



# Public Document Pack

James Ellis  
Head of Legal and Democratic Services

**MEETING** : DEVELOPMENT MANAGEMENT COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 6 DECEMBER 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 Y Estop (Chairman)

Councillors R Buckmaster, V Burt, R Carter, S Copley, I Devonshire, J Dunlop, G Hill, A Holt, S Marlow, T Stowe and S Watson (Vice-Chairman)

## **Substitutes**

Conservative Group: Councillors S Bull and T Deffley  
Green: Councillors M Connolly and V Smith  
Liberal Democrat: Councillor M Adams

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

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- must not participate in any discussion of the matter at the meeting;
- must not participate in any vote taken on the matter at the meeting;
- must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
- if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
- must leave the room while any discussion or voting takes place.

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## AGENDA

### 1. Apologies F\_PR

To receive apologies for absence.

### 2. Chairman's Announcements F\_PR

### 3. Declarations of Interest F\_PR

To receive any Members' declarations of interest.

### 4. Minutes - 20 September 2023 F\_PR

To confirm the Minutes of the meeting of the Committee held on Wednesday 20 September 2023.

### 5. Planning Applications for Consideration by the Committee F\_PR

(A) 3/23/0579/FUL - Demolition of school and erection of replacement school with associated landscaping and parking. Siting of temporary teaching accommodation during period of construction at Pinewood School, Hoe Lane, Ware, Hertfordshire, SG12 9PB  
F\_PR

Recommended for Approval.

### 6. Items for Reporting and Noting F\_PR

(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 F\_PR

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 4

DM

DM

MINUTES OF A MEETING OF THE  
DEVELOPMENT MANAGEMENT  
COMMITTEE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
WEDNESDAY 20 SEPTEMBER 2023, AT 7.00  
PM

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PRESENT: Councillor Y Estop (Chairman)  
Councillors R Buckmaster, S Bull, V Burt,  
R Carter, S Copley, I Devonshire, G Hill,  
A Holt, S Marlow, V Smith and S Watson

ALSO PRESENT:

Councillors E Buckmaster, V Glover-Ward,  
D Hollebon and D Woollcombe

OFFICERS IN ATTENDANCE:

Neil Button	- Team Leader (Strategic Applications)
Steven King	- Finance Management Trainee
Peter Mannings	- Democratic Services Officer
Nick Reed	- Planning Officer
Sara Saunders	- Head of Planning and Building Control
Diane Verona	- Principal Planning Officer

Victoria Wilders - Legal Services  
Manager

ALSO IN ATTENDANCE:

Matthew Armstrong - Highways Officer from  
Hertfordshire County  
Council

143 APOLOGIES

Apologies for absence were submitted from Councillors J Dunlop and T Stowe. It was noted that Councillor V Smith was substituting for J Dunlop and Councillor S Bull was substituting for Councillor T Stowe.

144 CHAIRMAN'S ANNOUNCEMENTS

The chairman reminded Members and Officers to use the microphones as the meeting was being streamed onto YouTube.

145 DECLARATIONS OF INTEREST

There were no declarations of interest.

146 MINUTES - 19 JULY 2023

Councillor Buckmaster proposed and Councillor Hill seconded, a motion that the Minutes of the meeting held on 19 July 2023 be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

Attendance details – addition of Councillor Smith to the list of the attendees as she had been substituting for Councillor Burt.

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

**RESOLVED** – that the Minutes of the meeting held on 19 July 2023, be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

Attendance details – addition of Councillor Smith to the list of the attendees as she had been substituting for Councillor Burt.

- 147     3/21/1756/FUL - DEMOLITION OF ALL EXISTING BUILDINGS. ERECTION OF A CLASS E RETAIL FOOD STORE, WITH ASSOCIATED CAR PARKING, RECONFIGURED SITE ACCESS, SERVICING, LANDSCAPING, SWALE, AND INSTALLATION OF PLANT EQUIPMENT AT GATES OF STORTFORD, 295-297 STANSTED ROAD, BISHOP'S STORTFORD, CM23 2BT
- 

The Head of Planning and Building Control recommended that in respect of application 3/21/1756/FUL, planning permission be granted subject to the conditions detailed in the report and subject to a Section 106 legal agreement, and with delegated authority being granted to the Head of Planning and Building Control to finalise the detail of the Legal Agreement and conditions.



The Team Leader (Strategic Applications) talked about the planning history of the site and summarised in detail the main issues for Members to consider. He presented a series of plans and elevation drawings and detailed the location of the site. He also summarised the use types of all the surrounding buildings on Stansted Road.

The Team Leader (Strategic Applications) said that the resolution of the committee in December 2022 included the option to refuse if the Section 106 agreement had not been completed. Members were now being asked to extend the resolution to permit the signing of the Section 106 agreement.

The Team Leader (Strategic Applications) detailed the amendments to the internal site layout, the pedestrian access improvements, and improvements to bus stops. He mentioned the level access to the building and addressed the committee at length in respect of the Council's public sector equality duty.

The Team Leader commented on the material considerations in respect of the District Plan and referred to the late representations and additional planning matters within the committee addendum. He said that the representation letter from Tesco's Agent had raised matters that had been addressed within the report.

Cheryl Sauvery addressed the Committee in objection to the application. Laura Beech spoke for the application.

Councillor Devonshire expressed a concern relating to traffic on Stansted Road during the morning rush hour. He said that upgrading the footpaths would be a waste of time as he did not believe that shoppers from the town centre would walk from there to shop at LIDL on this site.

The Team Leader said that the matter of traffic congestion was considered as part of a traffic assessment submitted by the applicant and considered by Hertfordshire Highways in 2021/22. The increase in traffic was judged to be within acceptable tolerances and the increase did not in itself give rise to a reason to refuse the application. Members were advised that the scheme would not create unsafe highways conditions.

The Team Leader said that improvements to footpaths should be viewed as a benefit of the scheme in terms of encouraging people to walk to the site and a move to a more active and sustainable way of accessing facilities.

Councillor Copley referred to the planning conditions and possible consultation with the resident of 289 Stansted Road to better understand the needs of the disabled resident at that address. The Team Leader said that conditions 3 and 35 required that there be consultation and liaison with the occupiers of 289 Stansted Road in respect of landscaping and boundary treatments.

Members were advised that Officers would only discharge that condition if it had been demonstrated

that the applicant had consulted and worked with the occupant of 289 Stansted Road to achieve an acceptable outcome. The Team Leader referred to a previous slide in respect of a landscaping scheme including hedgerows around the edges of the site and a noise buffer.

The Team Leader said that, in respect of the protected characteristics under the equalities act, Officers had identified specified conditions in respect of the design of the junction and conditions in respect of landscaping and boundary treatments. He said that the existing access had been made safer by pulling the crossing back into the site and had been made of a certain width to accommodate the movement of vehicles coming to and from the site. He also referred to identified conditions in respect of noise levels, deliveries, refuse collection times and store opening hours.

Councillor Holt asked about the location of the nearest public transport and in particular bus stops. The Team Leader displayed a plan to answer this question. Councillor Hill referred to active travel and asked about individual cycle paths.

The Team Leader referred in detail to the representations from the HCC Highways Officer. The Team Leader confirmed that the highways authority was no longer a capacity-based organisation, and the local transport plan made it clear that the needs of pedestrians, cyclists and public transport users must be accommodated ahead of the needs of the private motor car.

Members were advised that the highways authority had concluded that they were satisfied that the proposals had included sufficient measures which had meaningfully put the needs of people who chose to travel by sustainable modes above the needs who travel by the private motor car. The Team Leader referred Members to the advice of the Highways Officer and said that as accommodating the convenience of motorists was no longer in line with both national and local policy it would not be reasonable to expect the applicant to undertake vehicle capacity checks on the wider highways network and carry out vehicle capacity improvements.

The Highways Officer had concluded that the application would not result in an increase in traffic through the Hockerill junction and the impact on other neighbouring junctions would not result in additional traffic or result in harmful highways conditions within the wider area. Members were advised that the measures included within the scheme sought to reduce the numbers of vehicles on the road and there was a travel plan that was secured by a planning obligation.

Councillor Buckmaster referred to conditions 30 and 31 and the proposed retail opening hours. She commented on whether it would be neighbourly to restrict the delivery times under condition 31 to alleviate the concerns of neighbours.

The Team Leader said that Environmental Health had been consulted and had raised no objections to the

proposed hours of operation and conditions were proposed in respect of noise from the proposed change of use. He said that hours of closing had been reduced to 4 pm on Sundays and there was no policy to request or require that the delivery hours were restricted as this had not been set out as a requirement of Environmental Health Officers.

Councillor Watson proposed and Councillor Copley seconded, a motion for an adjournment from 19:52 to 20:00, to facilitate the remote attendance of an Officer from Hertfordshire County Council highways. After being put to the meeting and a vote taken, this motion was declared CARRIED.

**RESOLVED** – that the meeting be adjourned from 19:52 to 20:00.

The meeting reconvened at 20:00 and Matthew Armstrong (Highways Officer from Hertfordshire County Council) said that in terms of safety, there was no compromise regarding the access to the site. Members were reminded that in terms of capacity and the free flow of traffic, there might be an impact. He said that there would be tactile paving and the access had been safety audited in the form of a stage one road safety audit.

Matthew Armstrong referred to the NPPF and LTP4 in respect of sustainable and active travel. He referred at length to vehicle crossover guidance and said that there was no obvious intrinsic safety issue. He said that from a highway perspective, there had been no details as to the frequency of the large tail lift vehicle

pick up or how long this vehicle was parked outside the property. He concluded that in practice there were no obvious safety issues.

Councillor Hill referred to the speed differential between cyclists and motorists being a deterrent to cyclists. He said reducing the speed limit should be considered in terms of safety and active transport. Matthew Armstrong said that there was a speed management strategy at HCC and that the overriding message was that the legal speed limit should match the look and feel of the road. He said that Stansted Road did not look or feel like a 20-mph road and there would have to be very significant changes in the form of a full route treatment and there was a test of reasonableness. Members were advised that the applicant had included some very good sustainable active travel improvements.

Councillor Estop and Councillor Copley both enquired whether the proposed site access could be moved further north and whether the delivery hours could be modified to reflect the hours of operation on a Sunday (i.e., no deliveries after 1600 hours). The Team Leader advised that the delivery hours condition could be amended subject to agreement with the applicant. The Team Leader advised that there was no planning or highways design requirement to justify relocating the access subject to the recommended conditions.

Councillor Buckmaster proposed and Councillor Watson seconded, a motion that application 3/21/1756/FUL be granted planning permission, subject to the conditions detailed at the end of the

report (and the late representations addendum document) and subject to a Section 106 legal agreement with delegated being granted to the Head of Planning and Building Control to finalise the detail of the legal agreement and conditions.

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

**RESOLVED** –that (A) in respect of application 3/21/1756/FUL, planning permission be granted subject to the conditions detailed at the end of the report and subject to a Section 106 legal agreement; and

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

- 148 3/23/0775/FUL - CHANGE OF USE OF LAND TO RESIDENTIAL CURTILAGE AND ERECTION OF A 1.8 METRE HEIGHT FENCE (SET IN BY 1.5 METRE) AND WITH MANAGED PERIPHERAL LANDSCAPING AT LAND TO THE REAR OF 74, 75 AND 76 MAGNAVILLE ROAD, BISHOP'S STORTFORD, HERTFORDSHIRE, CM23 4DW
- 

The Head of Planning and Building Control recommended that in respect of application 3/23/0775/FUL, planning permission be refused for the reasons detailed in the report.

The Planning Case Officer presented the application to the Committee and summarised in detail the main

issues for Members to consider. He referred to the planning history and the context of the application and set out the main planning policy considerations for Members to consider.

Valda Edmunds addressed the Committee in support of the application. Councillor Hollebon addressed the Committee as the local ward Member. Councillor Devonshire said that significant weight was behind the fact that the ward councillor and Bishop's Stortford Town Council were in favour of the application.

Councillor Copley asked for some clarity as to whether there was any way for the application to be approved without it setting a precedent. She asked if there was any element of the application that could be changed which would make officers feel that the scheme could be approved.

The Planning Officers said that were Members to approve the application, the grant of the planning permission would become a material consideration for future applications in the immediate area and the wider Thorley Park estate. He said that amendments to the application had been considered and policy HOU12 was of significant relevance to this application in terms of retaining these areas. Members were advised that landscaping scheme conditions would not overcome the harm that result from this planning application being approved.

The Team Leader (Strategic Applications) said that the scheme that was before Members was being considered and Officers had not identified any changes



or conditions that could overcome their concerns and there were no changes that could be made to support a grant of planning permission. He mentioned shortcomings in terms of the lack of arboriculture surveys and compliance with the development plan and in particular policy HOU12.

The Chairman set out some matters relating to the distinctive characteristics of the area, and in particular the footpaths and very short roads. She also commented on the wider context of the application and referred to the significant weight of relevant policy connections.

Councillor Smith expressed a concern that this area was not being maintained. She said that the ownership did not seem to be in dispute and asked if there was anything that could be done to ensure it was better maintained. She said that she was not confident that fencing it off would prevent dog fouling on the periphery of the proposed fencing.

Following some comments from Members, the Legal Services Manager reminded the Committee that planning decisions had to be made in the context of how development plan policies were material to an application for planning permission. She said that decisions must be taken in accordance with the development plan unless there were material planning considerations that indicated otherwise. Members were reminded that there were policy justifications for refusing the application and the Committee should bear that in mind and think about material planning considerations to overturn that recommendation.

Councillor Bull said that he understood the precedent that could be set, and each application was judged on its merits. He said that the application was outstanding, and he would support a grant of planning permission.

The Legal Services Manager said that Members must consider the planning merits and the planning principles which had been set out by the officer had set out in the report quite well.

Councillor Watson proposed and Councillor Buckmaster seconded, a motion that application 3/23/0775/FUL be refused for the reasons detailed in the report. After being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** –that in respect of application 3/23/0775/FUL, planning permission be refused for the reasons detailed in the report.

