



James Ellis

Head of Legal and Democratic Services

MEETING : DEVELOPMENT MANAGEMENT COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 11 JANUARY 2023
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

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<https://www.youtube.com/user/EastHertsDistrict>

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 (Vice-Chairman)

Substitutes

Conservative Group: Councillors S Bull, A Huggins and S Rutland-Barsby
Liberal Democrat 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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AGENDA

1. Apologies

To receive apologies for absence.

2. Chairman's Announcements

3. Declarations of Interest

To receive any Members' declarations of interest.

4. Minutes - 7 December 2022 - 'To Follow'

To confirm the Minutes of the meeting of the Committee held on Wednesday 7 December 2022 – 'To Follow'

5. Planning Applications for Consideration by the Committee (Pages 6 - 9)

(A) 3/21/2601/FUL - Erection of a solar photovoltaic farm with an output capacity not to exceed 49.9MW of energy, with supporting infrastructure and battery storage, inverters and transformers, fencing and landscaping works at Wickham Hall Estate, Hadham Road, Bishop's Stortford_(Pages 10 - 56)

Recommended for Approval

6. Items for Reporting and Noting (Pages 57 - 98)

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

(B) Planning Appeals Lodged.

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

(D) Planning Statistics.

7. Urgent Business

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

Agenda Item 5

East Herts Council Report

Development Management Committee

Date of Meeting: 11 January 2023

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 any plans relating

to schemes on strategic sites. 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
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Contact Officer Sara Saunders, Head of Planning and Building Control, Tel: 01992 531656
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Report Author Peter Mannings, Democratic Services Officer, Tel: 01279 502174
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Agenda Item 5a

DEVELOPMENT MANAGEMENT COMMITTEE – 11 JANUARY 2023

Application Number	3/21/2601/FUL
Proposal	Erection of a solar photovoltaic farm with an output capacity not to exceed 49.9MW of energy, with supporting infrastructure and battery storage, inverters and transformers, fencing and landscaping works.
Location	Wickham Hall Estate, Hadham Road, Bishop's Stortford
Parish	Little Hadham, Albury and Bishop's Stortford
Ward	Little Hadham and Bishop's Stortford Silverleys

Date of Registration of Application	2 December 2021
Target Determination Date	18 May 2022
Reason for Committee Report	Major application
Case Officer	Fiona Dunning

RECOMMENDATION

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

1.0 Summary of Proposal and Main Issues

1.1 The application proposes the erection of solar photovoltaic panels with an output capacity of approximately 35MW of energy. The panels are to cover an area of 59.08ha and to be in operation for a period of 40 years. The application was amended in July 2022 following a refusal for an associated proposal within Uttlesford District Council boundary. The main reason for the Uttlesford refusal was due to the site being within the Green Belt. This amended proposal has removed the solar panels from the Green Belt and the proposals now fall entirely within the boundary of East Herts District Council.

1.2 The existing site comprises predominately agricultural land. The proposal is to erect rows of solar panels on mounting structures with

a maximum height above ground level of 2.9m with approximately 5.5m separation between the rows within 7 separate areas. The area of 59.08ha is to comprise:

- 1.89ha of hedgerow
- 4.14ha of woodland
- 6ha wildflower planting
- 45.65ha gross of solar arrays (22.26ha net)
- 1.4ha fixed infrastructure, tracks

1.3 The amended scheme proposes a temporary construction traffic access from Hadham Road rather than the main access road to Wickham Hall, which was originally proposed (refer H5234-5PD-002 REV C and H5234-5PD-003 REV A in the Construction Access Technical Note). Drawing Nos. D03 Rev K and 7200/ASP1 Rev K provide the Site Layout Plan and Landscape Masterplan respectively and include the following:

- 10 Battery storage containers (3.0m high x 12.0m long x 2.7m wide Drawing No. PL011) with associated hardstanding and 3.5m wide access track
- 20 Battery storage transformers
- 1 storage container (3.0m high x 6m long x 2.44m wide Drawing No. PL.010)
- 1 Customer substation (3.95m high x 10m long x 3.5m wide Drawing No. PL.006)
- 1 Distribution Network Operator (DNO) substation (2 units 3.95m high x 10m long x 3.5m wide Drawing No. PL.016)
- 15 MV Power stations with the 7 solar array areas containing between 1 and 4 units (3.5m high x 6.048m long x 2.438m wide Drawing No. PL.005)
- Security Fencing (2.5m high) and CCTV Cameras and satellite dish (3.0m high) (Drawing No. PL.007)
- Woodland Planting (Area A on Landscape Masterplan Drawing No. 7200/ASP1 Rev K)
- Small woodland infill (Area C on Landscape Masterplan Drawing No. 7200/ASP1 Rev K)

- Wildflower meadow planting (Landscape Masterplan Drawing No. 7200/ASP1 Rev K)
- Additional native hedgerow and infill of existing (Landscape Masterplan Drawing No. 7200/ASP1 Rev K)
- New Permissive Footpath (Landscape Masterplan Drawing No. 7200/ASP1 Rev K)
- 7 areas of solar panel arrays separated by existing and/or proposed hedgerow and wildflower meadows (Site Layout Plan Drawing No. D03 Rev K and Landscape Masterplan Drawing No. 7200/ASP1 Rev K)

1.4 The battery storage facilities, transformers, customer substation and DNO substation have been relocated within the East Herts boundary. This infrastructure was previously proposed to be in the Uttlesford part of the development, which has been completely removed from the proposal. The amended plans have been consulted on.

1.5 The proposed solar panels will be fixed to a metal frame driven into the ground at a depth of between 1.0 and 1.5m with cabling either laid on the ground or in shallow trenches. The solar panel arrays will be enclosed with deer-proof fencing, wildflower and existing and proposed hedgerow.

1.6 The main issues are the impact on the appearance of the area including long views from public rights of way, the impact on the Grade 2 and 3a agricultural land, impact on heritage assets, sustainability matters, compliance with the development plan, noise, drainage cumulative impacts and the benefits of the proposal.

1.7 The main issues are considered in section 4 of this report.

2.0 Site and Surroundings

2.1 The site is located within part of Wickham Hall estate with the recently constructed Hadham bypass forming the western boundary. The eastern boundary abuts Uttlesford District Council area and is farmland. Walnuttree Green and the road to Upwick Green form the northern boundary. The southern boundary of the solar farm site is

the track to the northeast of Bridleway 9. Currently the vehicular access to the site is via a series of farm tracks within Wickham Hall estate accessed from Bishop's Stortford North.

- 2.2 The majority of the site is Grade 2 and Grade 3a agricultural land (defined as best and most versatile). Surrounding the arable land is generally established hedgerow and within the site there is existing woodland.
- 2.3 Wickham Hall has Grade II Listed and curtilage Listed buildings within the former farmyard and these are located approximately 1060m and 1100m to the east of the closest solar panel area and 1100m from the infrastructure compound.
- 2.4 There are three Bridleways within the site (9, 36 and 10) and the site is partially visible from Bridleways and Footpaths to the west of the site and Hadham Bypass, where there are Grade II Listed Buildings of Hadham Hall and Hadham Park, approximately 830m and 470m from the closest solar panel area respectively.

3.0 **Planning History**

The following planning history is of relevance to this proposal:

Application Number	Proposal	Decision	Date
3/21/0460/SCREEN	Screening opinion for development of a Solar Photovoltaic Farm and associated infrastructure land adjoining A120 Little Hadham Bypass and Wickham Hall E	Not EIA development	21 st May 2021
UTT/21/3108/FUL	Erection of a Solar Photovoltaic Farm with an output capacity not to	Refused	Tue 19 Apr 2022

(proposal within Uttlesford District Council)	exceed 49.9MW of energy, with supporting infrastructure and battery storage, inverters and a transformers, fencing and landscaping works.		
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4.0 **Main Policy Issues**

4.1 The main issues of the application relate to the loss of agricultural land, the landscape and visual impact, impact on heritage assets, noise, drainage, sustainability issues and whether the proposal conflicts with the development plan and if so whether any material considerations outweigh the conflict. The relevant policies in the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG), the adopted East Herts District Plan 2018 (DP), and Bishop's Stortford Neighbourhood Plan (NP) are referenced in the table below. In addition to the National policies and Guidance, specific renewable energy legislation and guidance includes the Climate Change Act 2008, British Energy Security Strategy April 2022, National Policy Statements, Ministerial Statements and BRE large scale ground mounted solar PV systems guidance.

Main Issue	NPPF	East Herts District Plan	Bishop's Stortford NP Silverleys and Meads Wards
Principle of Development	Chapter 2, 14, 15	INT1, DEL1, GBR2, DES1, ED1, ED2, CC3	
Sustainability and Climate Change	Chapter 2, 14	CC3, NE4	CC1, CC2, GIP1
Agricultural Land	Chapter 15	GBR2, ED2,	

Landscape Character	Chapter 15	DES2, DES3, CFLR3	HDP2, GIP1, GIP3, GIP6
Heritage Assets	Chapter 16	HA1, HA2, HA3, HA7	HDP6
Ecology and Biodiversity	Chapter 15	NE2, NE3, NE4	GIP1, GIP4, GIP5, GIP6
Impact on Amenity	Chapter 4, 12	DES2, DES3, DES4, DES5, EQ2, EQ3, EQ4	TP2
Highway Impacts	Chapter 9	TRA1, TRA2, DEL1	TP1, TP2, TP3,

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

5.0 **Summary of Consultee Responses**

- 5.1 HCC Highway Authority – has no objection, the additional information provided in the Landscape Masterplan July 2022, Design and Access Statement Addendum July 2022, Planning Statement Addendum June 2022, Additional Landscape Comments July 2022 and the Technical Note Construction Access Strategy Summary June 2022 has addressed the initial objection raised by the Highway Authority in December 2021. The revised Site Masterplan shows the extension and use of an existing track which connects the site to an existing junction off the A120 Hadham Road. The temporary access measures 4m in width and features 4 possible positions for passing bays every 100 to 150m (Drawing No. H534-5PD-003 in the Technical Note for Construction Traffic) and will include temporary signage where the access crosses the PROW as well as the track having temporary fencing. The visibility splays shown on Drawing No. H5234-5PD-002 Rev C may require cutting back the boundary hedging to the west of the site access. A temporary traffic management measure of left-in, left-out operation will be required at the junction with Hadham Road with signs and a banksman required to assist with the safe movement of pedestrians, cyclists and construction traffic.

- 5.2 EHDC Conservation and Urban Design Advisor raises no objection in principle but the heritage impacts must be sufficiently weighted in the planning balance along with other issues. There are a number of listed buildings and a Scheduled Monument surrounding the site and Wickham Hall includes Grade II listed buildings. The proposed solar farm would be adjacent to the newly completed A120 Hadham bypass, which has already compromised the former open landscape of agricultural fields that comprised much of the wider setting to the north and east of Hadham Hall site, Hadham Park site and the Moated Mound. The immediate setting of the Moated Mound is now dominated by the Bypass. Some areas of the proposed solar farm will be visible from the Hadham Hall site and the Hadham Park site, however this visibility will be softened as the planting along the bypass matures and the additional planting proposed as part of the application. The proposals will result in less than substantial harm to the significance of the designated heritage assets due to the negative impact on the wider settings. Whilst this is given great weight, it is acknowledged that there are public benefits associated with the scheme in terms of energy security and sustainability.
- 5.3 HCC Growth and Infrastructure Unit will not be seeking financial contributions as the proposal is not for residential development.
- 5.4 Lead Local Flood Authority objected to the proposal on the grounds that a detailed drainage strategy has not been provided, that infiltration testing has not been undertaken and that pre- and post-development run off rates have not been suggested. Following dialogue with the Council, they have recommended conditions, should the application be approved.
- 5.5 HCC Herts Ecology advises that the Ecological Appraisal is acceptable and the recommendations set out in section 6 are reasonable and should be followed except for MM1, which is now irrelevant. The proposal can achieve biodiversity net gain and there should be a Landscape and Ecological Management Plan condition.
- 5.6 HCC Herts Historic Environment advises that the site extends into an Area of Archaeological Significance and lies within 120m of a

Scheduled Monument. The geophysical survey covered the original site area and demonstrates four distinct areas of substantial archaeology and a number of potential archaeological features spread across the site. It is noted the reduction in the area of the development has removed two of the defined areas of archaeology and Area 3 within the site area was not surveyed due to crop conditions. Whilst the Technical Note considers the solar farm development is limited in its physical impact, it does not consider the impact is spread across 100% of the development area (excluding existing and proposed hedgerows and woodland planting) and the end of life impact when the panels and equipment is removed and land reinstated. The Technical Note also asserts that the potential damage on the unconfirmed archaeology is justified due to the robustness of the potential features. However, the robustness is unproven and therefore this statement is not acceptable, but it is noted that the applicant is willing to undertake further survey work and the Technical Note suggests mitigation such as a no-dig policy in the three areas of probably archaeology (Refer Fig. 1 of Technical Note on Geophysical Survey). Due to significant remains of archaeological interest likely to exist across the development area, further trench evaluation is required and given the nature of the proposal, it is considered that this could be undertaken prior to commencement of development commencing with an Archaeological Brief and appropriate condition.

- 5.7 EHDC Environmental Health Advisor (Noise / Nuisance) originally raised concerns with the proposal based on issues regarding noise generation from electrical switching equipment. Further discussions with the applicant were held and additional information relating to noise generation submitted. On review of this information, Environmental Health are satisfied that the noise impacts of the proposal are acceptable subject to conditions, which are included in the recommendation below.
- 5.8 EHDC Landscape Officer advises that the nature and scope of the proposal will have a relatively high magnitude of effect on the landscape character of the local area as perceived by people who live in or around the local area and users of the public rights of way due

to the quite open character of the western undulating landform. However, the site is not highly visible from longer distance views where there are relatively few receptors. Where the solar panels can be seen, with the dense regular striped pattern of the rows, they will inevitably appear conspicuous in the landscape. However, the proposed planting will improve the existing level of screening and provide significant net gain in terms of biodiversity. It is noted the woodland tree planting on the northern boundary will take several years to have significant effect but will provide screening to Walnuttree Green and nearby dwellings. The landscape officer notes that the proposal will have the highest adverse visual impact on users of the PROWs and the additional hedgerow and tree planting will help mitigate this but there are some sections of the PROW where the solar panels will be visible. On balance, no overall objection on landscape or arboricultural grounds are raised.

- 5.9 Safeguarding Authority for Stansted Airport has no objection subject to a condition requiring an aviation Glint and Glare Assessment and an informative regarding cranes and tall equipment notification.
- 5.10 Natural England have advised that they consider that the proposal will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. They note that the proposal would be on best and most versatile agricultural land but they are satisfied that, as the solar panels would be removed at the end the development's life, it would not result in a loss of this as a resource for future generations. They go on to advise that the proposal would result in a reduction of agricultural production which needs to be carefully considered. They recommend conditions to protect the value of soil on the site.
- 5.11 Health and Safety Executive advises that the site does not lie within the consultation distance of a major hazard site or major accident hazard pipeline.
- 5.12 National Grid has not objection.

- 5.13 Uttlesford District Council advises that it refused the original application that was submitted within Uttlesford boundary. The site lies in the open countryside and the planning authority should be satisfied that the proposal does not lead to unacceptable harm to the character and appearance of the area and in cases of any harm consideration should be given to mitigation such as a Landscape and Ecological Management Plan and Mitigation Plan. To mitigate against visual impacts and the impact of glint and glare upon highway users, it is recommended that consideration be given to deeper planting around the boundaries of the site and additional hedgerows/tree planting where needed. It is recommended that a specialist Landscape Consultant assess the application and the impact on the countryside. Neighbouring residents should not be materially harmed, particularly with regards to glint and glare. The several designated heritage assets and scheduled monuments are nearby and the development should not create significant harm to the setting and significance of these. The site is identified as Best and Most Versatile Land and the intensification and use of this land could have a significant impact on soil quality and erosion over a long period of time along with loss of ecological habitats when the solar panels are installed and removed. Careful consideration should be given to the management of the land to ensure soil quality remains and Best and Most Versatile Land is not permanently lost. Highway safety also needs to be considered so that there is no detrimental impact.
- 5.14 Essex County Council Minerals and Waste does not wish to comment on the application.
- 5.15 Hertfordshire and Middlesex Wildlife Trust is pleased to see that the original biodiversity metric has been adapted to incorporate species rich grassland under the solar arrays as this will result in an estimated biodiversity net gain of 100.67 habitat units/82.69%. This far exceeds the expected 10% net gain and is likely to be an underestimate as the predicted condition of the species rich grassland has been set at poor. With the correct management via a Landscape and Ecological Management Plan (LEMP), a moderate condition could be achieved. With the added benefits of carbon

capture with the grassland replacing an arable system and the solar panels themselves, the scheme has considerable ecological and environmental benefits. LEMP condition provided.

