial, and the development is not so changed that to accept the revised drawings would deprive those who should have been consulted of the opportunity of such consultation. Accordingly, I have formally considered the additional drawings in my determination of the appeal.

4. The appeal was consequently transferred out of the Householder Appeals Service and consultation with the Council was then carried out on the amended plans in accordance with Part 2 of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009. Thus, in light of the above considerations, the new plans satisfactorily overcome the second reason for refusal of permission.
5. The description of development in the heading above has been taken from the decision notice and appeal form, rather than the planning application form, as it more accurately describes the proposed development.

Main Issue

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

Reasons

7. The site lies within a row of residential development along Amwell Lane. Property design in the vicinity is diverse, and there are several examples of dormer windows. Trees, hedgerow and verges contribute a verdant appearance to the lane.
8. The host property is a large building which is divided into four dwellings. The appeal site forms one of the rear quarters of the building. The appeal proposes the siting of a dormer window within the rear half of the building's pitched roof. This would be set down from the ridge and in from the eaves, giving it a subservience to the roof slope.
9. The main views of the dormer would be those available from outside the adjacent dwelling, "Jansus", and elevated views from the riverside path across the road. Given the number of similar developments in the area the dormer would assimilate acceptably into the existing street scene. Its set back position and subservience within the roof would limit its effect on the area's character and appearance. Moreover, the host dwelling is substantial in size and therefore the bulk and mass which the proposal would add within views of the building would be minimal in proportional terms. Furthermore, the roadside and other vegetation would additionally provide some screening of the proposal for much of the year.
10. Thus, the proposal would have an acceptable effect on the character and appearance of the area. It consequently complies with Policy HOU11 of the East Herts District Plan (2018) (the DP), which requires development proposals to be of a size and siting that are appropriate to the character, appearance and setting of the existing dwelling and/or the surrounding area. Further compliance exists with Policy DES4 of the DP, which states that proposals will be expected to respect or improve upon the character of the site and the surrounding area in terms of scale and siting.

Conditions

11. I have imposed a condition specifying the approved plans because it creates certainty for all parties.

12. A condition in respect of materials is necessary in order to protect the character and appearance of the area, in accordance with the design provisions of Policy DES4 of the DP.

Conclusion

13. There are no material considerations that indicate that the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

C Beeby

INSPECTOR



Appeal Decision

Site visit made on 18 January 2022

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2022

Appeal Ref: APP/J1915/W/21/3273939

Wickham Hall, Hadham Road, Bishops Stortford CM23 1JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Frank David Harvey against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/1683/VAR, dated 2 September 2020, was refused by notice dated 29 October 2020.
 - The application sought planning permission for Construction of an A3 cafe/restaurant (amended scheme), without complying with a condition attached to planning permission Ref 3/19/1133/FUL dated 29 July 2019.
 - The condition in dispute is No 2 which states that: The development hereby approved shall be carried out in accordance with the approved plans listed at the end of this Decision Notice.
 - The reason given for the condition is: To ensure the development is carried out in accordance with the approved plans, drawings and specifications.
-

Decision

1. The appeal is allowed, and planning permission is granted for Construction of an A3 cafe/restaurant (amended scheme) at Wickham Hall, Hadham Road, Bishops Stortford CM23 1JG in accordance with the terms of the application Ref. 3/20/1683/VAR made on 2 September 2020 without compliance with condition number 2 previously set out in planning permission Ref: 3/19/1133/FUL dated 29 July 2019, but subject to the conditions set out in the attached schedule.

Procedural Matters & Background

2. The description of development in the banner heading above is taken from the application form. The decision notice and appeal form describe it as '*Variation of condition 2 (approved plans) of planning permission ref: 3/19/1133/FUL (Construction of an A3 cafe/restaurant (amended scheme) to show new external alterations to remove some windows and replace with new positioned windows; removal of flues and replace with small ventilation intakes, removal of covered walk way with addition of barn doors. Amendments to fenestration of ground floor doors.*' Whilst it describes the amendments, it is not a description of the development, so I have used the description from the original planning permission and application form in the decision paragraph above.

3. The application form states the development commenced on 1 September 2020. At my visit the development had mostly been undertaken in accordance with the plans submitted. Therefore, the application is retrospective and falls to be considered under section 73A of the Town & Country Planning Act 1990 as set out in the banner heading above.
4. This application seeks permission to replace the approved plans with new elevation, roof, and floor plans. Amongst other things the amendments seek to replace flues with ventilation intakes, remove windows on the north and south elevations, remove a canopy/walkway, flue, and additional barn doors on the eastern elevation, and remove a lower set of rooflights, increase the upper roof lights and amend ground floor doors/windows on the western elevation.
5. The appellant has provided further amended plans to move a double barn door on the eastern elevation a short distance. Taking into account the Wheatcroft principles¹ the plans indicate minor alterations that do not significantly change the external appearance of the building from that set out in the submitted plans. Therefore, I have considered the proposals based upon the amended plans. The Council and interested parties have had the opportunity to comment upon the changes through the appeal process so would not be prejudiced by this approach.
6. Since the appeal was lodged the revised National Planning Policy Framework (2021) (the Framework) was published on 20 July 2021. I have given the Council and the Appellant the opportunity to comment upon the implications of this for their respective cases.

Main Issues

7. The main issues are the effect of the variation of condition 2 as proposed upon the setting and significance of designated heritage assets and the character and appearance of the building and the area.

Reasons

Heritage Assets

8. Wickham Hall is a complex of historic and newer buildings, including a number of Grade II listed buildings, forming a farmstead and rural business park. The appeal site comprises a relatively recent building approved in 2019, situated south of a number of the buildings, on an access road to the complex. It lies within the setting and has some intervisibility with a number of the Grade II listed buildings to its north, east, and west. These are Wickham Hall, Wickham Hall Barns 1 and 2, Wickham Hall Outbuilding, Wickham Hall Cottage, and Former Dovecote approximately 30 metres to the south west of Wickham Hall.
9. Special regard should be given to the desirability of preserving the setting of Listed Buildings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCAA). Paragraph 199 of the Framework requires when considering the impact upon the significance of a designated heritage asset great weight should be given to the asset's conservation. Any harm to significance including from development within its setting requires clear and convincing justification (paragraph 200).

¹ Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL, 1982, P37]

10. The significance of the listed buildings derives from their special architectural and historic qualities as individual buildings and their contribution to and arrangement in a diverse group of what were mostly farmstead buildings. They are well-preserved C16th – C19th timber framed and red brick buildings retaining many of their historic forms and features. This includes red tiled and thatched roof forms, plaster, weatherboard and brickwork walls, some historic window openings, cart and door openings, and some internal structural and other features.
11. The settings of the listed buildings include the surrounding historic and more modern buildings, car parking areas, access roads, and functional agricultural structures and buildings, set within a wider rural landscape. Their setting including the appeal site contributes to their significance as it forms part of the mostly historic pattern of buildings, ancillary yard, and parking areas serving the businesses and other uses, viewed within the largely rural and agricultural backdrop to which the agricultural buildings are associated. As a well-designed weatherboarded and slate roof building on the access road the approved appeal site development would make a neutral contribution to the way in which the designated heritage assets are experienced.
12. As a result of the removal of the projecting flues, the amendments to the northern and southern elevations collectively, would result in a minor positive effect upon the setting of the designated heritage assets. This is primarily because their visibility would not be obstructed by the flues. The changes to the western elevation (rear) of the building are partly enclosed by two gable features and mature vegetation surrounding the lake. The amount and size of rooflights, windows and doors has very limited perceptibility within the setting of the listed buildings at various points around the complex. Configurations of multiple glazed openings were present on many other newer buildings and restored listed buildings nearby, so they are not discordant or out of keeping with their surrounds. I find no harm to the setting or significance of listed buildings from the new configuration on the western elevation.
13. While the approved veranda might add some rhythm, it would not suggest doors and would give little impression of an active frontage. While the amendments result in a functional simple appearance, the reception entrance remains on the eastern elevation. The new door entrances would result in the perception of an active frontage to no lesser, if not a slightly greater degree, than the veranda. It is not put to me that the approved type of veranda is present on external elevations the listed buildings that the appeal building is within the setting of, and I saw no similar external features present upon them. The amendments would remove decorative features that may distract from the nearby listed buildings. This would not be at odds with the listed or other buildings nearby, or their design features, or materials. Therefore, the alterations are not harmful to the setting or significance of the listed buildings.
14. For the reasons set out above the amendments would not have an adverse effect upon and would preserve the setting and significance of designated heritage assets. Therefore, they would not conflict with the aims of section 66(1) of the LBCAA or Policies HA1 and HA7 of the East Herts District Plan (2018) (the EHDP). In combination and amongst other things these policies state that development should preserve and where appropriate enhance the historic environment including the significance and setting of listed buildings.

Character and appearance

15. The restoration of nearby historic buildings to reflect their special architectural and historic significance and historic functionality, and the development of some individual newer buildings, results in there being a variety of different styles and appearance of buildings. The building as approved would be of a high quality in keeping with the character and appearance of the area.
16. Primarily as a result of the removal of the projecting flues the collective amendments to the northern and southern elevations would result in a minor beneficial effect to the character and appearance of the building and area. The amendments to the western elevation are minor, and the proposed design is reflective of and in keeping with the character and appearance of the host building, those nearby and the wider area. They are also partly screened from the wider area by mature vegetation and the gable features of the building.
17. The amendments to the eastern elevation result in a more simple and functional appearance, having an appearance in keeping with a historic functional barn building. It reflects a historical simple functional vernacular that is reflective of the rural farmstead and business hub location. The new false door entrances would give some modest impression of an active frontage in a similar manner to the approved elevation. They would provide some interest and limit the massing of the elevation. Therefore, I regard the amendments as a high quality of design having regard to the character and appearance of the area. I have been provided with a number of examples of simple functional elevations on historic buildings adjacent to roads, suggesting this is not uncommon in the wider area. Overall, the amendments are in keeping with the character and appearance of the building and the area.
18. For the reasons set out above the amendments resulting from the proposed variation of condition 2 would not be harmful to the character and appearance of the building or the area. Therefore, they do not conflict with Policy DES4 of the EHDP. Amongst other things this expects development to be of a high standard of design to reflect and promote local distinctiveness, and to respect or improve the character of the site and the surrounding area.

Other Matters

19. As the development does not adversely affect the significance of the listed buildings, no balancing exercise is required to be undertaken referred to in paragraphs 201 or 202 of the Framework. The Council has concluded the amendments would not have an adverse impact upon the Green Belt. The evidence before me suggests the removal of the veranda results in minor beneficial effects upon openness of the Green Belt. The amendments result in modest improvements in respect of building maintenance, adaptability, temperature control and construction benefits. These benefits attract limited weight in favour of the scheme.

Conditions

20. I have considered the Council's suggested conditions and where appropriate amended the wording to more closely align with the Planning Practice Guidance. As the development has commenced and is mostly complete it is not necessary to impose a commencement condition. As the three new doors on the eastern elevation have not yet been installed a plans condition is

necessary. The details of the external materials are not specified on the plans before me. Therefore, in the interests of certainty, the character and appearance of the area and the setting of designated heritage assets, the Council's suggested materials condition is necessary.

21. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also re-state the conditions imposed on earlier permissions that continue to have effect. Therefore, I have imposed conditions 4 – 6 suggested by the Council, in respect of surface water drainage and ecological mitigation. I have not been provided with sufficient evidence detailing any previously approved landscaping scheme, or that this appeal scheme is fully consistent and compatible with the continued effect and operation any approved scheme. Therefore, I shall impose condition 3 suggested by the Council. I have amended the wording as the suggested condition was a pre-occupation condition, however, the building is occupied. In the event that it has been discharged and this appeal scheme is fully compatible with previously discharged submissions, it is a matter which can be addressed by the parties.

Conclusion

22. The development is compliant with the development plan and the Framework taken as a whole. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. Therefore, for the reasons given above, the appeal is allowed.

Dan Szymanski

INSPECTOR

Schedule of Conditions

- 1) The development hereby approved shall be carried out in accordance with approved plans:
 - Site location plan WH_A_SP_EXT_001;
 - Site plan WH_A_SP_EXT_001 A;
 - Floorplan WH_A_B1_GA_200 Rev R;
 - West elevation WH_A_B1_EL_303 Rev H;
 - North elevation WH_A_B1_EL_302 Rev F;
 - South elevation WH_A_B1_EL_301 Rev H;
 - East elevation WH_A_B1_EL_300 Rev L;
 - Roof plan WH_A_B1_GA_201 Rev I.
- 2) The external materials used in the construction of the development hereby permitted shall be those approved under discharge of condition application reference: X/19/0491/CND, unless otherwise agreed in writing by the Local Planning Authority.
- 3) Within 3 months of the date of this permission, details of the final landscaping shall be submitted to and approved in writing by the Local Planning Authority. This shall include full details of: hard landscape proposals, soft landscape proposals, finished levels, retained landscape features, planting plans and an implementation timetable. Thereafter, the development should be implemented in accordance with the approved details.
- 4) The development permitted shall be carried out in accordance with the Flood Risk Assessment & Surface Water Drainage Strategy (reference: 617301-REP-CIV-FRA Rev 2) and the letter titled: Designer's response to Hertfordshire County Council Comments (reference: JRC/617301/TH) both prepared by MLM. The following mitigation measures as detailed within the surface water drainage strategy shall be implemented:
 - The surface water runoff from the development will be conveyed to the basin 3 via a series of swales connecting the existing ponds;
 - The final discharge from the basin 3 to the ditch will not exceed the equivalent greenfield run-off rates for the total development site area, by using flow control devices;
 - Appropriate storage will be provided throughout basin 2, the swale and the final basin 3.

The mitigation measures shall be fully implemented in accordance with the timing/phasing arrangements embodied within the scheme, unless otherwise agreed in writing by the Local Planning Authority.

- 5) Upon completion of the drainage works, an updated management and maintenance plan for all the SuDS features and structures shall be submitted to and approved in writing by the Local Planning Authority. This shall include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

- 6) The development hereby approved shall be carried out in accordance with the Mitigation Strategy and Biodiversity Enhancements in the Ecological Impact Assessment December (2016) by ELMAW Consulting, unless otherwise agreed in writing by the Local Planning Authority.

End of Schedule.



Appeal Decision

Site visit made on 18 January 2022

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st February 2022

Appeal Ref: APP/J1915/W/21/3273613

Craycombe, Parsonage Lane, Sawbridgeworth CM21 0ND

- 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 _____ against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/2045/FUL, dated 16 October 2020, was refused by notice dated 3 February 2021.
 - The development proposed is Conversion of existing office and outbuildings to two bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's first reason for refusal relates to its view there is insufficient information regarding the outbuilding to enable proper consideration of the merits of the proposal. Having regard to the further reasoning set out in the delegated report, the concern relates to the assessment against Green Belt policies. My findings in relation to the matters raised are set out in my assessment in respect of the Green Belt issues below.
3. The revised National Planning Policy Framework (2021) (the Framework) was published on 20 July 2021 and the 2021 Housing Delivery Test (HDT) results were published on 14 January 2022. I have given the Council and the Appellant the opportunity to comment upon the implications of these for their cases and taken them into account in determining this appeal. The revisions to paragraph numbering in the Framework are reflected in my findings below.

Main Issues

4. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt;
 - whether or not the proposal would be in a suitable location having regard to the Council's development strategy and sustainable access to services and facilities; and,

- if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

5. Policy GBR1 of the East Herts District Plan (2018) (the EHDP) states applications in the Green Belt will be considered in line with the provisions of the Framework. The Framework states that inappropriate development is harmful and should not be approved except in very special circumstances (paragraph 147). The construction of new buildings is regarded as inappropriate development, subject to certain exceptions. One of the exceptions in paragraph 149c) of the Framework is the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.
6. The appellant's aerial photograph from 2000 shows a building of the size, shape and extent set out on the plans before me within what I am told is the garden of the host property, and Estate Agent's information from 2003 and 2007 also refers to an outbuilding. Therefore, I have no reason to believe the building has not been on the site for in excess of 20 years. However, this evidence does demonstrate what comprises the 'original building' against which my assessment under paragraph 149c) is required to be made.
7. The building appears to comprise three sections of differing construction and appearance, referred to in the Structural Engineer's letter. Their shape, design and construction strongly suggest the current building is not the original building, and there have been 2 additions to what was the original building. If I were to take the largest section to be the original, the smaller sections taken together with the proposed new roof would result in a considerable increase in volume and floor area. Therefore, based upon the evidence before me the development would result in disproportionate additions over and above the size of the original building, not meeting 149c). As the proposal is for a conversion, it would not constitute a replacement building under paragraph 149d).
8. Paragraph 150 of the Framework states, b) engineering operations, and d) the re-use of buildings of permanent and substantial construction, are also not inappropriate provided they preserve openness and do not conflict with the purposes of including land within the Green Belt. The Structural Engineer's letter states the ground slabs and walls can be used for conversion. However, it is very limited in scope. It does not list the plans submitted with this appeal in reaching its findings, state the loads of the new roof, or confirm that the walls can bear the increased roof. So, it does not provide adequate assurance the building can be converted. The increased built extent of hardstanding would also not safeguard the countryside from encroachment. Therefore, the development would conflict with a purpose of including land within the Green Belt under paragraph 138c) of the Framework.
9. Paragraph 149g) of the Framework lists an exception to inappropriate development as 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. My findings in respect of openness will be

determinative as to whether or not the development constitutes an exception to inappropriate development.

Openness

10. Even if I were to take the view the enclosure of the largely open covered porch area was not harmful to openness, the provision of a new pitched roof with an up to 0.8m increased height over a significant proportion of the building would markedly increase the volume, bulk, and massing of the building. New fencing defining a new western garden boundary and the proposed shed and bin store would result in further development adversely affecting the openness of the Green Belt. Even if the bin store and shed were to be omitted by suitably worded planning conditions, the new roof and a new fence would still result in an adverse effect upon the openness of the Green Belt.
11. The visibility of new fencing and hardstanding would be likely to be limited. However, the increased height and volume of the roof would be significantly visible above the boundary fence when passing on Parsonage Lane and from the car park of the neighbouring commercial use. Therefore, the proposed development would have a limited but harmful effect upon the visual and spatial openness of the Green Belt. Conditions could not adequately overcome the harm. The subdivision of the site would also result in limited increased residential paraphernalia, vehicular movements, parked cars and associated domestic activity. The increases would be small but would further negatively impact upon openness.
12. For the reasons set out above the proposed development would result in a limited harmful effect to the visual and spatial openness of the Green Belt, thereby constituting inappropriate development. The development would conflict with Policy GBR1 of the EHDP and paragraphs 137, 149g), 150b) and 150d) of the Framework insofar as these seek to keep Green Belt land permanently open and define and resist inappropriate development.
13. The Council has referred to paragraph 145 of the Framework in its second reason for refusal. However, as this relates to the beneficial use of the Green Belt with respect to matters such as access, outdoor sport, and recreation, retaining and enhance landscapes, biodiversity, and damaged and derelict land, it is of less relevance to this main issue than the paragraphs I have referred to.

Location

14. Policy DPS2 of the EHDP sets out the development strategy, seeking to deliver sustainable development in accordance with the specified hierarchy, of which the first location is sustainable brownfield sites. Being within a garden outside a built-up area, the site falls within the definition of previously developed land in Annex 2 of the Framework. Paragraph 3.1.2 of the EHDP defines sustainable development as providing growth while mitigating adverse economic, environmental, and social impacts. It is not put to me the development would meet any other locations in the hierarchy. Therefore, my findings in relation to Policy DPS2 are dependent upon whether the site is sustainable in the round, which I will return to later, in balancing any harm and benefits.
15. There are few services and facilities for day to day living in the immediate surrounds of the appeal site, although given its proximity to other dwellings

and businesses in the wider cluster, I do not regard it as isolated under the terms of paragraph 80 of the Framework.