- 149 3/23/0440/FUL - RECONFIGURATION OF GROUND FLOOR TO PROVIDE 1 CLASS E (COMMERCIAL, BUSINESS AND SERVICE USES) UNIT, CHANGE OF USE OF FIRST FLOOR FROM CLASS E USE TO 8 STUDIOS AND 1 ONE BEDROOM AND 1 TWO BEDROOM SELF-CONTAINED FLATS, AND ASSOCIATED EXTERNAL ALTERATIONS, CREATION OF AN ADDITIONAL SECOND FLOOR TO CREATE 2 STUDIOS, 6 ONE BEDROOM AND 1 TWO BEDROOM SELF-CONTAINED FLATS, RECONFIGURATION OF CAR PARKING AND PROVISION OF CYCLE PARKING, AND OTHER ANCILLARY WORKS AT 55 - 61 SOUTH STREET AND 2-4 STATION ROAD, BISHOP'S STORTFORD, CM23 3AL
-

The Head of Planning and Building Control recommended that in respect of application 3/23/0440/FUL, planning permission be granted subject to the conditions detailed in the report and subject to a Section 106 legal agreement, and with delegated authority being granted to the Head of Planning and Building Control to finalise the detail of the Legal Agreement and conditions.

The Planning Officer presented the application to the Committee and summarised in detail the main issues for Members to consider. The Officer detailed the first and second floor plans and summarised in detail the existing elevations on 55 – 61 South Street and 2 – 4 Station Road. She said that no affordable units were proposed, and she set out the proposed housing mix of the 19 residential units.

Members were advised that the applicant had submitted a financial viability assessment which had been reviewed by independent assessors which had concluded that the scheme would be unviable in the sense that this term was understood within the planning system. The Planning Officer said that the application, if granted, would be subject to the completion of a satisfactory Section 106 agreement which would contain financial contributions as detailed in section 10 of the report.

The Planning Officer said that there was provision for 24 cycle spaces, 19 of which would be for residents and 5 for use by members of the public. She set out the previous historic use of the ground floor in the

former use class A1 retail and use class A3 food and drink, both of which now fell within in use class E.

Councillor Watson asked for clarification as to how many recycling bins were to be provided. The Planning Officer said that the conditions could be amended to ensure that details in respect of recycling bins met with the approval of the local planning authority.

Councillor Devonshire expressed a concern that there was no affordable proposed as part of the application. Councillor Buckmaster expressed a concern that the proposed extra second floor being quite overbearing against the neighbouring properties. She questioned the need for more studio flats in Bishop's Stortford.

Councillor Watson asked for some clarification in respect of the tilted balance and the lack of affordable housing supply. The Team Leader (Strategic Applications) said that weight was given to the provision of housing and in this instance, the benefits outweighed the limited harm that had been identified. He said that scheme had been judged to be acceptable in terms of the tilted balance and the scheme was broadly compliant with the local plan.

The Planning Officer confirmed that the Conservation and Urban Design Officer considered that the proposed additional scale and design of the second floor was acceptable in the conservation area.

Councillor Copley expressed concerns about the proposed development on a very narrow corner with poor visibility. She expressed a specific concern

regarding the narrow vehicular and pedestrian entrance right on a blind corner junction.

The Planning Officer confirmed that the county council's transport advisers had judged the application to be acceptable. She said that a condition had been applied for the submission in writing of a service and delivery plan for the approval of the local planning authority.

The Planning Officer responded to questions from Members in respect of solar panels, residents parking, cycle spaces, fire exits and biodiversity net gain.

Councillor Devonshire proposed and Councillor Marlow seconded, a motion that application 3/23/0440/FUL be granted planning permission, subject to the conditions detailed at the end of the report and subject to a Section 106 legal agreement with delegated being granted to the Head of Planning and Building Control to finalise the detail of the legal agreement and conditions, with an additional condition being applied in respect of the use and design of the first and second floor communal areas.

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

**RESOLVED** –that (A) in respect of application 3/23/0440/FUL, planning permission be granted subject to the conditions detailed at the end of the report and subject to a Section 106 legal agreement with an additional condition being

applied in respect of the use and design of the first and second floor communal areas; and

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

150 ITEMS FOR REPORTING AND NOTING

**RESOLVED** – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non-determination;
- (B) Planning Appeals lodged;
- (C) Planning Appeals: Inquiry and Informal Hearing Dates; and
- (D) Planning Statistics.

151 URGENT BUSINESS

There was no urgent business.

The meeting closed at 9.34 pm

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



# Agenda Item 5

## East Herts Council Report

### Development Management Committee

**Date of Meeting:** 06 December 2023

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

**Report title:** Planning Applications for Consideration by the Committee

**Ward(s) affected:** All

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### 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 Vicky Glover-Ward, Executive Member for Planning and Growth  
[vicky.glover-ward@eastherts.gov.uk](mailto:vicky.glover-ward@eastherts.gov.uk)

**Contact Officer** Sara Saunders, Head of Planning and Building Control, Tel: 01992 531656  
[sara.saunders@eastherts.gov.uk](mailto:sara.saunders@eastherts.gov.uk)

**Report Author** Peter Mannings, Democratic Services Officer, Tel: 01279 502174  
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# Agenda Item 5a

## DEVELOPMENT MANAGEMENT COMMITTEE – 6 DECEMBER 2023

<b>Application Number</b>	3/23/0579/FUL
<b>Proposal</b>	Demolition of school and erection of replacement school with associated landscaping and parking. Siting of temporary teaching accommodation during period of construction.
<b>Location</b>	Pinewood School, Hoe Lane, Ware, Hertfordshire, SG12 9PB
<b>Applicant</b>	Bowmer and Kirkland (on behalf of Department for Education)
<b>Parish</b>	Ware
<b>Ward</b>	Ware Priory Ward

<b>Date of Registration of Application</b>	5 <sup>th</sup> April 2023
<b>Target Determination Date</b>	EOT 26 <sup>th</sup> January 2024
<b>Reason for Committee Report</b>	Major application.
<b>Case Officer</b>	Hannah Weston

### **RECOMMENDATION**

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

#### **1.0 Summary**

1.1 The application seeks planning permission for the demolition of the existing Special Educational Needs and Disabilities (SEND) school buildings and the erection of replacement SEND school buildings. It is further proposed for temporary buildings to be erected on the playing fields during the construction works to accommodate existing students.

1.2 The main considerations for the proposal are:

- Principle of development
- Design and Layout
- Neighbour Amenity
- Highways Implications
- Landscaping
- Flooding and drainage
- Climate change and water resources
- Ecology and Biodiversity
- Very Special Circumstances
- Equalities Considerations

1.3 The main issue for consideration is whether the proposed development is acceptable, having regard to policies in the East Herts District Plan 2018, the Ware Neighbourhood Plan, and the National Planning Policy Framework (July 2021). The Local Planning Authority have also had regard to the Public Sector Equality Duty under the Equality Act 2010.

## **2.0 Site Description**

2.1 The application site is located on the eastern side of Hoe Lane and northern side of Walnut Tree Walk and comprises a Special Educational Needs and Disabilities (SEND) school. The site is bordered to the east by Middleton School (primary education) and to the north by Presdales School (Academy Secondary School with Sixth-form entry). On and adjacent to the application site there are 4 residential properties (House 1-4 Pinewood School) which have a right of way over the school site for entry and exit. Whilst most of these properties are owned by the school, one (no.3) is independently owned.

2.2 The current school buildings are a mixture of single storey and two storeys in height and are in a state of deterioration.

2.3 The application site is located within the Metropolitan Green Belt. The land to the east of the existing built form on site is an allocated Open Space (CFLR1). A public right of way (bridleway) runs along Walnut Tree Walk to the south of the site.

- 2.4 The site falls within Ware Neighbourhood Plan area.
- 2.5 The application proposes the demolition of the existing school buildings and the erection of new school buildings for the SEND school.

### 3.0 Planning History (recent)

Reference No.	Proposal	Decision	Decision Date
3/13/0053/FP	Proposed dining hall and store courtyard infill extensions	Grant Plan Permission w Conds	28th March 2013
3/13/0592/CC	County Matters application: to be determined by HCC for - Retention of double modular classroom for a further 5 years.	Grant Plan Permission w Conds Expired 10 <sup>th</sup> May 2018	8th May 2013
3/14/0195/FP	Single storey demountable classroom unit	Grant Plan Permission w Conds	31st March 2014
3/18/2300/FUL	Provision of vehicular access to House No2 and creation of 2 off street parking spaces.	Refuse Appeal dismissed	12th February 2019
3/18/2301/FUL	Provision of vehicular access to House No 4 and creation of 2 off street parking spaces	Refuse Appeal dismissed	12th February 2019
3/23/0623/SCR EEN	Request for screening opinion for demolition of the existing SEN School and construction of a replacement SEN school with associated access,	EIA Not Required	12th April 2023

	infrastructure, parking and landscape works		
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#### 4.0 **Key Policy Issues**

4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts District Plan 2018 (DP), and the Ware Neighbourhood Plan:

<b>Key Issue</b>	<b>NPPF</b>	<b>District Plan Policy</b>	<b>Ware NP Policy</b>
Principle of Development	Section 2 Section 13	CFLR1 CFLR10 ED6 INT1 TRA1 GBR1	W19
Design and Layout	Section 11 Section 12	DES4 CFLR10	W2
Neighbour Amenity	Section 12	DES4	
Highway Implications	Section 9	TRA1 TRA2 TRA3	W15
Landscaping	Section 15	DES2 DES3	
Flooding and Drainage	Section 14	WAT1 WAT2 WAT3	
Climate Change and water resources	Section 14	CC1 CC2 WAT4	W5
Ecology and Biodiversity	Section 15	NE2 NE3	
Very Special Circumstances	Section 13	GBR1	

## 4.2 **Equality Act 2010**

4.3 Section 149 of the Equality Act (2010) confirms that a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its functions. In the case of planning, equalities considerations are factored into the planning process at various stages. The first stage relates to the adoption of planning policies (national, strategic and local) and any relevant supplementary guidance. The policies and guidance referenced in the committee report and this updated report have all been subject to an equalities impact assessment (EqIA) therefore, the planning policy framework is considered to meet the first stage in the process. Officers have duly considered the equalities impacts on protected groups in the context of the development proposals, subject to this planning application which is set out in Section 8 of this report.

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

## 5.0 **Summary of Consultee Responses**

5.1 Conservation and Urban Design - No objection subject to conditions. Recommend alterations to the elevational treatment.

5.2 Landscape Officer – No objection.

5.3 HCC Highways – No objection subject to conditions.

5.4 Sport England - No objection subject to conditions on removal of temporary accommodation and reinstatement of playing field, and community use agreement.

5.5 Environment Agency – No objection subject to conditions.

5.6 Lead Local Flood Authority – No objection subject to conditions.

5.7 Thames Water – No objection. Request informatives.



- 5.8 Affinity Water – No objection subject to conditions.
- 5.9 HCC Archaeology – No objection subject to condition.
- 5.10 Environmental Health (Noise/Nuisance) – No objection subject to conditions.
- 5.11 Environmental Health (Contamination and air quality) – No objection subject to conditions.
- 5.12 HCC Ecology - No objection subject to conditions. BNG details are acceptable. Sufficient information on protected species provided.
- 5.13 Crime Prevention Design Advisor - Support. Pleased to see school is designed with peer to peer incidents in mind. The safety of students and staff is paramount. Strongly urge the project team to contact Hertfordshire Constabulary Crime Prevention Design Service to seek to achieve Secure by Design standards.
- 5.14 Waste and Recycling - Vehicle size used in transport statement incorrect – vehicles are longer and the statement needs adjusting to the correct size.
- 5.15 HCC Minerals and Waste – No objection. Site Waste Management Plan has been provided and this should be implemented throughout the duration of the project and completed as the project progresses.
- 5.16 EHDC Section 106 Officer – Proposal is a replacement and as such does not require Section 106 contributions.
- 5.17 HCC Growth and Infrastructure – Not seeking financial contributions.
- 5.18 Levelling up Government - No action required.

## **6.0 Town/Parish Council Representations**

6.1 No comments received.

## **7.0 Summary of Other Representations**

7.1 The application has been advertised by neighbour consultation to local residents on the 5/04/2023, 18/08/23 and 27/10/23. At the time of writing this report a total of four contributors commented on the application.

7.2 Four letters neither supporting nor objecting to the application have been received. The comments can be summarised as follows:

- Swift and bat bricks should be provided.
- Access to houses 2, 3 and 4 Pinewood School are only through the school gate and car park. Concern works traffic will impact access to properties, services will be impacted, and ask that all contractors are made aware of access rights.

## **8.0 Consideration of Relevant Issues**

### **Principle of Development**

#### *Replacement School*

8.1 Policy CFLR10 relates to education and outlines that proposals for the creation of new or extended educational facilities for all ages should:

- a) Be in an accessible location, served by a choice of sustainable travel options;
- b) Be of the highest quality of design which offers flexible use of facilities, in order to ensure the various needs of the community can be met;
- c) Provide or retain a suitable provision of outdoor recreation space and playing fields;

- d) Be designed to facilitate the community use of facilities in accordance with CFLR7.
- 8.2 Policy ED6 relates to Lifelong Learning and outlines that the provision of new educational establishments which support a range of learning and community needs such as further education and opportunities for lifelong learning will be supported in principle.
- 8.3 Paragraph 95 of the NPPF outlines that it is important that a sufficient choice of school places are available to meet the needs of existing and new communities.
- 8.4 The application proposes the demolition of an existing school and the erection of a replacement. The proposed school would remain a SEND school and is not proposed to increase pupil or staff numbers. The proposal seeks to provide improved educational facilities due to the deterioration of the existing school and the increased needs of pupils. It is understood that the applicant proposes a new school campus as opposed to refurbishing and/or extending the existing campus due to the poor quality of the existing building on site and the limited opportunities to alter this to meet the needs of pupils.
- 8.5 The requirements of CFLR10 will be assessed in more details within the following report.