- 5.16 Crime Prevention Design Advisor does not fully support the application as has substantive concerns regarding the security fencing as it is deer-proof fencing and it is preferred that 2m high weld mesh fencing be installed (certified to LPS 1175 issue 8 rated at B3) or a suitable equivalent. It is not clear whether the CCTV proposed will be monitored and installed with a perimeter intrusion detection system. The upgrading of the PRowS (Public Right of Ways) to Byways Open to All Traffic will be subject to an application to HCC.
- 5.17 Bishop's Stortford Ramblers states that it is important that access for PRow be kept open and unobstructed at all times during and after site construction and if diversions are required that these be agreed prior to work commencing. The use of Wickham Hall Drive to the south of the A120 underpass is inherently unsafe for walkers and cyclists. The four new permissive paths would have benefits to the overall path network and will allow short local circular routes and improve connections to the wider PRow network between Upwick Green and Albury and Wickham Hall. The existing hedgerows being retained and gaps filled with native trees or shrubs will provide some screening with some views impacted by the solar arrays. Would users of the PRow in the north looking south view the solar arrays like they see the traffic and hear the noise from the Little Hadham bypass? This bypass has a greater negative impact on the PRow network than the solar farm would. Due to the additional four permissive paths there is no objection to the proposal. It is requested that all PRowS remain open during construction.
- 5.18 Bishop's Stortford and District Footpaths Association welcomes the proposals to create a new permissive path network as part of the proposal but would also like to see the owner address several longstanding anomalies of PRow including Bridleway 008, Footpath 008a, Footpath 074 within Hertfordshire and Bridleway BR073 and BR020 in Essex to create a logical link for cyclists and horse riders. In regard to Footpath 008a, it is requested this be upgraded to a

Bridleway and either diverted or extinguished where it has been blocked by a wall.

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

6.0 Town/Parish Council Representations

6.1 Bishop's Stortford Town Council has no objection.

6.2 Albury Parish Council strongly object as green energy solutions should not be at the cost of the rural landscape and valued farmland. The proposal is not aligned to the district plan or the NPPF. The district plan states that the natural environment is one of the district's greatest resources and the Council is committed to conserving and enhancing the important landscape and townscape elements which form a key part of the district's character and quality of life of its residents. A solar farm on prime agricultural land is not consistent with the District Plan. There are 4 other solar farm related development within a 2-mile radius. Protecting farmland is essential. The land is Grade 2 and Grade 3a agricultural land capable of producing moderate to high yields of arable crops. Food production locally is needed to reduce the carbon footprint of imports. Net loss of biodiversity will occur in the immediate and long term. Some wildlife (Deer, Badgers and Brown Hare) will not be able to travel across the site, diverting them to the bypass and the A120 creating safety concerns. The development does not offer anything to the area and only detracts from the village vistas and countryside, removing farming employment and offering no economic benefits. The Parish Council does not feel that it was adequately consulted in the preparation of the amended application. Albury and Little Hadham Schools have not been contacted by the applicant. The amended plans do not address the main planning concerns relating to the Rural Area Beyond the Greenbelt and does not align to the district plan and results in a significant loss of best and most versatile land. There will be significant damage to Albury Village vistas and approaches and damaging to numerous listed buildings. Remain fundamentally and strongly opposed to the application.

6.3 Farnham Parish Council strongly object due to the wider issues such as the public opinion, and wider environmental and visual impacts and the inefficiencies of solar/battery farms and clustering them around substations creates cumulative impact on the countryside. The solar farm is not environmentally friendly with intrusive CCTV on the boundaries and disastrous impact on wildlife, loss of good agricultural land. There is a large and active herd of deer in the locality. If animals manage to break through the fence, they are likely to be trapped and perish. There is no guarantee that the land will be returned to farming after 30 years and may be brownfield land suitable for housing or industrial development. The solar farm is not essential. Poorer grade land could be used elsewhere. A solar farm will add to the poorly treated countryside that is irreversible with peace and quiet destroyed by other pollutants, industrial grade traffic, light and noise disturbance from noisy fans to provide cooling of storage batteries. Offshore wind farms could provide more electricity than solar parks. New developments should have solar panels on roofs and heat pumps or other efficient heating systems rather than the solar farm. The Parish Council strongly object to the amended application due to impacts on wildlife, loss of agricultural land, loss of public access to green space, contrary to NPPF, impact on views and vistas and will detract from the openness of the countryside, light and noise pollution. Farnham is isolated and valuable and there is danger this will be lost with encroaching development impacting on valuable flora and fauna habitats that are characteristic of the area. PRowS are identified as a valuable resource in the District Plan and Policy CFLR3 states that development should not adversely affect them. Due to the solar farm site being crossed by several PRowS, this policy cannot be complied with. The Parish Council consider Uttlesford District Council have made some extremely valid points and raised issues that need to be seriously considered by East Herts planning committee as there is a focus on current government guidelines and priorities established by central government. The loss of the most valuable and highly rated agricultural land in East Anglia. Food production is growing in importance as well as energy security. That is why planning authorities need to carefully consider and demonstrate why high-

grade agricultural land should be taken out of use. The planning authority needs to balance the requirements of energy sources and the food self-sufficiency.

- 6.4 Berden Parish Council object as a neighbouring Parish Council as there is a cumulative impact of solar farms and battery storage proposals in the locality of Pelham substation. The cumulative impact of these need to be considered by way of a comprehensive Environmental Statement. Renewable energy is supported and note that the battery storage is required to compensate the fluctuating nature of renewable energy supply. The 2017 battery storage facility in Uttlesford was meant to have enhance landscape screening, noise attenuation with a green finish to blend with the woodland behind. In reality the battery units installed were white and there was inadequate landscaping to screen the units, making is a blight on the landscape for several miles. The solar farms should not be dealt with in a fragmented way. There is a need for proper structured screening, buffers and regard taken of views, visual impact, noise and fire control measures. Suitable brownfield land or non-agricultural land is available within a reasonable search area, therefore the use of agricultural land is not the best approach for renewable energy proposals.
- 6.5 Campaign for Protection of Rural England (CPRE) advises that they support renewable and sustainable forms of electricity generation but maintains its strong objection the proposal as the land is identified as Rural Area Beyond the Green Belt and has similar protection to Green Belt for rural character and open countryside. The land provides a vital function as countryside for agriculture and recreation. The National Planning Practice Guidance (PPG), for Renewables and Low Carbon Energy is clear that renewable energy does not automatically override environmental protections and concerns of local communities. In regard to GBR2, the proposal is not an exceptional development as stated by the planning agent and Policy CC3 is not the principal policy. The proposal fails three of the five tests listed in Policy CC3. The development is industrial and the impact on the countryside will be changed for a generation. The PPG is supported by Ministerial statements of April 2013 and March 2015

confirming that renewable energy should not automatically override environmental protection. The proposal could be located on other land rather than open countryside. The proposal will be highly visually prominent in the landscape from all directions and the public rights of way run alongside the western boundary of the site, increasing visibility. The battery storage is a safety concern with fire risks of lithium-ion batteries and Hertfordshire Fire and Rescue Service is not equipped to deal with such risks. CPRE does not support the loss of Best and Most Versatile land that should be used for food production and the need for food security will only increase in the future. The request for a 40 year consent is not temporary and wildlife and habitat would be irreparably harmed with birds mistaking the glass panels for water, mammals being trapped and insects having compromised habitats. CPRE does not agree with the Council's screening opinion and asks the Council to reconsider for similar proposal as there will be significant environmental impacts.

7.0 Summary of Other Representations

7.1 577 responses have been received with 378 of these objecting and 196 supporting the proposal. The objections are on the following grounds:

Loss of countryside

- too much open countryside lost to development with housing and bypass.
- loss of walking, riding horses or cycling areas in the countryside
- not convinced land will revert to green field/farmland
- high yield farmland with quaint small villages surrounding will be destroyed
- devastation of the countryside
- rural Area Beyond the Green Belt is highly valued in accordance with Policy GBR2

Loss of farmland

- loss of acres of best and most versatile farmland

- agricultural production is required as a means of feeding the nation
- majority of land on the application site is Grade 2, with the remainder being Grade 3a agricultural land
- contrary to para 174 of NPPF as proposal does not recognize the economic and other benefits of the best and most versatile agricultural land
- the arable land is accessible and should be viable as the bypass only impacts on a small area of the farmland and there are tracks and bridges crossing over/under the bypass
- loss of prime arable land/farmland will further weaken food supply and increase carbon with more food being imported by air
- The previous Minister of State for Housing confirmed in a letter dated 28.7.21 that “the NPPF expects local authorities to protect and enhance valued landscapes, recognize the character and beauty of the countryside and the benefits of the best and most versatile farmland in their policies and decisions”, and “local authorities should protect all that we value in landscapes and natural capital”
- the proposal will turn farmland into a brownfield site
- Natural England Technical Note TIN 049 states that most of the UK land area is in agricultural use and how that important natural resource is used is vital to sustainable development
- the soil cannot be immediately returned to effective arable use after years out of production
- if no poor quality agricultural land within district then alternative sites should be considered not being bound by local government boundaries
- removal of topsoil means this area will not be returned to agricultural use

Impact on landscape

- proposal is at odds with Landscape Character Assessment commentary for area 150 Hadhams Plateau
- the development will adversely change the rural landscape for 40 years, which is “uncontained growth”

Location

- should be in hotter countries
- should be on large industrial buildings, brownfield sites or new dwellings
- this farmland is not more difficult to farm with the bypass and the farmland to the west of the bypass is being saved for more housing development
- not the right location for a solar farm
- should be on land bordering motorways and major roads and not spoil residents and animals lives
- safety hazard to aircraft due to location
- there are abandoned/unused/ and derelict areas such as old airfields or landfill sites that would be more suitable

Highway impacts

- unsustainable and dangerous on local rural roads

Impact on residential amenity

- there has been major disruption around Bishop's Stortford and the installation of the solar panels will take months to complete
- substantial local community hostility to the proposal
- screening of solar panels is minimal and will take 10 or 15 years to become effective
- the proposal will be an eyesore and there are some areas where there is no additional screening
- disruption to quality of life
- recent research proves solar farms are worse for the environment rather than a benefit
- noise from transformers and light pollution
- each inverter will emit audible noise (60 Db each)
- countryside is essential for mental health
- contrary to Policy VILL3 for Upwick Green due to impact on important views/vistas of the countryside
- significant impact on visual amenity of residents and visitors

- houses are located just metres away from the solar farm
- CCTV battery storage and fencing will be unsightly

Impact on natural environment

- negative impact on soil flora, fauna and wildlife and looking for habitat elsewhere
- emission of toxic fumes and other risks
- ruin beautiful wildlife used by walkers
- wildlife should be protected at all cost
- site is a green lung and recreational asset and solar farm is an industrial development
- damage character of local area
- biodiversity is crucial to maintaining and biodiversity gain does not account for the existing value/scarcity of the wildlife
- the development will damage the habitats for 2 generations and more in a key biodiversity area with heath, grasslands and woodlands
- the deer-proof fencing will restrict movement across the site
- the proposal will add to flooding from new developments
- agricultural land creates greater haven for wildlife than a solar factory
- bird and bat deaths are common as they mistake the glass of solar panels for water
- cleaning materials can contaminate the soil
- potential toxic chemicals leaching out from the panels
- impact on Patmore Heath SSSI has not been taken into consideration
- rural area will be urbanised

Size of proposal is excessive

- visual impact on environment
- maximum size allowed to be determined by the local planning authority
- visual impact of battery storage area in a rural setting
- lack of planning for fire of lithium-ion battery storage

Efficiency of solar energy

- it is questionable if solar farms produce clean energy
- inefficient due to the lack of sunshine
- use of soon to be redundant technology
- very difficult to recycle the solar panels once they are removed from the site
- no benefits to local community and only benefits its promoters and land owner
- weather is dark almost 40% of the time in the UK
- should be in much hotter countries
- excess solar gain in summer months can't be used/stored for sufficient time to be usable
- wind, wave and offshore energy are much more efficient with less detrimental impact on environment
- carbon footprint is significant over the build time, materials, shipping and decommissioning
- materials used are not commercially recyclable
- battery technology will be outdated in 10 years
- thousands of tonnes of concrete will be used to build the site, which is one of the least green building materials
- soon more cost-efficient methods of sustainable energy production will be found that is better than solar panels
- solar panels are better on rooftops

Cumulative impacts of development around Wickham Hall

- The 2500 new homes, A120 bypass and pending development at Upwick Hall is all too much to the loss of farmland
- other solar farms planned for Battles Farm/Pelham Spring, Stocking Pelham battery storage, Berden and Furneux Pelham

No economic benefits of development

- land could be used to meet housing shortage with great links to the town
- no economic benefits for the local community

- what capacity of electricity can be generated by the reduced site area
- Lack of decommissioning plan, so no obligation to return to greenfield. Therefore, uncontained growth contrary to the District Plan
- will the solar panels at end of life be recycled or destroyed

Heritage impacts

- inappropriate setting of historic hamlets and villages

Other comments

- community engagement and support not accurate
- environmental impact assessment was inadequate
- disingenuous consultation carried out by applicant with no details of the proposal replacing farmland used to grow essential food and crops

7.2 The 196 letters of support have been received and some of these are in the form of an online survey/questionnaire. The support letters and online survey are on the following grounds:

- Helps save our planet and one of the few initiatives that is working toward a sustainable planet
- Most ecologically and intelligent way to generate power
- Urgent to use renewable energy and lessen global warming
- Need more energy capacity
- Need local renewable energy
- Better than nuclear power
- Vital for planet and children's quality of life
- Best way to generate energy
- No loss of green belt land now and a small proportion of agricultural land
- Energy security is needed to ensure food security
- Significant biodiversity net gain with large-scale wildflower areas for insect population and no pesticides used
- Sustainable development

- The Bishop's Stortford Climate Group support the proposal on balance for 3 key reasons. 1. The need to stop importing gas. 2. Reduce dependency on fossil fuels will help minimise economic hardship. 3. Teetering on the brink of climate catastrophe and need to halve carbon emissions by 2030. Building solar farms represent one of the fastest and most cost effective ways of addressing these problems. The development will inevitably have visual impacts but the solar farm can be built quickly and address the need to increase the use of renewable energy capacity.
- East Herts Green Party supports the development as1. There is an energy crisis and a climate emergency and solar power is quicker to develop than wind. 2. The land will be returned to agriculture and solar panels do not degrade the quality of land for agricultural use. The land will improve during years of fallow. 3. The profitability of crops is decreasing. 4. The solar panels are close to the grid and local energy is efficient, 5. The concern of local people on the amenity impacted using the public footpaths is recognised but more trees and hedgerows and new paths will mitigate this. 6. Increase in biodiversity is welcomed. 7. Conditions will be added to ensure Biodiversity Net Gain and the land returned to green field rather than brownfield status after 40 years.

8.0 Consideration of Issues

Principle of Development

- 8.1 Paras 152, 153 and 158 of the NPPF state that the planning system should support the transition to a low carbon future and not require applicants to demonstrate the overall need for renewable energy. The Climate Change Act requires 1990 levels of greenhouse gas emissions to be cut by 80% by 2050. Para 11 identifies that there is a presumption in favour of sustainable development and para 84b supports decisions that enable diversification of agricultural rural businesses. Para 174 has been raised by several objectors in regard to protecting the best and most versatile agricultural land. The

paragraph also refers to the wider benefits of the natural environment such as biodiversity net gain.

- 8.2 The National Planning Practice Guidance (PPG) states that increasing the amount of energy from renewable technologies will help secure supply and reduce carbon emissions to slow down climate change, which is one of the core principles of the NPPF. Like other developments, other policies need to be taken into consideration in assessing the application for renewable energy. In order to maximise the energy generated by renewable energy generation, there is a need to store it, which will assist in securing supply. The government formally recognised this with The Infrastructure Planning (Electricity Storage Facilities) Order 2020 coming into force in December 2020. There are also other more recent research and publications on renewables and energy security that should be considered, such as the British Energy Security Strategy April 2022 and the older Overarching National Policy Statement for Energy (EN-1) 2011
- 8.3 The Overarching National Policy Statement for Energy 2011 is a National Policy Statement which is mainly intended as guidance to the Planning Inspectorate on Nationally Significant Infrastructure Projects, but which does also set out the Government's policy of delivery of major energy infrastructure. It sets out a commitment to, and roadmap to achieving, the Government's commitment to achieving 80% green house gas emissions by 2050, compared to 1990 levels. Achieving this will require a number of measures, including the electrification of many technologies which are currently powered by other means, resulting in a need for sustainable delivery of clean electricity, amongst other matters. The document also sets out a number of factors to be considered in the design of projects and the selection of suitable sites.
- 8.4 In regard to large scale solar projects, the Energy Security Strategy states that large scale projects on previously developed or lower valued land, where possible will be encouraged and where greenfield sites are proposed then mitigation measures should be in place. The Strategy also states that the government will support solar that is co-located with other functions and provides agriculture as an example,

which is the case for Wickham Hall, with the majority of the holding continued to be used for agriculture. The recent legislation reflects the need for securing renewable energy supply as well as reducing greenhouse gas emissions to address the climate change emergency.