16. However, it is approximately 500m from the A1184, which benefits from lighting, bus stops and a footway. Approximately 450m south of the junction is a public house, leisure centre and academy. Many services and facilities required for day to day living such as food stores, a post office, pharmacy, takeaways, public houses, professional services, schools, and clothing shops are located around Cambridge Road/ Station Road/Bell Street, a further approximately 0.5 – 1.5km into Sawbridgeworth, approximately 1.5 – 2.5km from the appeal site. The train station is some distance further. The limited facilities in Spellbrook are a similar distance to the north.
17. The section of Parsonage Lane to access the footway and bus routes is a narrow curving section of national speed limit road with no street lighting. Some sections of the verges are narrow, high, and lined with mature vegetation. Therefore, it would not be a particularly attractive or convenient route for many potential future occupiers seeking to walk or cycle to the A1184, for onward travel.
18. Access to larger supermarkets, more retail outlets and access to employment opportunities may necessitate trips to larger settlements such as Bishop's Stortford a short distance further to the north. Walking, cycling, or taking the bus would also not be particularly attractive or convenient given the route and distance. Therefore, it is unlikely that many trips to services and facilities would be by walking, cycling, or bus, with future occupiers mostly reliant upon a motor vehicle. Opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and the number of trips generated by this development and the distances to travel would be relatively limited. However, it would soon add up to a significant number of vehicular miles per year and associated vehicular emissions.
19. For the reasons set out above the development would not be well located to enable sustainable journeys to services and facilities. It would conflict with Policy TRA1 of the EHDP, which amongst other things seeks to ensure a range of sustainable transport options are available to occupants which enable sustainable journeys to be made to key services and facilities to help aid carbon emission reduction. The harm may be limited, but nevertheless it attracts weight against the proposal.

Other considerations

20. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework is clear that substantial weight should be given to any identified harm to the Green Belt.
21. The development would result in a small economic benefit during construction and a small, sustained benefit to the local economy, services and facilities once occupied. The Council's 2021 HDT results show a delivery of 130% of housing requirements over the previous 3 years. I have not been provided with evidence in respect of the Council's housing land supply position. However, even if it were very acute, the provision of one additional dwelling making a more efficient use of the building and land would be a limited benefit. The development would improve the character and appearance of the building, and

further landscape planting and biodiversity enhancements could be secured by a suitably worded planning condition. However, given the nature of the proposal and the site, the evidence suggests the benefits in respect of these matters would be limited. I attribute the collective benefits moderate weight in favour of the scheme.

22. Planning permissions a short distance to the south of the appeal site permitted the conversion of and replacement of commercial buildings resulting in a small number of additional dwellings. However, given the plans, merits, material considerations and other circumstances surrounding their approval are not before me, I cannot make a fully reasoned comparison between those developments and this proposal. However, as they appear to relate to commercial buildings, the planning considerations such as the planning policies, pre-existing levels of activity and vehicle movements, is likely to have differed markedly to that of this domestic outbuilding. Therefore, those decisions are only attributed limited weight.
23. Compliance with policies such as those in respect of access, parking provision, the living conditions of neighbouring properties, and resource and energy efficiency, are all neutral matters in the planning balance.

Planning Balance

24. The factors and benefits set out by the appellant attract moderate weight overall. They would not clearly outweigh the harm identified to the Green Belt and the other harm in respect of sustainable access to services and facilities which taken together in combination carry substantial weight, so as to amount to the very special circumstances necessary to justify the proposal. Therefore, the development conflicts with the development plan and the Framework, as there are not very special circumstances demonstrated, that clearly outweigh the harm to the Green Belt.
25. Having regard to the findings above and the economic and social benefits of the development not outweighing the environmental harm to the Green Belt and other harm in respect of sustainable access to services and facilities, the site would not be a sustainable brownfield site, so the location of the development conflicts with Policy DPS2 of the EHDP.

Conclusion

26. The proposed development would be contrary to the development plan and the National Planning Policy Framework taken as a whole, and there are no considerations, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR



Appeal Decision

Hearing held on 9 February 2022

Site visit made on 10 February 2022

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2022

Appeal Ref: APP/J1915/W/21/3276833

Toad Hall, Sacombe Green, Sacombe SG12 0JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Rachel Milton against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/2077/FUL, dated 20 October 2020, was refused by notice dated 25 February 2021.
 - The development proposed is described as Creation of 4x three-bedroom dwellings and 4x B1 office use units and associated car parking.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The development description in the banner heading above is taken from the application form. The decision notice and Statement of Common Ground (SoCG) refer to boundary works set out on the plans and the office use as Use Class E, reflecting changes to the Town and Country Planning (Use Classes) Order 1987. It was agreed the appeal scheme would be determined on the basis of being for the 'Creation of 4 three-bedroom dwellings and 4 office use units (Class E) together with associated car parking and boundary works'.
3. The Council's fourth reason for refusal does not specify which future occupiers of the proposed development it alleges would experience unsatisfactory living conditions. It was clarified the concerns relate to houses 1 and 2, which is reflected in my setting out of the main issues below.
4. The revised National Planning Policy Framework (2021) (the Framework) was published on 20 July 2021, and the 2021 Housing Delivery Test (HDT) results were published on 14 January 2022. The Council and the Appellant were given the opportunity to comment upon the implications of these for their cases, which I have taken into account in determining this appeal.
5. Following the closure of the Hearing an interested party submitted additional comments in respect of the demand for the proposed accommodation. However, as they were submitted after the closure of the event, I have not had regard to the comments in determining the appeal.

Main Issues

6. The main issues are:

- whether or not the proposed development is compliant with policies for the protection and development of equestrian facilities;
- whether or not the proposed development would be in a suitable location having regard to its location in the countryside and the accessibility of services and facilities;
- the effect of the proposed development upon the character and appearance of the area; and,
- whether or not the proposed development would provide suitable living conditions for the future occupiers of houses 1 and 2 with particular reference to the adequacy of private outdoor space provision.

Reasons

Protection of equestrian facilities

7. The East Herts District Plan (2018) (the LP) seeks existing equestrian buildings should wherever possible, be re-used. Policy CFLR6 of the LP states proposals resulting in the loss of equestrian facilities, should be accompanied by an Equestrian Needs Assessment (ENA) demonstrating the facilities are no longer needed. No ENA is provided. The Council stated at the hearing there is no specification in LP policies or other guidance of what an ENA should comprise. It advised it would expect an ENA to amongst other things, provide evidence demonstrating the facility has sought to be retained, other equestrian uses have been explored, and sufficient information provided to demonstrate it is not viable. The appellant did not disagree with these expectations.
8. No substantive evidence has been provided that the site has been marketed at a realistic value for sale or let, or other specialist valuation evidence provided. Such information would have provided a good indication of whether or not the appeal site premises is no longer needed, as required by CFLR6.
9. The appellant's financial information suggests the business has been operating at a loss since the year ending 31 March 2018, which have increased, such that I am informed it is expected to close. However, at my visit a significant number of animals were in the main and an additional building. It is not clear from the evidence I heard, if and how many are from the appellant's other premises, how many are in the ownership of the appellant and her family, and how many are customers specific to the appeal site premises.
10. The written financial information is limited in detail, although certain larger costs such maintenance and cleaning in relation to the construction and repair of the buildings were explained. I heard nothing to lead me to doubt these are not accurate. The previous annual insurance costs are not explicitly set out. There was also not sufficient clarity in respect of business rate expenditure. However, even if this was significantly less than quoted, the business would still have made losses based upon the figures I am provided with.
11. A number of reasons were advanced for the stables and livery making losses. I am informed there has been a continued year on year national downturn in riding participation, exacerbated by the Covid-19 pandemic. However, detailed

figures are not before me. There was also conflicting evidence as to whether any such national trends are reflected locally. It is advanced there is a high prevalence of other competitor businesses in the area, resulting in a high rate of vacancies at the appeal site and closure of another premises. However, the evidence I heard from the appellant and an interested party was contradictory. There is not sufficient substantive evidence to demonstrate either the number stable or livery spaces is particularly high for the area, or the specific reasons another stable has closed.

12. I am provided with some details of other businesses in the area and facilities and services they offer, which I am informed, cannot be offered by the appeal site business. Some facilities such as an indoor arena would clearly be costly, although do not seem to be offered by all competitors. While noting the size of the appeal site enterprise, the reasons why many of the other services, facilities and events cannot be offered at the appeal site is not fully clear. While I am informed the business has offered a greater range of services without success, the full range and details could not be explained at the hearing. Overall, it is not demonstrated that business losses are as a result of inherent limitations with the premises and/or that the premises are no longer needed.
13. For the reasons set out above the proposed development conflicts with Policy CFLR6 of the LP for the protection and development of equestrian facilities. Amongst other things it seeks to resist the loss of equestrian facilities, unless it is demonstrated the facilities are no longer needed.
14. The Council's reason for refusal refers to Policies ED1 and ED2 of the LP. However, as this site is in use as an equestrian and not a B Class or B Class-related Sui Generis use, their relevance to this main issue is not clear, and I have not concluded against these policies.

Location

15. The spatial strategy directs development to ensure it takes place in the most suitable locations in the District including where it is sustainable. Policy DPS2 of the LP seeks to deliver sustainable development in accordance with a hierarchy. The last location in the hierarchy is limited development within the villages, which from what I heard is not solely restricted to Group 1 and 2 villages. Part II of Policy VILL3 does not refer to limited infill development 'only' being permitted within Group 3 villages when identified in an adopted Neighbourhood Plan. Therefore, based upon what I heard, neither of these policies, in principle, preclude development at Sacombe Green.
16. The appeal site comprises the eastern most grouping of the cluster of buildings of Sacombe Green. Its proximity to other buildings means its location and layout relates reasonably well to the settlement. While Marshall's Lane is narrow, the speed limit is 30mph, there is good forward visibility, and it appears to have limited vehicle movements along it. I see no reason it would not be used as a shared surface within the immediate vicinity of the appeal site, which leads me to conclude the site relates reasonably well to the settlement in terms of its connectivity. I was not provided with substantive evidence the scale of this proposal would result in harm having regard to the potential cumulative impact of development in the locality. For these reasons I do not find a conflict with Policy VILL3 Parts II and III(a) and (b).

17. The general support for new employment use in Policies ED1, ED2 and ED4 of the LP is subject to it being located or accessed sustainably. Sacombe Green is a Group 3 village which paragraph 10.3.11 of the LP identifies as characteristically having a poor range of services and facilities with it often necessary for residents of such villages to travel for most of their daily needs. Policy GBR2 of the LP permits (d) the replacement and conversion of buildings, as well as (e) the partial or complete redevelopment of previously developed sites, in sustainable locations.
18. A church and bus stop approximately 800m and 1km (respectively) west of the appeal site are accessed along a narrow unlit road with some high maturely vegetated verges, and by a rural right of way. These are unlikely to be viewed as particularly attractive or convenient by future occupiers to walk or cycle to access those facilities. Facilities such as a church, primary school, petrol station, convenience store and bus stop are at High Cross, approximately 2.3km away. The narrow, unlit winding highway route to these facilities with limited refuge opportunities, would not be likely to be particularly attractive or convenient for occupants or users of the appeal site walk or cycle along.
19. For most requirements for day to day living such as larger food and clothing stores, secondary education, a range of leisure and employment opportunities, professional and medical services, or dining out, trips to other settlements would be frequently required. Many facilities at the nearest larger settlements of Watton at Stone, Hertford or Ware are approximately 3.8 – 8km from the appeal site. The distance and nature of the highway and rights of way routes to these are not likely to be regarded as particularly attractive or convenient by many future occupiers, employees, and visitors to the site for walking and cycling. While there might be some reduction in vehicular movements if the development was a type of live/work proposal, occupiers and users of the appeal site are likely to rely upon a motor vehicle for the majority of journeys. Given the distance to many services and facilities, this would soon add up to a considerable number of vehicular miles and associated emissions per year.
20. Opportunities to maximise sustainable transport solutions will vary between rural and urban areas, and the number of trips may be limited compared to a viable use of the appeal site. However, the vehicle movements and associated vehicular mileage from the existing use is not provided. Therefore, it is not demonstrated that as a material consideration, these are equal to greater than the proposed use, off-setting the harm from private vehicle journeys from the proposed development.
21. Impacts from carbon emissions would diminish as combustion engines are replaced by ultra-low emission and electric vehicles. Nevertheless, the development would be likely to be constructed in the short term, so it is not clear that future occupiers would use these vehicles. Moreover, while electric vehicle charging points could be provided, it is by no means certain that all occupiers would use an electronic vehicle, or that such a requirement could be enforced. Accordingly, this cannot be relied upon as a means of mitigating the significantly inaccessible location of the site in the short to medium term.
22. For the reasons set out above, the location of the development in the countryside at a Group 3 village would not in principle conflict with Policies DPS2 or VILL3, the relevant provisions of which I have referred to above. It would be located where it would enhance or maintain the vitality of rural

communities and not be isolated from a settlement, so does not conflict with paragraphs 79 and 80 of the Framework. However, the development would not be in a suitable location having regard to the accessibility of services and facilities, in conflict with the aims of Policies TRA1, GBR2(e), and DPS2 of the LP. Amongst other things, these seek to ensure development is located sustainably to enable sustainable journeys to be made to key services and facilities to aid carbon emission reduction. It would also conflict with the aims of paragraphs 104 and 105 of the Framework, which seek to promote walking, cycling and public transport.

23. As Policy DES4 which is referred to in the Council's first reason for refusal, mainly relates to design-related considerations, it is of less relevance to this main issue than the policies I have referred to above.

Character and appearance

24. Sacombe Green is an informal cluster of dwellings and rural buildings. While they do not have one overriding architectural style, a distinctive characteristic is the relatively low density sporadic informal layout often within generous spacious plots and surrounds, and mature landscaped areas. The appeal site buildings may be of little architectural merit. However, these and the appeal site as a whole is in keeping with and contributes positively to the character and appearance of the area given the functional rural layout, and the setting of the buildings within wide open rural and maturely landscaped surrounds.
25. The status of a sheeted covered structure present at my visit, that is not on the plans before me, is not clear. Therefore, I have not had regard to it in my assessment of the built development. Having regard to the survey plan before me, the proposed development would result in a small increase in the footprint of buildings, with a significant reduction in hardstanding area. However, there would be a comparatively significant increase in the volume, resulting in an increased bulk and mass of new buildings. The proposed walled patio areas around dwellings 1 and 2, would result in the perception of a further increased amount of built development at the appeal site.
26. The dwellings would be at a density of 8 per hectare for the overall site, although this does not include the office building. The design of the reused main building and sensitive use of materials, demonstrates some aspects of good design, and the position of hardstanding areas would broadly reflect the existing appeal site arrangement. However, the subdivision of the appeal site with multiple gardens and parking areas, the size and number of windows on the buildings, and associated residential paraphernalia would result in the appeal site taking on a much more domesticated appearance.
27. The development would concentrate the built development in a similar area of the site as existing buildings. However, even if the timber shed was utilised for storage, the design of the site layout, close proximity of new buildings, the subdivision of the appeal site into many plots and garden areas, would result in a somewhat dense domesticated form of development with multiple buildings and small plots concentrated in one part of the site, at the edge of the settlement. This would be markedly and harmfully at odds with the surrounding pattern of development and is not typical of layouts in the area.
28. Despite some mature landscaping to the north and west, the appeal buildings are clearly visible through gaps between trees from some neighbouring

dwellings, significant sections of Marshall's Lane, as well as open land to the south and east. Therefore, the development would not be viewed in isolation. Once matured additional planting would mitigate the visibility of the development to a degree. However, this is likely to take several years to mature sufficiently and would not fully mitigate the harm. Therefore, there would still be harm to the character and appearance of the area. The evidence does not demonstrate this and other planning conditions, could adequately overcome or mitigate the harm.

29. For the reasons set out above the proposed development would not be in keeping with and would be harmful to the character and appearance of the area, in conflict with Policies GBR2 and DES4 of the LP. In combination and amongst other things these require that development is compatible with, respects and improves the character and appearance of the area, including with reference to the design and layout, and improves local distinctiveness.
30. The retention of existing landscape features and additional planting, secured by a planning condition, would ensure the development would not conflict with Policy DES3 of the LP as it would retain, protect, and enhance existing landscape features. However, this does not overcome the harm I have found.

Living conditions

31. Private outdoor space is of benefit to well-being, and of functional use for household and leisure activities, such as drying clothes, play space, sitting outside, fresh air, gardening, and other hobbies. The Council confirmed it does not have quantified standards for such space in new dwellings. The size of the dwellings is such that they could be of appeal for families with children.
32. The private outdoor space for house 1 would be distributed between two separate small areas of a limited width and depth. Their size and shape would have very limited scope for use for many leisure activities, feeling somewhat cramped for future occupiers. This is particularly so as a result of them being separate spaces at almost opposite ends of the dwelling. These spaces would not provide satisfactory living conditions to the future occupiers of house 1.
33. The private space on house 2 appears slightly larger. While it is lacking in depth, its width along the property would be supplemented by the southern patio area, which could be made sufficiently private with an adequate wall height secured by suitably worded planning conditions. The overall space would of an adequate shape and size. However, the outlook of the larger space would be highly dominated by the proximity to house 3. This would feel highly overbearing and oppressive for a significant proportion of the space, such that it would not be adequately mitigated by the good outlook to the northeast. Therefore, it would provide poor quality unsatisfactory living conditions.
34. The wider grounds available for access by future occupiers, would have limited useable space outside of the hardstanding and new landscaping areas, of limited functionality and use. The wider rights of way network and lanes would provide opportunities for walking and cycling in the area. However, such spaces and resources, do not have the same level of privacy, functionality, or benefits that adequate quality private outdoor space would have. For similar reasons, while I am of the view the generous indoor space partly off-sets the inadequate outdoor spaces, it does not fully compensate or mitigate the harm from the absence of a sufficient quantity and quality of outdoor space.

Although prospective purchasers would be aware of the garden limitations, all occupiers should be provided with good quality living conditions including from adequate private outdoor space.

35. For the reasons set out above the proposed development would not provide satisfactory living conditions to the occupiers of houses 1 and 2, with particular reference to private outdoor space provision. This would conflict with the aims of Policy DES4 of the LP which seeks that development is of a high standard of design that does not result significant detrimental impacts on the amenity of occupiers. It would also conflict with paragraph 130f) of the Framework which expects development to provide a high standard of amenity for future users.

Other Matters

36. The previously dismissed appeal at this site was in relation to a different scheme and considered against different development plan policies, as well as preceding the Framework. Therefore, it is of limited relevance. The schemes at the East Herts Equestrian Centre were in the Green Belt, relate to the conversion of existing buildings and are significantly closer to a Group 1 settlement with a range of services and facilities. Ref. 3/19/1597/FUL was the subject of an ENA exploring other equestrian uses. The proposal at Courtyard Garden Lodge was for the reuse of a building for a single dwelling only, significantly closer to services and facilities at a Group 2 Village and Buntingford. Therefore, the examples provided are not directly comparable to or justify allowing this appeal proposal, which I have considered on its own merits and impacts.
37. Concerns are suggested by the Council in respect of the location of the offices resulting in noise and disturbance to house 4. From what I heard and the evidence before me in respect of the layout and likely use of the units and garden, subject to the imposition of suitably worded planning conditions the development would be unlikely to result in harmful living conditions from noise and disturbance.

Planning Balance

38. While it is suggested there has been an under delivery of housing in the area in previous years, I am informed that the Council has a 2021 HDT measurement of 130% and can demonstrate a Housing Land Supply (HLS) of in excess of 5 years. However, a 5 year HLS should not be viewed as a ceiling.
39. The proposed development would utilise previously developed land to provide a moderate temporary economic benefit during construction and a modest on-going spend in the local economy once occupied. There would be likely to be an increase in people employed at the site helping to meet demand for small office accommodation, compliant with the thrust of employment land related policies, which would be a moderate benefit. As a windfall site for four dwellings and offices it would make a small contribution to the objective of significantly boosting the supply of housing, and would be likely to enhance the vitality of rural communities, resulting in a limited social benefit. As a small to medium sized site, it is likely to be built out relatively quickly.
40. The development could secure a moderate net gain in biodiversity by means of a suitably worded planning condition. The landscape improvement that could be secured is likely to take several years and would overall be a limited benefit.