### *Sustainability*

- 8.6 The planning system operates on the basis of a presumption in favour of sustainable development, which is embedded in the NPPF and policy INT1 of the East Herts District Plan. Furthermore, Policy TRA1 of the EHDP encourages developments to occur in sustainable locations.
- 8.7 The proposal is for a replacement school on an existing school site. With the proposal being for a replacement school and with no increase in staff or pupil numbers proposed, the application would not alter the sustainability of the site from that existing.

*Green Belt*

- 8.8 The application site is located entirely within the Metropolitan Green Belt. The application proposes the demolition of the existing school buildings and the erection of a replacement school building with associated structures which amount to a significant increase in floorspace and scale. The use of the land would not be altering.
- 8.9 Policy GBR1 of the District Plan outlines that applications within the Green Belt will be considered in line with the provisions of the National Planning Policy Framework. The pre-amble to this policy outlines that 'Inappropriate development in the Green Belt is by definition harmful and should not be approved except in 'very special circumstances'. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations' (4.4.1). The pre-amble continues that there are some uses that are appropriate in the Green Belt and these are listed in the NPPF (4.4.2).
- 8.10 The National Planning Policy Framework concurs that substantial weight must be given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.
- 8.11 Paragraph 149 outlines that the construction of new buildings is inappropriate bar certain exceptions. Exception d) is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
- 8.12 From measuring the submitted plans the following floorspace measurements can be taken for the main school building:

	<b>Existing School</b>	<b>Proposed School</b>	<b>Difference</b>
<b>Ground floor</b>	Main school: 3487m <sup>2</sup> Modular classroom (3/14/0195/FP): 47.5m <sup>2</sup>	Main school and canopies: 3968.6m <sup>2</sup>	+434.1m <sup>2</sup>
<b>First floor</b>	690m <sup>2</sup>	2072.6m <sup>2</sup>	+1382.6m <sup>2</sup>
<b>Second floor</b>	0	41.5m <sup>2</sup>	+41.5m <sup>2</sup>
<b>Total</b>	4224.5m <sup>2</sup>	6082.7m <sup>2</sup>	+1858.2m <sup>2</sup>
<b>Percentage increase</b>			69.5%

- 8.13 In addition to the additional built form for the main school building, the application also proposes additional ancillary buildings and enclosures within the school grounds. A plant room compound, a new substation, a new LV switch, a sprinkler tank compound, a pumping station compound, bin store, cycle stores and a general store are proposed which the applicant contends are necessary provisions to facilitate the new school. These add a floorspace of approximately 283.25m<sup>2</sup>. It is noted that the general store is being re-located, however no planning permission for this structure has been found and as such this cannot be considered a lawful existing structure and must be counted as additional floorspace.
- 8.14 It is noted that Pinewood School also has an additional modular classroom on site given temporary planning permission by the County Council under PL\0518\13 which expired on the 10<sup>th</sup> May 2018. As such this building is currently unlawfully on the site and the footprint of this would not count towards existing footprint.
- 8.15 As can be seen from the above, officers consider that the proposal adds a significant level of floorspace and new built form to the site. Furthermore, a large proportion of this increase is at first floor, increasing the volume and bulk of the building. The bulk is further exacerbated due to a large section of the internal single storey element of the school building being two storey in appearance, due to roof heights needed for the ground floor uses (such as the sports

hall). As such the building is being increased from a largely single storey school to a two storey school with some third floor elements. It is the officer's view that this significantly increases the built form on site and would amount to a building which is materially larger than the one it replaces in both floorspace and volume. Further to the main building, the proposal also adds a number of compounds within the grounds of the school which add further built form to the site.

- 8.16 Consequently, the proposal does not accord with exception D of paragraph 149 of the NPPF as the proposal is materially larger than the existing built form on site. The proposal therefore amounts to inappropriate development within the Green Belt. The NPPF indicates inappropriate development should be refused except in very special circumstances.
- 8.17 For clarity it is of note that the Green Belt Assessment and Planning Statement submitted with this application argues that there is a footprint decrease as a result of this proposal and as such argues that the scheme is not inappropriate development in the Green Belt. It is argued that the footprint decreases by 118m<sup>2</sup> and that shifting the building northwards would reduce the impact on the Green Belt. At the same time, it is accepted by the applicant that the volume increases by approximately 11,347m<sup>3</sup> which officers consider is a significant amount of added volume.
- 8.18 As outlined above, officers have measured the areas within the submitted plans and conclude that the plans do not show a footprint decrease. Officers consider that the resulting footprint increases by approx. 434.1m<sup>2</sup>. Even if there had been a footprint decrease, the increase in height and bulk of the building, with the corresponding volume increase, would result in the proposal being materially larger than the existing building on site, contrary to paragraph 149 of the NPPF. Footprint is not the only consideration in materiality, and consideration must be given to the floorspace and volume of buildings. Officers therefore conclude that the proposed replacement school is clearly materially larger than the existing school on site. As such the proposal amounts to

inappropriate development in the Green Belt by definition. Officers have therefore considered in this report (in paras 8.97-8.121) whether there are very special circumstances which would justify granting permission for the proposals which constitute inappropriate development, in Green Belt terms.

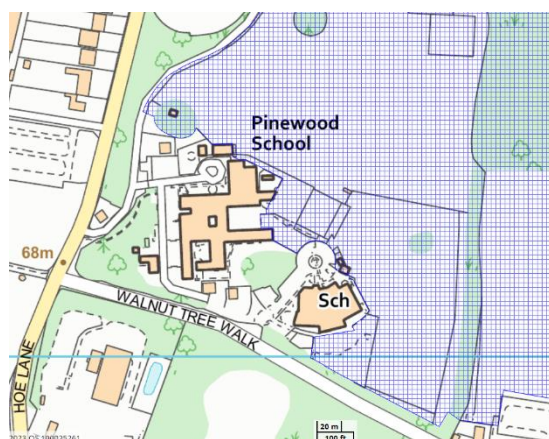
*Other harm:*

- 8.19 Para 137 of the NPPF sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. Openness has both a visual and spatial component.
- 8.20 The proposal would result in significant additional built form resulting in a material increase in scale, bulk, height and mass at the site. By its very nature, the additional scale of development would result in some harm to the openness of the Green Belt, in addition to the harm from the proposals constituting inappropriate development. However, the current school lies on a contained site and occupies a large portion of the site in addition to the hardstanding areas and ancillary structures and so the site cannot be said to benefit from being part of a particularly open setting. The main differences between the proposed and existing school buildings are the greater height, scale and massing and siting which are considered to reduce the openness to some degree, and resulting in some harm to the Green Belt in terms of the spatial qualities.
- 8.21 In visual terms, the application site is well screened by surrounding vegetation from wider views and surrounding streets. Therefore, the impact on the character of the wider area would be limited. However, the new school would be clearly visible from the neighbouring schools and houses and in glimpses from the public right of way to the south. The proposed building would be visible as a significantly larger building than the existing school, notwithstanding the limited impact on the character of the wider area which contains a neighbouring school.

- 8.22 In spatial terms, the proposal would increase the spread of built form on the site beyond its existing established parameters.
- 8.23 In accordance with the above appraisal, the proposal would have an adverse impact upon openness within the site which conflicts with one of the purposes of the Green Belt and constitutes inappropriate development. This harm to the Green Belt carries substantial weight in the consideration of the proposals. The proposals are therefore viewed as being contrary to policy GBR1 of the Local Plan and section 13 of the Framework due to the resulting impact upon the openness. Notwithstanding the conflict with Policy GBR1 and the NPPF, officers have considered whether there are any very special circumstances which clearly outweigh the substantial harm identified to the Green Belt, in determining whether planning permission for this development can be granted.

*Impact on sports provision and open space*

- 8.24 The land to the rear of the school, including the playgrounds, sports pitch and playing fields are outlined to be Open Space falling within policy CFLR1 of the District Plan.



- 8.25 Policy CFLR1 outlines that proposals that result in the loss or reduction of open space, indoor or outdoor sport and recreation facilities, including playing fields, will be refused unless:
- An assessment has been undertaken which has clearly shown that the facility is no longer needed in its current form; or



- b) The loss resulting from the proposed development would be replaced by enhanced provision in terms of quantity and/or quality in a suitable location prior to the commencement of development (in the case of school playing fields, the timing of delivery will be negotiated on a case by case basis; or
- c) The development is for an alternative open space, sport and recreation facility, the need for which clearly outweighs the loss.

8.26 Policy CFLR10 relates to education and outlines that proposals for the creation of new or extended educational facilities for all ages should:

- a) Be in an accessible location, served by a choice of sustainable travel options;
- b) Be of the highest quality of design which offers flexible use of facilities, in order to ensure the various needs of the community can be met;
- c) Provide or retain a suitable provision of outdoor recreation space and playing fields;
- d) Be designed to facilitate the community use of facilities in accordance with CFLR7.

8.27 The proposed replacement school would extend partly into the Open Space allocation on the eastern projection, with the built form and outside classrooms projecting into this. Approximately 322m<sup>2</sup> of Open Space would be lost from the current designation. The land being lost is an area of poor quality grass which does not appear to be used. In addition, the existing hard surfaced playing pitches are proposed to be removed.

8.28 Whilst the proposal would result in the loss of existing open space, the proposal creates a number of sensory gardens, a new playground, and a new multi use games arena. Internally a new sports hall and hydrotherapy pool are provided.

8.29 During the course of building works, it is also proposed to locate temporary classrooms on the existing sports field for this school, resulting in an additional temporary loss of sports facilities.

- 8.30 Sports England have been consulted on the proposal. Sports England note that the proposal would include a temporary encroachment onto the school's playing field to accommodate a temporary classroom, kitchen and dining facilities, and the redevelopment of the existing games courts. The proposal would provide a new MUGA, internal courts sports hall, a new school hall which could be used for physical activities and a hydrotherapy pool.
- 8.31 Sports England advise that the temporary accommodation on the playing field is mitigated by new sports facilities elsewhere across the school site and meets exception 5 of Sport England Policy 'The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.'
- 8.32 A new MUGA is proposed which would accommodate a range of formal sports. This would be superior in quality to the existing games court it replaces. The new school also includes a modern sports hall, school hall, and hydrotherapy pool which would replace dated facilities in the existing school and meet school needs. The new improved facilities would better meet the educational needs of the school's students on site and would offer potential for meeting local community needs if made available for community use through a community use agreement.
- 8.33 With regards to the impact on the playing field, during construction works the area would be unavailable for up to 22 months. Sufficient space would be retained on the southern part of their playing field for a temporary period. Landscaping is further proposed in the north-east corner of the playing field. This area is constrained from being used for playing pitches or formal sport by existing trees and the planting would only affect areas that are incapable of forming a playing pitch or part of one.
- 8.34 In relation to the hard play area, the MUGA would be 200m<sup>2</sup> smaller than the existing games courts but would be superior in quality and

would still meet the requirements of the DfE guidance in terms of quantum of provision. Access to the existing hard courts would be maintained throughout construction with the exception of 2 months during the school term when temporary accommodation is being constructed. Whilst the loss of access will have an impact on curriculum delivery, the school would still have access to the playing fields and the existing indoor facilities during this period. The benefits associated with the delivery of the new improved sports facilities would be considered to outweigh the short term temporary impact.

- 8.35 Sports England have no objection to the proposal subject to two conditions. The first is the requirement to remove the temporary buildings from the playing field. The second is for the requirement for a community use agreement for the use of the sports hall, school hall, multi-use games area, natural turf playing fields and supporting ancillary facilities. Sports England have agreed that the hydrotherapy pool does not need to be included within this as this is needed for specialist purposes in connection with the school.
- 8.36 These conditions are considered reasonable to attach to any consent.
- 8.37 As such, whilst the proposal results in the reduction of open space, the reduction in hard courts, and the temporary loss of playing fields, it does propose new and improved facilities which are of a higher quality and could be made available for community use. As such it is considered that the proposal would not have an unacceptable impact upon open space and sport provision. As such the proposal is considered to comply with policies CFLR1 and CFLR10 of the District Plan.

## **Design**

- 8.38 Policy DES4 of the District Plan relates to the design of development and outlines that all development proposals must be of a high standard of design and layout and reflect and promote local distinctiveness.

- 8.39 The application proposes the demolition of the existing school building and the erection of a replacement.
- 8.40 The existing school is largely single storey, with two sections which project up to two storeys in height. The application proposes to demolish the entirety of the existing school and to erect a replacement school building which is predominately two storeys in height. Due to plant equipment, some sections project to a three storey height.
- 8.41 The proposed school is of a functional design typical for such a use, being a relatively uniform flat roofed building. Cladding is used on the building to bring some interest, such as through the use of different colours.
- 8.42 The school would also have a number of outside classrooms around the building, with canopies to support this. A large canopy is also proposed running from the drop off/pick up point to a rear entrance to the school.
- 8.43 In the surrounding grounds of the school an existing portacabin style building would be removed on the northern boundary and this area altered to house a substation and LV switch, alongside a cycle parking area. On the northern edge of the main school, a plant room compound would be created. To the south-western side of the site, a new pumping station compound, sprinkler tank compound, and storage building (re-located from the northern boundary) would be erected in an area that already contains a substation and garages. Bin storage and visitor cycle parking is further proposed to the front of the building alongside a car park.
- 8.44 The Council's Conservation and Urban Design Officer has commented that the proposed school building is unremarkable and lacks interest. Notwithstanding this, there are no objections raised by the design officer with regards to the scale, height, mass or bulk of the development. The Urban Design Officer recommended that

alterations to the appearance of the building should be considered in order to create more architectural interest.

- 8.45 The design of the building was subsequently slightly amended to add more coloured panels to the building. Whilst a minor alteration, this has assisted in providing a slight improvement to the appearance of the building. Whilst the proposed building could still be of a more interesting design, the proposals constitute an improvement to the current buildings on the site which are of a functional and utilitarian form. As such, the resulting design and architectural form of development are not considered unacceptable, notwithstanding the increased built form on the site. The scale and design are considered to be typical of a modern school building and would be compatible with the educational character of this site and surrounding area which contains an adjacent school. Furthermore, the proposed ancillary compounds and other structures in the school grounds, revised parking layout and altered grounds are considered to provide an acceptable appearance which are compatible for this school site. As such it is considered that the design of the proposal is acceptable, and it would not have a significant harmful impact on the character of the area. The proposals would therefore accord with policy DES4 of the District Plan and the guidance contained in the NPPF.
- 8.46 The proposal also includes temporary facilities to be provided on the playing fields during construction works. This consists of a two storey building containing classrooms, offices and toilets, and a single storey building containing the school hall, kitchen and dining hall. These buildings are of a typical temporary appearance, being modular structures. With these being temporary buildings that would be removed once the development is completed, the temporary design of these buildings is considered acceptable.