- 8.5 East Herts District Plan supports renewable and low carbon energy and refers to the National Planning Policy Guidance with Policy CC3 taking a balanced approach to promoting renewable energy where the impacts can be satisfactorily mitigated. Policy ED2 of the District Plan also supports the principle of sustainable economic growth in rural areas where they are appropriately and sustainably located and do not conflict with other policies of the Plan.
- 8.6 Paragraph 2.3.2 of the District Plan identifies that one of the key challenges is protecting the high quality environment of East Herts, including its towns, villages and the countryside as well as protecting biodiversity and responding to climate change. The District Plan has policies which seek to protect these characteristics. The development site is within the Rural Area Beyond the Green Belt, Flood Zone 1 and an Area of Archaeological Significance.
- 8.7 The site has agricultural land Grade 2 and Grade 3a which are defined in the NPPF as being the best and most versatile agricultural land. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting valued landscapes, recognising intrinsic character and beauty of the countryside, minimising impacts and providing net gains for biodiversity, preventing pollution and help improve local environmental conditions.
- 8.8 The need for securing renewable energy supply as well as reducing greenhouse gas emissions to address climate change is considered to have significant positive weight but this does not automatically override environmental impacts which has been raised by objectors and also set out in Policy CC3 of the District Plan.

Sustainability and Climate Change

- 8.9 Paragraph 7 of the PPG and Policy CC3 of the District Plan are relevant to the proposed application. Paragraph 7 lists 6 considerations which include: the need for renewable energy does not automatically override environmental protections; the cumulative impacts on the landscape and local amenity; local topography and whether there could be damaging effects on the landscape; conservation of heritage assets; careful consideration of proposals in National Parks and Areas of Outstanding Natural Beauty or close to them; and protecting local amenity be given proper weight in planning decisions.
- 8.10 Similar to paragraph 7 of the PPG, Policy CC3 supports renewable energy generation subject to assessment of the impacts on: environmental and historic assets; visual amenity and landscape character; local transport networks; the amenity of neighbouring residents and sensitive uses; air quality and human health; and the safe operation of aerodromes. Part II of this policy states that the Council will attach particular importance to maintaining the special countryside character of the rural area, including the preservation of long-distance views from public rights of way.
- 8.11 The proposed solar farm with an output of approximately 35MW will contribute to the need for energy security and help address climate change by reducing carbon emissions. 35MW of renewable energy is equivalent to the electricity consumption of approximately 10,600 average homes or 15,430 electric vehicles annually. The carbon offset is approximately 16,130 tonnes each year. There is a direct link to the local community as the electricity generated would feed into the grid at Bishop's Stortford Substation, approximately 1350 metres to the southeast of the site, adjacent to Bishop's Stortford Rugby Club.
- 8.12 Paragraph 13 of the PPG requires great care to be taken to ensure heritage assets are conserved, including the impact on views important to their setting. The site itself is likely to have archaeology impacts and the Historic Environment officer is satisfied that this can be mitigated by a condition requiring an Archaeological Brief, Written Scheme of Investigation and a commitment to publication of any significant findings. In regard to the nearby Grade II listed buildings

of Wickham Hall, the proposed western boundary of the solar farm is approximately 1000 metres from the closest building and is and would continue to be visually separated due to the existing and proposed hedgerow and existing woodlands. To the north of the site is Upwich Lodge where the woodland is proposed to be planted. This woodland planting will also assist in retaining a countryside outlook for the residents of this property and other dwellings near to the northern boundary of the development site. The proposed solar panels will be approximately 180 metres from this listed building and will have the woodland planting to separate the visual impact. Upwick Hall is further to the north of the site and is connected via the Public Right of Way. To the west of the Hadham bypass site is Hadham Hall, Hadham Park and the Moated Mound. The solar farm will be visible in parts from these designated heritage assets, however due to the existing planting adjacent to the bypass and the proposed planting to the west of the solar panels, the harm is less than substantial due to the negative impact on the wider settings. The proposed solar farm is considered to have positive environmental impacts in regard to offsetting carbon emissions and providing a significant net gain in biodiversity.

- 8.13 Similar to the impact on heritage assets, the proposed solar farm will have an impact on visual amenity and landscape character. However the layout of the solar panels in 7 separate fields and separated by existing and proposed landscaping will assist in minimising this visual impact.
- 8.14 The environmental health officer has not raised any objection to air quality and with limited vehicles accessing the site and farm vehicles not working within the 7 areas means that there will be a reduction in vehicle emissions for the life of the development (up to 40 years). The existing public rights of ways will be retained and additional paths (permissive footpaths) will be created thus providing more outdoor open space for visitors to the locality. The proposal is not considered to have an impact on the local transport network apart from at the construction and at the decommissioning stage.

- 8.15 The Stansted Airport Safeguarding Authority has not objected to the proposal on safety grounds but has requested a condition for a glint and glare assessment to be undertaken.
- 8.16 Several site visits have been undertaken by the planning and landscape officers to determine the potential impacts of the solar farm on users of the public rights of way. As stated above, from various viewpoints along the footpaths, there will be glimpses of the solar panels but these long views are not considered significant due to the bypass infrastructure and associated planted hedgerows as well as the proposed hedgerow planting. The proposed solar panels will adjoin some footpaths where they are likely to be visible as stated by the landscape officer. However, the panels will be set in from the boundary and surrounding by wildflowers and hedgerow.
- 8.17 Whilst there will be a landscape and visual impact, the mitigation measures of additional hedgerows and other tree planting in addition to the wildflower and grassland around and under the solar panels will help reduce this impact. This impact also needs to be balanced against the benefits of the proposal which include significant biodiversity net gain, energy security, and a reduction in carbon by the production of renewable energy.

Agricultural Land

- 8.18 East Herts has approximately 34,000 hectares of agricultural land, all of which is Grade 2 and 3a, and so defined as best and most versatile. The applicant has advised that Wickham Hall currently farm approximately 1150 hectares. The proposed solar farm will take up approximately 5% of the area that is currently in agricultural use. In addition to this limited loss of agricultural land, the loss is not permanent and the land will be restored to agricultural use when energy production ceases at 40 years or earlier. Policy ED2 Rural Economy supports the sustainable growth and expansion of existing businesses in the rural area in principle where they are appropriately and sustainably located and do not conflict with other policies in the Plan.

- 8.19 The rural area is highly valued for its open and largely undeveloped nature and Policy GBR2 seeks to maintain this by concentrating development within existing settlements. Policy GBR2 of the District Plan is positively worded and identifies types of development that will be permitted provided they are compatible with the character and appearance of the rural area. The policy is silent on renewable energy proposals. Policy CC3 of the District Plan states that the Council will permit renewable energy generation subject to assessment and does not prohibit proposals of renewable energy in the countryside, which is approximately two-thirds of the District. The District Plan addresses the natural environment in Policies NE2, NE3 and NE4. All of these policies are a consideration in Chapter 15 of the NPPF, which seeks to conserve and enhance the natural environment.
- 8.20 Para 174 of the NPPF recognises the value of agricultural land but has a wider view of contributing to and enhancing the natural environment beyond in regard to net gains for biodiversity and the benefits of trees and woodland and gives these elements the same weight (para 174 b) and d). This is important in assessing the proposed solar farm as the proposal has significant net gains for biodiversity with the proposed wildflower planting, woodland planting and new hedgerows and additional planting in existing hedgerows. It is noted that Para 176 of the NPPF only gives great weight to National Parks and Areas of Outstanding Natural Beauty which are not applicable here.
- 8.21 Natural England commented on the proposal and did not raise any objections as the proposal was unlikely to lead to the long-term loss of best and most versatile agricultural land for future generations. Some of the infrastructure may impact on the agricultural land but this is limited and the development is proposed for up to 40 years, when it will need to be restored to its former state and continue to be used for agriculture. Therefore there is no permanent loss of agricultural land.
- 8.22 As a result, the proposal does not constitute a significant permanent loss of best and most versatile agricultural land, and conditions shall

be imposed to secure the protection of soil and reinstatement to the existing agricultural land grade at the end of the lifetime of the development.

- 8.23 Consideration needs to be given to the loss of agricultural production during the lifetime of the development. This would have an impact but given the size of the holding, it is not considered to be significant, and must also be considered in the context of the environmental benefits this proposal would bring which is afforded significant weight.

Landscape Character

- 8.24 The existing landscape character will change from arable fields to the proposed solar farm and associated infrastructure on a net area of 24ha. The remainder of the 59ha will include existing and proposed hedgerow and woodland, grasses and wildflower planting. This additional hedgerow and woodland planting will help mitigate the impacts of the proposal as well as strengthening the character of the district's landscape on a permanent basis. These measures are considered appropriate and in accordance with Policies DES2 II and DES3 II, which require mitigation measures and compensatory planting or habitat creation. The timeframe of the development is important in consideration of the impact on the landscape character as the compensatory planting will not be removed from the site at the decommissioning stage.
- 8.25 The landscape character around the site has changed significantly with the construction of the bypass and it is acknowledged that this shouldn't encourage development in the countryside, but it does change the character of the landscape. The bypass is permanent and has a number of mitigation measures in place, which includes hedgerow planting on the eastern and western side of the carriageway. The landscape officer notes that the solar farm will be visible to the users of the bypass and this would be transient and therefore not of primary importance to road users. The comments of the landscape officer state the highest adverse visual impact will be on users of the PRoWs as their attention or interest is likely to be on

the landscape and particular views, with the new hedgerows and wildflower plantings providing some long-term benefits.

- 8.26 The PRowS have been considered in the layout of the proposal and with amendments requested by officers, the users of the PRow will not be adversely affected in regard to the hedgerow planting and new woodland planting to the north of Area 6. In addition of providing additional planting adjacent to the PRowS where there isn't any, the permissive footpaths will provide additional footpaths for users of the PRowS and enhance the Rights of Way network in accordance with Policy CFLR3 of the District Plan.

Heritage Assets

- 8.27 Paragraph 8.11 and the summary of the conservation and design advisor and HCC historic environment advisor in Section 5 addresses the potential impacts on the designated heritage assets. The proposal will result in less than substantial harm to the significance of the designated heritage assets due to the negative impact on the wider settings of the Hadham bypass. Beyond the bypass, the proposal will be softened by the planting on either side as it matures, as well as the additional planting of hedgerow and woodland as part of the application.
- 8.28 Policy HA1 II. of the District Plan states that *"less than substantial harm should be weighed against the public benefits of the proposal."* Many of the objections received did not consider there were public benefits. However, the proposal will provide public benefits in regard to the use of renewable energy helping to reduce the reliance on fossil fuels and associated carbon reduction and contributing to energy security. The energy generated from the site will feed into the Bishop's Stortford grid which is in broad accordance with the government's objective for decentralised energy production. In addition to these benefits, there are significant improvements in biodiversity with additional woodland and tree planting, grasses and wildflowers attracting a range of wildlife.

- 8.29 The geophysical survey submitted with the application indicates that there are “no overriding heritage constraints” and based on this, the historic environment advisor has agreed that further archaeological investigation can be undertaken by way of a condition. The condition will prevent development commencing until a programme of archaeological work is secured in accordance with a written scheme of investigation, which requires trial trenching based on the results of the geophysical survey.
- 8.30 The proposal will result in less than substantial harm to the significance of the designated heritage assets due to the negative impact on the wider settings. Whilst this is given great weight, it is acknowledged that there are public benefits associated with the scheme in terms of energy security and sustainability which must be balanced against this in arriving at a decision.

Ecology and Biodiversity

- 8.31 The current arable fields provide limited ecological value, whereas the hedgerow and trees surrounding the arable land have greater ecological value and propose to be retained and enhanced as part of the development. The nearest Local Wildlife Site, Bloodhounds Wood, is approximately 220m from the eastern boundary of the development site and separated by a new hedgerow and wildflower seeding proposed on the eastern side of Area 7. The additional hedgerows proposed will assist in screening the solar panels and associated equipment but also improve wildlife corridors. The fencing proposed is to stop deer entering the solar panel areas but should not prevent smaller animals from the fields.
- 8.32 Extensive new planting in and around the solar panels includes wildflower planting, new hedgerows and strengthening of existing hedgerows, tree planting and woodland planting. There is also likely to be grasses underneath the solar panels, which would further strengthen the biodiversity benefits of the proposal. Drawing No. 7200/ASP1 Rev K provides the details of the planting areas and a condition is proposed for a Landscape Ecological Management Plan

be submitted and approved prior to commencement of the development to ensure the landscaping is appropriately maintained.

- 8.33 Policy GIP4 of the Neighbourhood Plan, which seeks to protect wildlife and increase biodiversity, is relevant to the access for construction traffic, where the Highway Authority have requested visibility splays for the access onto Hadham Road. This is not likely to result in any loss of existing trees or hedgerow as this access was used by some of the bypass construction traffic and has been upgraded with a cycle/footway crossing and new grass verges.
- 8.34 A nearby pond shows that the breeding of great crested newts has occurred and a Reasonable Avoidance Measures Method Statement (RAMMS) has been prepared as well as an Ecological Assessment to ensure they are appropriately protected from any impacts arising from the development.
- 8.35 Neither Herts Ecology nor Herts and Middlesex Wildlife Trust have raised bird injuries/deaths as an issue, which has been raised by objectors. The proposed planting regime, to be secured by condition, will genuinely enhance the biodiversity of the locality, which will have wider benefits to the community. This is considered to hold significant weight.

Impact on Amenity

Visual amenity

- 8.36 The proposed solar farm will create an impact on the character of the site as it will change from arable fields to rows of mounted solar panels and associated infrastructure. The area of the panels will be 22ha within 7 fields which will have perimeter deer-proof fencing and new and enhanced hedgerow helping to screen the panels. In addition, it is also proposed to plant woodland trees within the site as well as wildflower seeding around the perimeter of the mounted solar panels. The solar panels will be visible to users on the public rights of way on implementation of the development as shown on the Photomontage (Drawing No. 7200/PLP1). The photomontages

show the panels from four key areas on Bridleways 36, 35 and 10 at Day 1, Year 5, 10 and 15. The solar panels in Areas 4, 5 and 7 will be visible from some parts of the PRowS 35 and 10 when looking southeast as are the vehicles on the bypass. At year 5 these views of the panels will be glimpses and at year 10 and 15 they are not likely to be visible to users of the PRowS, including Bridleway 9, where Area 6 and 1 will be visible at close views. The immediate view of Areas 2 and 3 from the Bridleway 10 will be visible as these two fields are on the boundary with this Bridleway where it heads north towards Upwick Hall.

- 8.37 Whilst the comments from the Footpath Association in regard to the problems with the existing PRowS around Wickham Hall buildings is noted, this area is outside the development boundary and it is not considered reasonable to require this scheme to address an issue which is not caused by the proposal.
- 8.38 The comments of the Crime Prevention Design Advisor are noted. The scheme will make use of CCTV cameras, with monitoring arrangements, and fences. As such, crime prevention is considered to be adequately addressed and a suitable balance is struck between this and security arrangements which may have a greater impact on the landscape.
- 8.39 The scheme will result in some impact on glint and glare. This is discussed below with regards to impact on aviation. It could however have some impact on amenity, being a visually element not commonly found in rural areas. In views of the scheme from the nearest points, this is considered likely to be minimal due to the angle at which panels would be seen and the extensive screening. The panels would be visible in longer views, as considered above, and glare and glint would be part of this visual impact on the landscape.
- 8.40 Overall the impact on amenity in visual terms is considered acceptable.

Noise

- 8.41 Extensive discussions have been held regarding the noise impact of the proposals as electrical switching gear, including the sub stations, can create noise due to electricity passing through the equipment, and some of the units would be air conditioned, which would also generate some noise. The noise impact as focussed on sensitive receptors, which are generally residential buildings. Following the receipt of additional information, the Environmental Health team are satisfied that the proposal is acceptable and it has been demonstrated that noise levels can be at acceptable levels. Conditions have been recommended which ensure that the noise level from the equipment at the site would be below the background noise level (so that, as noise is cumulative, it does not significantly contribute to an increase in noise) both generally, and within certain octave brackets as electricity can generate a noise at a certain frequency. Additionally, conditions are recommended, and have been accepted by the applicant, to carry out a post-completion assessment to ensure that the levels of noise generated are in line with the assessments made. As some of the measures to reduce noise may require some screening to the electrical equipment at the site, or its cooling, a condition is recommended to secure the detailed design of these elements.

Highway Impacts

- 8.42 The highway impacts of the proposal will be during construction and the decommissioning stages of the development. A construction management plan is required by condition before any development commences on site. Visibility splays are also required to be in place prior to the first delivery of the solar panels and associated equipment and a decommissioning condition.
- 8.43 Once all of the construction is completed and the solar farm is operational, there will be very few trips generated and these will only be for maintenance purposes. The existing and proposed tracks are to be used for this. The vehicles used during operation will be smaller in size and much lower in number compared to the vehicles used in farming the land.

- 8.44 The conditions proposed will help mitigate the impacts of the construction traffic on highway safety grounds in accordance with Para 110 d) of the NPPF and Policies TRA1 and TRA2 of the District Plan.