Resource and energy efficiency construction and consumption of the new buildings, is unlikely to result in any overall net gain in renewable energy production but does appear to be likely to result in reduced energy use compared to the existing use, such that it would be a limited overall benefit. Overall, the benefits are attributed moderate weight in favour of the scheme.

41. If I were to agree the development is or could be made compliant with policies in respect of matters such as flood risk, drainage, parking provision, highway access and safety, protected species, detailed design and materials, and the living conditions of future and neighbouring occupiers, these would all be neutral matters in the planning balance. My findings in respect of compliance with some of the locational policies of the LP are also a neutral matter.
42. However, the proposed development conflicts with policies for the loss of equine facilities and it is poorly located for access to services and facilities. It would result in harm to the character and appearance of the area and would not provide satisfactory living conditions to the future occupiers with reference to private outdoor space. The policy conflicts and harm are such that these matters attract significant weight against the scheme, which outweighs the benefits of the development. Therefore, the appeal should not succeed.

Conclusion

43. The proposed development would be contrary to the development plan and the Framework taken as a whole. There are no other considerations, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Mr Hayden Todd, BRP (Hons) RTPI (Planning Consultant, Aitchison Rafferty)

Mr Matthew Briffa, RIBA (Architect, Briffa Phillips)

Miss Leigh Brown (Personal Consultant)

Mr Danie Erasmus (Group Operations Manager, Uavend)

FOR THE COUNCIL

Mr Nick Reed (Planning Officer, East Hertfordshire District Council)

Ms Rachael Collard (Principal Planning Officer, East Hertfordshire District Council)

INTERESTED PARTIES

Ms Elizabeth Gregg-Smith;

Mr Steve Russell;



Appeal Decision

Site visit made on 18 January 2022

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2022

Appeal Ref: APP/J1915/W/21/3281067

Elizabeth Rd SF, Elizabeth Rd, Bishops Stortford CM23 3RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Hutchison 3G UK Ltd against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/0496/TEL, dated 26 February 2021, was refused by notice dated 21 April 2021.
 - The development proposed is described as Mast 15m monopole – grey, cabinets – grey.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) requires an assessment of the proposed development on the basis of its siting and appearance, taking into account any representations received. My determination has been made on the same basis.

Planning Policy

3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have nevertheless had regard to the policies of the East Herts District Plan (2018) (the EHDP) and the National Planning Policy Framework (2021) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues are:
 - the effect of the siting and appearance of the proposed development upon the character and appearance of the area; and,
 - if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

5. The appeal site forms part of grassed area divided and lined with pedestrian paths, planted with a few medium sized trees, and amongst other things accommodates an existing cabinet, bin, and signage close to its curving Elizabeth Road frontage. It is lined by a parade of shops to its rear, a gable and boundary of a residential dwelling on one side, and the other by an access and parking area. On the opposite of Elizabeth Road is another grassed area with larger trees between the junctions Havers Lane and Norfolk Way. Due to its open and verdant nature and its prominent visibility the appeal site and surrounding green space makes a positive contribution to the character and appearance of the area.
6. The surrounds include mostly 2 and 2.5 storey buildings, limited trees, street furniture such as cabinets/kiosks, street signage, thin profile streetlamps, a CCTV pole, a post box, and bus stops. Therefore, vertical features are clearly visible nearby. However, based upon the plans before me and from what I saw, the monopole would be approximately 10m higher than the nearest streetlamps and approximately 6m higher than the closest two storey buildings. It would also be considerably higher than the CCTV pole and 2.5 storey buildings to its south. At up to approximately 0.8m, the monopole would be considerably greater in diameter than nearby lamps and poles. Consequently, the monopole would be a considerably taller more substantial structure highly visible above nearby dwellings and vertical features.
7. A small number of trees on the opposite side of the road might be of a similar height, although they are some approximately 35m away and significantly different in appearance. Therefore, the monopole would not relate well to or be in keeping with the small collection of attractive street trees. Given its surroundings, its substantial height, shape, upper diameter, and siting on open land elevated above some of its surrounds, the monopole would be a highly imposing, dominant, and discordant presence in the street scene and townscape in the vicinity of the appeal site.
8. Screening from surrounding features such as trees and buildings would be rather limited. The monopole would be significantly visible from a number of nearby properties, gardens, and be visible for some distance along the highway, particularly to the north and west of the appeal site. While the colour of the monopole might be secured by a suitably worded condition, this would not overcome the harm. Furthermore, in combination with existing streetlamps and the signage, kiosks/cabinets, and other furniture nearby, the new monopole and four new cabinets would result in a somewhat cluttered public realm around the appeal site and this section of Elizabeth Road.
9. Therefore, for the reasons set out above, the siting and appearance of the monopole would be highly prominent, at odds with and result in significant harm to the character and appearance of the area.

Alternative sites

10. The need for a mast is not questioned. However, as the siting and appearance of the mast is significantly harmful, consideration needs to be given to whether other alternative less harmful sites exist. I am informed this new site is primarily required to upgrade the appellant's network to provide new 5G

technology, but it would also provide improved 3G and 4G network coverage and capacity.

11. The need for new sites with separation from certain other equipment, suggests that some other existing sites could not be re-used or upgraded for 5G use. I viewed a number of the alternative locations advanced at my visit. Of the four initial alternatives (numbered 1-4 in the further search), I have no reason to disagree with the reasons they are unsuitable. The further search accompanying the appeal provides a coverage plan of a much smaller area. It shows 4G coverage only, not 5G which would occupy the upper 3 antennas and which I am informed provides the primary requirement for the new monopole.
12. The coverage plan shows the appeal site is within an area requiring 4G uplift, close to extensive areas with good coverage to its west and northeast. The most extensive areas with no 4G are shown further to the southeast (including sites 7 and 8), which I am informed are within a different cell area, although whether this is in relation to 4G, 5G or both is not clear. The proximity of sites 5, 6 and 9 to heritage assets, suggests they would not be suitable. However, given the appeal site area already receives 4G coverage, the information does not explain why any existing 4G sites cannot be upgraded, to provide for the current deficiency in 4G coverage.
13. Given the coverage plan is based upon 4G the evidence does not clearly define the area of search for 5G, so there is insufficient information to understand the full defined area of search. Furthermore, on the plan there also appears to be significant areas that are not entirely residential, and it is not clear why much of these are ruled out for 5G. For the above reasons there is ambiguity and I do not consider the site evaluation and associated evidence to be sufficiently robust. Therefore, I cannot conclude with reasonable certainty that other less harmful locations do not exist, and the only way to meet the appellant's need is through this appeal proposal, which weighs against the scheme.

Other Matters

14. The appeal site lies approximately 110m from a southwestern boundary of the Bishop's Stortford Conservation Area (BSCA), of which the closest part of it to the appeal site comprises the maturely landscaped Apton Road cemetery. The significance of this part of the asset derives from its maturely landscaped burial grounds that contain a considerable number of sizeable trees and shrubs within historic boundary walls. The topography, intervening buildings and mature vegetation mean there would be little intervisibility with the appeal proposal, including from within the cemetery. Therefore, it would not result in a harmful effect upon the significance of the BSCA.
15. Approximately 75m south of the appeal site is 77 Norfolk Way which is a Grade II listed building. It derives its significance from its C16th architectural features. Given the topography and the height and proximity of surrounding residential buildings, the setting of the listed building is very limited. It is well screened from the appeal site with little if any intervisibility between the development and the listed building. Therefore, based upon what I saw and the evidence before me, there would be no harm to the setting and significance of the designated heritage asset.

Planning Balance & Conclusion

16. Paragraph 114 of the Framework explains that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). There is need to provide increased network capacity as data use grows, including as a result of the effects of the Covid-19 pandemic. Improving mobile connectivity and digital inclusion would have economic, social, health, educational, well-being, and sustainability benefits.
17. Based upon the limited extract of appeal Ref APP/L1765/W/18/3197522, the Inspector concluded the harm to be limited in finding it was outweighed by the benefits of that development. This is different to my conclusion in respect of the harm from this appeal proposal, and so is not directly comparable to this proposal. While I have been provided with three other full decision letters, the full details, circumstances, and evidence before those Inspectors are not before me, so a fully reasoned and justified comparison is not possible.
18. Appeal Ref APP/P4065/W/19/3241791 was for the upgrade of a pre-existing mast, which was an accepted part of the street scene, and the wording of that decision suggests those surrounding vertical features were of a greater height than those surrounding this appeal site. Ref APP/G5180/W/19/3231491 was located close to an existing 10m high mast and that Inspector was satisfied that evidence in respect of alternative sites was sufficiently robust. In decision Ref APP/Z4310/W/21/3269643 the Inspector found the monopole would not be highly noticeable in the context of other similar structures. This is not the case for this appeal proposal in relation to the surrounding vertical structures. Therefore, none of the examples are directly comparable to this appeal proposal.
19. There would be tangible benefits arising from the development outlined above. However, the siting and appearance of the monopole would result in significant harm to the character and appearance of the area. While options for siting the development will be limited by technical and operational constraints, the evidence does not demonstrate that there are no alternative sites available which would be less obtrusive and harmful. Therefore, prior approval should be refused.
20. For the reasons given above, the appeal should not succeed.

Dan Szymanski

INSPECTOR



Appeal Decision

Site visit made on 19 January 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 FEBRUARY 2022

Appeal Ref: APP/J1915/W/21/3279322

11, 13, 15 London Road, Sawbridgeworth CM21 9EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Geoffrey Hewson of Swayprime Ltd against East Hertfordshire District Council.
 - The application Ref 3/21/0539/FUL, is dated 24 February 2021.
 - The development proposed is creation of a crossover to the newly levelled parking area and 2 off-street parking spaces for the 11, 13 and 15 London Rd properties.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs Hoskins against Elmbridge Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. There is dispute between the main parties as to whether the appeal site is within the Sawbridgeworth Conservation Area (CA). However, contrary to a previous appeal decision¹ the map provided clearly shows the appeal site outside the boundary of the CA and I shall consider the appeal on this basis.
4. It is not in dispute that the development has been carried out. For the avoidance of doubt, the fact that development has occurred has had no bearing on my decision.

Main Issues

5. The main issues are the effect of the proposed development on; the character and appearance of the area including with respect to the setting of the CA, and highway safety.

Reasons

Character and Appearance

6. The appeal site is opposite the properties on the corner of London Road and Springhall Road and close to properties on London Road beyond Maylins Drive which are within the CA. Therefore, there is a visual relationship between 11-

¹ APP/J1915/W/19/3243572

- 15 London Road and the CA. As such the appeal site forms part of the surroundings from which the heritage asset is experienced.
7. Sawbridgeworth Conservation Area appears to be characterised, as a whole, by the historic layout and buildings associated with Sawbridgeworth town centre. The part of the CA close to the appeal site includes traditional residential properties peripheral to the centre. Although their detailing varies, characteristics in common include planting to front gardens and front boundaries. This arrangement provides a soft landscaped separation between the buildings and the road and a shared front boundary appearance which appear to be part of the historic pattern of development in this area. These elements therefore make a positive contribution to the significance of the CA.
 8. Outside the CA this part of London Road, including the terrace that the appeal site is part of, shares the attractive characteristics of dwellings being mainly set back from the street with landscaped front gardens and boundaries which generally include some planting. Furthermore, the road has a noticeable incline and therefore changes in levels within and between plots are also an important part of this area. At 11-15 London Road properties are at a lower level than the road and this increases along the row, with 15 having the greatest difference. Some front gardens have been hard surfaced, although these are uncommon and do not form an overriding feature of the area.
 9. The car parking area results in a large area of hard surfacing spanning the frontage of three properties. This is a stark urban feature, harmful to the soft landscaped pattern of development to front gardens in a conspicuous location.
 10. The land has been raised up to road level. This increases the prominence of this incongruous feature, as well as creating stepped gardens which undermine the sunken appearance of these gardens and consequently detracts from the characteristic topography in this location.
 11. The inclusion of black painted metal railings as boundary treatment would be similar to that found nearby. However, the size of the planting area would limit the extent of the boundary landscaping that could be provided. Consequently, this would remain discordant with the boundary treatment in this area and would be unlikely to provide screening to the extent that the hardstanding would not be visible.
 12. The proposed development is seen in views towards and from within the CA. It is a visually jarring disruption to the prevalent front boundary and front garden treatment in this area within and outside the CA boundary, which contributes to the significance of the CA. This inappropriate feature is therefore harmful to the setting of the CA.
 13. The suggested change of material to permeable paving allowing wildflowers to grow through, would reduce issues with gravel spilling onto the road. However, taking into account the proposed use, it is unlikely that any planting would be sufficient to create a soft landscaped appearance. As such this does not overcome the harm identified above.
 14. Therefore, the proposed development would have a harmful effect on the character and appearance of the area including the setting of the CA. As such, in this respect, it would be contrary to policies HOU11, DES4 and HA4 of the East Herts District Plan 2018. Together these require all new development

including works within residential curtilages to be of a high standard of design, to respect the character of the surrounding area, including with particular regard to landscaping and to preserve or enhance the setting of the CA.

15. Policy DES2, in the main, refers to the character or distinctive features of the district's landscape. As such, the policies set out above are more relevant to this main issue.

Highway Safety

16. The proposed plan shows two car parking spaces with the remainder of the hard surface area available for manoeuvres. A condition could be attached which would require that this layout is maintained. On this basis I see no reason why cars could not safely enter and exit the site in a forward gear.
17. London Road is a busy main road and the formation of a new access in this location would be contrary to the advice in Policy 5F of the Local Transport Plan (May 2018) (LTP) which requires that special circumstances should be demonstrated for a new access in this location. There are a limited number of movements associated with vehicles entering and exiting two residential parking spaces in a forward gear. This is an important main road, however it has not been demonstrated that, in these circumstances, the development is harmful to highway safety.
18. Therefore, the proposed development would not have a harmful effect on highway safety. As such it would not be contrary to development plan Policies DES4, TRA2 and TRA3 of the East Herts District Plan 2018. Together these seek a high standard of design and safe car parking arrangements which are acceptable in highway safety terms.
19. Policy HOU11 mainly relates to the design and character of the dwelling and therefore the policies set out above are more relevant to this main issue.

Conclusion

20. Whilst I do not find harm with regard to highway safety, this is a neutral factor. This does not, therefore, overcome the public and permanent harm to the character and appearance of the area including the setting of the CA, identified above.
21. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR

Costs Decision

Site visit made on 19 January 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 FEBRUARY 2022

Costs application in relation to Appeal Ref: APP/J1915/W/21/3279322 11, 13, 15 London Road, Sawbridgeworth CM21 9EH

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Geoffrey Hewson of Swayprime Ltd for a full award of costs against East Hertfordshire District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for creation of a crossover to the newly levelled parking area and 2 off-street parking spaces for the 11, 13 and 15 London Rd properties.
-

Decision

1. The application for an award of costs is dismissed.

Reasons

2. An award of costs may be allowed where it is found that a party behaves unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The appellant's case is that the Council did not determine the planning application within the statutory time limit, and therefore the appellant has incurred wasted costs in submitting the appeal.
4. It can be seen in the Council's evidence that if they had determined the application, it would have been refused. Therefore, although it is unfortunate that the application was not determined within the statutory time limit, the appeal would have been necessary in any case. Furthermore, it can be seen in my main decision that I do not find that this is development that should clearly be permitted.
5. Consequently, for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated.
6. For this reason, neither a full nor partial award of costs is justified.

H Miles

INSPECTOR

Appeal Decision

Site visit made on 4 January 2022

by John Gunn Dip TP, Dip DBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2022

Appeal Ref: APP/J1915/D/21/3283160

19 Firs Walk, Tewin Wood, Tewin, Hertfordshire AL6 0NY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Valentin Mangu and Andreea Vrancea against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/1664/PNHH, dated 23 June 2021, was refused by notice dated 4 August 2021.
 - The development proposed is a single storey side (depth 8m, width 5.5m, height 3.8m and eaves 2.4m) and single storey rear extension (depth 7.9m, width 5.2m, height 3.4m and eaves height 2.4m).
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3 and Schedule 2, Part 1, Class A4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for a single storey side (depth 8m, width 5.5m, height 3.8m and eaves 2.4m) and single storey rear extension (depth 7.9m, width 5.2m, height 3.4m and eaves height 2.4m) at 19 Firs Walk, Tewin Wood, Tewin, Hertfordshire AL6 0NY in accordance with the details submitted pursuant to Article 3 and Schedule 2, Part 1 Paragraph A4 (2) of the GPDO.

Preliminary Matter

2. I have taken the description of development above from the Council's decision notice and the appeal form as it is more succinct than the description included in the planning application form.

Main Issues

3. The main issues are:
 - whether the development would be permitted development (PD) under Schedule 2, Part 1, Class A of the GPDO, and
 - if the proposal is PD under the provisions of the GPDO, whether prior approval should be granted.

Reasons

Permitted development

4. Clause (ja) of Class A, Part 1 of Schedule 2 of the GPDO states that development is not permitted if "any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j)". Sub-paragraph (j)(iii) confirms that where the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse, development is not permitted.
5. The proposed development would involve the erection of two distinct extensions. A gap of approximately 0.45 metre would exist between the flank wall of the proposed rear extension and the flank wall of the proposed side extension. A smaller gap of 0.34 metre would exist between the flank wall of the proposed rear extension and the flank wall of the existing kitchen. The roofs would project a short distance beyond the respective walls of the proposed extensions. Therefore, whilst the extensions would be close to each other, and to the earlier kitchen extension, they would not be physically linked.
6. I note the findings of the Inspector in appeal Ref APP/M4320/W/17/3178679, referred to in the Delegated Officer Report. In summary their reasoning was that as an approximate gap of 250mm was 'too narrow to be material', the scheme in that instance did not comply with the relevant limitations of the applicable GPDO provisions. I note that decision references other cases where reasoning was along a similar theme (albeit, it seems, with narrower 'gaps' between proposals, or elements thereof, of around 25mm to 50mm). It may be logical in certain circumstances to consider such matters, however there is no yardstick set in the GPDO, or elsewhere, as to the factors to consider in terms of compliance with GPDO limitations. The precise circumstances related to that case, obviously proposed different sized extensions in relation to a different sized original building.
7. Whilst, appreciating that consistency is important in appeal decisions, in my view the principal consideration is whether or not a scheme would comply with GPDO limitations in strict dimensional terms. Within that frame of reference, the scheme before me would be separated by a gap of between 0.34 to 0.45 metres, and both the side and rear extensions would individually comply with the respective limitations of permitted development rights in their own respects, as set out by the appellants. That latter point, significantly, is borne out by the subsequent approval of similar applications 3/21/2902/PNHH and 3/21/2467/PNHH, which separately confirm the compliance of the same sized side and rear extensions with GPDO requirements.
8. Moreover, I would note that 0.34 to 0.45 metres is a larger separation between elements of a scheme than that considered by the inspector in respect of the aforementioned appeal (and the Inspectors who dealt with schemes referred to in their decision). In my view visually the two elements of the scheme would also be read as distinct on account of the roof pitch proposed to each, in addition to the gap between them.
9. In light of the above I conclude that the proposed development would be 'permitted development' under Schedule 2, Part 1, Class A of the Town and

Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Prior approval

10. On the basis that the Council have carried out the correct consultation and no objections have been received, I need not consider the impact of the proposal on the amenity of adjoining occupiers.

Other matters

11. I have taken into consideration the two applications referred to by the appellants, relating to developments falling within Class A, that have been approved by the Council. However, every case has to be determined on its own merits and these do not alter the conclusions that I have reached above.

Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed, and prior approval granted.