### **Neighbour amenity**

- 8.47 Policy DES4 of the District Plan outlines that the proposal must avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land.

- 8.48 Pinewood School has 4 houses on the school site. It is understood that three of these are owned by the school and rented to staff members and one is owned independently (no.3).
- 8.49 It has been confirmed that Houses 1, 2 and 4 Pinewood School are owned by the School and rented to staff members. Units 1 and 2 are within the ownership of the school and within the red line of the application site. As such it is not a requirement to assess the impact of the development on these properties.
- 8.50 In any case, Number 1 is located on the north-western corner of the site and is owned by the school and rented to staff members. The built form would move significantly closer to this dwelling and a current informal parking area would be altered to a formal parking area to the south of the property. The southern elevation of the property is, however, a blank wall. As such, it is not considered that the alterations to the parking would impact upon the occupiers of this house. The built form of the school would be moved closer to this property, however the positioning of this is such that it is not considered to result in an unacceptable impact to occupiers of the building.
- 8.51 Number 2 is located on the south-western corner by the garages and proposed site compounds. The built form of the development would not have an unacceptable impact upon the occupiers of this property.
- 8.52 Numbers 3 and 4 are located on the southern side of the school and have side elevations facing northwards. The proposal would move the built form further away from these properties, but would also increase the built form from single storey to two storey. The separation between the new school building and the side boundary of these properties would be 28 and 33 metres respectively. This separation is considered sufficient to ensure that there would not be an unacceptable level of overlooking or overshadowing/loss of light of houses 3 and 4.

- 8.53 It is not considered that the proposal would have an unacceptable impact upon any other neighbouring properties, with the nearest being on Hoe Lane set a significant distance away from the school.
- 8.54 The Council's Environmental Health department has been consulted on this proposal and has not raised any objections subject to conditions requiring noise reports, restricting building hours, controlling waste, controlling dust, restricting the hours of use of the artificial pitch, controlling the fencing for the pitch, requiring details of piling works, and requiring details of external lighting. These are considered reasonable to require through conditions.
- 8.55 As such it is considered that the proposal would not have an unacceptable impact upon neighbouring amenity in accordance with policy DES4 of the District Plan.

### **Highways**

- 8.56 Policy TRA2 of the District Plan outlines that development should ensure safe and suitable access can be achieved. Policy TRA3 outlines that suitable parking provision must be provided in line with the Parking SPD.
- 8.57 HCC Highways have been consulted on the proposal and have raised no objection subject to conditions requiring the provision of the access and parking arrangements, an updated travel plan, and compliance with the submitted Construction Environmental Management Plan.
- 8.58 HCC Highways advise that the proposed development seeks to utilise the existing operational arrangement in terms of highway access, with the existing access of Hoe Lane used. A car parking area and new pick-up/drop-off point would be created with a continuous circular arrangement. The proposal does not seek to increase the capacity of the school and the overall level of traffic generation/vehicle movements for the school will not change. Bearing in mind that the re-development would not lead to any

intensification of the use of the current use, the proposal is considered acceptable in Highway terms.

- 8.59 The HCC Active and Safer Travel Team outline that the submitted travel plan required updating. It is advised that a Modeshift STARS School Travel Plan is required. The provision of this is reasonable to condition.
- 8.60 With regards to parking, the Vehicle Parking SPD outlines that schools require 1 parking space per full time member of staff plus 1 space per 100 students plus 1 space per 8 students over 17 years old plus 1 space per 20 students under 17 years old. With regards to cycle parking 1 space per 15 students is required for primary school and 1 space per 5 students for secondary school. In addition to this, parking for disabled motorists is required at a ratio of 2 spaces or 5% of total capacity, whichever is the greater.
- 8.61 The existing school has 192 students between the ages of 11-16 years old and 70 staff members. No changes are proposed to the number of pupils and staff as a result of this development. As such the parking requirement for the school is 82 parking spaces and 39 cycle parking spaces.
- 8.62 As existing the school provides 42 parking spaces and an overflow area with space for 20 vehicles. It was further noted on a site visit that informal parking exists by each dwelling on land within the red line of the site.
- 8.63 The proposal provides 73 parking spaces and two school minibus spaces for the school. Of these 73 parking spaces, 5 are to be marked for visitor parking (restricted hours), and 5 as disabled parking bays. 15 of the proposed spaces would be provided with EV charging facilities, with a further 16 made ready for future provision with cable routes provided. The proposal also includes cycle parking provision. Two cycle hoops are provided for visitors to the front entrance and four cycle stores with 20 cycle hoops are provided to the northern edge. This provides a capacity for 40 bicycles.



- 8.64 The parking provision provides a shortfall of 9 parking spaces. . Sufficient disabled parking bays and cycle storage are provided.
- 8.65 Whilst a parking shortfall, it is noted that the parking provision has increased from the existing provision, providing 31 additional parking spaces. It is also noted that the proposal does not increase the number of pupils or staff. As such, there would be no increased parking demand from that existing as a result of this proposal. As such whilst the site provides a shortfall in provision from the Vehicle Parking Standards, the proposal provides a significant improvement when compared to the current situation. As such it is not considered that the parking shortfall would amount to a reason for refusal.
- 8.66 The Council's Environmental Health department advise that with regards to electric vehicle charging provision 1 in every 10 parking spaces should be provided with fast EV charging points. This would be a requirement for 8 EV charging spaces. 15 EV charging points are proposed which would be beneficial to the scheme. A condition securing the provision of these would be reasonable to attach.
- 8.67 In addition to the school parking, two parking spaces are provided for house 3, and two for house 4. 1 parking spaces is provided for house 2. House 1 has an existing driveway which is unchanged by this proposal. Providing formal parking for the existing properties on site is considered a benefit of the scheme.

### **Trees**

- 8.68 The Council's Landscape Officer has been consulted on the proposal and has raised no objection to the scheme.
- 8.69 It is advised that views towards the site from the surrounding area are screened by the tree cover within and around the site, and wider views are screened by the combination of topography and vegetation which limits the visibility of the site. It is noted that views will change for housing adjacent/on the site and from the Public Right of Way, however this would not be an unacceptably significant degree.

- 8.70 It is advised that The Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan are acceptable. It is advised that one category A tree, two category B trees and a number of low quality trees are to be felled, however there is no overall unacceptable adverse arboricultural impact.
- 8.71 With regards to the proposed landscaping, it is advised that the Planning Strategy, Site Landscaping Plans, Illustrative Landscape Masterplan, Site Plan, Landscape and Visual Impact Appraisal are acceptable.
- 8.72 It is considered, therefore, that the proposal is well considered in landscape terms in accordance with policies DES2 and DES3 of the District Plan.

### **Flooding and Drainage**

- 8.73 The application site is not located within flood zones 2 or 3.
- 8.74 The Environment Agency advise that they accept the conclusions of the submitted Drainage Statement which conclude that the proposed drainage network will significantly improve the quality of water that is currently being discharged to the ground.
- 8.75 The EA request conditions controlling infiltration and piling/foundation designs. These conditions are considered reasonable to attach.
- 8.76 The Lead Local Flood Authority have advised that there is no objection subject to conditions requiring further details of the surface water drainage network, requiring details of the maintenance and management of the drainage scheme, requiring a survey and verification report, and requiring a method statement for interim and temporary drainage measures. These are considered reasonable to attach.

- 8.77 Affinity Water advise that it has been demonstrated that public water supply will not be impacted by the development. Conditions on contamination through groundworks, during construction and through surface water drainage are proposed and these are considered reasonable to attach.
- 8.78 As such it is considered that the proposal would not have an unacceptable impact with regards to flooding and drainage in accordance with policies WAT1, WAT2, and WAT3.

### **Climate change and water**

- 8.79 Under policies CC1 and CC2 of the District Plan, all developments must demonstrate how the design, materials, construction and operation of the development would minimise overheating in the summer and reduce the need for heating in the winter, integrate green infrastructure into the scheme, and demonstrate how carbon dioxide emissions will be minimised.
- 8.80 Under policy WAT4 development must minimise the use of mains water through water saving measures, the recycling of grey water, and designing new development to reduce mains water consumption.
- 8.81 A Sustainability Statement has been submitted. This outlines at section 6 how the development would comply with low carbon and climate change requirements. It is outlined that construction activities with the potential to generate carbon emissions would be appropriately managed and undertaken to minimise the production of carbon dioxide emissions and ensure the efficient use of fuel, such as minimising the number of deliveries, switching off vehicles when not in use and dispose of waste locally where possible. It is also outlined to use construction materials with low embodied energy.
- 8.82 With regards to the design, the building has been designed to achieve Net Zero Carbon in Operation at handover, use LED lighting to reduce lighting energy consumption, use hybrid ventilation with

heat recovery, reduced hot water demand by 40% due to water efficient fittings, use fabric first strategy, use exposed thermal mass and night time purge, use air source heat pumps, use fabric first strategy, use building geometry to reduce exposed surface area, provide draught lobbies, thermal bridges, solar control glass, and maximise potential for natural ventilation.

- 8.83 It is noted that the submitted proposed roof plan also indicates the provision of a bio-solar roof with green roof and solar panels.
- 8.84 Section 8 contains a section on water use. This outlines that water use during construction will be monitored. The design aims to reduce potable water used, ensuring compliance with Building Regulations through the specification of water efficient sanitary fittings such as low flush WC's and flow restrictors. The result would be total water consumption of less than 110 litres per person per day.
- 8.85 It is considered that sufficient information has been submitted to demonstrate compliance with policies CC1, CC2 and WAT4 of the District plan. Conditions requiring the development to be undertaken in accordance with the submitted Sustainability Statement and for further details on the green roof and solar panels would be reasonable to secure this.

### **Ecology and biodiversity**

- 8.86 Policy NE2 of the District Plan outlines that all proposals should achieve a net gain in biodiversity. Under policy NE2, proposals are expected to apply the mitigation hierarchy of avoidance, mitigation and compensation, as set out in the NPPF and integrate ecologically beneficial planting and landscaping into the overall design.
- 8.87 With regards to ecology, HCC Ecology advise that sufficient information has been provided to demonstrate that the proposal would not harm bats or other protected species.

- 8.88 Comments have been received requesting bird and bat boxes. It is considered reasonable to attach a condition requiring details of bird and bat boxes for the site to secure ecological improvements.
- 8.89 A biodiversity net gain assessment with associated metric has been submitted with the application. This assessment identifies a 17.88% net gain in habitat units and a 100% net gain in hedgerow units. HCC Ecology advise that a biodiversity net gain is demonstrated. It is advised that a condition requiring a full biodiversity gain and enhancement plan to be submitted should be attached to any approval, alongside a condition requiring a construction environment management plan for biodiversity. These are considered reasonable to attach.

### **Contributions and legal agreements**

- 8.90 The Council's Section 106 Officer and HCC Growth and Infrastructure department have both advised that no contributions are required for this application.

### **Other matters**

- 8.91 The Council's Waste and Recycling department have advised that the vehicle sizes used in the submitted transport statement are incorrect. It is considered that a condition can be attached requiring further details of waste management.
- 8.92 HCC Minerals and Waste advised that they have no objection and that the submitted Site Waste Management Plan should be implemented throughout the duration of the project and completed as the project progresses.
- 8.93 HCC Archaeology have advised that they have no objection to the scheme subject to an archaeology condition, which is reasonable to attach.
- 8.94 The Council's Environmental Health (contamination and air quality) department have advised that the submitted reports show there are

no significant levels of contamination present on the site that would cause a risk to human health under the proposed site plans and layout. A condition regarding unexpected contamination is reasonable to attach.

- 8.95 The Police Crime Prevention Design Advisor has been consulted on the scheme and raises support. It is advised that the school has been designed with peer to peer incidents in mind. It is strongly advised that the development seek to achieve Secure by Design standards. A condition requiring the development to meet secure by design is considered reasonable to attach.
- 8.96 During the course of the application the Council became aware that the applicants did not own House 3 Pinewood School. The only access to this property is through the school and as such the occupiers of the property have an established right of way over the land within the red line of the site. In such circumstances it is a requirement for certificate B to be served on the neighbouring property, as they have a right of way over the land. As such an amended certificate B form was submitted by the applicants on the 15<sup>th</sup> November and notice was served on the property in question. This notice gives the owners 21 days to respond which expires on 6<sup>th</sup> December. The occupiers of House 3 were, however, consulted on the application and have commented on the application. As such it is considered that the application can be heard at Planning Committee prior to the expiry of the required 21 day period for an amended certificate as the neighbouring property has not been prejudiced in the assessment of the application and this error is a procedural matter. A decision could not be issued until after the 21 days expire.

### **Very special circumstances**

- 8.97 As discussed above the application is inappropriate development within the Green Belt due to the material increase of the built form and the corresponding harmful effect on openness within the Green Belt. As such an assessment must be made as to whether there are

any very special circumstances existing to outweigh the harm to the Green Belt.

- 8.98 A Green Belt Assessment and Green Belt Assessment Addendum have been submitted with this application which put forward the applicant's argument for Very Special Circumstances.

*Need for additional SEND spaces*

- 8.99 The Green Belt Assessment outlines that the SEND Special School Place Planning Strategy 2020-2023 by Hertfordshire County Council (2020) ensures the need for sufficient capacity in Hertfordshire special schools so that children with SEND have access to high quality local provision to meet their needs. It is outlined that the needs for children with SEND are not currently being adequately met in Hertfordshire and it is the County Council's aim to meet the needs of children and reduce the reliance on the independent sector.
- 8.100 It is outlined that as existing there are nine learning difficulties (LD) schools across the county (including the application site) which offer 1143 places. There has been an increase in the number of pupils in LD schools in Hertfordshire and the forecast indicates that demand for places will exceed current capacity.
- 8.101 The argument put forward is that sufficient special schools capacity is required in Hertfordshire and that additional SEND spaces are needed. However, the application does not propose an increase in pupil numbers and as such the scheme is not contributing towards meeting this. It is not considered that the reprovision of the school constitutes a Very Special Circumstances justification for this development.