Drainage

- 8.45 The Lead Local Flood Authority have raised some concerns with the proposal and objected on the basis of the lack of a suitable drainage strategy to demonstrate that the proposal would not increase flood risk to the site or elsewhere.
- 8.46 The concerns mainly relate to the absence of infiltration testing on the site, and there being no detailed drawings of drainage proposals.
- 8.47 It is not uncommon for infiltration testing to be undertaken after a planning application is granted. Without infiltration testing, existing and proposed run off rates cannot be accurately defined and so a detailed scheme cannot be designed.
- 8.48 Approximately half the site would be given over to impermeable development and the vast majority of this area, the area under the solar panels themselves, would actually still be permeable, although the panels would intercept rainwater above this ground and so water would infiltrate differently to the existing situation. However given the distance from more vulnerable flood uses and the largely agricultural nature of the surrounding area, the Council is satisfied that the site can still drain appropriately and these issues can be dealt with by condition. The Lead Local Flood Authority have recommended some conditions to be attached.

9.0 Planning Balance and Conclusion

- 9.1 Policy INT1 of the District Plan states that the Council *will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure*

development that improves the economic, social and environmental condition in the area.

- 9.2 The principle of renewable energy and energy security is supported by planning policy and this is given substantial weight.
- 9.3 Planning policy also seeks to protect the countryside and its range of functions for agricultural use, landscape character, the natural environment including minimising impacts and providing net gains in biodiversity, preventing pollution and overall improving local environmental conditions. Whilst the proposed solar farm would occupy best and most versatile agricultural land, and would result in a reduction of agricultural production, the proposal is not permanent and occupies a small area of Wickham Hall farm. For these reasons, the loss of the agricultural land is given moderate weight. Moderate weight is also given to the impact on the character of the landscape as the site is not a National Park or Area of Outstanding Natural Beauty, which is normally afforded great weight.
- 9.4 The biodiversity net gain of the proposal is given greater weight than the impact on the countryside character as the planting proposed will screen the solar panels for the majority of the time they are in place and the visual impact will be softened within 5 years. The impact is not permanent with the screen planting and the panels being in place for up to 40 years, whereas the biodiversity net gain will be permanent with the new trees, woodland and hedgerow planting being retained at the end of lifetime of the solar panels.
- 9.5 There will be less than substantial harm to the nearby heritage assets and this is weighed against the public benefits of the generation of renewable energy contributing to energy security and reducing greenhouse gas emissions to slow down climate change.
- 9.6 There are no other approved or existing solar farms nearby for the proposal to have a cumulative impact.
- 9.7 The application has been assessed against the development plan as a whole and all relevant material considerations. It is recognised that

the proposal would have some adverse impacts as set out above. However, the substantial benefits arising from this proposal would outweigh the harm and overall, the proposed solar farm would accord with the broader objectives of the development plan. On this basis it is recommended that planning permission is granted subject to conditions.

- 9.8 It is noted that the above assessment, of both benefits and disbenefits, is based on the scheme being temporary, and the applicant has indicated that they intend for it to be used for 40 years. Detailed discussions have been held regarding appropriately worded conditions to ensure that the scheme would be temporary. The developer has requested that the condition is worded in such a way to allow them to operate it for 40 years from when it starts to export electricity to the grid. However, some scenarios exist where the panels are installed but electricity export does not occur, or where there is a lag between the two. The impact on the landscape and the removal of productive land is however triggered by the installation of the scheme as opposed to the electricity generation and so officers consider that the time limit should relate to the installation of the scheme. In order to strike a balance between these issues and ensure that the environmental benefits are realised, a condition is recommended to require the removal of the scheme after 43 years, being a 40-year period for electricity generation and three years being the normal time period in which a planning permission needs to be implemented.

RECOMMENDATION

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 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 scheme, as set out in the description of development, shall be removed from the site after a period of 43 years, starting on the date of this permission.

Reason: To ensure that the impacts of the proposal accord with the above assessment, in the interests of the character of the area, visual amenity and landscape character and the protection of best and most versatile land for agricultural production.

4. Not less than 12 months before the date at which the scheme shall be removed from the site as required by condition 3, or when the scheme ceases to generate electricity (whichever is the sooner), details of a decommissioning and site restoration scheme, in accordance with the Outline Decommissioning Scheme dated January 2022, shall be submitted to and approved in writing by the local planning authority. The decommissioning and site restoration scheme shall include:

- a) Removal of all above-ground structures, traffic routes and timetable;
- b) Removal of any cabling;
- c) Restoration details for the site, including for soil quality and timetable for implementation.

The agreed decommissioning and site restoration scheme shall be fully implemented and within the time agreed.

Reason: To ensure the impact on the landscape is limited and the site is available for agricultural use and traffic safety met.

5. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local

Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan 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 temporary access to the public highway;
- j. 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, temporary pedestrian routes/signage and remaining road and PROW width for pedestrian and vehicle movements.

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).

6. No development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work as set out in the Archaeological Brief (P01/21/2601-2) and in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. This condition will only be considered to be discharged when the planning authority has received and approved an archaeological report of all

the required archaeological works, and if appropriate, a commitment to publication has been made.

Reason: The programme is required to be undertaken prior to the commencement of the development to secure the protection of and proper provision for any archaeological remains in accordance with Policy HA3 of the East Herts District Plan 2018 and the National Planning Policy Framework.

7. Development shall not commence until a LEMP has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall ensure the delivery of the agreed number of habitat and hedgerow units as a minimum (222.41 ha units, 53.39 he units) to achieve a net gain in biodiversity and include the following:
- a) Description and evaluation of features to be managed
 - b) Aims and objectives of management
 - c) Appropriate management options for achieving target condition for habitats as described in the approved metric
 - d) Prescriptions for management actions, only definitive measures are acceptable
 - e) Preparation of a minimum 30-year, annual work schedule
 - f) Details of the body or organisation responsible for implementation of the plan
 - g) Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met
 - h) Details of species and mixes selected to achieve target habitat conditions as identified in approved metric
 - i) Location of bat and bird boxes/structures
 - j) Compliance with the mitigation measures set out in Section 6 of the Ecological Appraisal
 - k) Contingency measures should the monitoring reveal that habitat condition targets are not being met

The plan shall be implemented as approved for the life of the development.

Reason: This Management Plan is required to be undertaken prior to the commencement of the development to secure the protection of and proper provision for protected species and habitats of ecological interest in accordance with Policies NE2 and NE3 of the East Herts District Plan 2018 and to ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with Policies DES3 and DES4 of the East Herts District Plan 2018.

8. Prior to any development commencing, an aviation Glint and Glare assessment shall be submitted to and approved in writing in consultation with the aerodrome safeguarding authority for Stansted. The assessment shall have no predictions of Red or Yellow glare for all departure and arrival routings, including circuits and Air Traffic Control.

Reason: In order to prevent ocular hazard and distraction to pilots using Stansted Airport.

9. Prior to any development commencing on site, details of any external lighting, in accordance with the recommendations set out in 6.1.7 Aspect Ecology Ecological Appraisal 2021, shall be submitted to and approved in writing. The development shall be implemented in accordance with the approved details.

Reason: In the interests of protecting against light pollution in accordance with Policies NE4 and EQ3 of the East Herts District Plan 2018.

10. Prior to the first use of the temporary access hereby approved, a visibility splay shall be provided fully in accordance with the details indicated on the approved drawing number H5234-5PD-002 C. 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 during the construction phase.

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).

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.

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.

12. No plant or machinery shall be operated on the site during the construction phase of the development hereby permitted before 0730hrs on Monday to Saturday, nor after 1800hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.

Reason: To safeguard the amenities of residents of nearby properties, in accordance with Policy EQ2 of the East Herts District Plan 2018.

13. All battery storage containers, transformers, storage container, substations and power stations to be factory painted matt finish dark green, grey or black in colour.

Reason: To ensure the infrastructure is a dark muted colour to blend into the landscape in accordance with policy DES4 of the East Herts District Plan 2018.

14. Prior to the installation of any solar panels hereby approved, further acoustic modelling shall be carried out to demonstrate that the level of noise to be emitted from all external fixed plant and equipment at the development hereby approved shall not exceed 5dB below the background noise level (LA90T) when calculated 1m from the façade of the nearest noise sensitive property.

Equipment shall be installed in accordance with the approved specification used in the modelling and maintained in a fashion which does not result in an increase in noise generation for the lifetime of the development.

Reason: To ensure an adequate level of amenity to noise sensitive receptors, in accordance with EQ2 of the East Herts District Plan 2018.

15. Prior to the installation of any solar panels hereby approved, further acoustic modelling shall be carried out to demonstrate that the level of noise to be emitted from all external fixed plant and equipment at the development hereby approved shall not exceed 5dB below the background noise level (LA90T) in any octave band when calculated 1m from the façade of the nearest noise sensitive property.

Equipment shall be installed in accordance with the approved specification used in the modelling and maintained in a fashion which does not result in an increase in noise generation for the lifetime of the development.

Reason: To ensure an adequate level of amenity to noise sensitive receptors, in accordance with EQ2 of the East Herts District Plan 2018.

16. Prior to the to the installation of any solar panels hereby approved, details of the method for a post-completion noise impact assessment

shall be submitted to and approved in writing by the Council as local planning authority. Within three months of the first generation of electricity from the site, or such other time period as shall be agreed through the method, the post-completion noise impact assessment shall be submitted to the Council for approval.

Reason: To ensure an adequate level of amenity to noise sensitive receptors, in accordance with EQ2 of the East Herts District Plan 2018.

17. The development permitted by this planning permission shall be carried out in accordance with the Flood risk assessment and drainage strategy prepared by Sustainable Development and Delivery, DLP Planning Ltd, dated July 2021, and the following mitigation measures:
1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the greenfield surface water run-off rates for the relevant rainfall events up to and including the 1 in 100 year + 40% climate change event.
 2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event in above ground SuDS features.
 3. Discharge of surface water from the private drain into a suitable location, such as to ground, an ordinary watercourse or river.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure that surface water run off is adequately mitigated, in accordance with WAT1 and WAT5 of the East Herts District Plan 2018.

18. No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage

strategy and sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details, including a timescale for implementation. The scheme shall include the following:

1. Fully detailed drainage strategy indicating how surface water will be managed on the site including the access road, battery storage, inverters, and transformer areas including all SuDS features, discharge points and watercourses. If discharging to a watercourse, full details confirming the capacity and condition should be provided.
2. Assessment of SuDS management and treatment.
3. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
4. Detailed assessment of existing overland flow routes and demonstration of how these will be managed as part of the development, including during the construction phase.
5. Detailed post-development network calculations for all events up to and including the 1 in 100 year + 40% climate change event with half drain down times.
6. Detailed timescales for the implementation of the drainage scheme and timescales for provision of the details required by condition 19.

Reason: In the interests of sustainable drainage in accordance with policy WAT5 of the East Herts District Plan 2018.

19. Upon completion of the drainage works for the site and in accordance with the timing/phasing agreed under condition 18, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

1. Provision of a complete set of built drawings for site drainage.
2. Photos demonstrating the installation of SuDS features.
3. Details of all maintenance and operational activities for drainage systems on site.
4. Arrangements for adoption and any other measure to secure the operation of the scheme throughout its lifetime. Confirmation of who will be adopting and maintaining the system will be required.

Reason: To ensure the site is appropriately drained as required by policies WAT1 and WAT5 of the East Herts District Plan 2018.

20. No development shall take place until a detailed surface water management plan for the construction phase of the development is provided and approved in writing by the Local Planning Authority. The strategy should describe how surface water runoff will be held on site and discharged appropriately without increasing flood risk off site.

Reason: To ensure that construction has an acceptable impact on drainage, in accordance with policies WAT1 and WAT5 of the East Herts District Plan 2018.

21. Prior to the commencement of development, a scheme for the protection of soil during the construction and ongoing operation of the site, shall be submitted to and approved in writing by the Council as local planning authority.

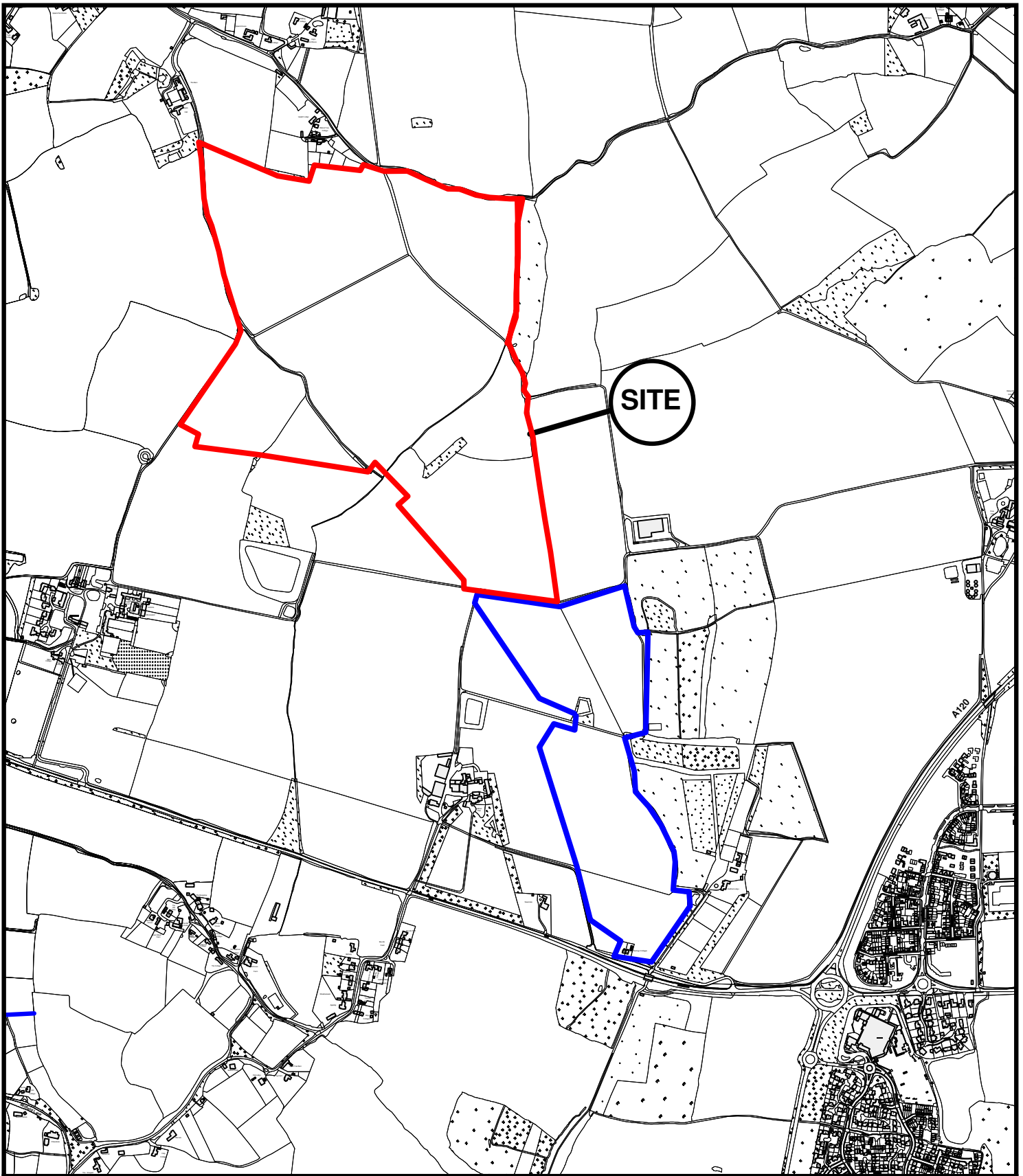
Reason: In order to protect soil as a valuable natural resource and in accordance with CC2 of the East Herts District Plan 2018.

22. Prior to the commencement of development, full details of the security arrangements for the site, including details of CCTV and other security measures, shall be submitted to and approved in writing by the Council as local planning authority.

Reason: To ensure the security of the site in accordance with policy DES4 of the East Herts District Plan 2018.