John Gunn

INSPECTOR



Appeal Decision

Site visit made on 19 January 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 FEBRUARY 2022

Appeal Ref: APP/J1915/W/21/3277292

Hertford Golf Course, London Road, Hertford SG13 7NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Belview Golf Ltd against the decision of East Hertfordshire District Council.
 - The application Ref X/20/0221/CND, dated 2 June 2020, sought approval of details pursuant to conditions no 3, 4, 5, 6, 7, 10, 11, 12, 16, 17 and 18 of a planning permission Ref 3/17/1867/FUL, as granted on 14 May 2019 under appeal Ref APP/J1915/W/18/3212628.
 - The application was decided by notice dated 4 February 2021. Details of conditions 3, 4, 5, 6, 7, 12, 16 and 17 were approved. Details of conditions 10, 11 and 18 were refused.
 - The development proposed is: the change of use from agricultural land to golf course; erection of golf club house with bar, restaurant, changing and pro shop facilities; incorporation of a water harvesting scheme for sustainable irrigation and an improved drainage system through the importation of recovered soils; upgraded practice facility including covered practice bays; and enhanced landscaping
 - The details for which approval is sought are: a Surface Water Sustainable Drainage Scheme (SWSDS)
-

Decision

1. The appeal is dismissed, and the details are refused namely the SWSDS submitted in pursuance of condition 10 attached to planning permission Ref 3/17/1867/FUL, as granted on 14 May 2019 under appeal Ref APP/J1915/W/18/3212628.

Preliminary Matters

Background

2. Planning permission was granted at appeal for the use of the site as a golf course, subject to conditions, a number of which required information to be submitted to and approved by the Local Planning Authority (LPA). An application was submitted for approval of the details relating to eleven of these conditions. Eight of which were approved.
3. The three conditions which were not discharged related to the SWSDS, flood risk assessment (FRA) and surface water management strategy (SWMS). Condition 11 requires details to be submitted following the implementation of the SWSDS, as this has not occurred such details cannot be approved. Condition 18 is a restrictive condition requiring the permission to be carried out in accordance with the FRA and SWMS, and does not require details to be approved. Conditions 11 and 18 are therefore not part of this appeal.

4. Condition 10 requires the approval of a SWSDS. The full text of the condition and reason is set out in the schedule at the end of this decision.

Amended plans

5. Information including details of the western drainage layout, a catchment analysis, hydraulic model for the hydrological catchment and whole site, modelling for drainage design to accommodate a 1 in 100 year 40% event, changes and further details to manholes, and additional details of headwall, baffles, swale slopes amongst other things as well as updates to drawings following a site survey in March 2021, which were not before the Council at the time it made its decision, were submitted with the original appeal submission. Changes of location and specification for manholes and connected drainage and details of private drainage were submitted during the appeal process.
6. Also, during the course of the appeal a revised application was submitted to the LPA seeking to discharge condition 10 (LPA ref X/21/0353/CND). The appellant states that, taking into account the amended plans listed above, I have been provided with the details that accompanied this revised application. I acknowledge that this information is different to that considered under LPA reference X/20/0221/CND.
7. I have sought the main parties' comments on the information set out above. Due to the nature of this application, the LPA did not undertake public consultation.
8. In the circumstances of this appeal; there is a live planning application with the LPA seeking to discharge the same condition with comparable evidence that has been submitted to me, the main parties have been made aware of this information and have been given the opportunity to comment, and the additional information submitted at appeal provides further details but not significant changes to the overall scheme. For the reasons above, the parties would not be prejudiced if I were to consider these plans, and therefore the appeal is assessed on the basis of the amended plans.

Main Issue

9. The main issue is whether the proposed Surface Water Sustainable Drainage Scheme would secure the implementation of an acceptable drainage strategy and a surface water drainage system.

Reasons

10. I have been provided with the Lead Local Flood Authority's (LLFA) responses which identify that they are satisfied with the majority of the information submitted. I have no reason to come to a different conclusion to the Council and the appellant's professional advisors on the agreed matters. However, the provision of details of the reprofiling of the ordinary watercourse and the outfall arrangement have not been agreed. These details are provided with this appeal.
11. The LLFA have raised serious concerns with the proposed arrangement. The 90 degree angle to the outfall to the watercourse is unacceptable. Additionally, the haybales proposed as a temporary method to deal with silt and debris pose a risk of obstruction. Furthermore, the advice from the LLFA is that the details before me may not obtain land drainage consent.

12. These arrangements constitute part of how the SWSDS functions and therefore are an intrinsic part of it. I am not presented with an acceptable solution to this element of the strategy. This would mean that the SWSDS could not fully function as submitted thereby reducing the risk of flooding to an acceptable level.
13. The environmental permit is separate to planning legislation. Nevertheless, if this permit was not granted these aspects could not occur. Therefore, I am not satisfied that the SWSDS could be implemented as proposed and consequently the site and surroundings may be at risk from flooding.
14. Policy WAT5 of the East Herts District Plan October 2018 (DP) relates to Sustainable Drainage and sets out the requirements that SUDS should achieve. However, for the reasons above, if the SWSDS did not operate effectively as proposed and could not be implemented, these aims would not be realised. As such the proposed development would be contrary to this policy.
15. Therefore, the proposed SWSDS would not secure the implementation of an acceptable surface water drainage system or drainage strategy. As such it would be contrary to Policy WAT5 of the DP, the aims of which are set out above.

Conclusion

16. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR

Schedule – Condition 10

Condition 10 of the planning permission Ref 3/17/1867/FUL, granted on 14 May 2019 under appeal Ref APP/J1915/W/18/3212628 states:

No development shall commence at the site before a Surface Water Sustainable Drainage Scheme (SWSDS) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- detailed engineered drawings of the proposed sustainable drainage features including their size, volume, depth and any inlet/outlet features and all corresponding calculations/modelling for the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year + climate change rainfall events;
- a site plan with the final topographical levels of the site;
- details of any changes to the current surface water flow routes arising from the changes to the site levels and an assessment of their impacts on the ordinary watercourse which arise within and adjacent to the development site; and
- details of any exceedance flow paths for rainfall events in excess of the 1 in 100 year + climate change rainfall event that are beyond the design capacity of the system.

The development shall be carried out in accordance with the approved scheme prior to the first use of the site as a golf course.

The reason given for the condition is to secure the details and implementation of the drainage strategy and surface water drainage system

Appeal Decisions

Hearing Held on 19 October 2021 (and closed in writing on 31 January 2022)

Site visit made on 19 October 2021

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 28 April 2022

Appeal Ref: APP/J1915/C/20/3248171 ("Appeal A")

Land adjacent to Long Leys Barn, Fanshaws Lane, Brickendon, Hertford

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Billy Saunders against an enforcement notice issued by East Hertfordshire District Council.
- The enforcement notice was issued on 4 February 2020.
- The breach of planning control as alleged in the notice is without planning permission, (i) the material change of use of the land to a residential caravan site; and (ii) operational development on the Land comprising the creation of an area of hardstanding.
- The requirements of the notice are to:
 - (i) Cease the use of the land as a residential caravan site;
 - (ii) Remove the caravan from the land;
 - (iii) Excavate all the material used to create the hardstanding; and
 - (iv) Following compliance with [the above steps] remove from the land all the resultant debris and restore the land to its condition prior to the hardstanding being created.
- The period for compliance with the requirements is four months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.

Summary Decision: the appeal is dismissed and the enforcement notice is upheld with variations as set out below in the Formal Decision

Appeal Ref: APP/J1915/C/20/3248170 ("Appeal B")

Land adjacent to Long Leys Barn, Fanshaws Lane, Brickendon, Hertford

- 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 Billy Saunders, Emma Gaskin and Thomas Beany against the decision of East Hertfordshire District Council.
- The application Ref 3/19/2099/FUL, dated 15 October 2019, was refused by notice dated 10 December 2019.
- The development proposed is described as 'Site to contain one static caravan, with parking for two vehicles and associated infrastructure (retrospective)'.

Summary Decision: the appeal is dismissed.

Preliminary Matters

1. At the Hearing, none of the appellants appeared. Instead the agent was accompanied by Mr Flynn and Ms O'Leary who stated they were presently in occupation of the site and had been so since 2019.

2. I therefore directed, after hearing from the parties on a number of matters, that the Hearing was to be adjourned in order to allow an exchange of written representations in relation to certain aspects, principally concerning the gypsy or traveller status of the site's occupants, the security of tenure of their occupation, any personal circumstances prayed in aid of a grant of planning permission and any matters relevant to the Appeal A appeal on ground (g). The deadline by which the appellants were to submit any such information was set at 12 November 2021.
3. Additionally it transpired that the registered owner of the land was a limited company, albeit one understood to be connected to Mr Saunders who is one of the appellants. The company had not been served with a copy of either the notice or the planning application. Service of documents was therefore directed to take place.
4. I viewed the appeal site unaccompanied from public vantage points the day before the Hearing took place, and subsequently undertook an accompanied site visit before adjourning the Hearing on site.

Main Issues

5. The appeal site lies at the foot of Fanshaws Lane, a minor road leading from the village centre of Brickendon into open countryside and to the Grade II Listed Fanshaws and a smattering of residential properties. It falls within the Brickendon Conservation Area and within the Metropolitan Green Belt.
6. The main issues for consideration in the case were identified in my pre-hearing note. The common issues in the Appeal A ground (a) appeal and the Appeal B appeal are as follows:
 - Gypsy or Traveller status
 - Whether inappropriate development in the Green Belt ("GB"), to include consideration of the effects on openness and purposes of the GB
 - Any other asserted harm/policy conflicts
 - Character and appearance of the Brickendon Conservation area
 - Locational sustainability (HOU9 a)
 - Effect on highway safety and essential services (b)
 - Storage and utility services (c)
 - Size/location/scale (d)
 - Character of the area (g)
 - Whether harm to GB and any other harm is clearly outweighed by other considerations so as to amount to very special circumstances, such other considerations potentially including
 - Need for and supply of sites
 - Availability of alternative sites
 - Personal circumstances and human rights including best interests of children
7. Additionally an objection was raised by the parish council, adopted to some extent at the Hearing by the Council, that the development adversely affects the setting of Fanshaws. I am obliged by legislation to have special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest which it possesses. A further main issue

in the case is therefore concerned with the effects of the proposal on this listed building as well as on other designated or non-designated heritage assets.

8. A further issue in the Appeal A appeal, if permission is not granted, is whether the time stipulated for compliance with the notice's requirements falls short of what should reasonably be allowed. The appellant seeks at least three years.

Reasons

Gypsy or Traveller Status

9. National planning policy for traveller sites ('the PPTS') applies to gypsies and travellers as defined in Annex 1 of the PPTS, meaning persons of nomadic habit of life but also including certain persons who have ceased to travel temporarily on certain specified grounds. The occupants of the appeal site are presently Mr Flynn and Ms O'Leary together with two children. Mr Flynn works as a wagon builder and painter, sometimes working from a workshop in Wales and travelling to fairs. Ms O'Leary is a vocalist/singer, performing at various events across the UK and internationally. Although one of the children is enrolled in school, it is not said that travelling has temporarily ceased on the ground of educational need, but that the family will continue to travel for economic and cultural purposes as is their custom.
10. The Council express scepticism as to whether the occupants of the site are gypsies or travellers for PPTS purposes, pointing out that no financial information has been provided in support of the claim. The information given is somewhat scant, I but have no reason not to believe that Mr Flynn has attended the various fairs in pursuit of his livelihood. Thus I accept that the family are gypsies and travellers for the purposes of the PPTS.

Green Belt

11. The development as a whole on the appeal site results from engineering operations, to form a hardstanding area, and a material change of use from agriculture to residential, facilitated by the stationing of a mobile home. Such developments are not new buildings, as considered by paragraph 149 of the National Planning Policy Framework ("the Framework") but instead fall for consideration under paragraph 150 of the Framework. Application of the Framework policy relating to the Green Belt is incorporated into the East Herts District Plan 2018 ('the Local Plan') by policy GBR1. The appropriateness of developments falling within paragraph 150 depends on preserving the openness of the Green Belt and the absence of conflict with the purposes of including land within it.
12. The appellants' representative at the Hearing asserted that this is a small development and barely visible, and that caravans in the countryside are to be expected, where they are often associated with agricultural or recreational uses. Here however the occupation of the caravan is not in association with any use requiring a countryside location. It is straightforwardly a residential use, and has entailed laying hardcore on what was previously a field. It may be a small development in its own right, but that is not the relevant test for ascertaining whether it is inappropriate in the Green Belt.
13. The caravan may not be particularly prominent, and I accept that seeing caravans in a rural landscape is not unusual. However, whilst in visual terms the harm to the openness of the GB may not be significant, the presence of the

static caravan, with two parked vehicles and associated hardstanding and residential paraphernalia, on land previously devoid of such items has inevitably adversely impacted on the spatial aspect of the openness of the GB. As a result, the countryside has not been safeguarded from encroachment. Consequently I consider that the development does not preserve the openness of the Green Belt and is inconsistent with the purpose of safeguarding the countryside from encroachment, and is therefore inappropriate development in the GB. Moreover the PPTS sets out (at paragraph 16) that traveller sites in the GB are inappropriate development. The Framework requires that substantial weight is given to any harm to the GB.

Designated Heritage Assets

14. Legislation (the Planning (Listed Buildings and Conservation Areas) Act 1990) requires me to have particular regard to the desirability of preserving the setting of a listed building when considering a planning application that affects that setting. (There are other duties relevant to listed buildings, but it is not suggested that any arise here.) The same Act also directs me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in which the site lies. The Framework tells me to weigh any public benefits of a development proposal against any harm to the significance of a designated heritage asset (where that harm is judged to be less than substantial).
15. Any benefits, public or otherwise, of the development will be considered below, but great weight should be given to any harm to significance, and any harm requires clear and convincing justification. The effect of development on the significance of non-designated assets should also be taken into account. Policies HA1, HA2 and HA7 of the Local Plan are consistent with the requirements of the Framework.
16. The context here is that the site lies immediately to the south of Fanshaws Lane, which at that point is a private road leading north then west away from the village through pasture land to the Grade II listed Jacobean-style mansion house known as Fanshaws. The conservation area appraisal and management plan document of 2014 ('the CA appraisal') records that the house (now an institutional commercial HQ) was listed in 1988. It lies beyond thick woodland and cannot be seen from the lane at the point where access to the appeal site is taken. It is surrounded by a number of buildings and a fine garden wall, although I understand that these do not form part of the statutory list, the land ownership having been severed by the time of the listing.
17. The Conservation Area extends from the village centre to the west side, and then south side (following a roughly 90° bend), of Fanshaws Lane to surround Fanshaws, woodland to its west, and a substantial area of pasture land rising back to the village to the south-east of the house. The appeal site is viewed in the context of this pasture land and from the historic, largely tree-lined, approach to the house. A small watercourse adjoins the appeal site and is crossed by Fanshaws Lane, with a tree belt leading away to the north alongside the watercourse to the west, and with an agricultural field to the east of the watercourse. On the south side of Fanshaws Lane, and to the east of the watercourse and north-east of a pond identified in the CA appraisal plan to be protected, lies the appeal site.

18. The development is visible on the approach to Fanshaws, very clearly so at close quarters, and lies rather incongruously to the east of the watercourse and away from the cluster of properties and the historic wall. Whilst not sited within the pasture of the 'important open spaces to be protected' identified in the CA appraisal plan, it nonetheless appears to me obviously to fall within the historic estate park land associated with the mansion.
19. Given its location in the field, to the far side of the watercourse and away from the cluster of properties to the west, the obviously residential caravan is out of keeping with the rural parkland setting of Fanshaws. That parkland setting makes an important contribution to the significance of Fanshaws, and to the Conservation Area. The visual intrusion caused by the caravan into that setting causes harm to the significance of these designated heritage assets. I do not consider that a landscaping condition requiring screening could overcome this harm, because that in itself would disturb the openness of the agricultural land east of the watercourse which is its defining characteristic.
20. Therefore I concur with the Council and the parish council that the development adversely affects the setting of Fanshaws and fails to conserve or enhance the Brickendon Conservation Area. I attribute great weight to these harms. I do not attach additional weight to the harm to the nearby non-designated heritage assets. This is because they fall within the setting of Fanshaws and indeed lie within the Conservation Area, and I do not find them to be harmed by the development in their own right but only as part of that overall context.
21. In terms of the public benefits that ought to be weighed against the identified harm to the designated heritage assets, no heritage benefits are identified. The Planning Practice Guidance sets out however that public benefits are not limited to such concerns, and they can be anything that delivers the economic social or environmental objectives as described in the Framework. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. I consider the benefits of the development below, but note at this stage that none of those considerations appear to me to amount to 'public' benefits capable of outweighing the harm to the interests of designated heritage assets when drawing the balance on this issue.

Policies HOU9 (and/or HOU10)

22. The appeal site is not allocated for development for the purpose of Part 1 of HOU9. Both HOU9 and HOU10 provide criteria to be applied to applications for traveller sites, the criteria being identical but the essential difference being whether the application is for persons of nomadic habit meeting the PPTS definition. As I consider that the occupants of the site do meet the PPTS definition, it is Local Plan policy HOU9 that applies.

(a): sustainability

23. The first criterion requires a site to be in a sustainable location in terms of accessibility to existing local services. The Council also cites policies TRA1 and DPS2. The former relates to sustainable transport and the latter to the general development strategy. Developments should be located in places which enable sustainable journeys to be made to key services and facilities.

24. The site is located within easy walking distance of the centre of Brickendon. Fanshaws Lane is unlit for the most part, but lightly trafficked. Brickendon itself is a 'Group 2' village lacking in many amenities including shops. Limited services are available in nearby villages but realistically trips to Hertford, some three miles away, will be required for access to main shops and services. The primary school in which the child of the family is presently enrolled is however in Bayford, some 1500m away. An intermittent bus service is available, and it was said at the Hearing that a school bus service is also provided to the village. A railway station lies less than a mile away from the site. The occupants of the site said at the Hearing that the car is taken out two or three times each day and that public transport is not in fact used.
25. The PPTS exhorts local planning authorities to very strictly limit new traveller sites in open countryside that is away from existing settlements. The appeal site is in my view sufficiently well-connected to Brickendon so as not to be 'away from' it for PPTS purposes. With such limited services and alternative means of travel available in Brickendon, the occupants of the appeal site would be likely to continue to rely on the private car, but overall I do not consider that the site is so unsustainable that it conflicts with criterion (a) of policy HOU9. This is because any gypsy or traveller site is unlikely to become available on land that is highly sustainably located within or on the edge of settlements providing services and facilities, and the trips involved here are relatively short.

(b) and (c): highway safety and essential services; storage and utility services

26. Criterion (b) of policy HOU9 requires the site to be suitable in terms of vehicular access to the highway, parking, turning, road safety and servicing arrangements and has access to essential services such as water supply, sewerage, drainage and waste disposal.
27. No objection is raised to the development by the local highway authority, and I perceive no conflict with those aspects of the policy.
28. Criterion (c) requires proposals to make adequate provision for storage, play, residential amenity and utility services.
29. The Council indicated that such remaining matters in the criteria could be overcome by the imposition of planning conditions, but at the Hearing and subsequently both the Council and the parish council have expressed concerns as to the security of the arrangements by which the mobile home has access to essential services. It was recorded that at one stage a generator was used to provide electricity, resulting in noise audible away from the site.
30. I have been supplied with a copy of what is described as an Assured Shorthold Tenancy agreement ('the Tenancy') between the present occupants and the owner of the site (BJS Sports, being the company associated with one of the appellants). The tenancy is dated and apparently signed on 10 December 2019, although with extraordinary prescience it provides for possession to be taken on 24 November 2021. I am informed by the appellants that when the site was purchased, it was purchased with an agreement that services would be provided. It appears that from the Land Registry title that a sale of part took place at some point, and the site appears to rely on the owners of the adjoining retained part for the provision of utility services. There is no express clause in the Tenancy that assures the tenants of such service provision and I have seen

no contractual arrangements with any third party about these, although some rights and easements enjoyed by the freeholder are found in the Land Registry entries.

31. Nonetheless, as the appellant points out, the mobile home was connected to all services at the time of the appeal site visit, and there was no suggestion that the generator remained in use. There is some uncertainty as to the security of supply but overall I agree with the position expressed by the Council's letter of 6 October 2021 that such matters could be secured by way of a planning condition if permission were to be granted.
32. The Council raises the concern that in order for the site to be adequately serviced with storage facilities this could, together with other domestic paraphernalia, introduce additional visual impacts resulting from the development, and I consider these below under criterion (g).