*Not inappropriate development and does not harm the Green Belt*

- 8.102 The Green Belt Assessment document presents an argument that the scheme is not inappropriate development in the Green Belt and

does not harm the five purposes of the Green Belt as referred to earlier in this report.

8.103 The applicant argues that the footprint would be reduced, and the building would be moved further to the north to provide a buffer with existing houses. This combined with landscaping is considered by the applicant to reduce the impact on the openness of the Green Belt. The argument continues that the heights are in keeping with the existing buildings on the site and sit comfortably below the heights of the mature wooded remnants of Presdales Hall parkland. The agent then outlines that the volume is significantly larger than the existing building with an increase of 11347m<sup>3</sup> but states this is only due to the generous clear heights provided in the new spaces and the additional large volume spaces of sports hall and hydrotherapy pool which are required to meet standards under guidelines for SEND. The agent continues that landscaping screening the development would minimise the impact on openness of the Green Belt.

8.104 It is clear from the application and the assessment within the Green Belt section earlier in this report that the building proposed on the site is significantly larger than the existing built form on site and the Green Belt Assessment outlines a significant increase in volume is accepted by the applicant. The shifting of a building into a slightly different location in the Green Belt does not alter the harm to openness, nor does the large increase in height being screened by trees or the need for heights due to sports facilities.

Notwithstanding the argument put forward by the applicant, officers consider that the increased scale of the building, upgrades to the on-site landscaping and provision of a modern school building which provides corresponding improved facilities and an improved learning environment for children with SEND needs, are factors which provide qualitative benefits in terms of the appearance and functionality of the site. These do not however, reduce or eradicate the loss of openness and corresponding harm to the Green Belt by virtue of the material increase in scale.



8.105 Officers have set out in this report that the development is clearly inappropriate development within the Green Belt. The existence of Very Special Circumstances hangs on the extent to which the size of the proposed building is needed (for the specific educational SEND needs) and whether it is needed in this location.

*Benefits to local community of the scheme*

8.106 It is outlined that there would be benefits to the local community in terms of community sports provision as a result of the scheme with a new MUGA and the playing fields will be available for community use. It is a benefit of the scheme to secure community use for the sports facilities on site.

*Need for the redevelopment*

8.107 An argument is put forward that the scheme enhances educational provision, as the proposal significantly enhances the SEND education offer for students in the catchment area and will deliver improved teaching facilities in a new teaching environment with up-to-date technology and modern SEND specific facilities. It is outlined that the proposal enhances SEND facilities for more less abled bodied students. The new school is designed to be significantly more accessible within the site and easily accommodate larger equipment supporting movements. Furthermore, the proposal provides improved areas of open space for future pupils of the SEND school alongside a MUGA, hydrotherapy pool, outdoor learning areas, and playground space.

8.108 It is advised that the places available at Pinewood School are essential to ensure that there is sufficient capacity for the demand for SEND spaces. It is advised that the current accommodation is in a poor condition and is life expired and as such cannot be reused.

8.109 It is advised that a trend has been identified within the County as a whole and with the catchment area of this school towards children with more significant needs including moderate and severe learning difficulties and profound and multiple learning difficulties. The current school buildings do not fully meet the needs of this cohort.

The replacement and improved facilities will expand the specialist offer to accommodate children with these enhanced levels of need.

- 8.110 It is outlined that HCC has requested the school be rebuilt to accommodate up to 25% non-ambulant pupils – with the needs of pupils with learning difficulties becoming more complex resulting in it being necessary to future proof the school so that it can continue to meet these needs.
- 8.111 A letter has been provided from the Department for Education outlining that the existing school is chronically overcrowded. The replacement school is to be considered a non-ambulant school as defined by DfE's Special Schools Area Guidance Building Bulletin 104 (BB104) due to a significant number of students with Profound and Multiply Learning Difficulties. It is outlined that the current school was designed for 160 pupils however the current number is 192. It is forecast that there will be an uplift in non-ambient pupils from 10% to 25%. As such the new building is designed to address this significant shortfall in accommodation and the need to address a 25% non-ambulant pupil ratio. It is advised that the current school is too small to be able to provide this.
- 8.112 It is further advised that send schools require more area per pupil than mainstream schools due to pupils being taught in smaller groups, need for multi-agency meetings, therapy sessions, wheelchairs and mobility aids, the need for physiotherapy, specialist changing facilities, individual teaching etc.
- 8.113 In addition, the school is required to be future proofed to avoid the risk of overheating, to comply with 2oC global warming scenario weather, to adapt to overheating against 4oC global warming scenario and to achieve a net zero carbon in operation. This means that all new school buildings physically increase in height to support crossflow ventilation.
- 8.114 It was noted that the proposed plans show an increase in classrooms despite it being outlined that there would be no increase in pupil numbers. An email from the agent advises that the

number of classrooms for the new school is based on DfE areas for a school with 192 students. The existing building was designed for 110 students and the capacity has been expanded by the addition of demountable units and having to repurpose spaces within the school such as the computer suite, art room, library and drama studio that have been repurposed as general teaching spaces.

8.115 In line with the above it can be seen that the current school buildings do not provide the facilities needed for the pupils on site. This is due to an increase in pupil numbers since its construction, and also due to the increase percentage of non-ambulant pupils. The new school buildings are designed to provide facilities to support an uplift in non-ambulant pupils to 25%, providing additional space and facilities to support these pupils. As such it can be seen that a larger replacement school building is needed to provide the educational facilities required. This is considered a very special circumstance for this proposed development and this weighs heavily on establishing the existence of VSC case having regards to the Council's Public Sector Equality Duty.

#### *Alternative sites*

8.116 Consideration must then be given as to whether the school must be in this location within the Green Belt.

8.117 The applicant argues that Pinewood school is a long established SEN school with an established catchment area, and is the only SEN school serving East Hertfordshire.

8.118 A letter is provided from the School Planning Manager (SEND) of Hertfordshire County Council. This outlines that there are currently five special schools in Hertfordshire that meet the needs of secondary aged pupils with learning difficulties and all of these are full. It is advised that Pinewood is the only secondary learning difficulties school serving east Hertfordshire.

8.119 It is advised that there are no alternative sites available that are not in the Green Belt. It is advised that Hertfordshire recently

commissioned consultants to carry out a site search in East Herts and Broxbourne for a planned new special school for children with severe learning difficulties and the search only identified one potential site in Buntingford. This is being looked at for a new school. That site would not be large enough to co-locate the re-provision of Pinewood School.

- 8.120 It is considered that it has been demonstrated that Pinewood School would need to remain in the same location in order to provide the required educational provisions for children with special educational needs and disabilities. This adds further weight to the argument put forward to suggest that there are very special circumstances which lean in favour of the proposals.

### *Summary*

- 8.121 It is considered that Very Special Circumstances have been demonstrated to the satisfaction of the local planning authority that the school needs to enlarge in size and it needs to remain in the same location as existing. Furthermore, the development would enhance the current standard of educational facilities for children with SEND needs within Hertfordshire which comprises a further very special circumstance. As such it is considered that the Very Special Circumstances have been established which result in the harm to the Green Belt being clearly outweighed. The existence of very special circumstances comprises an important material consideration in considering whether the proposed development can be determined in accordance with s38(6) of the Planning and Compulsory Purchase Order 2004.

### *Equality*

- 8.122 As discussed within the Policy section of this report, Section 149 of the Equality Act (2010) requires the Council to consider the equality impacts on all protected groups when exercising its functions.
- 8.123 The policies and guidance referenced in the committee report and this updated report have all been subject to an equalities impact

assessment (EqIA) therefore, the planning policy framework is considered to meet the first stage in the process.

- 8.124 The application proposes improved facilities for children with special educational and disability needs. As such it is considered that the proposal would benefit the protected characteristics of age and disability. It is not considered that the proposal would harm the protected characteristics of gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.125 It is the case that during construction works there may be a temporary impact due to the building works taking place and the use of temporary buildings whilst this occurs. Any impact would, however, be temporary in nature and would be outweighed by the positive benefits of the resultant scheme.
- 8.126 Officers have duly considered the equalities impacts on protected groups in the context of the development proposals. As such it is considered that the Council has fulfilled its requirements to consider the equality impacts on protected groups.

## **9.0 Conclusion**

- 9.1 The proposed development is considered acceptable with regards to design, the impact upon neighbouring amenity, highways, landscaping, flooding and drainage, climate change and water resources and ecology and biodiversity. With regards to the principle of the development, the application does amount to inappropriate development within the Green Belt, however it is considered that very special circumstances exist to outweigh this harm due to the need to provide improved educational facilities for children with special educational and disability needs.
- 9.2 Overall, on the balance of considerations, the application is therefore considered to accord with some relevant policies in the East Herts District Plan and the National Planning Policy Framework but does not comply with others. However, due to the demonstration of very special circumstances, which justify the

provision of inappropriate development within the Green Belt, there are material considerations which indicate that the application can be determined favourably notwithstanding the conflict with the Development Plan. As such, and on balance, the application is recommended for approval subject to conditions.

## **10.0 RECOMMENDATION**

10.1 Grant planning permission subject to the following 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 Prior to any above ground construction works being commenced (not including demolition), the external materials of construction for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of amenity and good design in accordance with Policy DES4 of the East Herts District Plan 2018

- 4 Prior to the first occupation or use of the development hereby approved, details of all boundary walls, fences or other means of enclosure to be erected shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the

development should be implemented in accordance with the approved details.

Reason: In the interests of amenity and good design, in accordance with Policy DES4 of the East Herts District Plan 2018.

- 5 Prior to first occupation or use of the development hereby approved the hard surfaced areas of the development, including roads, pavements and car parking areas shall be surfaced in accordance with details submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure safety and satisfactory appearance in accordance with Policies DES4 and TRA2 of the East Herts District Plan 2018.

- 6 Prior to the first occupation of the development hereby permitted the proposed access arrangements/onsite car, minibuses / servicing / loading, unloading / turning /waiting areas shall be implemented in accordance with the approved in-principle plan (Drawing No: SRP1049-ONE- XX- XX-D-L- 0001 Rev P16) and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

- 7 Three months prior to the occupation of the development hereby permitted, an updated Travel Plan shall be submitted to and approved in writing by the planning authority. The Modeshift STARS Accreditation Framework shall be updated annually, maintaining a minimum Good Travel Plan (Bronze) accreditation for the lifetime of the school and will include objectives, targets, planned and completed initiatives. The role of Travel Plan Champion shall be created and the responsibility for adhering to the above travel plan requirements shall sit within that role.

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

- 8 The construction of the development shall only be carried out in accordance with details within the submitted Environmental Management Plan (CEMP - Dated 5th January 2023) and associated logistic phased plans.

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).

- 9 No occupation shall commence of the development hereby permitted until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to at least the sports hall, school hall, multi-use games area, natural turf playing fields and supporting ancillary facilities and include details of pricing policy, hours of use, access by noneducational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy.

- 10 Within 24 months of the commencement of development the temporary accommodation including classrooms, offices, hall, and kitchen/dining accommodation as shown within plans 2162201 Rev



S-3, 2162204 Rev S-0, 2162205 Rev S-1 shall be removed from the site in their entirety and the land reinstated to a playing field.

Reason: To ensure the playing fields are returned to use, to minimise the length of time the playing fields are out of use, and to protect the Green Belt in accordance with policies CFLR1CFLR10 and GBR1 of the District Plan 2018.

- 11 The measures detailed within the submitted drainage report SRP1046 PINWOOD SCHOOL SEN ACADEMY. Drainage Statement. Hexa ref: 600634. Date: 10/07/23. Revision: P03. shall be implemented on site prior to first use of the development hereby permitted.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the NPPF and Policy WAT3 of the East Herts District Plan.

- 12 The development shall be undertaken in accordance with the measures detailed within the Preliminary Ground Investigation Report with Interpretive Chapter for PINWOOD SCHOOL, WARE, HERTFORDSHIRE. Prepared for Department for Education by Geotechnics Limited. Engineer: Mott MacDonald Limited. Project No: PC218226. Date: October 2021.

Reason: To ensure that the proposed development does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework, Policy WAT3 of the East Herts District Plan and relevant Position Statement 'The Environment Agency's approach to groundwater protection.

- 13 Prior to the commencement of development (not including demolition), construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be

submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, Drainage Statement (ref 600634, 10 July 2023), Surface Water Drainage Layout (SRP1049-HEX-ZZ-XX-D-C-5201, 15 August 2023), Temporary Drainage Layout (SRP1049-HEX-ZZ-XX-D-C-5207, 15 August 2023), Drainage Construction Details Sheets 1 and 2 (SRP1049-HEX-ZZ-XX-D-C-5210, 15 August 2023) and remain in perpetuity for the lifetime of the development. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF and Policies of East Herts Council.

- 14 The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
- I. a timetable for its implementation.
  - II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
  - III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of East Herts Council.

- 15 Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition SW1. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of East Herts Council.

- 16 Development shall not commence until details and a method statement for interim and temporary drainage measures during the construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority

Reason: To prevent flooding and pollution offsite in accordance with the NPPF.

- 17 No works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:
- i) An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
  - ii) A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination.
  - iii) A Method Statement detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

Reason: To avoid displacing any shallow contamination to a greater depth and to prevent and/or minimise any potential migration of pollutants to a public water supply abstraction.

- 18 Prior to the commencement of development, details of a Surface Water Drainage Scheme shall be provided that prevents contamination of any public water supply abstractions present. This shall be submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water.

Reason: Surface water drainage can mobilise contaminants into the aquifer through infiltration in areas impacted by ground contamination. Surface water also has the potential to become contaminated and can enter the aquifer through open pathways, either created for drainage or moved towards existing open

pathways where existing drainage has reached capacity. All have the potential to impact public water supply.