Informatives

1. Other legislation
2. The decommissioning and site restoration scheme required by condition 4 will be expected to return the site to at least the current Agricultural Land Classification
3. Archaeological interest
4. Public Rights of Way
5. No use of cranes or tall equipment
6. Bats
7. Justification to grant



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

**Address: Land At Wickham Hall Estate, Hadham Road, Bishops Stortford
Hertfordshire, CM23 1JG**

Reference: 3/21/2601/FUL

Scale: 1:12500

O.S Sheet: TL4523

Date of Print: 20 December 2022

Agenda Item 6

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

Application Number	3/21/1744/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Land To Rear Of Hermitage CottageWaresideWareHertfordshireSG12 7QY
Appellant	Mr And Mrs Tillbrook
Proposal	Demolition of existing garage to construct new single storey 2 bedroom dwelling.
Appeal Decision	Dismissed

Application Number	3/21/2129/HH
Decsn	Refused
Level of Decision	Delegated
Address	RiverviewWare ParkWareHertfordshireSG12 0EA
Appellant	Mr Lenny Greenham
Proposal	Erection of entrance porch to side and two metre high wall with gate to front elevation.
Appeal Decision	Dismissed

Application Number	3/21/2196/FUL
Decsn	Non Derermination
Level of Decision	Delegated
Address	Land Adjacent To 24 AshdaleBishops StortfordHertfordshireCM23 4EA
Appellant	Mr David Milne
Proposal	Erection of two-storey two bedroom end of terrace house.
Appeal Decision	Dismissed

Application Number	3/21/2260/HH
Decsn	Refused
Level of Decision	Delegated
Address	42 Lower GreenTewinWelwynHertfordshireAL6 0LA
Appellant	Gordon MacLaren
Proposal	Enclosure of pergola with glazed panels and doors and clear polycarbonate flat roof.
Appeal Decision	Allowed

Application Number	3/21/2342/FUL
Decsn	Non Determination
Level of Decision	Delegated
Address	Land At ColvinsParsonage LaneSawbridgeworthHertfordshireCM21 0ND
Appellant	Weller
Proposal	Demolition of outbuildings and erection of 1, 3 bedroomed dwelling, landscaping and associated works
Appeal Decision	Dismissed

Application Number	3/21/2352/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Home FarmWyddial RoadWyddialBuntingfordHertfordshireSG9 0SA
Appellant	Mrs S Diack
Proposal	Demolition of outbuildings and stable block. Construction of 2 semi-detached, self-build residential dwellings, new access, associated parking, private amenity space, refuse collection and associated hard and soft landscape.
Appeal Decision	Dismissed

Application Number	3/22/0389/HH
Decsn	Refused
Level of Decision	Delegated
Address	High TreesGreat HorneadBuntingfordHertfordshireSG9 0NR
Appellant	Mrs Kathryn Stacey
Proposal	Construction of single storey side extension with a first floor balcony above, single storey front extension, Two storey side/rear/front extension incorporating a first floor front Juliet balcony. Enlargement of first floor front and side windows.
Appeal Decision	Dismissed

Application Number	3/22/1060/HH
Decsn	Refused
Level of Decision	Delegated
Address	11 Thorley HillBishops StortfordHertfordshireCM23 3ND
Appellant	Mr Bill Rice
Proposal	Erection of part first floor and part two-storey rear extensions, extensions to side dormers with installation of roof lights, front facade to be insulated and clad with flint and alterations to fenestration.
Appeal Decision	Allowed

Application Number	3/22/1108/HH
Decsn	Refused
Level of Decision	Delegated
Address	DanesburyThe StreetAspendenBuntingfordHertfordshireSG9 9PF
Appellant	Mr Lee Wood
Proposal	Double storey extension to gym/outbuilding to create garage and studio.
Appeal Decision	Allowed

Application Number	3/22/1127/HH
Decsn	Refused
Level of Decision	Delegated
Address	52 Mazoe RoadBishops StortfordHertfordshireCM23 3JT
Appellant	Tanner Tanner Brooks
Proposal	Proposed gable end roof extension with 2no. dormers and velux skylights. Erection of porch. Rear extension to facilitate open plan living space with bi-fold doors and lantern light. Replacement windows.
Appeal Decision	Dismissed

Background Papers

Correspondence at Essential Reference Paper 'A'

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



Appeal Decision

Site visit made on 23 November 2022

by **Peter White BA(Hons) MA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 December 2022

Appeal Ref: APP/J1915/W/22/3293115

Land to the Rear of Hermitage Cottage, Scholars Hill, Wareside SG12 7RQ

- 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 Tillbrook against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/1744/FUL, dated 30 June 2021, was refused by notice dated 24 December 2021.
 - The development proposed is demolition of the existing garage to construct new single storey 2 bedroom dwelling of similar height.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr and Mrs Bill Tillbrook against East Hertfordshire District Council. That application is the subject of a separate decision.

Background and Main Issue

3. The current proposal follows an earlier scheme of a different design, which was dismissed at appeal (APP/J1915/W/20/3254717).
4. The main issues are the effect of the proposed development on: (i) the setting of the Grade II listed building Hermitage Cottage; and (ii) the character and appearance of the area, with particular regard to the Wareside Conservation Area (WCA).

Reasons

The setting of the Listed Building

5. The appeal site is the rear portion of the garden of the Grade II listed building Hermitage Cottage.
6. I am required, by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), to have special regard to the desirability of preserving the setting of the listed building. Paragraph 189 of the National Planning Policy Framework (the Framework) also sets out how heritage assets are irreplaceable resources which should be conserved in a manner appropriate to their significance. Paragraph 200 requires clear and convincing justification for harm to the significance of a heritage asset.

7. Hermitage Cottage is a one and a half storey building with gabled dormers, dating from the 17th Century or earlier, with a plastered timber frame and old red tiled roof. It was originally built as three cottages, each with their own rear gardens, and its conversion into a single dwelling resulted in the amalgamation of the smaller individual gardens into the garden existing today. For the purposes of this appeal, I consider the significance of Hermitage Cottage lies in its vernacular architectural form and features, together with its connection to the local area, position within the village, historic use, and connections to the Gosslin estate.
8. Access to Hermitage Cottage is through a pedestrian side gate into its rear garden, or via the appeal site at the end of the garden. The garden is therefore an important part of the setting of the listed building. The appeal site is screened from the rest of the garden by a mixed deciduous/coniferous hedge. Therefore, although it has a clear historical association with Hermitage Cottage, it is visually separated from it. Planning permission has also been granted for a new vehicular access in the vicinity of the existing side gate to allow access and parking within the garden¹. That access will introduce built development into the garden between the listed building and the appeal site.
9. The proposal before me relates to a smaller appeal site than that considered by the previous Inspector, and the southern site boundary is the existing hedge between the garage/hardstanding and the central part of the garden. The existing hedge would be retained at its current height, and this could be secured by planning condition. On that basis, the proposed single storey dwelling, with its shallow pitched roof, would stand only marginally higher than the hedge and the existing garage, and would be barely perceptible from Hermitage Cottage and its garden.
10. Given its low ridge height and the boundary hedgerows, Hermitage Cottage is not readily visible from the north on Scholars Hill. With the separation distance between Hermitage Cottage and the proposed building, and the hedgerow between the appeal site and the remainder of the garden, neither would the proposed building be seen in the same vista as Hermitage Cottage.
11. Therefore, although there would be some limited harm to the setting of Hermitage Cottage arising from the loss of the rear part of its curtilage, it would be a low degree of less than substantial harm.
12. In conclusion, the proposed building would give rise to less than substantial harm to the setting of Hermitage Cottage, and would therefore conflict with East Herts District Plan (2018) (EHDP) Policy HA7, which only permits development in the setting of a listed building where that setting is preserved.
13. This harm should be weighed against the public benefits of the proposal in accordance with paragraph 202 of the Framework, and this is considered in the Planning Balance and Conclusions below.

Character and appearance

14. The appeal site, and much of the village, is within the WCA, and I am required, by Section 72 of the Act, to pay special attention to the desirability of preserving or enhancing the character or appearance of the WCA.

¹ 3/19/0712/HH

15. The Wareside Conservation Area Appraisal and Management Plan (2014) (WCAAMP) states that, "The principal range of historic properties is grouped in a tightly knit concentration in the valley bottom either side of the main road. There are a number of locally important steeply sloping access lanes and footpaths, often characterised by high banks, trees and or hedgerows on both sides of the respective lane or footpath. These are important to the character of the Conservation Area and are interpreted as being of historical interest. Trees and hedgerows are an important visual component of the character of the village as is the varied topography." I note that assessment, and for the purposes of this appeal, I consider the significance of the WCA to be its development as an historic rural settlement and its associated natural and built character.
16. The appeal site is located at a junction of Scholars Hill, accessed from the northernmost point of Hermitage Cottage's garden. It currently contains a garage building and hardstanding with access for parking. Its boundary hedgerow, which follows the curve of the road, plays a significant role in the rural character of the area.
17. Within its immediate vicinity, Laburnham Cottages and The Red Lion are prominent features located beyond the Nimney Bourne watercourse. These red multi brick and rendered buildings with tiled roofs are identified in the WCAAMP as unlisted buildings to be protected from demolition. Opposite is a detached garden and blocks of garages and, along the hill, houses set back from the road edge behind tall hedgerows give way to a single-track rural lane with banks and hedgerows. The approach from the south has a similarly rural character, in large part due to the hedgerows on both sides.
18. The proposed development is significantly different to that considered by the previous Inspector. The proposed dwelling would sit behind the hedgerows, which are proposed to be maintained at a height of 3m. The eaves height of the western elevation would be similar to the height of the boundary hedge, rising slightly above it to the rear. From this aspect, the predominant view would therefore be of the shallow green² roof.
19. Although the building would be a similar height to the existing garage, it would be larger and more prominent from its access, and from the bridge over Nimney Bourne. From there, the dark-stained double garage building set in a leafy setting would be replaced by a significantly broader structure, closer to the road, with distinctly contemporary features in white and grey facing brick. The white and grey brick and large format contemporary fenestration would contrast with the traditional materials found in the surrounding area. Its shallow roof would also conflict with the pitched roofs and gables of the prevailing character. The eastern elevation, facing the active frontage of Laburnham Cottages, would be less visible from public spaces, and would not be closer than the existing garage building. Nevertheless, it would conflict with the traditional character of the area, where the shallow green roof and large rooflights above white and grey brick will be visible from Laburnham Cottages entrances, gardens, and ground and first floors.
20. In terms of its size, scale, mass and siting the proposed building therefore seeks to take a subservient position in relation to Hermitage Cottage and in the street scene, and is a contemporary bespoke design. However, for the reasons

² i.e. planted roof

above, I consider the proposed building would not preserve the historic rural character of the WCA.

21. I have also considered the appearance and condition of the existing garage building, and that of the hardstanding on the appeal site. Although some greening of the boarding has occurred, and there are cracks in the concrete hardstanding, the garage is set well back into the site with significant boundary vegetation, and the cracked surfacing is only a small part of the site in its context. The garage is a dark stained timber building with a traditional tiled pitched roof, which is not out of character with its environs. The timber cladding is in good repair, and the decayed timber fascia on its eastern side and the guttering attached to it is not particularly notable from beyond the site boundaries. I therefore consider the appeal site in its current form is not a significant detractor in the WCA, and is not sufficient justification for the proposed development.
22. In conclusion, the proposed building would give rise to less than substantial harm to the WCA. It would conflict with EHDP Policies VILL2, DES4, HOU2, HA1, HA4 and HA11, which, amongst other things, seek to ensure that all development achieves a high standard of design and layout promoting local distinctiveness, preserving or enhancing the special interest of conservation areas, relating well to the village, and using materials traditional to the area.
23. This harm should be weighed against the public benefits of the proposal in accordance with paragraph 202 of the Framework, and this is considered in the Planning Balance and Conclusions below.

Other Matters

24. The appeal site lies within the wider setting of other listed buildings in the historic core of the village, along the unnamed B1004 road, including Bourne Cottage, Overhill House, Old Forge Cottage, White Horse Cottage, White Horse Public House, Post Office & Chequers Public House. However, the settings of these Listed Buildings would be preserved as a result of the separation distance between them and the appeal site, along with intervening vegetation, other buildings between them and the appeal site, and the low profile of the proposed building.
25. The proposal would contribute one additional dwelling in a Group 2 village³, and the appellant advises there is an additional need for 2 bedroom dwellings in the village.
26. I note that the Council did not determine the planning application within 8 weeks of submission, and that no extension of time was agreed with the appellant. I also note the appellants' concern that the Council did not enter into discussion to seek to resolve the Council's planning objections. In addition, I note that the Council did not consult their conservation officers in relation to this proposal before determining the application. Nevertheless, I am required to consider the appeal proposal on its planning merits.
27. There is support from interested parties in relation to the provision of parking for two cars for the proposed development. The existing parking area also provides ample parking for the existing dwelling, and the development would therefore not address an existing parking concern.

³ As defined by Policy VILL2

Planning Balance and Conclusion

28. Considering the Act's statutory duties, and paragraph 199 of the Framework, which requires great weight to be given to the conservation of heritage assets, I attach significant weight to the less than substantial harm to the WCA, and limited weight to the limited harm to the setting of the Grade II listed building.
29. In considering the public benefits of the proposal, I attribute limited weight in favour of the development to the additional 2 bed dwelling in the village. The absence of harm in relation to parking weighs neutrally in the planning balance. The identified harm to designated heritage assets is therefore not outweighed by the public benefits of the proposal.
30. For the reasons above, I conclude the development would conflict with the development plan as a whole and the approach in the Framework. There are no other material considerations that suggest a decision should be made other than in accordance with the development plan. The appeal should therefore be dismissed.

Peter White

INSPECTOR



Costs Decision

Site visit made on 23 November 2022

by **Peter White BA(Hons) MA DipTP MRTPI**

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

Decision date: 16 December 2022

Costs application in relation to Appeal Ref: APP/J1915/W/22/3293115 Land to the Rear of Hermitage Cottage, Scholars Hill, Wareside SG12 7RQ

- 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 and Mrs Bill Tillbrook for a partial award of costs against East Hertfordshire District Council.
 - The appeal was against the refusal of the Council to grant planning permission for demolition of the existing garage to construct new single storey 2 bedroom dwelling of similar height.
-

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

The appellant's case

3. In summary, the appellants case is the following: That the Council failed to determine the application within 8 weeks, and did not request or offer an extension to this statutory period. That the Council's reasons for refusal are unreasonable, and the development complies with all relevant planning policy. That as a result, the appellant has therefore been put to unnecessary expense in the professional fees of their architect in preparing the appellant's full statement of case and associated documents.

Consideration of the issues:

4. The planning application was submitted on 30th June 2021 and determined by the Council on 24th December 2021. The PPG expects local planning authorities to make a decision as quickly as possible, and in any event within the statutory time limit unless a longer period is agreed in writing with the applicant. However, where it takes longer, and no extended period has been agreed, the decision should be made with 26 weeks¹. That was the case in this event.
5. The Council's Officer Report considered the previous scheme and appeal decision, and correctly went on to consider the current proposal, even if briefly. The Council is not obliged to consult its conservation officers, although I agree

¹ Paragraph: 001 Reference ID: 21b-001-20140306

it would have been preferable to have done so before making its decision, but the Conservation and Urban Design response submitted with the Council's appeal statement supported the Council's decision. I did not agree with every aspect of the Council's reason for refusal, but found in favour of its overall conclusions, and in dismissing the appeal I found that the development conflicted with the development plan.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.



Appeal Decision

Site visit made on 18 October 2022

by C Harding BA(Hons) PGDipTRP PGCert MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 Appeal Decision

Appeal Ref: APP/J1915/D/21/3288882

Riverview, Unadopted Track East from Ware Park Road to Mill House, Ware Park, Ware SG12 0EA

- 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 Lenny Greenham against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/2129/HH, dated 12 August 2021, was refused by notice dated 7 October 2021.
 - The development proposed is described as an entrance porch to side and wall with gate to front elevation.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The name of the appellant differs from the name given on the application form, however it has been clarified that they are the same person. I am therefore proceeding with the appeal on this basis.
3. The proposed development is described on the application form as 'Proposed new porch'. This was subsequently amended by the Council to include a proposed wall with gate that is indicated on the submitted plans, and is also referred to within the appellant's evidence. Consequently, I have used the Council's description of the development as it more accurately reflects the proposal.

Main Issues

4. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the development on the openness of the Green Belt, and;
 - Whether any 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

Whether inappropriate development

5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. One such exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
6. Policy GBR1 of the East Herts Local Plan (LP) advises that the planning applications in the Green Belt will be considered in line with the provisions of the Framework, but does not provide any further guidance on how to assess whether an extension would constitute a disproportionate addition.
7. The appeal dwelling was granted planning permission as a separate dwelling in 2014¹ and that forms the 'original dwelling' for the purposes of assessing whether the proposal would be a disproportionate addition or not. The appeal dwelling currently hosts a single storey rear extension. There are also a number of detached structures within the appeal site, including a detached double garage.
8. It is the Council's position, which is not disputed by the appellant, that the detached garage, together with the single storey rear extension should both be considered as additions to the original building for the purposes of determining whether or not the appeal proposal would be a disproportionate addition. Whilst each circumstance will differ, the proximity of, and functional association of the existing detached garage with the appeal dwelling leads me to conclude that the Council's approach is a reasonable one.
9. The Council state that the original building had a footprint of around 62 square metres (sq.m) and an overall floorspace of around 119sq.m. The Council also state that the subsequent single storey rear extension, together with the detached garage extended the overall footprint to around 127sq.m and floorspace to 183.9sq.m. These figures have not been disputed by the appellant, and I have therefore used them to inform my reasoning.
10. The level of additions that have already taken place amount to substantial additions to the property, effectively doubling the footprint and substantially increasing the overall floorspace, as well as introducing additional volume and built form. Taken together, the previous and proposed increases in footprint and volume would amount to a substantial addition to the property, and one which I find would be disproportionate over and above the size of the original building.
11. Consequently, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with LP Policy GBR1, and the provisions of the Framework.

¹ 3/14/0980/CL

Openness

12. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. Although located at the edge of a secluded cluster of properties, the appeal property is clearly visible from the adjacent highway and Public Right of Way. Notwithstanding other nearby dwellings or the existence of other detached outbuildings and structures within the vicinity of the appeal site, the openness of the Green Belt is clearly evident around the property and the wider area.
13. At present, the existing separation between the appeal dwelling and the detached garage means that they appear as separate structures with a gap between them, and this contributes to the openness of the Green Belt. The proposed porch, and to a greater extent, the proposed wall of solid construction would result in the loss of this gap and would consolidate development on the site. In doing so, it would result in a harmful loss of openness, albeit this would be limited given the scale of the proposal. Nevertheless, the harm to Green Belt openness weighs against the proposal.