(d): Size, location and scale

33. The 'red line' of the Appeal B site is considerably smaller than the area covered by the enforcement notice to which the deemed planning application in Appeal A relates. The siting of the mobile home could however be controlled by a planning condition. Taking the site to mean the Appeal B area, the proposal is well related to the size of the site, with the mobile home standing in a modest fenced garden area with sufficient space for parking cars and for the family to relax outdoors.
34. It does not however relate well to the location of the site, principally for the reasons I have already given in relation to its impact on the Conservation Area and local heritage assets, and for the reasons considered below in relation to criterion (g) of the policy. I have not found it to be locationally unsustainable in relation to criterion (a) and it is not disproportionate in scale to the nearest settled community, but for reasons relating to the sensitivity of its surrounding landscape and historic assets it is not in appropriate location and thus there is conflict with this policy criterion.

(g): Character of the area

35. This criterion seeks to avoid undue harm to the visual amenity and character of the area, and assimilation into the surrounding landscape without significant adverse effect. In support of its case the Council also refers to policies DES2, DES3, DES4 and HA4, relating to design and landscape and to conservation areas, as well as to aspects of the CA Appraisal document.
36. For the reasons I have set out above in relation to the impact of the development on the heritage assets including the Conservation Area, I do not consider that the development can be successfully assimilated into the surrounding landscape. It was suggested at the Hearing by the appellants that the development is discreet and not really visible unless one is looking for it. I cannot agree with that assessment. The development is plainly visible in what is otherwise open pasture land, where the CA Appraisal document indicates that views from Fanshaws Lane are worthy of protection. Any additional storage facilities or other domestic paraphernalia would only augment what is already an unacceptable impact on the landscape resulting from the inappropriate land use. I have also set out above why I do not think that a screening condition could overcome the harm.

37. Therefore I find conflict with this policy criterion as well as with the design and landscape policies cited by the Council.

Conclusions in relation to policy HOU9

38. I therefore conclude in relation to policy HOU9 that not all of the policy criteria are met, with the significant exceptions of those aspects relating to the location of the site resulting from its conflict with the heritage assets and landscape. Thus there is overall conflict with the policy.

Other matters

39. I am also obliged to consider whether 'intentional unauthorised development' has occurred and if so what weight to give it. The parish council point out that the land was sold at a time when planning permission had been refused for the retention of the mobile home at the site and in full knowledge of that refusal. Nonetheless I am mindful that neither the appellants nor the present occupants of the site placed the mobile home on the land, and the present occupants were not the first to occupy it. Thus this consideration attracts very limited weight against the development.

Other considerations

40. I turn then to whether other considerations raised in support of the development would clearly outweigh the harm to the Green Belt and other harm identified.

Need for and supply of sites

41. Provision is made for specific sites allocated by the first part of policy HOU9 resulting from a needs assessment published in 2014 and updated in 2016, and found to have been robustly assessed by the Local Plan Inspector in 2018. Since then, an appeal has been allowed in 2019 at Wheelwrights Farm¹ with the Inspector there finding that it was reasonable to conclude that the Council had underestimated the need for pitches arising over the next five years.
42. I do not have the specific numbers before me that were available to the Wheelwrights Farm Inspector, but the Council explains that an anomaly to the 2016 needs update report was identified in 2019, in respect of four unauthorised pitches which had not been correctly assigned at a site known as Esbies. Work to further update the 2016 update report was reported by the Council to have been stymied by recent public health restrictions, although is said to be under commission. Based on the 2016 needs update, the Council refers to a total of 22 pitches having been either permitted or allocated between 2017/18 and 2025/26 against a (revised) position of identified need for nine pitches across the same time span. It was however acknowledged that a large number of these permitted pitches reflected needs not accounted for by the 2016 update report (including Little Hadham² having permitted 10 pitches on appeal in 2020.)
43. The needs assessment met with a great deal of criticism from the appellants, describing it as 'guess work'. The agent described two unmet need pitches in the district of which he was personally aware. It was suggested that the needs and provision should be assessed on a county-wide basis, with other districts in

¹ APP/J1915/C/17/3174667 et al

² APP/J1915/W/19/3234671

the county admitting to a large unmet need and officials at the County Council having said that there are 121 families on their waiting list.

44. Nonetheless the approach of the Council, accepted as robust by the Local Plan Inspector, has been to assess need and allocate traveller site provision on a district-wide basis. In the absence of an up to date assessment it is difficult to assess the extent of unmet need, if any, in the area.
45. Although on the appellants' case there are considerable unmet needs across the County, I am not persuaded that there is a significant unmet need in the East Hertfordshire district at present, or that the Council has not made adequate provision for a 5 year supply of deliverable sites. Nonetheless I am mindful that any unmet need figures are to be treated as minima, not maxima, and the contribution of this site to meeting the accommodation needs of gypsies and travellers is a matter to which I attach considerable weight.

Availability of alternative sites

46. No party to the appeal has identified any presently-available alternative site to which the present occupants of the site might relocate, and no details of any search for alternative accommodation by the present occupants has been provided. It appears that the original appellants have lived elsewhere since at some point since the application was made. Permission has previously been granted to one of the appellants (Mr Saunders) elsewhere but that site has been vacated.
47. The Council explained at the Hearing that approximately a third of the district's area lies within the Green Belt. A number of sites have come forward satisfying the criteria-based policy of HOU9. Five sites, together providing 19 pitches, have been delivered in the period 2017/18 to 2020/21, of which one was an allocated site and another (Wheelwrights Farm) was found to be in conflict with provisions of the development plan but allowed for reasons relating to unmet need and the personal circumstances of the appellant and his family. The remaining three sites (16 pitches) were found, on appeal or otherwise, to meet the policy criteria of HOU9.
48. I accept what the appellants have to say about the difficulties in securing land for gypsy and traveller site development at an affordable price. However it is clear that sites have been coming forward in satisfaction of the relevant policy criteria and I have no grounds to conclude that this could not continue, or that there is any overall policy failure in the district. I therefore give the lack of an identified suitable and available alternative site little weight in favour of the appeals.

Personal circumstances including human rights and best interests of children

49. The medical condition of one of the adult occupants of the site was described to me at the Hearing and in subsequent correspondence. No medical records have been provided, but I have no reason to doubt the account given. Whilst no particular advantage of living specifically on the appeal site has been advanced, I accept generally that a settled base would be conducive to the health and well-being of all the site's occupants and I give this moderate weight.
50. Additionally, one of the two children on the site has been enrolled in school since January 2020. Correspondence from the Head Teacher indicates that the child has settled in well and is doing well both academically and socially. Based

on the age of the child I would expect her to have recently entered junior school. A stable and settled education is undoubtedly in the child's best interests and, whilst the possibility of finding an alternative site that would allow the child to remain at the school cannot be excluded, equally I have no information upon which to conclude that dismissing the appeal would not result in some educational and social disruption to this child. I am given no information as to the other child living at the site but accept that a settled home is likely to be in her best interests too.

51. The best interests of children are a primary consideration, and no other factor in the appeal is inherently more important. These interests attract significant weight, and in particular the educational continuity for the younger child that would be likely to result if the appeals are allowed.
52. My attention is also drawn to human rights considerations arising from the European Convention requiring the protection of property (A1P1) and respect for the home and private life (article 8). To dismiss the appeals would be to interfere with these qualified rights. This is justifiable where there is a clear legal basis for the interference, which in this case would relate to the regulation of land use in the exercise of development control measures, and the interference is necessary in a democratic society. I consider below whether this is the case. It is also necessary not to deny the right to education (A2P1). I am also mindful of my duties to facilitate the way of life of gypsies and travellers, and to eliminate discrimination, promote equality of opportunity and foster good relations where relevant protected characteristics arising under the Equality Act 2010 are concerned. I am mindful of all these matters in reaching my conclusions.

Other Green Belt decisions

53. Reference is made to nearby planning permissions including one for an extension to a nearby house, and it is suggested that the Council's approach to the loss of openness is inconsistent. I do not have the details of any other applications before me, or the particular aspects of Green Belt policy which may have been applicable to them. I therefore attach other decisions made by the Council only limited weight.

Conclusions on the ground (a) and planning appeals

54. Drawing all these points together, I give significant weight to the interests of the children in acquiring a settled home on the site from which the younger child can attend school locally. I also attribute moderate weight to the advantages to the health and well-being of all the site's occupants of securing permanent living arrangements, and in particular to the identified medical condition of one of the adults. The contribution of the site to meeting the accommodation needs of gypsies and travellers in the area attracts considerable weight, and I also attach some limited weight to the lack of any identified suitable and available alternative. Additionally, if the appeals were to be allowed then any interference with the established home and family life of the site's occupants would be avoided. An authorised settled home would potentially assist the family's integration into the local community and foster good relations.
55. The question then arises whether these factors in favour of allowing the appeals are considerations of such sufficient weight as to clearly outweigh the

harm to the Green Belt and other harm arising from the development, such that the necessary very special circumstances exist to justify allowing the appeals. I have concluded that they do not.

56. Turning first to the requirement to weigh the public benefits of the development against the harm to designated heritage assets, although each of the factors in favour of the development involves some consideration of the public interest, as does any matter relevant to a planning determination, they do not amount to 'public benefits' for the purposes of the Framework. No heritage benefits arise. The benefits of any planning permission granted would essentially be limited to the family living on the site and would not be of the nature or of a scale to be of benefit to the public at large, and it was not contended otherwise at the Hearing.
57. Here, I have found the development to be inappropriate in the Green Belt because it does not preserve openness and is inconsistent with the Green Belt purpose of safeguarding the countryside from encroachment. I give substantial weight to this harm. Harm arises not only to the Green Belt but in a number of other ways. I have found no clear or convincing justification for the harm caused to the significance of the designated heritage assets, and I am enjoined by the Framework to attach great weight to those harms which are not outweighed by public benefits. I have also concluded that there is conflict with the development plan in other respects, principally arising from the adverse impact on the landscape, and that, although there is compliance with a number of aspects of policy HOU9, the policy criteria are as a whole not met.
58. On balance, and conscious of the disruption to the family's living arrangements that my decision is likely to cause, I conclude that there are no material considerations of sufficient weight to overcome the conflict with the development plan or as to amount to very special circumstances justifying the grant of permission. Although I attribute significant weight to the interests of the children, together with additional moderate weight to the advantages to health and well-being, considerable weight to meeting accommodation needs and some limited weight to the lack of identified alternatives, these matters are insufficient to clearly outweigh the harm to the Green Belt and other harm identified. I find that the inevitable interference with the family's qualified rights to private life and their home is a justified and proportionate response that is necessary to give credence to the very restrictive planning policies that apply to the appeal site. Accordingly, very special circumstances to justify a grant of planning permission do not exist.
59. I am asked by the appellants to consider granting a temporary permission if a permanent permission is not forthcoming. Allowing a temporary permission would avoid (or at least postpone) the identified interference with the family's human rights. It would also potentially temporally limit the harm caused by the development. However, although I have attributed considerable weight to the contribution of the site to the accommodation needs of gypsies and travellers, I have not found there to be any significant shortfall in supply and I have attached only limited weight to the absence of identified alternatives, in the light of the Council's record of policy-compliant sites coming forward. Although the impending needs assessment update may result in the identification of a greater level of need in the area, potentially requiring additional allocations, it would not appear likely to alter the ability of sites to come forward that are consistent with the policy criteria of HOU9. Given the very substantial policy

objections to the development that exist at this site, without realistic prospect of future change, I do not consider this a suitable case for allowing a temporary permission. It is still necessary to attribute substantial weight to any Green Belt harm, even if temporally limited, and I do not consider that this and the other identified harm is clearly outweighed by the remaining factors in favour of the development, and consider that the interference with the family's human rights would still be a justified and proportionate response. Very special circumstances justifying a temporary grant of planning permission do not exist.

The appeal on ground (g)

60. Therefore I turn to whether the period specified in the enforcement notice for compliance falls short of what should reasonably be allowed. The appellants' written case on ground (g) of March 2020 apparently relates to the former occupants of the site, with no additional matters raised in more recent correspondence (or at the Hearing) in relation to the present occupants. However the case made there could apply equally to the present occupants of the site: the primary matter relied on relates to the enrolment of the child in school and the possibility of her ending up homeless and without a school to go to. A further matter raised is the ability of contractors to complete the necessary works within the four months stipulated by the Council.
61. Whilst the physical works of removing the mobile home and restoring the site should be readily manageable within the four months given, I accept that such a period would be likely to lead to disruption to the child's education. This is a right it is necessary not to deny, and one I consider essential to her best interests. Although on the information before me it does not seem unlikely that an alternative site could be found, this is likely to take some time. If a relocation leads to the child having to change schools then it is desirable that this should take place between academic years. Given the date of my decision, there appears to me a real risk that any such arrangements might not be capable of completion before the start of the next academic year in September. I shall therefore extend the period to 16 months to allow for the completion of the next academic year.

Conclusions and Formal Decisions

62. For the reasons given above I conclude that the appeals should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the deemed application under Appeal A and shall dismiss the appeal under Appeal B.

Appeal A

63. It is directed that the enforcement notice be varied by deleting "Four" from paragraph 6 of the notice and replacing it with "Sixteen". Subject to that variation the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B

64. The appeal is dismissed.

Laura Renaudon
INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Patrick Flynn	Site Resident
Selina O’Leary	Site Resident
Joseph Jones	Agent

FOR THE COUNCIL:

Eilis Edmonds	Principal Planning Officer (Development Management)
Kay Mead	Principal Planning Officer (Policy)
Suzanne Armstrong	Planning Enforcement Officer
Victoria Wilders	Legal Services Manager
Annabel Graham Paul	of Counsel

FOR THE PARISH COUNCIL:

Tony Roberts	Chair, Brickendon Liberty Parish Council
Edward Long	Solicitor, of Birketts LLP



Appeal Decision

Site visit made on 17 February 2022

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 March 2022

Appeal Ref: APP/J1915/W/21/3273228

Land rear of 3 – 5 Beech Close, Ware SG12 9NQ

Grid Ref Easting: 535529, Grid Ref Northing: 213491

- 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 Messrs. Wilson, Endersby, and McFiggans against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0963/FUL, dated 21 May 2020, was refused by notice dated 11 November 2020.
 - The development proposed is 'Change of use of land from sports/recreational use to residential garden'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: i) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies, including the effect on the openness of the Green Belt; ii) the effect of the proposal on the character and appearance of the area; and iii) if the proposal would constitute 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 allow the appeal.

Reasons

Whether Inappropriate and Openness

3. Policy GBR1 of the East Herts District Plan (2018) (DP) requires proposals within the Green Belt to be considered in line with the Framework, amongst other things. Paragraph 147 of the National Planning Policy Framework (2021) (the Framework) explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
4. The appeal site is an area of land which currently forms part of the training grounds of Hertford Rugby Club, within the Metropolitan Green Belt. It is proposed to extend the private rear gardens of three properties into the rugby club's grounds, thereby changing the use of a slim portion of that land. Paragraph 150 of the Framework confirms that material changes in the use of land are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

5. Paragraph 137 of the Framework states: 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'. Paragraph 138 identifies five purposes Green Belts serve, including, amongst other things, to assist in safeguarding the countryside from encroachment. Openness is therefore an essential characteristic of the Green Belt, which has spatial and visual aspects.
6. The grounds of the rugby club are a wide open space of playing pitches and hard surfaced parking areas, bounded to the north and east by the rear boundaries of residential properties. A golf course and fields lie to the south and west. The appeal site therefore forms part of the boundary between the countryside and the built development of Ware.
7. A hard surfaced track runs around the eastern edge of the rugby club grounds, leaving a small, raised bank alongside the boundaries of the rear gardens of 3 – 5 Beech Close. The appeal site has been described as an unused parcel of land with a sense of containment from the track, but I saw it to form part of the same open space as the wider rugby club grounds, albeit unused for the playing of sport due to its position between the track and boundary. The proposal would include the erection of close boarded fencing to enclose the appeal site, which would be lined with native species hedging along the western elevation.
8. The proposal would therefore introduce solid boundary fencing to an area of open land forming part of the Green Belt. As the proposal would result in that area of open land becoming part of what are currently domestic gardens, it would be unreasonable to seek to prohibit the erection of ancillary buildings, any means of enclosure or other development within that space by conditions. Even in the absence of any further development within the appeal site, it would be fully enclosed by the proposed solid boundary fencing. The proposal would therefore materially reduce the openness of the Green Belt visually and spatially by enclosing the currently open area of land and introducing three parcels of private residential garden use.
9. The reduction to the openness of the Green Belt would be very small and the level of harm to the openness of the Green Belt would therefore be low. However, the proposal would also represent the encroachment of the residential area of Ware into the countryside. The level of encroachment would also be very small, but this would conflict with one of the purposes of including land within the Green Belt. The proposal would therefore constitute inappropriate development and harm the openness of the Green Belt, contrary to Policy GBR1 and the Framework. Paragraph 148 of the Framework advises that substantial weight should be given to any harm to the Green Belt.

Character and Appearance

10. The proposed development would result in a very small loss of open countryside. The extended boundary fencing of 3 – 5 Beech Close would be seen from within the rugby club's grounds and in the context of existing residential boundary fencing abutting those grounds its impact on the character and appearance of the wider countryside would be minimal.
11. The location of the appeal site, directly at the end of modestly sized existing private gardens, would relate well to the existing garden space at 3 – 5 Beech

Close and neighbouring properties. The proposed mixed species hedging along the western elevation would soften the appearance of the proposed boundary fencing, which would be an improvement in comparison to the appearance of the existing exposed close boarded fencing.

12. The proposed development would not therefore materially harm the character or appearance of the area and would accord with Policies DES4 and HOU12 of the DP. These require development, including proposed changes of use of land to residential garden, to respect the character and appearance of the surrounding area and landscape, to be well related to other residential land, and to include the provision of appropriate landscaping and boundary treatment.

Other Considerations

13. Paragraph 148 of the Framework explains that very special circumstances 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.
14. I have seen copies of undated letters from The Richard Hale Association, the trustees of which own the appeal site. Those letters explain that the proposal would create funds to be reinvested in facilities for the playing of community sport by the rugby club, through the sale of the appeal site. The letters explain that the land is not, and will not, reasonably be used for recreational purposes or maintained by the rugby club, and that the club is largely operated by volunteers and provides benefits for the wider community by offering opportunities for school children to take part in rugby, amongst other things. I have also been referred to the strain that the Covid-19 pandemic has placed on the funding of the club.
15. I do not doubt the significant benefits offered by the rugby club to the local community or the demand for rugby facilities outlined in the Council's Open Space, Sport and Recreation Supplementary Planning Document (2020) (SPD) and Playing Pitch Strategy (2017) (PPS). However, I have not been provided with any information which suggests the future operation or community benefits of the rugby club would be reliant on the funds from the sale of the appeal site. I appreciate that further benefits could be provided by the rugby club to the local community if it were to receive those funds, but that would always be the case and would suggest further sales of land, possibly to the many owners of other neighbouring residential properties, may also be necessary.
16. I have not been provided with full copies of the SPD and PPS, but from the extracts provided it is clear that there is demand for new rugby pitch provision, community access to education pitches and enhancements to current pitches across the district. The excerpts provided suggest the Council's strategy to address these demands relies on financial contributions from new housing developments and there may be a site specific action plan, which I have not been provided with a copy of. I have also not been provided with a breakdown of the total funds the proposal would secure for the rugby club and what proportion of facilities and equipment that level of funding would secure over any specific period for me to fully assess the magnitude of such benefits.

17. Notwithstanding the above, I attach significant weight to the financial benefits to the rugby club and local community which would likely result from the proposal. However, even that significant weight would not be sufficient to constitute the very special circumstances necessary to clearly outweigh the substantial weight which the Framework advises should be assigned to any harm to the Green Belt.

Conclusion

18. The proposed development would not harm the character or appearance of the area, but it would constitute inappropriate development in the Green Belt and it would harm the openness of the Green Belt. For the reasons set out above, the harm identified would not be outweighed by any other considerations and the very special circumstances required to justify the proposal have not been demonstrated. The proposed development would therefore be contrary to the development plan and the Framework, and the appeal is dismissed.