- 19 No development (not including demolition) shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. This condition will only be considered to be discharged when the planning authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to publication has been made.

Reason: To ensure the protection of heritage assets in accordance with policies HA1 and HA3 of the District Plan 2018.

- 20 Prior to erection of the above-ground superstructure, a noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the rating level of noise emitted from all external fixed plant and equipment at the development hereby approved shall not exceed 10dB below the background noise level when measured or calculated at 1 metre from the façade of the nearest noise sensitive property. The measurements and assessment shall be made according to BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' at the nearest and / or most affected noise sensitive premises, with all plant / equipment operating together at maximum capacity and inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics. The development shall be undertaken in accordance with the approved details.

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

- 21 Prior to first use of the multi use games area (MUGA) hereby approved a Noise Management Plan (NMP) for use of the said pitch shall be submitted to and approved in writing by the Local Planning Authority and the Plan shall include the following:
- a) a method of informing users that any anti-social behaviour including swearing is unacceptable and that the centre reserves the right to dismiss users from the pitch and ban future use if this is the case;
  - b) confirmation that it will be a booking term / condition of use for users to abide by the above and that they understand their booking / use can be terminated with immediate effect for any breach;
  - c) arrangements for neighbours to be given a facility to report excessive noise or anti-social behaviour directly to the operator;
  - d) details of how any complaints received will be investigated and addressed quickly;
  - e) details of likely action to be taken where necessary and how any complainant will be kept informed of progress, especially where it is not possible to address or resolve complaints straight away;
  - f) provision for a written action plan to deal with complaints and confirmation that this will be provided to staff on site and that they will be made familiar with it;
  - g) confirmation that staff will have the ability and authority to warn or ban user groups from the pitches if any user(s) are in breach of the NMP.
  - h) a template form to log complaints received and the action(s) taken in respect thereof, including (as a minimum) the day, date and time of complaint, nature of complaint, member of staff receiving complaint, action taken, who by, and when and how complainant updated;
  - i) arrangements for the safe storing and ready-access to the complaint log, and confirmation that this will be provided to officers from the Council's Environment Team upon reasonable request;

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

- 22 The use of the Multi Use Games Area (MUGA) hereby approved shall be restricted to the hours of Monday to Friday from 08:00 to 22:00, Saturday from 09:00 to 20:00 hours and Sundays / Bank and Public Holidays from 09:00 to 20:00 hours.

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

- 23 All perimeter fencing for the Multi Use Games Area (MUGa) shall be fixed to the support posts with isolators as per the submitted documentation to fully isolate the panels from the posts, therefore reducing the 'rattling' noise associated with ball impacts on metal fencing.

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

- 24 Prior to erection of the temporary buildings on site a scheme of sound insulation shall be submitted to and approved in writing by the Local Planning Authority as necessary to achieve the 'good' internal room and external space amenity noise standards in accordance with the criteria of BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' within the temporary teacher accommodation. Approved details shall be implemented prior to first occupation of the temporary buildings and thereafter be permanently retained whilst these are on site.

Reason: In order to ensure an adequate level of amenity for future occupiers of the proposed development in accordance with Policy

EQ2 Noise Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018.

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

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

- 26 At least 21 days prior to the commencement of any site works, all occupiers surrounding the site shall be notified in writing of the nature and duration of works to be undertaken. The name and contact details of a person responsible for the site works shall be made available for enquiries and complaints for the entire duration of the works and updates of work should be provided regularly. Any complaints shall be properly addressed as quickly as possible.

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

- 27 Best Practicable Means (BPM) shall be used in controlling dust emissions during all site preparation, construction and ancillary activities.

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

- 28 All waste materials and rubbish associated with site preparation and / or construction shall be contained on site in appropriate containers which, when full, shall be promptly removed to a licensed disposal site.



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

- 29 Prior to the commencement of any piling works, details of the method of piling for the construction works, including a method statement and noise emissions, shall be submitted to and approved in writing by the local planning authority. All piling works shall be carried out in accordance with the agreed details.

Reason: In the interests of avoiding potential detrimental impacts on the amenity of occupiers of neighbouring properties in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

- 30 The Electric Vehicle charging points shown on plan SRP1049-ONE-XX-XX-D-L-0001 Rev P16 shall be fast EV charging points and shall be provided in full prior to first use of the development hereby approved and shall be retained thereafter.

Reason: In order to promote sustainable transport in the District in accordance with Policy TRA1 Sustainable Transport, to minimise air quality impact at the design stage in accordance with Policy EQ4 Air Quality, and to incorporate high quality innovative design, new technologies and construction techniques, including zero or low carbon energy in accordance with Policy DES4 Design of Development of the adopted East Herts District Plan 2018.

- 31 If unexpected land contamination is encountered whilst undertaking the development which has not previously been identified, works shall immediately cease on site until the Local Planning Authority has been notified and the contamination has been fully assessed followed by the submission of a Site Investigation Report and Remediation Strategy.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy

Framework, and in order to protect human health and the environment in accordance with policy EQ1 of the adopted East Herts District Plan 2018.

32 Prior to the commencement of development and any landscaping works, a Biodiversity Gain Plan which details how a 17.17 % biodiversity net gain in area habitats and 0.97 Habitat units in hedgerows will be delivered shall be submitted to and approved in writing by the Local Planning Authority. It shall provide details of measures to maintain the long term biodiversity objectives, and who will have the management responsibilities. As such the plan shall include the following:

- Summary of the base line and post development biodiversity net gain data used to inform the metric.
- A brief description of the location, area and species composition of planned (post-development) retained/ created / enhanced habitats.
- A map showing the location, and area of these habitats
- Details of the number and type and of ecological enhancements outlined within section 5.3 of the Ecological Impact Assessment by DeltaSimons (report date April 2023) and a map to show their location.
- A Habitat Management and Monitoring Plan detailing the specific prescriptions as to how the target habitats and condition will be achieved and maintained for a period of 30 yrs.
- The body or organisation responsible for implementation of the Plan and monitoring and remedial measures of the Plan.

The plan shall be implemented in accordance with the approved details and the programme as approved and the measures shall be maintained and retained thereafter.

Reason: To ensure that the agreed biodiversity gains are delivered and maintained in the interests of local biodiversity.

33 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be informed by the recommendations within the Ecological Impact Assessment by CSA Environmental (report date December 2022) include the following.

- Risk assessment of potentially damaging construction activities.
- Identification of "biodiversity protection zones
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- The location and timings of sensitive works to avoid harm to biodiversity features including nesting birds.
- The times during which construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs if applicable.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance.

Reason: To ensure that ecology is protected on the site.

34 Prior to development above ground floor slab level full details of Bat and bird boxes and bricks to be implemented on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided on site prior to first use of the development hereby approved and retained thereafter.

Reason: To provide ecological enhancement measures in accordance with policy NE3 of the District Plan 2018.

- 35 Prior to first use of the new permanent school building hereby approved, a statement setting out the specific design and security features and measures which will be incorporated into the development in order to address the Secured by Design (Schools) accreditation standards shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details for the lifetime of the development.

Reason: To ensure the safety of the school in accordance with policy DES5 of the District Plan 2018.

- 36 Prior to first use of the new school building hereby permitted a waste and recycling management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented on site.

Reason: To ensure that refuse and recycling will be appropriately stored and collected from the site in the interest of protecting the amenity of the site.

- 37 Prior to first use of the permanent school building hereby approved the bin storage details as shown within plan SRP1049-ONE-XX-XX-D-L-0001 Rev P16 and SRP1049-XX-XX-D-L-0603 Rev P02 shall be provided on site in full and retained thereafter for the storage of waste and recycling.

Reason: To ensure satisfactory waste storage on site.

- 38 The development shall be undertaken in full accordance with the details within the submitted Site Waste Management Plan for Pinewood School dated 24th May by Smartwaste.

Reason: To promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials.

- 39 The proposed development shall be carried out in accordance with the phases identified within plans SRP-BNK-00-00-DR-W-4000 Rev P06, SRP-BNK-00-00-DR-W-4001 Rev P06, SRP-BNK-00-00-DR-W-4002 Rev P06, and SRP-BNK-00-00-DR-W-4003 Rev P06.

Reason: To enable the Local Planning Authority to exercise control over the development.

- 40 Prior to the commencement of development (not including demolition) hereby approved, detailed plans showing the existing and proposed ground levels of the site relative to adjoining land, together with the slab levels and ridge heights of the proposed buildings, shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: The details are required to be approved prior to the commencement of development to ensure that the development is properly related to the levels of adjoining development in the interests of neighbour amenity and good design in accordance with Policy DES4 of the East Herts District Plan 2018.

- 41 Prior to the first use of the development hereby approved details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be implemented in accordance with the approved details. The submitted details shall show that all external artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals Guidance Note 01/20 'Guidance notes for the reduction of obtrusive light'. Lighting shall be minimized and glare and sky glow prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note. The lights shall be fitted with a timer so as to automatically turn the lights off to ensure no use of the site can continue beyond the terminal times for said use.

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

- 42 Prior to the first occupation of the permanent development hereby approved the cycle parking facilities shown within plans SRP1049-ONE-XX-XX-D-L-0604 Rev P02 and SRP1049-ONE-XX-XX-D-L-0608 Rev P01 shall be provided on site in full. The cycle parking shall thereafter be retained for the parking of bicycles.

Reason: To promote the use of sustainable transport modes, in accordance with Policy TRA1 of the East Herts District Plan 2018.

- 43 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.

- 44 Prior to first use of the development hereby approved, details of landscaping shall be submitted and approved in writing and shall include full details of both hard and soft landscape proposals, finished levels or contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development shall be implemented in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision of amenity afforded by appropriate landscape design and the establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policies DES3 and DES4 of the East Herts District Plan 2018.

- 45 Prior to the commencement of development (not including demolition) full plans of the plant room compound, exercise equipment and horticultural gardens shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in full accordance with the approved plans.

Reason: To ensure acceptable details for these elements.

- 46 The development shall be undertaken in full accordance with the details within the submitted Sustainability Statement HLEU85573 V1 dated March 2023.

Reason: To ensure climate change mitigation and adaptation and water resource savings on site in accordance with policies CC1, CC2, and WAT4 of the District Plan 2018.

- 47 Prior to the commencement of development above ground floor slab level full details of the bio-solar roof with green roof and solar panels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in full accordance with the approved details.

Reason: To ensure sustainability improvements on site in accordance with policies CC1 and CC2 of the District Plan 2018.

### **Informatives:**

1. East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan and any relevant material considerations. The balance of the considerations is that permission should be granted.
2. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.
3. HCC Highways advise:  
Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.  
Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.



Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the

Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.

Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

4. Electric vehicle charging point specification for domestic installations cable and circuitry ratings should be of an adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco Developments).
  - A separate dedicated circuit protected by an RCBO should be provided from the main distribution board, to a suitably enclosed termination point within a garage, or an accessible

enclosed termination point future connection to an external charging point.

- The electrical circuit shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practise on Electric Vehicle Charging Equipment Installation 2012 ISBN 978-1-84919-515-7.

Additional guidance on charge point installation is available from the Office for Zero Emission Vehicles at

<https://www.gov.uk/government/organisations/office-for-zero-emission-vehicles>

5. If bats, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.
6. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 0203577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-your-development/working-near-our-pipes>

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at: <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

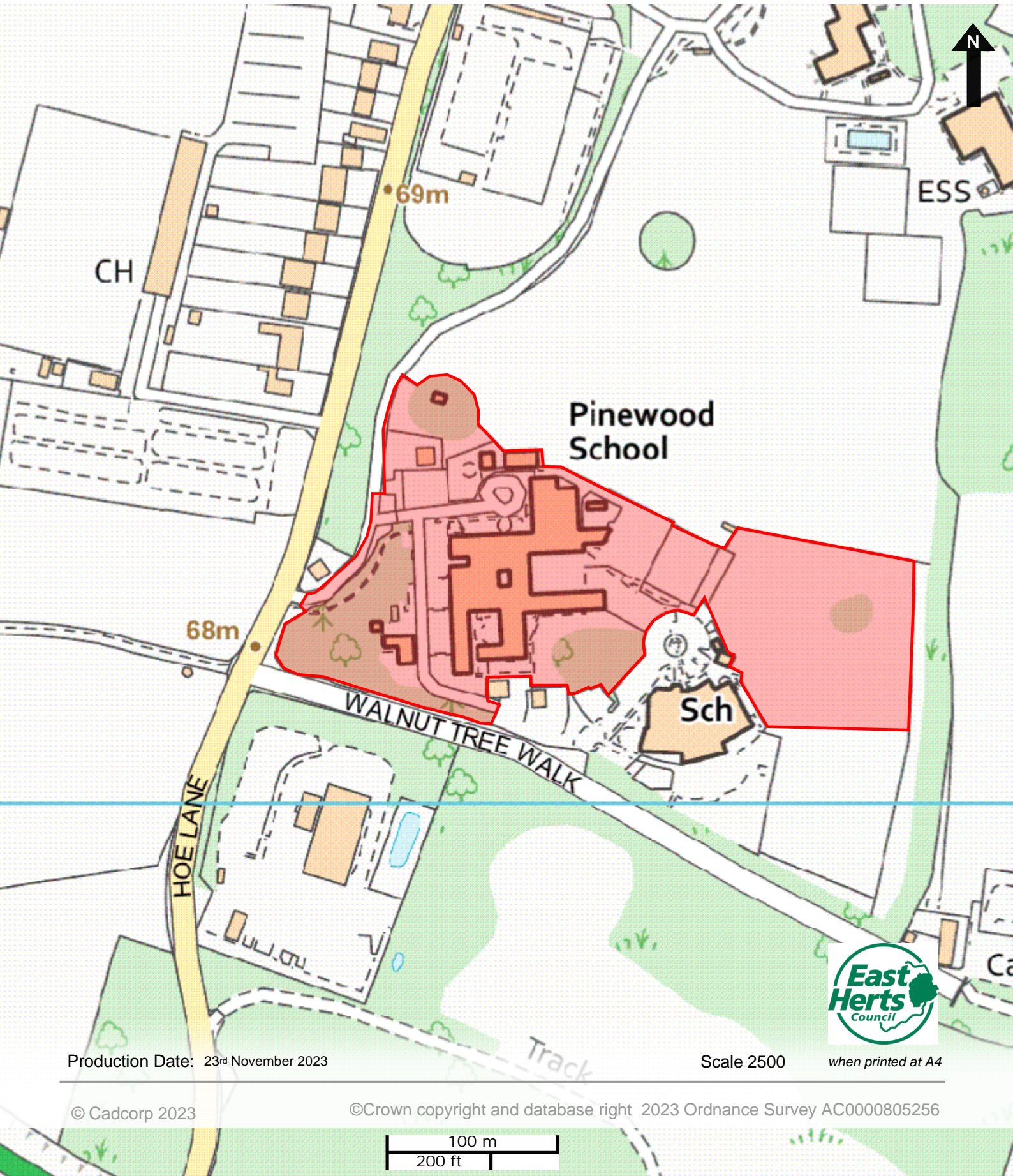
If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at: [www.thameswater.co.uk/buildingwater](http://www.thameswater.co.uk/buildingwater)