Other considerations

14. There are a number of other properties in the vicinity, and some appear to have been extended, and also host a variety of garden and other detached structures. I have not been presented with precise details of these examples, whether they are lawful or where applicable, the circumstances in which permission was granted. The appeal site, being located at the end of this cluster of properties has a generally more open aspect than some nearby properties, so the circumstances of the site and the harm that would result from the appeal proposal would not be directly comparable with the circumstances of nearby dwellings. As such, they have not been determinate in my assessment of the appeal.
15. The proposed development would allow the provision of a downstairs toilet for the appellant and his wife as they approach retirement age. However, I have not been made aware of any particular current circumstances that require further consideration, or what the consequences would be if the appeal is dismissed. For these reasons, and although it would be advantageous generally to improve the accessibility of the house, I can only attach limited weight to the need for and benefits of the proposed development for the appellant and his wife, and any future occupiers with mobility impairments.
16. The appellant has advised that the wall could be omitted from the development if necessary. However, the proposed wall runs flush with the front wall of the porch on the plans before me, and the two elements are not severable. As such, a split decision would not be possible in this case.

Conclusion

17. In summary, the proposal would be inappropriate development in the Green Belt in the terms set out by the Framework and would result in a harmful loss of openness to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt.
18. For the reasons set out above the harm to the Green Belt would not be clearly outweighed by the other considerations and, therefore, the very special circumstances required to justify a grant of planning permission have not been

demonstrated. The proposed development would be contrary to LP Policy GBR1, and there are no material considerations that indicate a decision should be taken other than in accordance with the development plan. Consequently, the appeal is dismissed.

C Harding

INSPECTOR



Appeal Decision

Site visit made on 28 November 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2022

Appeal Ref: APP/J1915/W/22/3291620

Land Adjacent to 24, Ashdale, Bishops Stortford CM23 4EA

- 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 David Milne (Rivertree Developments Ltd) against East Hertfordshire District Council.
 - The application Ref 3/21/2196/FUL, is dated 20 August 2021.
 - The development proposed is construction of 2 bed 3 person dwelling.
-

Decision

1. The appeal is dismissed and planning permission for construction of 2 bed 3 person dwelling is refused.

Procedural Matters

2. The appeal is against the Council's failure to determine an application for planning permission. The Council's Statement of Case outlines the reasons it considers the proposal would be unacceptable, but these are not formal determinations of the Council as the jurisdiction to determine the application transferred from it upon valid receipt of the appeal. However, the Council has set out that it would have refused the application had it been empowered to do so. I have taken these reasons into account in determining the main issues.
3. I have been referred to Policy HOU11 of the East Herts District Plan 2018 (EHDP), which relates to *Extensions and Alterations to Dwellings*, but the proposal is not for the extension of an existing dwelling, it relates to a new dwelling. It is therefore not relevant to my consideration of the appeal.

Main Issues

4. The main issues are the effect of the proposed development on the living conditions of the occupiers of 48 The Ridings, with regard to outlook; and the character and appearance of the site and its surroundings.

Reasons

Living Conditions

5. The proposal concerns the garden of an end of terrace dwelling, situated at the bottom of a short cul-de-sac the residential street 'Ashdale'. Where dwellings are arranged perpendicular to one another they are generally separated by generous gardens. However, the side garden of 24 Ashdale contributes to the separation and relief from the flank wall of No 24 when viewed from 48 The Ridings and its relatively shallow garden.

6. Some space would be retained between the new dwelling and the boundary of No 48, but the proposal would, nevertheless, extend built form to within relatively close proximity of the boundary. Moreover, the flank wall of the proposal would be a substantial area of brickwork that would appear oppressive, overbearing and create an enclosing effect when viewed from No 48 and its rear garden.
7. While I note the occupiers of No 48 have not objected to the proposal, the absence of such concerns is not a consideration that outweighs the harm I have identified, as I am also mindful of the effect on future occupiers.
8. Accordingly, the proposed development would result in a significantly harmful effect on the living conditions of the occupiers of 48 The Ridings, with regard to outlook. Hence, the proposal would not accord with the aims of EHDP Policy DES4, regarding such matters.

Character and Appearance

9. The dwellings in Ashdale are predominantly arranged in terraces of varied length and appearance. As shown on the site location plan, they are also set close to one another, so side gardens are not commonplace and generally amount to narrow spaces. The appeal site remains one of the only exceptions, as the plot opposite, at No 23a, is now occupied by a dwelling.
10. The side garden of No 24 provides space between it and the properties to the east but, due to its screening, private use, and the layout of other dwellings nearby, it does not constitute green space capable of performing any local amenity function. Similarly, although the grassed area to its frontage is visible from the path leading east, through to The Ridings, it is not prominent within views from elsewhere in Ashdale. In this particular context, the garden of No 24 is therefore not critical to the urban grain of this part of Ashdale or the appearance created by the relationship between dwellings and garden spaces.
11. The loss of the side and front garden of No 24 to provide the new dwelling and its parking would alter the appearance of this particular part of Ashdale. However, as reflected by the application drawings, the proposal would continue the appearance and layout of the terrace of properties and their parking. Moreover, it may well have been the original intention of the developer for the gardens of Nos 23 and 24 to remain undeveloped but, as referred to above, a dwelling has been built at 23a and parking arranged to its frontage, as in the remainder of this part of Ashdale. The proposal would be similar in appearance and its parking would be set against the backdrop of a boundary fence.
12. For the above reasons, the proposed development would not have a harmful effect on the character and appearance of the site or its surroundings. Hence, it would meet the expectations of EHDP Policy DES4 to be of a high standard of design and layout to reflect and promote local distinctiveness.

Planning Balance and Conclusion

13. While the Local Plan predates the current National Planning Policy Framework (the Framework), I am satisfied Policy DES4 of the EHDP is consistent with its aims regarding design and the expectations for living conditions for existing and future occupiers of developments. The identified conflict of the proposal with this policy is therefore a significant concern.

14. I have not been referred to a lack of deliverable housing sites in the district, but the Government is seeking to significantly boost the supply of housing. The proposal would contribute to supply in the district and greater choice. It would also be a small site that the Framework recognises as more likely to be built relatively quickly. Nevertheless, the magnitude of the contribution to housing supply in the district would be modest, so would attract limited weight.
15. While the proposal may result in a more efficient use of the site, for the reasons outlined in the first main issue, it would not safeguard and improve this particular environment, a key component of the Framework's objective of making effective use of land. It would also not meet the Framework's definition of previously developed land, as it constitutes a garden within a built-up area.
16. The facilities and services in Bishop's Stortford can be reached by various means of transport, including the railway station for onward journeys to London and other major centres nearby. However, I ascribe negligible additional benefit in respect of this, as it equates to an absence of harm.
17. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and I find that the adverse impacts of the proposal are matters of significant weight against the grant of planning permission that outweigh the stated benefits.
18. The proposed development would be contrary to the development plan. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Accordingly, for the reasons given, I conclude that the appeal should be dismissed and planning permission is therefore refused for the appeal scheme.

Paul Thompson

INSPECTOR



Appeal Decision

Site visit made on 16 August 2022 by G Sibley MPLAN MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2022

Appeal Ref: APP/J1915/D/21/3287520

42 Lower Green, Tewin AL6 0LA

- 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 Gordon MacLaren against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/2260/HH, dated 27 August 2021, was refused by notice dated 11 November 2021.
 - The development proposed is described as 'clear polycarbonate roof and glazed wall panels and sliding doors to 2021 oak pergola.'
-

Decision

1. The appeal is allowed and planning permission is granted for development described as 'clear polycarbonate roof and glazed wall panels and sliding doors to 2021 oak pergola' at 42 Lower Green, Tewin AL6 0LA in accordance with the terms of the application, Ref 3/21/2260/HH, dated 27 August 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: Existing and Proposed Floor Plans @ 1:100 @ A3 and Existing and Proposed Elevations @ 1:100.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the development on the character and appearance of the host dwelling and whether or not it preserves or enhances the character or appearance of the Tewin Conservation Area (CA).

Reasons for the Recommendation

4. The Tewin Conservation Area Appraisal and Management Plan (AMP) (adopted 2015) identifies that the significance of the CA is derived from the 16th to 20th century dwellings that extend around and out from a central triangular open space known as Lower Green. The dwellings are a mix of yellow brick estate dwellings and red brick farmhouses. No 42 is located off a private drive, relatively close to Lower Green. There are several groups of yellow brick estate

dwellings that have steep pitched roofs and whilst the appeal property is a modern building, it has been built with yellow bricks and a steep pitched roof. Accordingly, whilst the dwelling itself is not a listed or non-designated heritage asset, it does make a positive contribution to the significance of the CA, as a whole. Moreover, these terrace properties have a group value, and their consistent appearance is contributes positively contribution to the significance of the CA.

5. The dwelling is an end terrace property, and a shared parking area with garages is located next to the house. Between the garages and the house is a yellow brick wall which bounds No 42's garden and the pergola is visible above it. Given the siting of the dwelling at the end of a run of terrace dwelling set back away from the roadside, the pergola is well screened from Lower Green and the wider CA. To the north of the site is a Public Right of Way (PRoW) and whilst the dwelling is located a significant distance therefrom, the pergola is visible from it.
6. Fencing and minor outbuildings across the CA are often built from timber and as such, the use of timber does not appear out of character within the CA. Furthermore, there is timber panelling on the house itself and as a result, the limited use of timber is sympathetic with the existing material palette of the house. The pergola is a lightweight structure located on the flank wall of the house, and its limited form and the materials used do not draw focus away from the host dwelling. Additionally, given the limited height of the pergola, alongside the smaller side extension, there is a clear stepped reduction between each element of the house. This shows a clear cascade of subordination between the host dwelling, the extension, and the pergola. The enclosure of this structure would create a more substantial addition to the dwelling, however given the siting of the pergola behind a solid brick wall and because it would be subordinate in scale, the greater impact of the enclosed structure would not detract from the primacy of the house.
7. Whilst the pergola can be seen from the PRoW to the rear, the view into the CA in this location is the rear of the modern houses and some of these have themselves been extended. The top of the pergola can be seen above the boundary wall and the view from the front of the dwelling is the modern terrace houses and the associated garages. Given its limited scale, the infilled pergola would not significantly hinder or block either view across the CA. Moreover, the glimpsed view of an extension or addition to a dwelling would not necessarily appear out of character within this predominantly residential environment. Given that it is a single storey addition it does not detract from the prominence of the steep pitched roof. Furthermore, the limited scale and the proposed use of glazing would ensure that the yellow bricks remain the predominantly appreciated material associated with the dwelling as well as this group of terrace properties. As a result, the proposal would not detract from the features of the house or the group of terrace properties.
8. Therefore, the proposed development would not harm the character or appearance of the host dwelling and would preserve the character and appearance of the CA. The proposal would subsequently, accord with Policies Vill2, HOU11, DES4 and HA4 of the East Herts District Plan (2018). Overall, these policies expect extensions to be of a high standard of design and for the size, scale, mass, form, siting, design and materials of construction to be appropriate to the character, appearance and setting of the dwelling as well as

preserve or enhance the special character and appearance of CA's. Moreover, the proposal would accord with the general design and heritage policies of the National Planning Policy Framework (Revised 2021).

Conditions

9. Further to the timing condition it would be necessary in the interest of certainty that the proposal is carried out in accordance with the approved plans which set out sufficient detail of the proposals.

Conclusion and Recommendation

10. The proposed development would not conflict with the development plan and as such, for the reasons given above, I recommend that the appeal should be allowed subject to the conditions specified.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed, subject to the conditions listed above.

John Morrison

INSPECTOR



Appeal Decision

Site visit made on 28 November 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2022

Appeal Ref: APP/J1915/W/22/3292603

Colvins, Parsonage Lane, Sawbridgeworth CM21 0ND

- 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 Martin Weller against East Hertfordshire District Council.
 - The application Ref 3/21/2342/FUL, is dated 9 September 2021.
 - The development proposed is demolition of existing outbuildings and erection of a single storey Passivhaus dwelling with associated access, landscaping and associated works.
-

Decision

1. The appeal is dismissed and planning permission for demolition of existing outbuildings and erection of a single storey Passivhaus dwelling with associated access, landscaping and associated works, is refused.

Background and Main Issues

2. The appeal is against the Council's failure to determine an application for planning permission. The Council's Statement of Case includes an officer report which outlines the reasons it considers the proposal would be unacceptable. These are not formal determinations of the Council as the jurisdiction to determine the application transferred from it upon valid receipt of the appeal. The Council has set out that it would have refused the application had it been empowered to do so. The Council subsequently liaised with the appellant in relation to its third putative reason for refusal, regarding potential effects on bats, and confirmed it no longer wished to pursue it. I have therefore taken its remaining reasons into account in determining the main issues.
3. With the above in mind, the main issues are:
 - whether the development would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt;
 - whether the site would represent a suitable location for housing, having regard to the Council's spatial strategy and its accessibility to services and facilities; and
 - if the development is inappropriate within the Green Belt, 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

4. The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and is an important material consideration in all planning decisions. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy GBR1 of the East Herts District Plan¹ (EHDP) requires planning applications within the Green Belt to be considered in line with the provisions of the Framework.
5. Paragraph 149 of the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless it meets one or more of a list of exceptions. This includes 'limited infilling or the partial or complete redevelopment of previously developed land'.
6. The main parties agree the appeal site would qualify as previously developed land; and the proposal would involve its partial redevelopment. The conclusion on whether the proposal would accord with this exception, and not amount to inappropriate development, therefore hinges on if the proposal would not have a greater impact on the openness of the Green Belt than existing development. I address this point in the next main issue.

Openness

7. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics thereof are their openness and permanence. The physical presence of built or other forms may affect openness, which can also have a visual element.
8. There are numerous separate structures and areas of hardstanding scattered across site. These are of varied footprint, scale, and height, but not all are visible beyond the site so have different visual effects on openness. They would be removed and replaced by the proposed house, which the main parties agree is smaller in footprint but greater in volume by 13.6 percent.
9. I accept that were the house to be built conventionally rather than using Passivhaus principles, it could constitute a smaller volume and the presence of separate buildings sited relatively close to one another already has a spatial effect on openness. Hence, the concentration of the mass of the property would leave other parts of the site open.
10. Nevertheless, the building would be of greater proportions than the majority of the buildings to be replaced, particularly in terms of its height. The proposal would also be clearly discernible along the access drive and, to a lesser extent, from Parsonage Lane. For these reasons, it would have a greater and more adverse impact on the openness of the Green Belt in visual and spatial terms. Hence, it would therefore be contrary to the main aims of Green Belt policy at local and national levels, which I have set out above.
11. In arriving at this conclusion, I have had regard to the appeal and planning decisions referred to in the appellant's Planning Statement, particularly in respect of their consideration of the effect of openness from existing and

¹ Adopted October 2018.

proposed buildings. However, the specific circumstances of the cases, including the plans, merits, any material or other considerations, and policies relevant to those schemes are not before me to enable a reasonable comparison to be made with the proposal before me. In any event, having regard to the site and its own specific set of circumstances, the decisions do not alter my conclusions.

Location and Accessibility

12. The appeal site is situated within an area of open countryside outside the urban area of Sawbridgeworth, but lies within the garden of the appellant's house. There are other residential, commercial and leisure uses to the southeast.
13. Given the agreement that the site is previously developed land, it would satisfy part of the first criteria within the strategy of the EHDP Policy DSP2 to deliver sustainable development but sites must also be sustainable. In that regard, it is also common ground between the main parties that the site would not be 'isolated' in the language of the Framework and a Court of Appeal judgement². Nevertheless, the proposal would add to existing development encircled by open countryside beyond Sawbridgeworth.
14. I have been referred to Framework paragraph 85 but the proposal does not relate to a local business or community need, so it does not apply. However, Paragraph 79 seeks to restrict housing in rural areas to locations where it will enhance or maintain the vitality of rural communities; and Paragraph 105 suggests opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
15. There are various local services and facilities and public transport options for onward travel to other locations at the A1184 and Sawbridgeworth, but the walking and cycling route, along Parsonage Lane, does not include street lighting or footways and operates to the national speed limit. Public footpaths available through fields are also unlit and generally on unmade paths. While I accept that the curving nature of the lane means vehicle speeds are, in part, likely to be less than its upper limit, this is no guarantee it would be palatable to future occupiers. Equally, the appellant and his family may have used these routes, but this does not obviate the need for opportunities to walk or cycle to nearby services and facilities to be convenient or realistic, particularly after dark or in bad weather.
16. Future residents would therefore be highly likely to be required to travel regularly by private motorised transport to access education, retail, healthcare, and employment needs. The proposal would not, of itself, generate large traffic movements and a greater dependency on car use is inevitable in more rural locations. The inclusion of space in the proposed house for homeworking could also reduce the need to travel to some places of work, but this would replace the office located in an existing building on the site, so would maintain the contribution in this respect. The occupiers of existing residential properties in the immediate vicinity, including the appellants' existing home, are also already likely to make such journeys. Nonetheless, the cumulative effect of allowing developments in such locations would be likely to increase the amount of unsustainable journeys made. I also share the view of the Inspector for the appeal at Parsonage Lane from earlier this year³ that the location of bus stops

² *Braintree DC v SSCLG* [2018].