L Douglas

INSPECTOR

Appeal Decision

Site visit made on 7 February 2022

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2022

Appeal Ref: APP/J1915/W/21/3273513

Woodside, Broxbourne Common, BROXBOURNE, EN10 7QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Susan Tepper against the decision of East Herts Council.
 - The application Ref 3/20/1529/FUL, dated 11 August 2020, was refused by notice dated 4 November 2020.
 - The development proposed is the conversion of annexe to separate dwelling house.
-

Decision

1. The appeal is allowed and planning permission is granted for the conversion of annexe to separate dwelling house at Woodside, BROXBOURNE, EN10 7QT in accordance with the terms of the application, Ref 3/20/1529/FUL, dated 11 August 2020, and the plans submitted with it, subject to the conditions at the end of this decision.

Main Issue

2. The Council has concluded that the development is not inappropriate development in the Green Belt, and I have no reason to disagree. The main issue therefore is whether, having regard to local and national planning policy, because of its location in the countryside, the proposal would be a sustainable form of development.

Reasons

3. Policy DPS2 of the East Herts District Plan 2018 (DP) sets out the strategy for sustainable development in the district, concentrating development in urban areas, on sustainable brownfield sites, and in villages. DP policy TRA1 promotes sustainable transport and indicates that development should primarily be located in places which enable sustainable journeys to be made to key services and facilities, to help reduce carbon emissions.
4. While the annexe stands outside any settlement boundary, it is part of a hamlet. It is not isolated in the terms of the Framework¹. Nonetheless, it is more than a convenient walking distance from the nearest local services and facilities. While surrounding villages are within cycling distance, the lack of street-lighting and the distances to them would deter the elderly, infirm, and those with young children from cycling or walking to them. Moreover, there are no bus services which pass within walking distance of the site. In these circumstances, it is likely that future occupiers would rely on the private car as the means of transport to reach services and facilities, for most journeys.

¹ National Planning Policy Framework, paragraph 80

5. Notwithstanding this, the Council has acknowledged that the building had been converted to ancillary living accommodation and has granted a Certificate of Lawful Use for the ancillary use of a garage/outbuilding as an annexe. Its present use therefore has the potential for its occupiers to generate trips to reach services and facilities by car.
6. The proposal would not change the amount of accommodation. More significantly, there is no substantive evidence that the change of use of the building to a separate dwelling would result in a greater number of trips than may be generated today under its use as ancillary accommodation.
7. I acknowledge that the appeal site lies outside any settlement boundary which suggests that future occupiers would be likely to rely on their own private transport to access services and facilities. However, because of their proximity, they would, at least, be relatively short trips. More significantly, in these particular circumstances, and despite its location in the countryside, because the building already has a residential use, albeit ancillary, I am unable to conclude other than that the proposed change of use to a separate dwelling would be a sustainable form of development.
8. There would be no conflict with DP policies DPS2 and TRA1, nor with the sustainable transport objectives of the Framework which recognises in paragraph 105 that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas, which should be taken into account in decision-making.

Other Matters

9. The new boundary walls and the boarded fences and ledged and braced gates would not look out of place in this rural setting in either their form, height or their siting. These alterations would preserve the significance of the listed building and its setting, to the desirability of the preservation of which section 66(1) of the Act requires me to have special regard, and for which the Council has granted listed building consent² with a condition for materials samples.
10. Similarly, I find no harm to the significance of the grade II listed building, which is described as a house, now 2 houses, or to its setting, from the change of use of the annexe from ancillary residential to separate residential, especially here where the two buildings already appear so clearly physically separated.

Conditions and Conclusion

11. In addition to the statutory time condition [1], a condition for the approved plans [2] is necessary for certainty. The Council suggested that a condition to restrict permitted development be applied. While the Framework indicates that planning conditions should not be used to restrict national permitted development rights, because of the site's location in the Green Belt, and the proximity of the annexe to the listed building, a condition to remove permitted development rights from the new dwelling for enlargements and freestanding buildings, as well as gates, fences, and walls is necessary to preserve openness and the significance of the listed building and its setting. Condition [3] would not prevent such development, but would bring it under planning control. For the reasons above, and taking account of all matters raised, I conclude that the appeal should be allowed.

Patrick Whelan
INSPECTOR

² LPA Ref 3/20/1530/LBC

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:
 - 92/LP01B LOCATION PLAN
 - 92/01 MEASURED SURVEY of Annex to Woodside Cottage
 - 92/02 NEW Boundary Wall Proposed plan
 - 92/03 NEW Boundary Wall Proposed Elevation
 - 92/SP01C EXISTING SITE PLAN of Woodside and Annexe
 - 92/SP02C "WOODSIDE" PROPOSED SITE PLAN of the house at Woodside
 - 92/SP03C "WOODSIDE VIEW" PROPOSED SITE PLAN of the annexe at Woodside
- 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 extensions or enlargements as provided for within Schedule 2, Part 1, Class A, and no buildings etc. as provided for within Schedule 2, Part 1, Class E, and no gates, fences, walls etc. as provided for within Schedule 2, Part 2, Class A of that Order shall be constructed on the new dwelling, as identified on drawing 92/SP03C "WOODSIDE VIEW" PROPOSED SITE PLAN of the annexe at Woodside, as WOODSIDE VIEW 1a, and on the land within the area defined by the red-line indicated on that same drawing.

END OF SCHEDULE OF CONDITIONS

Appeal Decisions

Site visit made on 25 January 2022

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2022

Appeal A Ref: APP/J1915/W/21/3272506

Bishops Stortford Lawn Tennis Club, Cricketfield Lane, Bishops Stortford CM23 2TD

- 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 Bishops Stortford Lawn Tennis Club against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/2355/FUL, dated 23 November 2020, was refused by notice dated 23 February 2021.
 - The development proposed is Construction of two padel courts with canopy over & with associated floodlights & external works.
-

Appeal B Ref: APP/J1915/W/21/3275195

Bishops Stortford Lawn Tennis Club, Cricketfield Lane, Bishops Stortford CM23 2TD

- 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 Bishops Stortford Lawn Tennis Club against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/0638/FUL, dated 11 March 2021, was refused by notice dated 13 May 2021.
 - The development proposed is Construction of two padel courts with associated floodlights & external works.
-

Decisions

1. Appeal A is allowed, and planning permission is granted for the construction of two Padel courts with canopy over and with associated floodlights and external works, at Bishops Stortford Lawn Tennis Club, Cricketfield Lane, Bishops Stortford CM23 2TD, in accordance with application Ref: 3/20/2355/FUL, dated 23 November 2020, and subject to the conditions in the attached schedule.
2. Appeal B is allowed, and planning permission is granted for the construction of two Padel courts with associated floodlights and external works, at Bishops Stortford Lawn Tennis Club, Cricketfield Lane, Bishops Stortford CM23 2TD, in accordance with application Ref: 3/21/0638/FUL, dated 11 March 2021, and subject to the conditions in the attached schedule.

Main Issues

3. The main issues common to both appeals are:
 - i) whether the proposals would constitute inappropriate development in the Green Belt;

- ii) the effect on the character and appearance of the surrounding area; and
 - iii) whether the proposals make appropriate provision for car parking, and if not, the effect of any under provision.
4. In addition, in relation to Appeal A, a further main issue is whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development

5. The fundamental aim of Green Belt policy in the National Planning Policy Framework (the Framework) is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
6. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate development in the Green Belt. However, an identified exception set out within the Framework relates to the provision of appropriate facilities (in the connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
7. Both proposals relate to the provision of new facilities for outdoor sport. Specifically, the proposals would make provision for Padel courts to facilitate and encourage participation in a growing sport. In both instances, the courts would be located in the same position on the site. This would be close to the entrance of the site and adjacent to existing tennis courts with their associated means of enclosures and floodlighting.
8. The principal difference between the two appeals relates to the proposed enclosure of the courts. Appeal A would introduce a tall structure with a barrelled roof thereby enabling use of the courts in all weathers. Appeal B does not propose such a structure.
9. The appeal site is a tennis centre and due to this use, there are a number of enclosures and lighting columns as well as courts themselves. This provides the site with an active use which impacts upon the openness of the Green Belt. In addition, there is a large building to the west of the specific location for the courts proposed. Built form is also apparent beyond the site and also opposite and it is in this context that the site for the proposed courts is experienced.
10. Despite this, Appeal A would introduce a degree of built form that would materially alter the openness of the site. It would be located on an area which currently has no built form, and which enables views to the existing courts. It also helps to provide the site with a degree of spaciousness when viewed from the site entrance and the public realm beyond. The introduction of a structure, albeit one with open sides, would, by its very nature, demonstrably alter the openness of the site. It would impact upon existing views both within and beyond the site and reduce the spaciousness that the site currently helps to

afford. Consequently, both visually and spatially, the proposal in Appeal A would reduce the openness of the Green Belt. Despite this effect, due to the surrounding context, I find that the impact on openness would only cause limited harm to the Green Belt.

11. Appeal B would introduce the same number of courts but without the associated structure. The built form would therefore only consist of the courts and associated enclosures and lighting columns. In light of the context in which the area would be experienced, I am satisfied that views into the site would not be materially altered, and the existing spaciousness would be preserved. Consequently, from both a visual and spatial perspective, this proposal would not harm the openness of the Green Belt.
12. I therefore conclude that having regard to Appeal A, the proposal would represent inappropriate development within the Green Belt. On this basis it would fail to comply with the Green Belt protection aims of the Framework as well as Policy GB1 of the East Herts District Plan (2018) (DP).
13. In contrast, in my judgement, due to the context of the appeal site, I am satisfied that Appeal B would preserve the openness of the Green Belt. I therefore conclude that it would not represent inappropriate development within the Green Belt, and that accordingly, it would comply with the Green Belt protection aims of the Framework as well as the same Policy identified above.

Character and Appearance

14. As identified above, the appeal site is host to numerous structures and courts that are associated within the Tennis Centre use. In addition, the surrounding environment contains a substantial presence of built form. As a consequence, the location of the proposed Padel Courts would be experienced within this well-established built context.
15. The location of the proposed courts would be close to the entrance of the site. However, due to the topography of the broader site, they would be located at a lower level than much of the existing built form. Accordingly, the courts would not dominate the site or be imposing when viewed from the site entrance. Instead, in both instances, I am satisfied that they would appear as a complementary addition to the well-established tennis centre which would not compromise the appearance of the broader site.
16. As a consequence, I conclude that for both appeals, the proposals would not harm the character and appearance of the surrounding area. They would therefore comply with Policies DES2, DES3 and DES4 of the DP. Taken together, these seek amongst other things, development of a high standard of design which conserves the character of the district's landscape.

Car Parking Provision

17. The Council point to an under provision of car parking on the site for the existing number of courts. Accordingly, in their view, an additional two courts would worsen the current situation. They also state that the appellant has not provided justification for what is perceived to be an under supply.
18. The under provision of car parking spaces is acknowledged. However, despite the Council's concerns relating to this matter, no evidence has been provided

to substantiate their concerns. For example, it has not been demonstrated that the existing parking provision is giving rise to indiscriminate car parking that is causing highway safety concerns. Nor has it been implied that the additional courts would worsen such a situation, or even generate one.

19. The concerns of the Council are understood. However, without substantive evidence, I have no reason to consider that an under supply of car parking spaces on site would give rise to highway safety concerns.
20. Consequently, based on the evidence before me, I conclude that the amount of parking spaces provided on the site would not have any detrimental effect on highway safety. The proposal would therefore comply with Policy TRA3 of the DP which establishes the parameters for sustainable transport.

Other Considerations

21. Due to my findings set out above, it is not necessary to consider this matter in relation to Appeal B. Accordingly, the following assessment relates solely to Appeal A.
22. Based on the evidence before me, the proposal stems from the national desire to integrate, build, accelerate and scale Padel as a sport within Great Britain. The Lawn Tennis Association seeks to provide 400 Padel courts by 2023 and accordingly, they have provided support to the proposal. The appellant also points to the housing growth that is forthcoming in the area and the need to provide additional sport and recreational facilities. The proposal would play a role in providing such facilities and the evidence suggests that it would also create opportunities for collaboration with schools to promote participation. In addition, the appellant suggests that the proposal garners support from the Council's Open Space, Sport and Recreation Supplementary Planning Document, as well as the Neighbourhood Plan.
23. The Framework is clear in how it promotes healthy and safe communities. Paragraph 98 confirms that access to a network of opportunities for sport and physical activity is important for the health and well-being of communities, and the benefits of physical activity for mental health are incredibly well-documented. As a consequence, I find that the opportunities of the proposal for promoting physical and mental well-being are a fundamental benefit of the proposal. Accordingly, this matter attracts very substantial weight in favour of the development.
24. Paragraph 148 of the Framework requires that substantial weight is given to any harm to the Green Belt. It also confirms that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
25. As identified above, the proposal would represent inappropriate development and would cause some limited harm to the openness of the Green Belt. Due to the limited harm to openness, despite giving substantial weight to this matter, I find that this should be on the lower end of the spectrum of substantial weight. In contrast, due to the benefits that the proposal would facilitate, I find that the contribution towards a healthy community should attract very substantial weight, to such an extent that would clearly outweigh the harm that would be caused to the Green Belt. Consequently, on the basis of the other

considerations before me, I conclude that the very special circumstances necessary to justify the proposal do exist.

Conditions

26. In light of my findings for both appeals, conditions are necessary to control and manage the implementation of either proposal. Due to the nature and similarity of the proposals, I am satisfied that the conditions can be duplicated but two schedules are set out below because two decisions are being made.
27. Conditions 1 and 2 are necessary in the interests of clarity and precision. Condition 3 is necessary to the archaeological sensitivities of the site, and condition 4 is necessary to ensure proposed lighting is sensitive to its surroundings. This condition has been amalgamated with other suggested conditions by the Council so as to provide a clearer decision.
28. Condition 5 is necessary to promote sustainable modes of transport, and condition 6 is necessary to ensure that the developments are sympathetic to their surrounding context. Condition 7 is necessary to ensure a suitable landscaping scheme is proposed and conditions 8 – 10 are necessary to protect the amenities of neighbouring land users. Finally, condition 11 is necessary to ensure suitable tree protection.
29. Where conditions require information to be provided prior to the commencement of development, the appellant has confirmed their acceptance in writing.
30. The Council suggested additional conditions in relation to the provision of electric vehicle charging, and turning space on site. However, on the basis of the evidence before me, I find that these conditions fail to meet the tests established within the Framework. Accordingly, they have not been imposed.

Conclusion

31. For the reasons identified above, both appeals should be allowed.

Martin Chandler

INSPECTOR

APPEAL A - SCHEDULE OF CONDITIONS

- 1) The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.
- 2) The development hereby approved shall be carried out in accordance with the following drawing numbers: 08B.20.LP Rev A; 08B.20.10; 08B.20.11; 08B.20.12.
- 3) No development or groundworks shall take place 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 and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme, and this condition will only be discharged when the required archaeological reports are submitted to and approved in writing by the Local Planning Authority.
- 4) Prior to commencement of the development hereby approved, details of external artificial lighting shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following:
 - a) Lighting contours to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals Guidance Note 01/20 'Guidance notes for the reduction of obtrusive light'.
 - b) measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires.
 - c) a plan detailing the aiming angle and light spill of the proposed lighting for each Padel court.
 - d) Confirmation that the intensity of illumination shall be controlled at a level that is within the limit recommended by the Institution of Lighting Professionals in the publication 'Technical Report No 5: Brightness of Illuminated Advertisements' and 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011'.

The approved details shall be implemented prior to use of the development and thereafter be permanently retained.

- 5) Prior to the first use of the development hereby permitted, a scheme for the parking of 8 cycles shall be submitted detailing the position of the cycle parking and the dimensions of the cycle storage and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.
- 6) The exterior of the development hereby approved shall be constructed in the materials specified on the submitted application form/plans, or in materials which have been approved in writing by the Local Planning Authority.
- 7) Prior to first occupation of the development hereby approved, details of landscaping shall be submitted and approved in writing and shall include full details of both hard and soft landscape proposals, finished levels or

contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.

- 8) 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.
- 9) The use of the Padel courts hereby approved shall be restricted to the hours 08:00 to 22:00.
- 10) Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular(but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all lorries leaving the site.
- 11) All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

APPEAL B – SCHEDULE OF CONDITIONS

- 1) The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.
- 2) The development hereby approved shall be carried out in accordance with the following drawing numbers: 08B.20.LP Rev A; 08B.20.10A; 08B.20.11A; and 08B.20.12A.
- 3) No development or groundworks shall take place 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 and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme, and this condition will only be discharged when the required archaeological reports are submitted to and approved in writing by the Local Planning Authority.
- 4) Prior to commencement of the development hereby approved, details of external artificial lighting shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following:
 - a) Lighting contours to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals Guidance Note 01/20 'Guidance notes for the reduction of obtrusive light'.
 - b) measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires.
 - c) a plan detailing the aiming angle and light spill of the proposed lighting for each Padel court.
 - d) Confirmation that the intensity of illumination shall be controlled at a level that is within the limit recommended by the Institution of Lighting Professionals in the publication 'Technical Report No 5: Brightness of Illuminated Advertisements' and 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011'.

The approved details shall be implemented prior to use of the development and thereafter be permanently retained.

- 5) Prior to the first use of the development hereby permitted, a scheme for the parking of 8 cycles shall be submitted detailing the position of the cycle parking and the dimensions of the cycle storage and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.
- 6) The exterior of the development hereby approved shall be constructed in the materials specified on the submitted application form/plans, or in materials which have been approved in writing by the Local Planning Authority.
- 7) Prior to first occupation of the development hereby approved, details of landscaping shall be submitted and approved in writing and shall include full details of both hard and soft landscape proposals, finished levels or

contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.

- 8) 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.
- 9) The use of the Padel courts hereby approved shall be restricted to the hours 08:00 to 22:00.
- 10) Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular(but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all lorries leaving the site.
- 11) All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.



Appeal Decision

Site visit made on 21 February 2022

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 25th March 2022

Appeal Ref: APP/J1915/D/21/3284047

47 Claud Hamilton Way, Hertford SG14 1SR

- 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 Xiaoxiao Zhao against the decision of East Herts District Council.
 - The application Ref 3/21/0836/HH, dated 25 March 2021, was refused by notice dated 9 July 2021.
 - The proposed development is for erection of air conditioning unit.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the impact of the proposal upon the living conditions of neighbours.

Reasons

3. The appeal property is a mid terrace house within this row of modern neo classical style townhouses on the fringes of Hertford town centre. The houses front Claud Hamilton Drive and are three storeys in height with gardens backing onto scrubland to the rear. Number 47 is located towards the Mead Lane end of the terrace.
4. The proposal is for an external air conditioning unit to be installed within the property to help mitigate internal temperatures associated with Climate Change and global heating and to ensure a comfortable environment for the Appellant's and their children. This would include both an internal vent system and external air conditioning unit to be wall mounted.
5. The proposed air conditioning unit would be erected to the rear wall of the property and have approximate dimensions of 70cm in height, 84cm in width and 36cm in depth. The location of the proposed unit would be above the appellant's existing patio doors and below what appears to be a bedroom window with a set of French doors and Juliet balcony being located not far away at first floor level that serves another room. The nearest neighbouring property also has a small window and patio doors nearest to where the proposed unit would be installed but the location of the unit would be around 1m from the neighbour's boundary.