### Plans for approval:

Plan Ref	Version	Received
SRP1049-ONE-XX-XX-D-L-0018	P03	3rd April 2023
SRP1049-ONE-XX-XX-D-L-0014	P04	3rd April 2023
SRP1049-CPM-01-ZZ-D-A-2015	P03	21st September 2023
SRP1049-ONE-XX-XX-D-L-0010	P04	3rd April 2023
SRP1049-ONE-XX-XX-D-L-0001	P16	22 <sup>nd</sup> November 2023
SRP1049-CPM-01-00-D-A-2020	P14	24th October 2023

SRP1049-CPM-01-01-D-A-2021	P14	24th October 2023
SRP1049-CPM-01-02-D-A-2022	P16	24th October 2023
SRP1049-CPM-01-ZZ-D-A-2010	P16	24th October 2023
SRP1049-CPM-01-ZZ-D-A-2001	P07	21st September 2023
SRP1049-CPM-01-ZZ-D-A-2002	P02	21st September 2023
SRP1049-CPM-01-ZZ-D-A-2011	P03	21st September 2023
SRP1049-CPM-01-ZZ-D-A-2012	P02	21st September 2023
SRP1049-CPM-01-ZZ-D-A-2167	P04	24th October 2023
SRP1049-CPM-01-00-D-A-2026	P01	24th October 2023
SRP1049-CPM-01-01-D-A-2027	P01	24th October 2023
SRP1049-CPM-01-RF-D-A-2028	P01	24th October 2023
SRP1049-CPM-01-ZZ-D-A-2016	P01	24th October 2023
SRP1049-CPM-01-ZZ-D-A-2017	P01	24th October 2023
SRP1049-ONE-XX-XX-D-L-0016	P08	22nd November 2023
SRP1049-ONE-XX-XX-D-L-0404	P07	22nd November 2023
SRP1049-ONE-XX-XX-D-L-0607	P01	21st November 2023

SRP1049-ONE-XX-XX-D-L-0605	P02	21st September 2023
SRP1049-AFP-ZZ-00-D-0-4001	P01	17th August 2023
SRP1049-ONE-XX-XX-D-L-0608	P01	24th October 2023
SRP1049-ONE-XX-XX-D-L-0606	P03	24th October 2023
SRP1049-ONE-XX-XX-D-L-0603	P02	21st September 2023
EDS 07-3102.01 Sheet 1 of 3	C	27th October 2023
EDS 07-3102.01 Sheet 2 of 3	A	27th October 2023
EDS 07-3102.01 Sheet 3 of 3	A	27th October 2023
SRP1049-ONE-XX-XX-D-L-0017	P09	22nd November 2023
216 22 01	S-3	3rd April 2023
216 22 04	S-0	3rd April 2023
216 22 05	S-1	3rd April 2023
SRP-BNK-00-00-DR-W-4000	P06	23rd March 2023
SRP-BNK-00-00-DR-W-4001	P06	23rd March 2023
SRP-BNK-00-00-DR-W-4002	P06	23rd March 2023
SRP-BNK-00-00-DR-W-4003	P06	23rd March 2023
SRP1049-ONE-XX-XX-D-L-0604	P02	22 <sup>nd</sup> November 2023
SRP1049-ONE-XX-XX-D-L-0608	P01	24 <sup>th</sup> October 2023



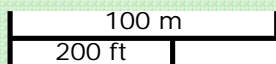
Production Date: 23<sup>rd</sup> November 2023

Scale 2500

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OS Map  
3/23/0579/FUL - Pinewood School, Hoe Lane, Ware, SG12 9PB  
Scale 1:2500

**EAST HERTS COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE**

**ITEMS FOR REPORT AND NOTING**

**September-October 2023**

<b>Application Number</b>	3/21/0701/FUL
<b>Decsn</b>	Non determination
<b>Level of Decision</b>	
<b>Address</b>	Kemps CloseHare StreetBuntingford SG9 0DZ
<b>Appellant</b>	Karen Mulberry Tree Developments Ltd
<b>Proposal</b>	Erection of 5 three-bed terraced dwellings with access, parking, and pedestrian pathway and associated works.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/21/2523/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Bishops Stortford Community Sports ClubCricketfield LaneBishops Stortford CM23 2TD
<b>Appellant</b>	Mr Paul Carter
<b>Proposal</b>	Extensions, alterations and refurbishment and part change of use from F2(b) (Sui Generis) to C3 (groundsman's flat) to create 1, 2 bedroomed dwelling. Alterations to roof to create roof terrace with external steps. Extension and alteration to parking. Extension to Cricketers Changing Pavilion and alterations to landscaping with creation of external steps.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/22/0510/REM
<b>Decsn</b>	Approved
<b>Level of Decision</b>	Committee
<b>Address</b>	Land At Bishops Stortford South (BISH5)Off Whittington WayBishops Stortford
<b>Appellant</b>	Wrenbridge (FROE V Bishops Stortford) LLP
<b>Proposal</b>	Approval of reserved matters for layout, scale, appearance and landscaping of 3/21/1749/VAR (approved under outline planning 3/18/2253/OUT) for E(g)(ii), E(g)(iii), B2 and B8 uses including servicing, landscaping, means of enclosure and associated works and infrastructure.
<b>Appeal Decision</b>	Allowed

<b>Application Number</b>	3/22/0543/CLPO
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Gilston42 Bell LaneWidfordWare SG12 8SH
<b>Appellant</b>	Mr D Butti
<b>Proposal</b>	Erection of solar panels
<b>Appeal Decision</b>	Allowed

<b>Application Number</b>	3/22/0563/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Fishers FarmErmine StreetColliers EndWare SG11 1ER
<b>Appellant</b>	LW Developments Ltd. G. Williamson
<b>Proposal</b>	Change of use of agricultural barns to two 4 bedroom and two 2 bedroom residential dwellings with associated parking and landscaping.
<b>Appeal Decision</b>	Allowed

<b>Application Number</b>	3/22/0798/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Area 4Land South Of Hare Street RoadBuntingford SG9 9HX
<b>Appellant</b>	Paul Dadley
<b>Proposal</b>	Residential development comprising 10 bungalows, associated car parking provision and ancillary works.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/22/1378/OUT
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Land At Tewin HillUpper Green RoadTewin AL6 0LJ
<b>Proposal</b>	Outline Planning application for the erection of 18 residential dwellings, together with access, car parking, public open space and landscaping. All matters reserved except for access.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/22/1668/HH
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	3 Staff HousesCrouchfield LaneChapmore EndWare SG12 0HE
<b>Appellant</b>	Mrs Gemma Ali Turnbull
<b>Proposal</b>	Removal of front porch. Construction of Two storey rear extension and new front porch. Garage conversion and replace front garage door with new window. New first floor side window and enlarged first floor rear window.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/22/1709/HH
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	12 Firs WalkTewin WoodTewinWelwyn AL6 0NZ
<b>Appellant</b>	Mr. D. Cooper
<b>Proposal</b>	Erection of single storey extension to rear of existing house.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/22/1842/ADV
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	34 Amwell EndWare SG12 9HW
<b>Appellant</b>	Betting Shop Operations Limited
<b>Proposal</b>	Retention of 2 internally illuminated fascia signs
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/22/1899/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	4 Rushleigh GreenBishops Stortford CM23 4JH
<b>Appellant</b>	Mr James Groom
<b>Proposal</b>	Change of use of amenity land to residential curtilage, including the partial removal of garden wall and installation of fence panels. Demolition of porch, erection of two storey side extension and porch to front.
<b>Appeal Decision</b>	Allowed

<b>Application Number</b>	3/22/2224/HH
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Lane CroftPerrywood LaneWatton At StoneHertford SG14 3RB
<b>Appellant</b>	Mr And Mrs T Walton
<b>Proposal</b>	Single storey rear extension incorporating a partial basement area underneath. New ground floor side window and door.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/23/0115/HH
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	13 Ploughmans CloseBishops Stortford CM23 4FS
<b>Appellant</b>	Mr Philip Ellis
<b>Proposal</b>	First floor rear extension. Insert new first floor side windows.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/23/0128/HH
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Corner House19 Vantorts RoadSawbridgeworth CM21 9AH
<b>Appellant</b>	Mr Peter Coombes
<b>Proposal</b>	Replacement of garage with two storey garage, incorporating window to front
<b>Appeal Decision</b>	Withdrawn

<b>Application Number</b>	3/23/0146/HH
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Camps Hill BungalowNorth RoadHertford SG14 1NE
<b>Appellant</b>	Ms Georgina McGrath



<b>Proposal</b>	Erection of single storey rear extension; front extension; increase in roof height to accommodate loft conversion, incorporating 5 dormer windows and two skylight windows. Alterations to front and side fenestrations.
<b>Appeal Decision</b>	Dismissed
<b>Application Number</b>	3/23/0418/HH
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	17 Roseley Cottages Eastwick Harlow CM20 2QU
<b>Appellant</b>	Mr G Nainan
<b>Proposal</b>	Erection of first floor rear extension, insertion of first floor side window and alterations to first floor rear fenestration
<b>Appeal Decision</b>	Allowed

#### Background Papers

Correspondence at Essential Reference Paper 'A'

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



# Appeal Decision

Site visit made on 18 July 2023

**by K Allen MEng (Hons) MArch PGCert ARB**

an Inspector appointed by the Secretary of State

**Decision date: 8 September 2023**

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**Appeal Ref: APP/J1915/W/22/3309807**

**Land to the Front of Kemps Close, B1368 from its Junction with Hare Street Road to start of Dassels Hill, Hare Street SG9 0DZ**

- 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 Mulberry Tree Developments Ltd against East Hertfordshire District Council.
  - The application Ref 3/21/0701/FUL, is dated 26 March 2021.
  - The development proposed is the erection of 5 no. new dwellings (5 no. 3-bed terraced dwellings) with access, parking, and pedestrian pathway and associated works.
- 

## Decision

1. The appeal is dismissed and planning permission is refused.

## Applications for costs

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

## Procedural Matter and Main Issues

3. This appeal was made on the basis of the Council's failure to determine the planning application within the statutory timescale. The Council has provided a statement explaining the reasons why it would have refused planning permission had it been able to do so. Although the Council have provided two suggested reasons for refusal, they encompass four areas of concern which are reflected in the following main issues:
  - the effect of the proposal on the character and appearance of the area, having particular regard to whether it would preserve the setting of the adjacent grade II listed buildings, Thatch Cottage and Kemps Cottage and the milestone opposite the post office;
  - the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to outlook;
  - whether the proposal would provide satisfactory living conditions for its future occupants, with particular regard to outlook; and
  - the effect of the proposal on biodiversity and protected species.

## Reasons

### *Character and appearance*

4. Hare Street is a rural linear settlement, comprising road fronting properties, typically set in deep east to west plots. The surrounding dwellings are varied, with a mix of architectural styles, materials, and distances from the highway. Typically, properties either directly face the highway or are set back significantly within large verdant plots. Whilst it is common for vehicular access to be provided to the rear, each dwelling has an active frontage with front door.
5. The appeal site comprises a large area of open land with various trees and hedges next to open fields to the west and neighbouring properties in the north and south. A vacant bungalow at the rear of the site is accessed via a shared drive and a footpath which dissects the mature hedge adjacent to the highway.
6. The appeal site forms part of the setting of the adjacent grade II listed buildings Kemps Cottage and Thatched Cottage as well as the Milestone opposite the post office. Insofar as is relevant to this appeal, all three derive significance from their connection to the historical growth and development of the village, with the cottages deriving further significance from their architectural character.
7. The proposal would retain the majority of the mature hedge which fronts the appeal site. Whilst the proposed terrace would be visible within the street scene it would be set back from the existing building line. The proposal would be a compatible height within the surrounding context and would utilise local materials. Consequently, the proposal would preserve the setting and significance of the adjacent listed cottages and milestone.
8. The proposal would continue the linear pattern of development seen along the B1368. However, the proposed properties would not have front doors and would turn their back on the highway. Whilst the entrance and access to the dwellings from the rear has several benefits, including the provision of step-free access, the lack of functional relationship with the highway would appear incongruous within the street scene.
9. I note that the overall number of dwellings proposed has been reduced from the previous application<sup>1</sup>, however the number of dwellings on the east of the site has been increased. Whilst the proposed style of property would be in keeping with other terraces in the area, the appeal site would be more densely spaced with a large area of hardstanding, dominated by cars. In other words, the proposal would have a tighter grain than its surroundings and consequently, would appear cramped when viewed in relation to the adjacent low-density properties.
10. Although the proposal would preserve the setting and significance of the adjacent grade II listed buildings and milestone, I conclude that the proposal would harm the character and appearance of the area. The proposal would therefore conflict with Policies GBR2, VILL2 and DES4 of the East Herts District Plan (October 2018) (EHDP). Amongst other things these policies require that development is well-designed and appropriate to the character, appearance and setting of an area, whilst considering layout, siting, and density.