³ Appeal Reference: APP/J1915/W/21/3273613.

may not necessarily be convenient having regard to these routes, so would be unlikely to discourage use of vehicles.

17. I appreciate that Sawbridgeworth is to expand north and west, closer to the appeal site, but the proposal would still be some distance north of it. Moreover, as referred to in the appellant's Planning Statement, the site north would include enhanced walking and cycling opportunities to encourage travel into the town, which differs from the appeal scheme.
18. For the reasons outlined above, I conclude that the site would not represent a suitable location for housing, having regard to the Council's spatial strategy and its accessibility to services and facilities. Hence, the proposal would conflict with the aims of EHDP Policies DSP2 and TRA1 and paragraphs 79 and 105 of the Framework.

Other Considerations

19. I am referred to the exception for houses in isolated locations in Framework paragraph 80(e), but the site is agreed to not be isolated. While this aspect of the Framework is therefore not relevant to the proposal, I recognise that there could be benefits of the scheme resulting from its design and construction. Moreover, the design of the proposed house is clearly well-considered, such that it would assimilate with the verdant setting of the appeal site, amongst retained trees in its surroundings. However, the EHDP expects design to be of a high standard, so would only be a negligible additional benefit through an absence of harm.
20. The proposed dwelling would also be designed to exceed Building Regulations and target Passivhaus standards, following the American principles of the Living Building Challenge. Its sustainability performance could therefore set it apart from most housing expected to be built in Sawbridgeworth, which could set a precedent for future development. It would be constructed of sustainable materials, including some reclaimed. Some of the energy required to heat and cool the house would also be generated by air source heat pumps and photovoltaic panels, which are renewable sources. This would help to meet carbon reductions set as a legislative target by the Government and contribute to addressing the UK and Hertfordshire climate emergencies. Nonetheless, these benefits would be limited in scale and kind, so only of moderate weight.
21. The proposed landscaping scheme and enhancement for protected species would be beneficial to the immediate setting and ecological value of the site, which would amount to environmental gains of moderate weight, including in respect of how surface water would be managed.
22. The use of water would be in accordance with development plan policy. Access into and around the building for future users and electric charging for vehicles would be provided, as required by the Building Regulations. I therefore afford these negligible weight as social and environmental benefits. Exceedance of the Nationally Described Space Standards would also be a limited social benefit to occupants of the building. The house would also be situated on previously developed land but, for the reasons outlined in the main issues, it would not safeguard and improve this particular environment, a key component of the Framework's objective of making effective use of land.

23. I have not been referred to a lack of deliverable housing sites in the district, but the Government is seeking to significantly boost the supply of housing. The proposal would contribute to supply in the district and greater choice, and be a small site the Framework recognises as more likely to be built relatively quickly. Nevertheless, the magnitude of the contribution to housing supply in the district would be modest, so would attract limited weight.
24. The appellant claims to have a fallback position through potential expansion of his wife's dog walking and training business, which could employ several people from the site. In order to support this approach, I am referred to an unnamed appeal decision reported in the Journal of Planning Law to quash an enforcement notice relating to the use of a person's home for business purposes, employing third parties. However, there is no substantive evidence before me as to how the existing business operates from the site, or would operate in the future under the circumstances promoted, including the likely number of journeys to and from the site and the likelihood of the expansion being a realistic proposition. I have therefore afforded limited weight to this argument, as there is not a greater than theoretical possibility of the expansion taking place, so it would not be considered a 'fallback' position.

Planning Balance and Conclusion

25. The appeal proposal is inappropriate development in the Green Belt. This is harmful by definition. The proposal would reduce the Green Belt's openness which gives rise to additional harm. In each case, these harms render the appeal scheme contrary to the aims of the EHDP and the Framework.
26. The harm by virtue of the location and accessibility of the proposal would also be contrary to relevant development plan policies.
27. The Framework advises that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to it by reason of inappropriateness, and any other harm resulting from the proposal, is 'clearly outweighed by other considerations.' Against this, the other considerations that have been advanced are not sufficient to clearly outweigh the harm to the Green Belt and the other harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
28. In addition, while the Local Plan predates the current Framework, I am satisfied that the policies relevant to the determination of the appeal are in accordance with the aims of the Framework regarding the Green Belt and location of housing where it can best be served by facilities and services. The conflict of the proposal with EHDP policies is therefore a significant concern.
29. The proposed development would be contrary to the development plan. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Accordingly, for the reasons given, I conclude that the appeal should be dismissed and planning permission is therefore refused for the appeal scheme.

Paul Thompson

INSPECTOR



Appeal Decision

Site visit made on 12 July 2022

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2022

Appeal Ref: APP/J1915/W/22/3293506

Home Farm, Wyddial Road, Wyddial, Hertfordshire

- 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 S Diack against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/2352/FUL, dated 10 September 2021, was refused by notice dated 30 November 2021.
 - The development proposed is demolition of existing outbuildings and stable block, construction of 2No. 3 bed semidetached, self-build residential buildings (ClassC3), new access, associated parking, private amenity space, refuse collection and associated hard and soft landscape.
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Decision

1. The appeal is dismissed.

Main Issue

2. The location of development having regard to national and local policies.

Reasons

3. The appeal site forms part of the garden area of Home Farm; a point confirmed in Section 2 of the Design and Access Statement. For this reason, alone it does not fall within the definition of previously developed land as defined by the National Planning Policy Framework, the Framework¹.
4. The scheme involves the demolition of stables and outbuildings with the erection of a pair of 2 storey semi detached dwellings with 4no. parking spaces and the creation of a new vehicular access; the existing access to Home Farm would be stopped up.
5. Wyddial is identified by Policy VILL3 as a Category 3 village and by Policy GBR2 as lying in the rural area outside the Green Belt. Both these policies reinforce the Councils settlement strategy included in Policy DPS2 which requires that new development is concentrated in a hierarchy of centres. This is designed to reduce reliance on private transport as required by Policy TRA1.
6. Although the appellant's statement references that home working is increasing after the pandemic the future occupiers of the proposed dwellings would still require transport to access services given the limited services in the vicinity of the site. Given the site's location, around 2km from the nearest settlement,

¹ Annex 2

Buntingford, the location of the appeal scheme would not allow transport by a genuine range of transport modes as suggested in the Framework. Wyddial is not on a bus route and the site can only be accessed by unpaved and unlit roads. These would not be conducive to cycling and walking resulting in reliance on private transport.

7. The appellant states that the scheme represents infilling, an exception included in Policy VILL3 and HD1 from the general presumption against such development. However, the site is located at the western edge of the curtilage of Home Farm which itself lies on the edge of Wyddial. For these reasons, it does not represent infilling to comply with Policies VILL3 and HD1.
8. Policy GBR2 includes exceptions to the general presumption against development in the rural areas. The appellant has referred to the fact that the scheme could support local housing needs and there is reference to the accommodation of members of the owner's family. A reference is included in his statement that the scheme would be a self-build project but insufficient details have been included with the appeal on this point to establish whether the intention is for the scheme to fall within the requirements of the Self Build and Custom Housebuilding Act 2015.
9. The scheme has been designed to appear as an agricultural building. It would have a smaller volume and footprint than the 2 existing buildings which it is designed to replace. The surrounding trees around the paddock and to the front of the site would ensure that its landscape impacts would be limited.
10. Whilst I am satisfied that the scheme would comply with Policy CFLR6 in respect of the retention of equine development and that its landscape impacts would be limited, the determining issue in this appeal is the site's location in respect of the Council's settlement strategy.
11. Development of the site for 2 dwellings would result in a form of development which is not on an infill site and is in a location away from shops and services. The lack of alternative modes of transport would result in future occupiers being dependant on private transport.
12. I am unaware of the details of the recent permission for a single house to which the appellant refers². I have considered the comments of the interested parties in favour of the scheme but these do not outweigh the considerations against it.
13. For the above reasons, I conclude that the proposed scheme conflicts with policies DPS2, GBR2, VILL3 and TRA1 of the East Herts Local Plan. Furthermore, the scheme is not infill development and is therefore not an exception included these policies and Policy HD1 of the Buntingford Community Area Neighbourhood Plan 2014-2031.
14. The appeal is dismissed.

Stephen Wilkinson

INSPECTOR

² 3/17/2229/FUL

Appeal Decision

Site visit made on 29 November 2022

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2022

Appeal Ref: APP/J1915/D/22/3307838

High Trees, Great Hornead, Hertfordshire, SG9 0NR

- 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 Kathryn Stacey against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/0389/HH, dated 22 February 2022, was refused by notice dated 15 July 2022.
 - The development proposed is erection of a single storey side extension with balcony above, single storey front extension and two storey side/rear/front extension incorporating front Juliet balcony. Enlargement of front and side windows.
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Decision

1. The appeal is dismissed.

Main Issue

2. There is one main issue which is the effect of the proposed extensions on the character and appearance of the host dwelling, the street scene and the surrounding area, including the Great Hornead Conservation Area (CA).

Reasons

3. The appeal dwelling comprises a large two storey 1970s house set on a substantial plot on the south side of the street within the rural settlement of Great Hornead which is a designated conservation area. Great weight attaches to the conservation of designated heritage assets. Paragraph 200 of the National Planning Policy Framework (NPPF), 2021, requires clear and convincing justification for any harm to, or loss of, the significance of a designated heritage asset including from development within its setting.
 4. The area is characterised by trees and hedgerows, especially on the southern side of the street where a stream separates dwellings from the public highway. This vegetation screens and softens the built environment which is characterised in the vicinity of the appeal dwelling by dwellings in larger plots on the southern side of the street. The northern side is characterised by generally smaller dwellings, farm buildings and a village hall, with some buildings set closer to the highway and more prominent in the street scene.
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5. There are a number of large trees in the front garden of the appeal dwelling. Nevertheless, the house is clearly visible from the highway although set back by some 48m. It is a wide building, sited centrally within the wide plot. It is of simple and discreet design and partly clad in dark timber which helps it to blend with its wooded surroundings. Although an anomaly in the street scene it is neutral in terms of its effect on the character and appearance of the conservation area.
6. The proposed two storey side and rear extension would increase the width of the property by some 6.3m. In addition, the proposed single storey extension on the opposite end elevation would extend the full depth of the dwelling and add a further 3m to the width. The overall width of the building would thus increase from some 14m to some 23m. This would be a substantial increase of more than half the width of the existing building and would result in an already wide dwelling appearing disproportionately wide, notwithstanding that it would remain well separated from the side boundaries of the plot.
7. The proposed front gable, which would wrap around part of the existing front elevation and slope down to ground floor eaves level over a proposed porch, would provide some relief and not be out of place on a 1970s dwelling. However, the extended ridge would be visible behind it, increasing the length of the existing ridge across the full extent of the property. Moreover, the arrangement of fenestration in the front gable, especially at ground floor, would be poor with little attempt to relate openings to each other or to the gable feature. Overall, it would be a prominent feature on the front elevation and clearly visible from the street that would be detrimental to the appearance of the dwelling and street scene and detract from its current neutral effect on the CA.
8. The eastern elevation would have an asymmetric gable which would not be out of keeping with the dwelling. Nevertheless, the arrangement of fenestration at ground floor would give it a disjointed appearance. Although this would not be visible from the street or other public places it would further demonstrate the lack of good design. I accept that the existing east elevation is of little merit but good design is a key aspect of sustainable development and the NPPF expects new development to add to the overall quality of the area and be visually attractive as a result of good architecture and layout.
9. The side/rear extension would project behind the dwelling with a gable end. In itself it would echo the simple and discreet design of the existing dwelling. However, in combination with the existing house, it would lead to an excessively wide appearance, especially combined with the single storey addition on the opposite end elevation.
10. Overall, I find that the proposed extensions, taken together, would fail to achieve a high standard of design and would be excessively wide. In consequence they would be unsympathetic to and out of scale with the host dwelling and would fail to respond positively to the context of the site or local distinctiveness.
11. The appellants point out that the dwelling is set in the middle of a 40m wide plot and that the proposed extensions would not be disproportionate to the plot or impinge on neighbours. Whilst this is correct it does not alter or outweigh the

harmful effect of the extensions on the character or appearance of the host dwelling and the surrounding area resulting from their unsympathetic scale, proportions and design. The proposed extensions would not therefore enhance or respect the existing building and would result in less than substantial harm to the CA.

12. Although harm to the CA would be less than substantial the NPPF requires any harm to be balanced against the public benefits of the development. Since I have found that the extensions would not respect or enhance the host dwelling and there are no other public benefits identified, and applying great weight to the conservation of the CA, the proposed development would therefore be unacceptable.
13. It is concluded on the main issue that the proposed extensions would have a materially harmful effect on the character and appearance of the host dwelling and the street scene. Moreover, they would fail to preserve or enhance the character or appearance of the Great Hormead CA. In consequence, the proposed extensions would conflict with Policies HOU11, DES4 and HA4 of the East Herts District Plan, 2018, and the NPPF. Taken together and amongst other things these expect extensions to dwellings to exhibit a high standard of design and layout such that their size, scale, form, siting and design is appropriate to the character, appearance and setting of the dwelling and surrounding area so that they promote local distinctiveness and preserve or enhance the special interest, character and appearance of conservation areas.
14. The appellants states that permission was previously granted for three dwellings on the appeal site. However, I have no evidence regarding this permission with respect to siting or design and I do not know whether it remains extant. It therefore carries little weight.
15. For the reasons set out above and having regard to all other matters raised, including the support from the Parish Council, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR



Appeal Decision

Site visit made on 21 November 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2022

Appeal Ref: APP/J1915/D/22/3306659

11 Thorley Hill, Bishops Stortford, Hertfordshire, CM23 3ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Bill Rice against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/1060/HH, dated 12 May 2022, was refused by notice dated 22 July 2022.
 - The development proposed is the erection of a two-storey rear extension, existing dormers to be extended, front facade to be insulated and clad with flint, roof lights and windows added to the side elevations.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey rear extension, existing dormers to be extended, front facade to be insulated and clad with flint, roof lights and windows added to the side elevations at 11 Thorley Hill, Bishops Stortford, Hertfordshire, CM23 3ND in accordance with the terms of the application, Ref 3/22/1060/HH, dated 12 May 2022, 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: Drg Nos 1049-22.PL.001 Rev A, 1049-22.PL.002, 1049-22.PL.003 Rev B, 1049-22.PL.004 Rev B, 1049-22.PL.005 Rev B and 1049-22.PL.006.
 - 3) The roofing materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and wider street scene.

Reasons

3. The appeal relates to a detached, gable fronted bungalow located on a wedge-shaped plot with a narrow frontage and appearing fairly tightly squeezed between a much more imposing and contemporary looking two-storey gabled dwelling at No 9, set lower down the slope of Thorley Hill, and a more

traditional looking two-storey semi-detached house on higher ground at No 13. The appeal property has accommodation at first floor level within the roof void that is facilitated by dormer windows to each side. These are slightly recessed behind the front elevation and set up from the eaves, and project with a shallow, catslide type roof from the ridgeline of the much steeper side slopes of the main roof. The dormer to the west elevation is shorter in length than the dormer to the opposing side but despite this they appear from Thorley Hill as a pair of symmetrical wings which create a balanced appearance to the building within the street scene.

4. The property has a single-storey, flat roof extension across the majority part of the rear elevation. The proposal would effectively square this off at ground floor level and project the existing form of the building over at first floor. Both dormers to each side would be extended rearwards to span almost the full length of the enlarged dwelling.
5. Policies DES4 and HOU11 of the East Herts District Plan October 2018 (EHDP) require extensions to dwellings to be of a size, scale, mass, form, siting, design and materials of construction that are appropriate to the character, appearance and setting of the existing dwelling and/or the surrounding area, and extensions to generally appear as a subservient addition. Part (d) of Policy HOU11 further advises that roof dormers may be acceptable if appropriate to the design and character of the dwelling and its surroundings and that they should generally be of limited extent and modest proportions, so as not to dominate the existing roof form.
6. The rearward projection of the main part of the dwelling would follow a logical extension in a manner that would appropriately respect the building's original form.
7. The enlargement of the side dormers would alter little, if anything, of the dwelling's appearance. The front elevation would not change, other than through a proposed alternative use of flint cladding at ground floor level, which would be acceptable within the mixed palette of materials in the wider area.
8. The dormers would be undeniably large and dominant within their respective roof slopes. However, they would merely reflect the established design and character of the dwelling and its existing roof form. Whilst I agree with the Council that each enlarged dormer would be glimpsed from Thorley Hill, my own observations confirmed that, due to the tight relationship between No 11 and both neighbouring properties, the ability to have full sight of each dormer would be severely limited and restricted for each to be seen from just a very short stretch either side of the property, beyond which the extended parts of the dormers to the rear would be screened by the neighbouring buildings and undetectable from the public domain.
9. My overall view is that the proposed extension and dormer enlargements would simply mimic the appearance of the existing building without having any significant impact upon the character or appearance of the street scene. There would therefore be no conflict with EHDP Policies DES4 or HOU11. For the same reasons there would be no conflict with Policy HDP2 of the Bishop's Stortford Neighbourhood Plan for All Saints, Central, South and Part of Thorley 2016-2032 which relates to the setting and character of buildings, streets and spaces.