6. In assessing this appeal I give great weight to the Appellant's desire to help mitigate Climate Change and associated heat events. I consider that such a unit would indeed help modify the internal temperature of the property and make it more comfortable for residents. I also note the lack of objections raised by neighbours.
7. Notwithstanding these largely personal benefits associated with this proposal however, I have evidence before me that the proposed air conditioning unit would not meet the associated British Standards¹ for such units in regards associated noise output in decibels (dB) when running. Whilst I accept the evidence within the Appellant's appeal statement that the noise would not, in their opinion, be that great, it would nevertheless exceed the British Standards that are intended to protect the amenities of residents from such interference. I consider therefore that the relevant British Standards are in place for a very good reason and should be followed unless there are extenuating circumstances as to why they should not.
8. I have no evidence before me as to any such extenuating circumstances that exist and although I note that the associated noise would not perhaps be perceptible by the Appellants, I consider that other neighbours, either now or in the future, would potentially suffer a loss of living conditions through what could likely amount to excessive noise. I consider that this could especially occur on summer evenings when most neighbours would likely have no choice but to have their windows open. I consider that in such cases this would magnify the associated noise from the air conditioning unit and lead to further harm to the living conditions of immediate neighbours.
9. Whilst I acknowledge therefore the Appellant's reasoning for wishing to install such a device, I consider it must be possible to obtain a similar unit that could meet the associated British Standards and as such would largely mitigate these concerns. As this appeal stands however, I have not been persuaded that this device would suitably protect the living conditions of neighbours from excess noise and as such I consider this proposal would be contrary to Policy EQ2 of the East Herts District Plan (2018) that seeks to mitigate the impact of noise pollution.

Conclusion

10. For the reasons above, considering all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR

¹ British Standard BS8233:2014 and British Standard BS4142:2014+A1:2019.



Appeal Decision

Site visit made on 21 February 2022

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 29 March 2022.

Appeal Ref: APP/J1915/D/21/3283955
77 Mandeville Road, Hertford SG13 8JJ

- 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 Ian Hardy against the decision of East Herts District Council.
 - The application Ref 3/21/1176/HH, dated 4 May 2021, was refused by notice dated 30 July 2021.
 - The proposed development is for creation of terracing to front garden with installation of decking and planters (retrospective).
-

Decision

1. The appeal is allowed and planning permission is granted for creation of terracing to front garden with installation of decking and planters (retrospective) as per application reference 3/21/1176/HH dated 4 May 2021 subject to the standard condition requiring that the development hereby permitted shall be carried out in accordance with the following approved plans; ISH-21May/2021 (Site/Block Plan – Proposed).

Main Issues

2. The main issue is the impact of the proposal upon the character and appearance of the area.

Reasons

3. The appeal property is a 1960's/70's end terrace house built as part of what appears to be a 'Radburn' type residential development. Typical of the nature of such housing developments many houses sit upon steep topography with largely unenclosed front gardens and parking courts to the rear. I consider that the location of number 77 Mandeville Road is therefore typical of this character with terraces standing high above the road with long, often stepped front access. Notably the appeal property is set back from the adjoining terrace of houses and as such appears more recessive into the streetscene when viewed from the entrance into Mandeville Road lower down the hill.
4. The proposal before me seeks retrospective planning permission for the landscaping, terracing and associated balustrading of the site in order to create off street car parking and to improve the useability of such a sloping garden through stepped terracing. The proposal has used generally high quality materials in the form of seasoned oak sleepers, colourful shrub planting and stainless steel and glass balustrades.

5. Although I saw on my site visit that several properties have landscaped their gardens with small hedges, shrubs and other planting I consider that, given time, the proposal before me would similarly 'naturalise' and that its current 'new' appearance would suitably embed into its setting. Ultimately, although I consider that any change to such a steep garden would appear prominent here, at least until such time that the planting has matured, I consider that, due to the quality of materials, landscaping used and the generous set back behind the adjoining terrace, that the proposal does not cause sufficient harm to the character and appearance of the area that would lead me to dismiss this appeal.
6. In light of this I find the proposal has created a landscaping scheme of some quality and I consider that this is in consort with the intentions of Policies HOUS11 and DES4 of the East Herts District Plan 2018 which seek to achieve such quality in proposals within the district.

Conclusion

7. For the reasons above, taking into account all other matters raised, I allow the appeal subject to the conditions outlined above.

A Graham

INSPECTOR



Appeal Decision

Site visit made on 14 February 2022

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 April 2022

Appeal Ref: APP/J1915/D/21/3283921

4 Vicarage Road, Buntingford, Hertfordshire SG9 9BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Alexandra Kanold against the decision of East Herts Council.
 - The application Ref 3/21/1312/HH, dated 12 May 2021, was refused by notice dated 9 July 2021.
 - The development proposed is first floor front extensions and front porch canopy.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue raised by this appeal is the effect of the proposed development on the character and appearance of the existing building and the surrounding area.

Reasons

3. The appeal site is a two-storey semi-detached dwelling located in a cul-de-sac, in a residential area. The property is built of pale brick with a tile roof. There is an existing flat roofed element sits forward of the main elevation, with the garage also having a flat roof, set behind this element. The first floor adjoining the neighbour is recessed, and this element would be extended as part of the development.
4. The area is characterised by semi-detached dwellings which are constructed in similar materials, featuring timber cladding and similar recessed elevations and flat roofed elements. I was able to see on my site visit that many properties have been extended by providing 'infill' extensions to the first floor above the garage elements. I was also able to see some other variations on alterations, including gable features and pitched roofs, although these were far fewer in number. The area is characterised by its relatively uniform appearance and any additions, on the whole, respect the flat roofed elements and do not appear to significantly extend beyond the original footprints or elevations, nor deviate from the main characteristics of the original dwellings.
5. The infill of the first floor above the garage would not extend beyond the main front elevation of the dwelling. Whilst I was able to see that the neighbour has not been extended, given the extensions in the street and local area of similar appearance I do not consider that this would result in significant harm to the

overall character and appearance to the dwelling or local area. Nonetheless, the proposal to extend the first floor to include a gable feature with the gabled porch below is not a feature which is common throughout the street and the local area. Whilst I accept that there are nearby properties with gabled porch extensions or other, these are the exception and do not contribute to the overall character and appearance, rather are noticeable in their differences, and appear as a stark alteration in the area which is primarily uniform and regular in appearance.

6. Although the council does not raise specific concerns with regard to the porch extension, I consider that the development should be assessed as a whole and find that the proposal to provide a gable porch feature, combined with a first floor gabled feature to the front elevation represents a stark contrast to the extensions and alterations that I was able to see in the local area. The height and the prominence of the proposed development is at odds with the character of the original dwelling, its immediate adjoining neighbour and the local area. Despite the use of matching materials, and the set-down of the proposed development from the main ridge of the existing dwelling, the bulk of the proposal would be dominant and prominent as seen from the street and would unacceptably diminish the character, appearance and integrity of the host building, resulting in harm to the character and appearance of the surrounding area.
7. The appeal proposals would therefore conflict with the objectives of the District Plan¹ Policies DES4 and HOU11, which set out criteria for assessing extensions to dwellings, including consideration of size, scale, mass, form, siting, design and materials of construction which should be appropriate to the character, appearance and setting of the existing dwelling and the surrounding area. In particular, the proposal would fail to be of high standard of design and layout to reflect and promote local distinctiveness.

Other Matters

8. I have had regard to the appellant's ground of appeal and to the presence of other properties within the vicinity, some of which appear to have been extended, however I am not aware of the particular circumstances in these cases and in any event, I must consider the appeal scheme on its own merits. The existence of other extensions in the locality does not justify the harm I have identified nor does the lack of objections from neighbours or the Town Council, or the benefits of providing additional living space.
9. Whilst the principle of development has not been disputed by either party, and the National Planning Policy Framework advocates innovation through design, this must not be at the expense of the local character and surrounding built environment.
10. Whilst I have given the appellant's personal circumstances consideration, I am mindful of the advice contained in Planning Practice Guidance² that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be relevant.

¹ East Herts District Plan (2018)

² Paragraph 008 Reference ID: 21b-008-20140306 – What is a material planning consideration?

Conclusion

11. For the reasons set out above, I find that the proposal conflicts with the development plan as a whole and the appeal should be dismissed.

Rebecca Thomas

INSPECTOR



Appeal Decision

Site visit made on 14 February 2022

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 April 2022

Appeal Ref: APP/J1915/D/21/3284927

3 Bradcote, Moor Green, Ardeley, Stevenage, Hertfordshire SG2 7AT

- 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 Goldings Estates Ltd (Eugene Flannery) against the decision of East Herts Council.
 - The application Ref 3/21/1462/HH, dated 28 May 2021, was refused by notice dated 10 August 2021.
 - The development proposed is Demolition of single storey rear extension. Erection of a two storey side extension, single and two storey rear extension and insertion of a window to front elevation.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the Moor Green Conservation Area (CA).

Reasons

3. The appeal site is a semi-detached property located in a rural area. The house is part of a small group of similar post-war properties, featuring hipped gables, rendered walls and set in well-sized plots with parking and garden space to the frontages. The appeal site appears to have minimal alterations, whilst the attached neighbour has been extended with a two-storey hipped gable extension to the side. With the exception of the adjoining neighbour, the houses in this row of similar properties do not have significant alterations or extensions. This small group of properties are set in plots with generous space between the pairs of dwellings, and this combined with the set back from the roadside and large rear gardens, results in a spacious and open character in this rural area. In addition to this, the minimal alterations contribute to the relatively uniform appearance, reflecting the original character of the dwellings.
4. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that, in the exercise of the statutory duty, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

5. The proposed development would introduce a side extension which would be set below the ridge of the original dwelling and set back from the existing elevation. The proposal would introduce a covered porch and entrance to the front elevation, which would be gabled to the end, with a link to the original roof. The gabled two-storey element would extend along the side of the dwelling and the plot for approximately 14.8m. The extension would make use of most of the plot width as seen from the road, extending the dwelling close to its boundary.
6. Whilst I acknowledge that the proposed extension would be reduced in height and set back from the front elevation, the development represents a significant and bulky addition to the house and the plot, with additions which depart from the original appearance and character of the original. The extent of the proposed development across the width of the plot, combined with its height, and length of the gabled extension along the side elevation would significantly diminish the original character of the dwelling, being at odds with the original dwelling and significantly unbalancing the existing pair of dwellings. Whilst the appellant considers that the appeal site is of little design merit, nonetheless the development as proposed would result in harm to the character and appearance of the dwelling and its setting within this small group of buildings and within the CA. I therefore find that the proposal would fail to preserve or enhance the character or appearance of the CA and its significance as a designated heritage asset.
7. I consider that the harm to the CA would be localised, and in respect of the significance of the designated heritage asset as a whole, less than substantial harm would result. Paragraph 202 of the National Planning Policy Framework (The Framework) requires that such harm is weighed against the public benefits of the proposal.
8. The appellant states that the existing house is not of adequate size to support modern larger family living. In addition, the proposal would upgrade, enlarge and modernise the property and would improve the heating and insulation standards, make it more energy efficient, improve sustainability and make it suitable for modern family living. I do not have any evidence to substantiate that the dwelling as it currently stands is substandard for family living, and even so, the benefits of any additional space would be principally of private benefit. Although I recognise that improvements to the efficiency and the use of low carbon heat sources would be a positive aspect, I am not persuaded that this would only be possible through the development proposed. Consequently, I find that there are no public benefits that would outweigh the harm that would be caused to the significance of the CA as a designated heritage asset.
9. Accordingly, I conclude that the proposal would cause harm to the character and appearance of the host dwelling and would fail to preserve or enhance the character or appearance of the CA. There would be conflict with Policy HA4 of the District Plan¹, which expects that (amongst other things) extensions to existing buildings preserve or enhance the special interest, character and appearance of the area, including being complementary and sympathetic to the parent building. There would also be conflict with Policies DES4 and HOU11 of the District Plan which expect new development to be of high standard of design and layout to reflect and promote local distinctiveness, to be of size,

¹ East Herts District Plan (October 2018)

scale, mass form, siting and design appropriate to the character appearance and setting of the existing dwelling and surrounding area. There would also be conflict with Sections 12 and 16 of the Framework, relating to design and the historic environment.

10. The appellant refers to a number of other paragraphs within the Framework, stating that these relate to the appeal proposal. For the reasons set out above, I find that the appeal proposals conflict with the District Plan and Sections 12 and 16 of the Framework and I do not consider that the paragraphs referred to by the appellant support the proposal.

Other Matters

11. I note that there have been no objections from neighbours. Nonetheless, each appeal must be determined on its own merits and this alone is not sufficient to overcome the harm identified.

Conclusion

12. For the reasons given above, having considered the development plan as a whole and all other relevant material consideration, I conclude that the appeal should be dismissed.

Rebecca Thomas

INSPECTOR



Appeal Decision

Site visit made on 14 February 2022

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 April 2022

Appeal Ref: APP/J1915/D/21/3289148

2 The Close, Moor Green Road, Ardeley, Stevenage, Hertfordshire SG2 7AN

- 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 Eugene Flannery against the decision of East Herts Council.
 - The application Ref 3/21/1482/HH, dated 2 June 2021, was refused by notice dated 25 November 2021.
 - The development proposed is Single storey rear extension and incorporating existing outbuildings into main dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for Single storey rear extension and incorporating existing outbuildings into main dwelling at 2 The Close, Moor Green Road, Ardeley, Stevenage, Hertfordshire SG2 7AN in accordance with the terms of the application, Ref 3/21/1482/HH, dated 2 June 2021, 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: GA 001 P rev 0 GA 002 PL rev 0; GA 003 PL rev 0; GA 004 PL rev 0; GA 005 PL rev 01; GA 006 PL rev 0; GA 007 PL rev 0; GA 008 PL rev 0.
 - 3) All new external work and finishes and work of making good shall match existing original work adjacent in respect of materials used, detailed execution and finished appearance except where indicated otherwise on the drawings and application hereby approved.

Procedural Matters

2. The Council finds in its decision that there would be a neutral impact upon the character and appearance of the Ardeley Conservation Area. Nonetheless, Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that, in the exercise of the statutory duty, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area and so this shall remain part of my consideration.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the Ardeley Conservation Area (CA).

Reasons

4. The appeal site is mid-terraced two storey dwelling located at the edge of the Ardeley CA. It is a white painted rendered building, with a small outbuilding located to the rear. The dwelling benefits from a sizeable rear garden, set at an angle from the rear of the house. At the time of my site visit I was able to see a number of alterations being carried out to the neighbouring property. The proposed development would incorporate the existing outbuilding and provide a single storey extension to the rear of the dwelling. The development would provide a flat roof, with glazed doors to the rear and side elevations of the extension.
5. The proposal, whilst unusual in its layout, makes use of the plot shape and size, and respects the character and appearance of the appeal dwelling and takes its cues from the shape of the existing outbuilding and layout, and would not detract from the original character or appearance of the dwelling. The use of timber boarding and glazing to the southern and eastern elevations would help to clearly identify the proposed development as later additions, with the single storey nature of the development limiting the impact to the house and terrace as a whole, whilst retaining an adequate amount of garden space to the rear.
6. Whilst the extension would be of a sizeable length, it remains within the confines of the space associated with the dwelling and its plot, and this combined with its limited height would respect the open nature of the local area. The proposal would be at best glimpsed and not easily visible from the street and would not interfere with the overall character and appearance of the CA, and whilst there is no positive enhancement or preservation, there is neither any harm identified to the CA. The scale of the development, being single storey and retained within the existing garden area would ensure that the plot and area would retain its open character. In addition to this, I was able to see the sporadic developments of smaller domestic buildings in the local area, such as garages and garden sheds, located beyond the extent of the development as proposed.
7. I therefore conclude that the proposal would be consistent with the preservation of the character and appearance of the Ardeley Conservation Area. It would comply with Policy HA4 of the District Plan¹, which expects that (amongst other things) extensions to existing buildings will be permitted provided that they preserve or enhance the special interest, character and appearance of the area, including being complementary and sympathetic to the parent building. There would also be no conflict with Policies DES4 and HOU11 of the District Plan which expect new development to be of high standard of design and layout to reflect and promote local distinctiveness, to be of size, scale, mass form, siting and design appropriate to the character appearance and setting of the existing dwelling and surrounding area. The development would also accord with Sections 12 and 16 of the Framework, relating to design and the historic environment.

¹ East Herts District Plan (October 2018)

Other Matters

8. I note that there are concerns raised with regard to the impact of the development on sunlight to neighbouring gardens. Whilst the development would project beyond the existing outbuilding, it would remain of modest height and taking into account the orientation of the development on its own plot, would not impact on sunlight or outlook to occupiers of neighbouring properties.

Conditions

9. In addition to the standard timescale for implementation condition, it is necessary to attach a condition to confirm the approved drawings in the interests of certainty. Given the nature of the proposed development and its location within a Conservation Area, I have considered it necessary to attach conditions relating to the materials to be employed in the construction.

Conclusion

10. I have found neither harm to the setting of the Ardeley Conservation area nor the character and appearance of the host dwelling. I therefore conclude that, subject to the above conditions and having had regard to all other matters raised, the appeal is allowed.

Rebecca Thomas

INSPECTOR



Appeal Decision

Site visit made on 21 February 2022

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 25th March 2022

Appeal Ref: APP/J1915/D/21/3288843

55 King Edward's Road, Ware, Hertfordshire SG12 7EJ

- 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 and Mrs Demicoli against the decision of East Herts District Council.
 - The application Ref 3/21/2131/HH, dated 12 August 2021, was refused by notice dated 27 October 2021.
 - The proposed development is for single storey side extension and proposed front porch.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of single storey side extension and proposed front porch at 55 King Edward's Road, Ware in accordance with the terms of the application Ref: 3/21/2131/HH dated 12 August 2021, subject to the following conditions:
 - i) The development hereby permitted shall begin not later than three years from the date of this decision.
 - ii) The development shall be carried out in accordance with the following approved plans: 782-2-PLN-601 and 782-2-COM-600.
 - iii) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The description of development in the heading above has been taken from the Appellant's application form. In Part E of the appeal form it is stated that the description of development is the same as this description and neither of the main parties has provided written confirmation that this description is erroneous. Accordingly, I have used the one given on the original planning application form.

Main Issues

3. The main issue is the impact of the proposal upon the character and appearance of the area.

Reasons

4. The appeal property is a light rendered end of terrace house that is located at the corner of King Edward's Road and Bowling Road. The property already contains a two storey rear extension and modest two storey side extension that may be original to the house. There is also a single storey rear extension along the boundary to number 53 King Edwards Road and a detached garage to the rear of the plot. I also saw on my site visit that a single storey side extension with pitched roof was extant on the site and this is part subject of this appeal.
5. It appears that the property already has permission for a single storey side extension with flat roof and parapet wall within the same or very similar location to where the current side extension is located. The main difference in this appeal is the fact that the roof of the extension has been altered from a flat roof to a pitched roof with rooflights. There is also the inclusion in the proposal to construct a lean to, timber frame porch to the front end of the side elevation.
6. In assessing this appeal I am aware of the overriding character of the area of the appeal site in what is a relatively densely populated area of terrace and semi detached houses, the vast majority of which exhibit diverse but complimentary design attributes. I consider that one of these attributes is the simplicity of traditional roof forms and details that include simple pitched or mono pitched roofs either over front bay windows, to rear outshot extensions or, sometimes where space allows, to the sides of properties.
7. I consider that the proposal before me utilises these design prompts in the proposed design and therefore I find no conflict between the extension as erected and the character and appearance of the area as a whole. Indeed, I would go so far as to suggest that a lean too pitched roof would be preferable to that of a flat roof that could be seen as something of an alien intervention into the area as well as having the potential to appear more over dominant. Similarly I find no cumulative harm through the simple forms and design of the proposed porch extension for the same reasons.
8. Although both these extensions would be visible from the streetscene to some degree, I consider that they do represent an appropriate design response to this context that they would not appear unduly prominent, awkward or intrusive. As such I conclude that the requirements for good residential and household design quality contained within Policies DES4 and HOU11 of the East Herts District Plan and the requirements of the National Planning Policy Framework, have been duly met.

Conclusion

9. For the reasons above, taking into account all other matters raised, I allow the appeal subject to the conditions outlined above that I am satisfied meet the requirements outlined within the Planning Practice Guidance.