Conditions

10. A condition specifying the relevant plans is necessary as this provides certainty.
11. The Council has suggested a condition that would require the exterior of the development to be constructed in the materials specified on the submitted application form and plans, or else in materials that would need to be approved in writing. However, the application drawing 1049-22.PL.003 Rev B explicitly details the proposed use of mixed materials for the external walls of the building, which would alter the existing. These are deemed to be acceptable by the Council and I concur. Therefore, a condition along the lines proposed is unnecessary. However, as the existing roof would be extended, I have imposed an alternatively worded condition requiring the roofing materials to match the existing, which is necessary in the interests of maintaining the character and appearance of the area.

Conclusion

12. For the reasons given, I find that there would be no harm to the character or appearance of the host property, or to the wider street scene. Accordingly, in the absence of any other conflict with the development plan, and having regard to all other matters raised, the appeal is allowed.

John D Allan

INSPECTOR



Appeal Decision

Site visit made on 29 November 2022

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2022

Appeal Ref: APP/J1915/D/22/3307506

Danesbury, The Street, Aspenden, Buntingford, SG9 9PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Lee Wood against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/1108/HH, dated 25 May 2022, was refused by notice dated 22 August 2022.
 - The development proposed is erection of a new double garage with studio on the first floor.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new double garage with studio on the first floor at Danesbury, The Street, Aspenden, Buntingford, SG9 9PF in accordance with the terms of the application, Ref 3/22/1108/HH, dated 25 May 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: NH/973/01, NH/973/02, NH/973/03, NH/973/04, NH/973/05 and NH/973/06.
 - 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 outbuilding.

Main Issue

2. There is one main issue which is the effect of the proposed building on the character and appearance of the host dwelling, the appeal site and the surrounding area, including the Aspenden Conservation Area.

Reasons

3. The appeal site lies in the rural village of Aspenden and within the Aspenden Conservation Area (CA), a designated heritage asset. Great weight attaches to the conservation of designated heritage assets. Paragraph 200 of the National Planning Policy Framework (NPPF), 2021, requires clear and convincing
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justification for any harm to, or loss of, the significance of a designated heritage asset including from development within its setting.

4. The Street is a narrow lane, characterised by trees and shrubs. These occur both within and between plots and adjacent to the highway and a stream which, in the vicinity of the appeal site, runs between the highway and dwellings on the south side of the road, including the appeal dwelling. The pattern of development on the southern side at this point is of large dwellings set in substantial plots with no regular building line. On the northern side of the road there are smaller dwellings, generally sited closer together in groups and set back from the highway. These are interspersed by larger detached dwellings on large plots. Dwellings vary considerably in age and design with the character of The Street derived mostly from the rural character and spacious, wooded setting. Dwellings, especially on the southern side, are well screened by trees and shrubs and by their set back from the lane.
5. Danesbury is accessed via a private drive and bridge over the stream. It is visible most clearly through the gap in the trees at the point of access. From here the large, modern, dwelling is clearly seen but set back from the frontage. Also visible to the side and set behind the building line of the dwelling is a small, detached outbuilding, clad in dark weatherboarding. This is understood to be used as a gym and store.
6. The proposed building would abut this outbuilding, extending some 6.3m in front of it and having a width of some 6.5m which would bring it closer to the host dwelling although a noticeable gap would remain. It would also extend about 1.2m in front of the projecting front gable elevation of the dwelling. It would have a simple pitched roof sloping to low eaves on the front elevation and a ridge height some 2.5m lower than the ridge of the dwelling and slightly above eaves height. It would be clad in weatherboarding to match the existing.
7. Although considerably larger than the existing outbuilding the scale of the proposed garage building would be subservient to the large dwelling and although projecting in front of it would not dominate or detract from its importance as the host building. The simple, plain pitched roof, low eaves and dark weatherboarding would contribute to its subservient and ancillary appearance. Although clearly visible through the site access, sufficient distance and screening would separate the garage from the site frontage and the lane, such that it would have a limited effect on the street scene which would ensure the rural, wooded character was preserved.
8. To the rear, the garage would have a small dormer and rooflight at first floor to provide illumination to the first floor studio. These would be acceptable given the similar dormers on the rear elevation of the host dwelling. The Council notes that the proposed garage/studio would be joined to the existing outbuilding resulting in a structure some 12.5m deep. However, whilst this would, in total, be deeper than the dwelling, the small scale of the existing outbuilding, which would be entirely hidden behind the new garage, and its separation from the host dwelling would ensure it remained subservient.
9. The Council also notes that there are other outbuildings in the vicinity but that they are not of a comparable scale or siting to the proposed building. In general I agree. However, the appellant refers to a large three bay outbuilding with

accommodation at first floor, similar to the appeal building, that was permitted recently at the adjacent property, Gorhamsbury under ref. 3/21/1659/HH. Although this building is well separated from the host dwelling it is sited in front and to the side of it, close to the front boundary. At the time of my site visit this building was nearing completion and was clearly visible from The Street through the boundary vegetation. In my view it is comparable with the appeal building and demonstrates, that where carefully sited and designed, larger outbuildings can assimilate successfully into the area.

10. Overall, I find that the proposed outbuilding, whilst large, would be in keeping with and subservient to the substantial host dwelling and, although visible from The Street, its setback, design, scale and materials would ensure it was not unduly prominent and did not harm the essential character of the street scene or the surrounding area and preserved the character and appearance of the Aspenden CA.
11. It is concluded on the main issue that the proposed building would have no materially detrimental effect on the character or appearance of the host dwelling, the appeal site or the surrounding area and the character and appearance of the Aspenden CA would be preserved. In consequence, it would comply with Policies GBR2, HOU11, DES4, HA1 and HA4 of the East Herts District Plan, 2018, the Buntingford Community Area Neighbourhood Plan 2014-2031 and the NPPF. Taken together and amongst other things these expect outbuildings within a residential curtilage to make the best use of available land and be of a size, scale, form, siting, design and materials appropriate to the character, appearance and setting of the dwelling and area such that they preserve or enhance the special interest, character and appearance of conservation areas.
12. The Council also refers to Policy HOU13. However, this relates specifically to annexes to be used as self-contained accommodation. The size and limited facilities in the proposed studio and the evidence that it is to be used as a dance studio satisfies me that this policy is not relevant in this case.
13. Turning to conditions, I agree with the Council that in addition to the statutory commencement condition, conditions requiring the development to be carried out in accordance with the approved plans and in matching materials are necessary to provide certainty and to protect the character and appearance of the host dwelling and the surrounding area, including the CA.
14. For the reasons set out above and having regard to all other matters raised, it is concluded that the appeal should be allowed.

KE Down
INSPECTOR



Appeal Decision

Site visit made on 21 November 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2022

Appeal Ref: APP/J1915/D/22/3306001

52 Mazoe Road, Bishops Stortford, Hertfordshire, CM23 3JT

- 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 Tanner Brooks against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/1127/HH, dated 20 May 2022, was refused by notice dated 5 August 2022.
 - The development proposed is the erection of a gable end roof extension with 2 No. dormers & velux skylights, a porch, a rear extension to facilitate open plan living space with bi-fold doors and lantern light, and replacement windows.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on: -
 - The character and appearance of the area, and
 - The living conditions at 50 Mazoe Road, with particular regard to privacy, and at No 54 with particular regard to privacy and outlook.

Reasons

3. The appeal relates to a modest sized, detached bungalow with a hipped roof including a small, box-like dormer to one side, subservient forward and rear projecting gables that span roughly half the width of the dwelling, and with a flat roof, single-storey extension to the rear. The plot occupies a corner location with a side return to Mazoe Close, a short residential cul-de-sac, and is located within a wider residential neighbourhood comprising a mix of property types, sizes and ages.
4. The property is currently in a very poor state of repair. The proposal involves a number of elements that would see it substantially remodelled. These would include hip to gable changes with an increase to the roof's ridge height, a full width gabled projection to the rear in lieu of the existing extension with 'box-like' dormers to each side, and a further single-storey, flat roof extension beyond.

Character and Appearance

5. The modifications to the main roof of the dwelling, together with its remodelled front elevation, would appear well-proportioned and comfortable in the street scene, reflective of similar building styles along Mazoe Road, including the immediately adjacent property at No 54.
6. In isolation, the gabled extension to the rear would similarly mimic the form of No 54 and would be seen as an appropriately integrated part of the dwelling's modified appearance. The single-storey element beyond would appear as a conventional rear extension, modest in scale and comfortable within the rear garden setting of the plot. However, the overall bulk and visual impact of the extensions to the rear of the building would be heavily influenced by the side dormers. These would both occupy almost the full extent of the side roof slopes where they would extend beyond the main rear wall of the original dwelling. The dormers would be only marginally set down from the ridge of the roof, marginally up from the eaves, and marginally set back from the rear facing gabled elevation. They would be dominant features within this portion of the building and would serve to create an alternative impression of the gabled extension as being an incongruous flat roofed addition that would be out of scale with, and unsympathetic to, the overall form of the dwelling.
7. Both dormer windows would be openly seen from the public domain, either in the gap between the appeal property and No 54, or from Mazoe Close. Due to their excessive size and bulk, they would result in a development that would be intrusive within the street scene and visually harmful to the character and appearance of the area. As such, there would be conflict with Policies DES4 and HOU11 of the East Herts District Plan October 2018 (EHDP) as far as they require extensions to dwellings to be, amongst other things, of a size, scale, mass, form, siting and design that are appropriate to the character, appearance and setting of the existing dwelling and/or the surrounding area. For the same reasons there would be conflict with Policy HDP2 of the Bishop's Stortford Neighbourhood Plan for All Saints, Central, South and Part of Thorley 2016-2032 which relates to the setting and character of buildings, streets and spaces.
8. The appellant has drawn my attention to a variety of side roof additions along Mazoe Road and the wider area, many of which I saw for myself during my visit. However, I have no knowledge of the planning history to any of these. In addition, many serve to demonstrate the harm that can be caused by insensitive roof alterations. Furthermore, I saw none that could be directly compared to the context or setting of the appeal site. None of these other examples alter my conclusions regarding this first main issue.

Living Conditions at 50 and 54 Mazoe Road

9. No 50 Mazoe Road occupies the corner plot on the opposing side of Mazoe Close. The proposed dormer to the northeast elevation of the appeal property would overlook Mazoe Close and would face towards the rear garden of No 50 with a separation distance to this neighbour's side boundary of around 8m.
10. The Council is concerned that the window would provide sight into the intimate parts of the rear garden to No 50. However, the first-floor plan on the application drawings shows that the window opening within the side dormer would serve an en-suite bathroom. Whilst the drawings do not show the glazing to be obscure, it is reasonable to expect that this would be the case. Had I been minded to allow the appeal, I am satisfied that a condition could

reasonably have been imposed to require the glazing to be obscure and fixed up to a specified height. This would safeguard the privacy at 50 Mazoe Road.

11. The window to the opposite side dormer would face towards No 54. The Council are satisfied that any outlook over the neighbour's rear garden would be obscured by the existing garage at No 54 and which is positioned along the common boundary between both properties. I have no reason to disagree.
12. A first-floor window within the apex of the new side gable to the appeal property would serve a hallway. As a non-habitable space, it would be reasonable to secure obscure and appropriately fixed glazing to this window opening by condition. This would safeguard the neighbour's privacy at No 54.
13. No 54 has a first-floor, side facing bedroom window. The enlarged scale of the appeal property would unquestionably be seen in the outlook from this window and at closer quarters. However, a reasonable separation distance would still be retained between both dwellings. Moreover, despite the incongruous form of the dormers that I have identified above, the overall scale and height of the modified dwelling as a whole would not, in my assessment, be excessive or overbearing. I am satisfied therefore that the proposal would have no impact upon the living conditions at 54 Mazoe Road that would be significant or harmful.
14. Overall, I find no conflict with EHDP Policy DES4 as far as it requires development to avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land.

Conclusions

15. Notwithstanding my findings as they relate to the impact of the proposal upon the living conditions of adjoining occupiers, for the reasons given I find that the proposal would be harmful to the character and appearance of the area. I appreciate that the works are required to bring the dwelling up to an acceptable habitable standard, and that they would provide a young couple with a family home. However, these benefits do not outweigh the harm that I have identified and the conflict with the development plan.
16. I note the appellant's frustration that he was not offered any opportunity to amend the proposals before the decision to refuse planning permission was taken. However, the appeal that is before me falls to be considered based upon the drawings that were determined by the Council. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR

NEW PLANNING APPEALS LODGED NOVEMBER 2022
Head of Planning and Building Control

Application Number	Proposal	Address	Decision	Appeal Start Date	Appeal Procedure
3/21/1516/FUL	Conversion and extension to disused water tower into a residential property, with additional works including creation of external staircase and roof terrace	North Aston Water Tower Aston End Road Aston	Refused Delegated	23/11/2022	Written Representation
3/21/2237/FUL	Erection of four dwellings (to include one affordable unit) with associated access road and landscaping	Old Station Yard Millers View Much Hadham	Refused Delegated	08/11/2022	Written Representation
3/21/2831/ASDPN	Raising of roof ridge to create an additional storey, to increase the height of the dwelling from 7.5 metres to 9.9 metres.	Folly Cottage Bury Green Little Hadham Ware SG11 2ES	Refused Delegated	22/11/2022	Written Representation
3/21/2992/FUL	Change of use of agricultural building to two dwelling houses (Use Class C3). Creation of first floor level. New external walls, roof, windows and doors. Provision of amenity space, access and car parking spaces.	Cole Green Barn Cole Green Way Hertingfordbury Hertford SG14 2LF	Refused Delegated	30/11/2022	Written Representation
3/22/0212/AGPN	Erection of 1, agricultural building - Length: 24.0 metres, Eaves height 4.60 metres, Breadth 22.80 metres, Ridge height 6.10 metres.	Muspatts Farm Churchfield Road Tewin Welwyn AL6 0JN	Refused Delegated	22/11/2022	Written Representation
3/22/0389/HH	Construction of single storey side extension with a first floor balcony above, single storey front extension, Two storey side/rear/front extension incorporating a first floor front Juliet balcony. Enlargement of first floor front and side windows.	High Trees Great Hormead Buntingford SG9 0NR	Refused Delegated	09/11/2022	Fasttrack
3/22/0979/HH	Removal of conservatory and one chimney. Two storey rear extension incorporating Juliet balcony and single storey side extension with rooflights. Altered roof to front porch and the addition of a rear facing rooflight. Garage conversion with change of roof form.	6 Presdales Drive Ware SG12 9NS	Refused Delegated	11/11/2022	Fasttrack

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	Appeal Date
3/19/2202/FUL	TBA	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	Rachael Collard	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	Rachael Collard	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	13/06/2022
3/20/1119/FUL	Rachael Collard	Wheelwrights Farm Rowney Lane Dane End Ware SG12 0JY	Construction of manège and access track.	INPROG	Hearing	TBA
3/20/2139/FUL	Rachael Collard	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.	Pending Decision	Hearing	16/11/2022
3/21/1760/FUL	David Lamb	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	Pending Decision		14/12/2022
3/21/1805/FUL	David Lamb	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.	Pending Decision		14/12/2022
3/21/1811/FUL	David Lamb	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	Pending Decision		14/12/2022
3/21/2907/OUT	David Lamb	1 Whempstead Road Benington Stevenage SG2 7BX	Demolition and removal of all poultry houses and other buildings. Erection of 12 detached dwelling houses (8 market houses and 4 affordable houses) with garages and car parking, change of use of the land to C3 residential, alterations to vehicular access and driveway off Whempstead Road. Children's play space, new turning head and associated visitor car parking - Outline planning application all matters reserved except for access, layout and scale.	Pending Decision	Hearing	14/12/2022

3/21/2908/OUT	David Lamb	1 Whempstead Road Benington Stevenage SG2 7BX	Demolition and removal of all poultry houses and other buildings. Erection of 10 self-build/custom build detached dwelling houses with garages and car parking, change of use of the land to self-build residential plots, alterations to vehicular access and driveway off Whempstead Road. Children's play space, new turning head and associated visitor car parking - Outline planning application with all matters reserved except for access.	Pending Decision	Hearing	14/12/2022
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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	616	827	1020	1219	1417	1596							
<i>Percentage achieved against Local and National Targets</i>	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Targets for Local Performance (set by East Herts)	National Targets (set by Government)	
Major %	-	67%	67%	75%	75%	77%	72%	77%					Major %	60%	60%
Minor %	75%	65%	64%	64%	71%	65%	66%	67%					Minor %	80%	65%
Other %	85%	85%	83%	83%	78%	82%	79%	78%					Other %	90%	80%
Appeals	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23			
Total number of appeal decisions (Monthly)	4	2	2	12	1	12	5	15							
Number Allowed against our refusal (Monthly)	1	1	1	7	0	6	2	5							
Total number of appeal decisions (Cumulative)	4	6	8	20	21	33	38	53							
Number Allowed against our refusal (Cumulative)	1	2	3	10	10	16	18	23							