A Graham

INSPECTOR



Appeal Decision

Site visit made on 21 February 2022

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 25th March 2022

Appeal Ref: APP/J1915/D/21/3288260
304A Ware Road, Hertford SG13 7ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs L & S Peffers against the decision of East Herts District Council.
 - The application Ref 3/21/2396/HH, dated 2 September 2021, was refused by notice dated 10 November 2021.
 - The proposed development is for part single, part two storey front extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

3. Number 304A Ware Road forms a central property within what is a largely uniform terrace of relatively modern houses that is set somewhat higher than Ware Road behind a stone wall and hedging. The row of houses, despite the two end units seemingly having two storey side extensions, maintains a generally uniform appearance where vertical brick pier party wall features are contrasted with more horizontal fenestration, tile hanging and weather board cladding.
4. Although I accept that this part of Ware Road does exhibit a variety of residential building forms and designs, I consider that the terrace to which the appeal property belongs does have a certain amount of design intent and quality that has been largely preserved through later modifications.
5. The proposal seeks to demolish the existing porch to the front of the house and replace it with a part single and part two storey extension that would protrude from the front of the building by around one metre. The single storey element would run the whole length of the front façade whilst the two storey would extend over the existing third bedroom window and would culminate in a modest hipped roof form. Internally this proposal would slightly extend the living accommodation by extending bedroom 3 and would enable a W/C to be created along with a modest living room extension at ground floor.

6. In assessing this appeal I am aware of the East Herts District Plan Policies DES4 and HOU11 that reflect the National Planning Policy Framework (The Framework) in their aspiration for improving design quality and ensuring new development and house extensions are both well designed and responsive to the original dwelling or its particular context.
7. As mentioned above, although I consider that the character of the local area does contain a mix of dwelling types and designs, I also consider the existing terrace of houses does maintain a consistency of design that I consider is desirable and important to respond to.
8. The proposal before me however would disrupt the design aesthetic of the terrace through the introduction of a two storey front extension within its centre. This would not only unbalance the appearance of the terrace but it would also introduce a change in materiality and forms as well as more contrived roof forms that I consider would be harmful to the existing house and to the terrace to which it belongs.
9. In light of this I do not consider that the proposal before me represents an appropriate design response to this property. Whilst I do consider that there may be ways to extend this property that would potentially be able to avoid the harm that I have identified above, I conclude that the proposal before me fails to meet the criteria for high quality design as outlined in Policies DES4 and HOU11 of the East Herts District Plan.

Conclusion

10. For the reasons above, taking into account all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR

PLANNING APPEALS LODGED FEBRUARY 2022
Head of Planning and Building Control

Application Number	Proposal	Address	Decision	Appeal Start Date	Appeal Procedure
3/20/2112/FUL	Retention of free standing rear covered seating area.	The Farmers Boy Public House 1 Brickendon LaneBrickendonSG13 8NU	Refused Delegated	07/02/2022	Written Representation
3/20/2498/OUT	Outline permission for 1 detached self-build dwelling - all matters reserved except for access.	Land Adjacent To The CottageHay StreetBraughingWare SG11 2RG	Refused Delegated	02/02/2022	Written Representation
3/21/0759/HH	Removal of conservatory. Construction of single storey rear extension and single storey side infill extension.	56 Bayford GreenBayfordHertford SG13 8PU	Refused Delegated	08/02/2022	Fast Track
3/21/0873/FUL	Erection of garage for domestic storage.	The GablesPembridge LaneBroxbourne EN10 7QP	Refused Delegated	08/02/2022	Fast Track
3/21/1364/HH	Remove flat roofed porch and replace with enclosed porch.	Sprangewell CentrePoles LaneThundridgeWare SG12 0SQ	Refused Delegated	10/02/2022	Written Representation
3/21/1365/LBC	Remove flat roofed porch and replace with enclosed porch. Internal alterations to remove sliding door and frame and block up opening, insert new door and replace the acro prop supporting the steel joist in the cellar.	Sprangewell CentrePoles LaneThundridgeWare SG12 0SQ	Refused Delegated	10/02/2022	Written Representation
3/21/1525/HH	Single storey rear/side infill extension.	17 Brookbridge Lane Datchworth Knebworth SG3 6SU	Refused Delegated	09/02/2022	Fast Track
3/21/2129/HH	Erection of entrance porch to side and two metre high wall with gate to front elevation.	RiverviewWare ParkWare SG12 0EA	Refused Delegated	18/02/2022	Fast Track
X/21/0150/CND	Discharge condition 1b (Phasing Plan) attached to 3/13/0804/OP	Land At Bishops Stortford North, Bishops Stortford	Non Determination	09/02/2022	Written Representation

Background Papers

None

Contact Officers

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

Application Number	Proposal	Address	Decision	Appeal Start Date	Appeal Procedure
3/21/0549/HH	New red brick wall to replace existing fence on north east boundary.	Dowers1 Cherry Green BarnsCherry GreenWestmillBuntingford SG9 9NQ	Refused Delegated	03/03/2022	Fast Track
3/21/0777/FUL	Demolition of dwellinghouse. Erection of 4no. 2 bed flats with dedicated refuse and cycle storage provision, parking provision for 4 vehicles and associated outside amenity space	1 BullfieldsSawbridgeworth CM21 9DB	Refused Delegated	05/04/2022	Written Representation
3/21/0873/FUL	Erection of garage for domestic storage.	The GablesPembridge LaneBroxbourne EN10 7QP	Refused Delegated	11/03/2022	Written Representation
3/21/0959/FUL	Change of use of land for Equestrian; erection of a stable block and fencing; Hardstanding with car parking spaces and internal access way.	Land Off Hertford RoadTewin	Refused Delegated	14/03/2022	Written Representation
3/21/0965/FUL	Demolition of dwelling and outbuildings. Erection of 1, 5 bedroomed dwelling with associated landscaping, and parking	Tylers CottageTylers Causeway Epping Green	Refused Delegated	09/03/2022	Written Representation
3/21/1412/HH	Erection of a detached outbuilding, comprising ground floor gym and garage and first floor home office.	Tharbies FarmhouseRook EndHigh Wych CM21 0LL	Refused Delegated	09/03/2022	Fast Track
3/21/1473/ASDPN	Erection of an additional storey, to increase the height of the dwelling from 7.86 metres to 10.5 metres.	22 WillowmeadHertford SG14 2AT	Refused Delegated	08/03/2022	Fast Track
3/21/1585/ASDPN	Erection of an additional storey, to increase the height of the dwelling from 7.5 metres to 9.9 metres.	Folly CottageBury GreenLittle HadhamWare SG11 2ES	Refused Delegated	25/03/2022	Written Representation
3/21/1700/HH	Two storey side extension, single storey rear extension, side porch, new first floor rear window opening, relocated access and driveway.	4 Hadham Park CottagesCradle EndLittle HadhamWare SG11 2EH	Refused Delegated	09/03/2022	Fast Track
3/21/1760/FUL	Change of use and conversion of 5no poultry house buildings to form 5 dwelling houses. Demolition of two agricultural storage buildings and erection of 1 dwelling house, together with car parking, electric charger points, cycle storage, air source heat pump enclosures The erection of double garage, turning head, refuse and recycling bins enclosures, and post and rail fencing	1 Whempstead RoadBeningtonStevenage SG2 7BX	Non Determination	19/04/2022	Written Representation
3/21/1803/HH	Proposed loft conversion with rear dormer windows and roof light to front elevation, new window to porch, existing garage/store expanded and converted to living space. Formation of an open plan kitchen and dining area at ground floor level. Alterations to fenestrations, new door on south eastern elevation to newly formed store, and existing garage doors replaced.	33 Wellington StreetHertford SG14 3AN	Non Determination	22/04/2022	Written Representation
3/21/1805/FUL	Demolition of dwelling. Erection of 2 dwelling with outbuildings, air source heat pump enclosures, recycling and refuse bins enclosure cycle storage facilities and associated parking.	1 Whempstead RoadBeningtonStevenage SG2 7BX	Non Determination	19/04/2022	Written Representation
3/21/1811/FUL	Demolition and removal of aviary. Erection of 1, 4 bedroomed dwelling, conversion of garage, to include parking, air source heat pump, home office, refuse, recycling/bins storage and cycle storage	1 Whempstead RoadBeningtonStevenage SG2 7BX	Non Determination	19/04/2022	Written Representation
3/21/1927/ASDPN	Construction of one additional storey to the existing dwelling, to increase the height from 5.34 metres to 8.0 metres.	ChristysAlbury EndAlburyWare SG11 2HS	Refused Delegated	22/03/2022	Fast Track
3/21/1949/FUL	Demolition of concrete barn structure and timber stables. Erection of 1 highly sustainable bungalow and link to existing brick built stables.	Sacombe Green FarmSacombe GreenSacombeWare SG12 0JF	Refused Delegated	25/03/2022	Written Representation
3/21/1970/HH	First floor side extension	18 Park AvenueBishops Stortford CM23 3EZ	Refused Delegated	20/04/2022	Fast Track
3/21/2092/FUL	Construction of 1 detached house with garage and parking, including new vehicle access.	Land At 17 Highfield RoadHertford SG13 8BH	Refused Delegated	09/03/2022	Written Representation
3/21/2145/TEL	Proposed telecommunications installation: 18.0 metre phase 8 monopole C/W wraparound cabinet at base and associated ancillary works.	Wadesmill Road(Junction With Kings Hill And Bryce Close)Ware SG12 0RD	Refused Delegated	09/03/2022	Written Representation
3/21/2189/HH	Part single, part two storey rear extension. Conversion of garage to habitable room and external render of property	49 The StewartsBishops Stortford CM23 2NU	ND	05/04/2022	Written Representation
3/21/2260/HH	Enclosure of pergola with glazed panels and doors and clear polycarbonate flat roof.	42 Lower GreenTewinWelwyn AL6 0LA	Refused Delegated	03/03/2022	Fast Track
3/21/2382/HH	Two storey side extension, part two and part single storey rear extension. Loft conversion including rear dormer window.	MargrayLondon RoadSpellbrookBishops Stortford CM23 4BA	Refused Delegated	08/04/2022	Fast Track
3/21/2408/HH	Demolition of annexe and single storey rear extension. Erection of a two storey rear extension incorporating Juliet balconies. Alterations to roof to include replacement of dormer windows to front. Creation of canopy to front. External alterations to windows and doors and removal of chimney.	9 Waterford CommonWaterfordHertford SG14 2QD	Refused Delegated	23/03/2022	Fast Track
3/21/2648/HH	Raising of roof ridge, two storey rear extension and addition of two front dormers. All elevations re-clad with shiplap. Creation of rear terrace, external steps and fencing. Replacement windows and doors, new ground floor side door and new front windows added to porch.	7 The BungalowHay StreetBraughingWare SG11 2RJ	Refused Delegated	23/03/2022	Fast Track

3/21/2733/HH	Single storey side extension	St Josephs VillaSt Marys LaneHertingfordburyHertford SG14 2LX	Refused Delegated	28/04/2022	Fast Track
3/21/2754/HH	Timber framed storage sheds with open bays and a clay tiled roof (retrospective).	Legges CottageFanhams Hall RoadWaresideWare SG12 7SD	Refused Delegated	04/04/2022	Fast Track
3/21/2833/HH	Demolition of rear conservatory. Construction of replacement single storey rear extension.	1 Letty GreenHertford SG14 2NZ	Refused Delegated	19/04/2022	Fast Track
3/21/2945/HH	First floor rear extension. Insertion of window to side elevation.	6 Henderson PlaceEpping GreenHertford SG13 8GA	Refused Delegated	20/04/2022	Written Representation
3/21/2946/HH	First floor rear extension	7 Henderson PlaceEpping GreenHertford SG13 8GA	Refused Delegated	28/04/2022	Fast Track
3/21/2991/ADV	2 externally illuminated fascia signs and 2 externally illuminated projecting signs	The Waterside InnBridge FootWare SG12 9DW	Refused Delegated	12/04/2022	Written Representation

Background Papers

None

Contact Officers

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

Public Inquiry and Hearing Dates
All Hertford Council Chamber unless specified

Application	Case Officer	Address	Proposal	Appeal Status	Procedure Type	Apdatim
3/19/2099/FUL	Nick Reed	Land Adj To Long Leys Barn Fanshaws Lane Brickendon Hertford SG13 8PG	Site to contain one static caravan, with parking for two vehicles and associated infrastructure (retrospective).	INPROG	Hearing	19/10/2021
3/19/2202/FUL	Ashley Ransome	Kecksys Farm Cambridge Road Sawbridgeworth CM21 9BZ	Retention of agricultural dwelling for use by owner of land; erection of balcony and access bridge; extension of existing roof and provision of rain screen to stair to agricultural store in basement.	INPROG	Hearing	TBA
3/20/0177/FUL	Eilis Edmonds	Wheelwrights Farm Rowney Lane Dane End Ware SG12 0JY	Change of use of land to a mixed use to use for the stabling/keeping of horses and as a residential caravan site for 4 Gypsy families, with a total of 6 caravans, including no more than 4 static caravans/mobile homes. Erection of 2 amenity buildings.	INPROG	Hearing	TBA
3/20/1040/FUL	Eilis Edmonds	Land At Millfield Lane Bury Green Little Hadham Ware SG11 2ED	Change of use of land to a four pitch Gypsy/Traveller site comprising the siting of 4 Mobile Homes, 4 Touring Caravans, and the erection of 4 dayroom buildings, and the formation of an internal track and hardstandings. Installation of bio disc septic tank.	INPROG	Public Inquiry	TBA
3/20/1119/FUL	Rachael Collard	Wheelwrights Farm Rowney Lane Dane End Ware SG12 0JY	Construction of manège and access track.	INPROG	Hearing	TBA
3/20/1374/FUL	Fiona Dunning	Land At Twyford Bury Lane Twyford Bury Bishops Stortford CM22 7QA	Proposed removal of stables and change in land levels, to allow for the erection of 1 dwelling submerged into ground with associated access, parking and landscaping works, to include the creation of water features and landscaped terrace.	INPROG	Hearing	26/04/2022
3/20/2139/FUL	Eilis Edmonds	Plot 64 Land Opposite Mill View Hare Street Buntingford SG9 0DX	Change of use of the land to Gypsy and Traveller residential, with the siting of five caravans, of which no more than one would be a static caravan, erection of a shed, the provision of vehicular parking spaces and soft and hard landscaping, installation of a package treatment plant and associated foul drainage, widening of the existing vehicular access and repairs to the internal access road.	INPROG	Hearing	TBA
3/21/1760/FUL	Callum Wright	1 Whempstead Road Benington Stevenage SG2 7BX	Change of use and conversion of 5no poultry house buildings to form 5 dwelling houses. Demolition of two agricultural storage buildings and erection of 1 dwelling house, together with car parking, electric charger points, cycle storage, air source heat pump enclosures The erection of double garage, turning head, refuse and recycling bins enclosures, and post and rail fencing	VALID	Hearing	TBA
3/21/1805/FUL	Callum Wright	1 Whempstead Road Benington Stevenage SG2 7BX	Demolition of dwelling. Erection of 2 dwelling with outbuildings, air source heat pump enclosures, recycling and refuse bins enclosure cycle storage facilities and associated parking.	VALID	Hearing	TBA
3/21/1807/FUL	Callum Wright	1 Whempstead Road Benington Stevenage SG2 7BX	Demolition and removal of aviary. Erection of 1, 4 bedroomed dwelling, conversion of garage, to include parking, air source heat pump, home office, refuse, recycling/bins storage and cycle storage	VALID	Hearing	TBA
X/20/0177/CND	Eilis Edmonds	Land Off Chapel Lane Little Hadham	Discharge appeal conditions 5 (site development scheme) and 6 (landscape maintenance scheme) attached to 3/19/0893/FUL	INPROG	Public Inquiry	TBA

Public Inquiry and Hearing Dates
All Hertford Council Chamber unless specified

Application	Case Officer	Address	Proposal	Appeal Status	Procedure Type	Apdatim
3/19/2283/FUL	Ashley Ransome	Kecksys FarmCambridge RoadSawbridgeworth CM21 9BZ	Retention of agricultural dwelling for use by owner of land; erection of balcony and access bridge; extension of existing roof and provision of rain screen to stair to agricultural store in basement.	INPROG	Hearing	TBA
3/20/0177/FUL	Eilis Edmonds	Wheelwrights FarmRowney LaneDane EndWare SG12 0JY	Change of use of land to a mixed use to use for the stabling/keeping of horses and as a residential caravan site for 4 Gypsy families, with a total of 6 caravans, including no more than 4 static caravans/mobile homes. Erection of 2 amenity buildings.	INPROG	Hearing	TBA
3/20/1040/FUL	Eilis Edmonds	Land At Millfield LaneBury GreenLittle HadhamWare SG11 2ED	Change of use of land to a four pitch Gypsy/Traveller site comprising the siting of 4 Mobile Homes, 4 Touring Caravans, and the erection of 4 dayroom buildings, and the formation of an internal track and hardstandings. Installation of bio disc septic tank.	INPROG	Public Inquiry	TBA
3/20/1119/FUL	Rachael Collard	Wheelwrights FarmRowney LaneDane EndWare SG12 0JY	Construction of manège and access track.	INPROG	Hearing	TBA
3/20/1374/FUL	Fiona Dunning	Land At Twyford Bury LaneTwyford BuryBishops Stortford CM22 7QA	Proposed removal of stables and change in land levels, to allow for the erection of 1 dwelling submerged into ground with associated access, parking and landscaping works, to include the creation of water features and landscaped terrace.	INPROG	Hearing	26/04/2022
3/20/2139/FUL	Eilis Edmonds	Plot 64 Land Opposite Mill ViewHare StreetBuntingford SG9 0DX	Change of use of the land to Gypsy and Traveller residential, with the siting of five caravans, of which no more than one would be a static caravan, erection of a shed, the provision of vehicular parking spaces and soft and hard landscaping, installation of a package treatment plant and associated foul drainage, widening of the existing vehicular access and repairs to the internal access road.	INPROG	Hearing	TBA
3/21/1178/FUL	Jill Shingler	Land At Railway MeadowLondon Road SpellbrookHertfordshire	Erection of 7 dwellings, associated vehicular access, landscaping and infrastructure.	INPROG	Hearing	TBA
X/20/0177/CND	Eilis Edmonds	Land Off Chapel LaneLittle Hadham	Discharge appeal conditions 5 (site development scheme) and 6 (landscape maintenance scheme) attached to 3/19/0893/FUL	INPROG	Public Inquiry	02/03/2022

DEVELOPMENT CONTROL

Major, Minor and Other Planning Applications

Cumulative Performance

(calculated from April 2021)

	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22
<i>Total Applications Received</i>	265	528	804	1085	1298	1494	1708	1934	2128	2315	2534	2750

<i>Percentage achieved against Local and National Targets</i>	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22		Targets for Local Performance (set by East Herts)	National Targets (set by Government)
Major %	100%	100%	100%	78%	78%	80%	81%	82%	81%	83%	85%	79%	Major %	60%	60%
Minor %	62%	68%	76%	74%	72%	70%	64%	64%	64%	66%	65%	66%	Minor %	80%	65%
Other %	87%	90%	88%	87%	82%	81%	80%	80%	81%	80%	79%	80%	Other %	90%	80%

Appeals	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22
Total number of appeal decisions (Monthly)	8	8	6	8	1	5	7	10	4	7	6	8
Number Allowed against our refusal (Monthly)	2	0	1	3	1	2	1	4	3	2	2	3

Total number of appeal decisions (Cumulative)	8	16	22	30	31	36	43	53	57	64	70	78
Number Allowed against our refusal (Cumulative)	2	2	3	6	7	9	10	14	17	19	21	24

AGENDA ITEM NO. 6D

DEVELOPMENT CONTROL

Major, Minor and Other Planning Applications

Cumulative Performance
(calculated from April 2022)

	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23
<i>Total Applications Received</i>	191	403										

<i>Percentage achieved against Local and National Targets</i>	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21
Major %	-	100%										
Minor %	75%	57%										
Other %	85%	86%										

Targets for Local Performance (set by East Herts)	National Targets (set by Government)
Major %	60%
Minor %	65%
Other %	80%

<i>Appeals</i>	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21
Total number of appeal decisions (Monthly)	4	2										
Number Allowed against our refusal (Monthly)	1	1										

Total number of appeal decisions (Cumulative)	4	6										
Number Allowed against our refusal (Cumulative)	1	2										

AGENDA ITEM NO. 7D