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<sup>1</sup> Application Reference 3/20/0663/FUL

*Living conditions – neighbouring occupiers*

11. I acknowledge that the existing bungalow to the rear of the site is in a state of disrepair and has not been occupied for a long period of time. Nonetheless, the proposal would retain the bungalow for residential occupation. The bungalow currently benefits from an open, verdant outlook in all directions over areas of tall grass.
12. The proposed access and parking areas would extend fully along the east and south elevations of the existing bungalow with minimal separation distance. Consequently, the outlook from the property would be harmfully reduced and dominated by large areas of hardstanding and cars, the majority of which would not be associated with the property in question.
13. Therefore, I conclude that the proposal would harm the living conditions of neighbouring occupiers, with particular regard to outlook, in conflict with Policies VILL2 and DES4 of the EHDP. Where collectively they require development to avoid detrimental impacts on the amenity of occupiers of neighbouring properties

*Living conditions – future occupiers*

14. The proposed dwellings would provide sufficient internal and external space, in line with national space standards. However, the terrace would be positioned extremely close to the existing/proposed hedge. Although the hedge would ensure privacy for the future occupiers and provide a green view. Due to the hedge's proximity and scale, the east facing rooms would have a limited, obscured outlook.
15. Overall, I conclude that the proposal would not provide satisfactory living conditions for its future occupants, with particular regard to outlook. The proposal would conflict with Policies VILL2 and DES4 of the EHDP where they seek to ensure development is well designed and considers amenity.

*Biodiversity and protected species*

16. The appeal site comprises an open area of rough grass land with several trees and hedges, adjacent to open fields. Further, several piles of rubble and garden waste are present on site.
17. The appellant asserts that ecological assessments were submitted with the application to the local planning authority and that the proposed site layout diminishes the need for ecological surveys. I acknowledge that the appeal site has reduced in size compared to the previous scheme and no longer includes works to the existing bungalow<sup>2</sup>. However, I have not been provided with any ecological surveys in relation to the proposal before me and having visited site, in the absence of substantive evidence to the contrary, I am satisfied that it could be of ecological value and capable of supporting protected species locally.
18. Consequently, due to lack of information I am unable to determine the effect of the proposal on biodiversity or protected species. As such, I must take a precautionary approach and find the proposal would conflict with Policy NE3 of the EHDP which requires development to demonstrate how biodiversity value will be improved and species of principle importance protected.

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<sup>2</sup> Application Reference 3/20/0663/FUL

## **Other Matters**

19. My attention has been drawn to other recent applications within Hare Street. However, there are fundamental differences to the appeal proposal, including the proposed layouts, access arrangements and site density, as such they are not comparable. I also acknowledge the comment with regard to the Council's handling of the proposals. However, I confirm I have determined the appeal on its planning merits.

## **Planning Balance**

20. The parties agree that the Council cannot demonstrate a five-year housing land supply as set out in the Framework. I have not been provided with any information as to the scale of the shortfall. Regardless, Framework paragraph 11d is engaged.
21. The Framework requires that developments add to the overall quality of the area, and are sympathetic to local character, whilst maintaining a strong sense of place. I have concluded that the proposal would appear cramped and incongruous within the street scene, harming the character and appearance of the area.
22. Further, the proposal would harm the living conditions of the occupiers of the existing bungalow and would not provide satisfactory living conditions for its future occupants with regard to outlook. This would conflict with the Framework where it requires development to create places with a high standard of amenity for existing and future users.
23. Insufficient information has been provided to determine the effect of the proposal on biodiversity or protected species. Consequently, the proposal would be in conflict with the Framework where it requires that development protects and enhances biodiversity and protects and recovers priority species. Therefore, the conflict between the proposal and Policies GBR2, VILL2, DES4 and NE3 of the EHDP should be given significant weight.
24. Nevertheless, the Framework seeks to boost the housing supply, whilst supporting development which makes efficient use of land. The proposal would make an efficient use of previously developed land, providing five additional dwellings within an accessible site and contribute towards the boroughs housing supply. However, five additional dwellings, would make little difference to the overall supply of housing, even if any shortfall in supply were significant. These benefits would be of moderate weight.
25. Short term employment would be provided during the construction and in the long term the future occupiers would benefit the local economy and community by helping to sustain the vitality and viability of the existing settlement. Residents would be encouraged to engage in outdoor activities creating healthy communities. However, the social and economic benefits of five additional dwellings would be modest and would attract limited weight.
26. The proposal would utilise energy efficient design and technologies and reduce water consumption. Whilst this is commendable and would accord with the Framework where it supports the reduction of greenhouse gas emissions and water consumption, details have not been provided of the proposed design strategies or technologies which would be used. Therefore, these benefits attract limited weight.

27. Consequently, when assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. Therefore, the presumption in favour of sustainable development does not apply.

**Conclusion**

28. Overall, for the reasons given above, I conclude on balance that the proposal would conflict with the development plan as a whole, and there are no material considerations, including the provisions in the Framework and the benefits of the proposal, which indicate that the development should be determined other than in accordance with it. Therefore, the appeal is dismissed and planning permission is refused.

*K Allen*

INSPECTOR



## Costs Decision

Site visit made on 18 July 2023

**by K Allen MEng (Hons) MArch PGCert ARB**

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

**Decision date: 8 September 2023**

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### **Costs application in relation to Appeal Ref: APP/J1915/W/22/3309807 Land to the Front of Kemps Close, B1368 from its Junction with Hare Street Road to start of Dassels Hill, Hare Street SG9 0DZ**

- 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 Mulberry Tree Developments Ltd for a full award of costs against East Hertfordshire District Council.
  - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the erection of 5 no. new dwellings (5 no. 3-bed terraced dwellings) with access, parking, and pedestrian pathway and associated works.
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### **Decision**

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

### **Reasons**

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party which has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG states that awards may be either procedural in regard to behaviour in relation to completing the appeal process or substantive, which relates to the planning merits of the appeal.
3. The appeal against which the costs claim has been made involved the failure of the Council to give notice within the prescribed period of a decision on the application for planning permission. The claim is made on procedural grounds.
4. The applicant's cost claim states that the Council acted unreasonably in the way that it determined the application, and that the Council did not work positively and proactively with the applicant to determine the application in a timely manner.
5. While I understand the applicant's frustrations that the application was not determined within the statutory period and that the communication during the applications process was poor. The applicant indicates that they were made aware of staffing issues during the determination period and sought to progress the application via the Council's complaints process.
6. The PPG makes it clear that costs cannot be claimed for the period of time during the determination of the planning application. After the appeal was lodged the council provided grounds on which they would have refused the proposal had they determined it. Further, the Council provided an analysis of the proposal including clear reasoning and highlighting the relevant

development plan policies. There is no evidence within the claim of unreasonable behaviour by the Council at the appeal stage.

7. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. Therefore, the application for an award of costs is refused.

*K Allen*

INSPECTOR





## Appeal Decision

Site visit made on 10 October 2023

**by B Plenty BSc (Hons) DipTP MRTPI**

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

**Decision date: 25<sup>th</sup> October 2023**

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**Appeal Ref: APP/J1915/W/22/3309640**

**Bishops Stortford Community Sports Club, Cricketfield Lane, Bishops Stortford, Herts CM23 2TD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Bishops Stortford Community Sports Club against the decision of East Hertfordshire District Council.
  - The application Ref 3/21/2523/FUL, dated 30 September 2021, was refused by notice dated 18 July 2022.
  - The development proposed is Extensions, Refurbishment and Part Change of Use (F2(b)/Sui Generis to C3-Groundsman's Flat) to Charles Edwards Community Pavilion, Extension to Carpark and Extension to Cricketers Changing Pavilion (to form Umpire changing facility).
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Appellant asserts that the description of development was changed by the Council without the agreement of the Appellant. As the Appellant's description provides a clear and complete description of the proposed development, I have used the original description as found on the application form.
3. The Bishops Stortford Neighbourhood Plan 2014-2033 (NP), for Silverleys and Meads Wards, includes policies that support sports facilities. NP policies SP1 and SP2 supports the expansion of multi-purpose facilities. The NP is being reviewed.
4. Paragraph 48, of the National Planning Policy Framework (the Framework), allows me to assign weight to policies in emerging plans based on the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency with the Framework. The Bishops Stortford Neighbourhood Plan 2021-2033, first revision, (NP2) is at Final Examination Stage. NP2 policy SLCP5 supports the development of sports facilities in the Green Belt, subject to such facilities being harmonious with the surrounding landscape and therefore consistent with the Framework. Due to its stage of development, and based on the evidence submitted, this emerging policy carries moderate weight in the decision-making process.

## **Main Issues**

5. The main issues are:

- whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- the effect on the openness of the Green Belt;
- The effect of the proposal on highway safety; and
- if the proposal would be inappropriate development, whether any harm is clearly outweighed by other considerations, so as to amount to very special circumstances to justify it.

## **Reasons**

### *Inappropriate development*

6. The appeal site is within the Green Belt. Policy GBR1, of the East Herts District Plan [2018] (DP), states that planning applications for development within the Green Belt will be considered in line with national policy. Paragraph 149, of the Framework, establishes that buildings in the Green Belt would be inappropriate unless they would meet a listed exception. Paragraph 149(b) explains that the provision of appropriate facilities for outdoor sport and recreation would not be inappropriate provided it would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
7. The proposal includes an extension to the Charles Edwards Community Pavilion (CECP) and a small addition to the Cricketers' Changing Pavilion. The CECP consists of a series of two-storey and single storey flat roofed buildings that have been adapted, expanded, and connected over time creating a floorspace of around 500sqm. The proposed extension would consist of ground floor and first floor additions and add further floorspace of about 1,209sqm. The addition would represent a sizeable floorspace increase to the building.
8. The Council has found that the members' area, internal re-organisation of the kitchen, bar and bar store, expansion of changing areas, function room and refuse area and lobby, covering all works at ground floor would be a suitable expansion to a sports facility. Furthermore, the reconfiguring of the viewing area, male and female WC, office, committee room and roof terrace would also be suitable development as these would support the existing cricket activity. Moreover, the Cricketers' Pavilion would be increased by around 11sqm, representing a small and proportionate addition to this building. Therefore, most of the proposed facilities would be in support of outdoor sport and recreation, and I see no reason within the evidence to disagree with the Council's conclusions on these matters. Accordingly, these elements, being associated with outdoor sport, would not be inappropriate development by paragraph 149(b) of the Framework.
9. However, the proposed extension to the CECP would include a two-bedroom Groundsman's flat. This would not be directly related to the provision of

outdoor sport and recreation and therefore cannot be an element that complies with the exclusions of paragraph 149(b) of the Framework, rendering the proposal as a whole as being inappropriate development.

10. Paragraph 149(c), of the Framework, explains that the extension or alteration of a building would not be inappropriate provided that it would not result in a disproportionate addition over and above the size of the original building. The glossary defines the original building as the building as it existed on 1 July 1948 or if constructed after 1 July 1948 as it was built originally. It appears that the squash courts were added to the pavilion following their approval in 1977. As such, the original building (prior to the addition of the squash courts) would have been substantially smaller than is seen today.
11. The Framework does not define 'disproportionate'. As such, consideration of proportionality is a matter of planning judgement taking into account a range of factors including a proposal's height, floorspace, volume, design and the configuration of the plot. The size of the proposed extension to the CECP would be substantial. As such, whilst largely located to the side of the existing building, the proposal would be of a significant scale in width, depth and overall size in consideration of the size of the original building. Therefore, the proposal in combination with the previous addition of the squash courts, would amount to a disproportionate addition to the size of the original building in conflict with paragraph 149(c).
12. As it has not been demonstrated that the proposal, in its entirety, would be any of the exceptions listed in Paragraph 149 of the Framework, it would amount to inappropriate development in the Green Belt.

#### *Effect on openness*

13. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and its essential characteristics are therefore its permanence and openness. Considerations of openness have both visual and spatial aspects. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. The appeal site is adjacent to the settlement boundary and is relatively well enclosed by mature tree and hedge boundary screening. Also, the site slopes from east down towards the west of the site, with the existing building nestled within a substantial slope. As a result, the site is relatively well enclosed taking the site context into account.
14. The additions to the CECP would be substantial. However, most of the two-storey section would be to the side of the CECP, within a gap between it and the Cricket Pavilion. Also, the existing building is relatively bulky and as such within this context the proposed additions would not be especially obtrusive. Further, the proposed extensions would be partially screened by the existing building from highway views, limiting its overall visual effect. Consequently, the proposal would have a limited visual effect on the openness of the Green Belt.
15. Nonetheless, whilst I have taken into account the limited views of the main mass of the proposal, the scheme would in spatial terms, result in a substantial additional mass to the CECP resulting in modest harm to the openness of the Green Belt. As a result, it would encroach further into the Green Belt in conflict with a key purpose of the Green Belt.

### *Highway safety*

16. Cricketfield Lane is a relatively wide highway, serving local traffic needs. The highway is subject to some parking restrictions with double yellow restrictions. Nonetheless, parking bays and some unrestricted parking is also evident around the site's entrance that could accommodate overspill parking. Also, most local housing includes on plot parking, reducing on-street parking demand. During my visit, in the daytime, I observed that unrestricted on street parking was locally available. Whilst demand would be greater at weekends, and in the evenings, I anticipate that spaces would remain available and I have seen no evidence to dissuade me of this view.
17. The proposal includes the reconfiguring of the car park to accommodate 32 vehicles, an increase of 6 spaces, which would be a relatively modest increase. However, the Council has not demonstrated that the facility currently creates on street parking problems. It has not identified where any on street pressure points have, or would lead to, highway safety concerns. Furthermore, the on-street parking restrictions would prevent a concentration of parking around the sites entrance which might otherwise cause congestion.
18. Accordingly, based on the submitted evidence, it has not been demonstrated that the level of proposed parking would result in an adverse effect on the free flow and safe operation of the adjacent highway. As such, the proposal would comply with DP policy TRA3, which *inter alia* seeks development to provide integrated parking in a safe and secure environment.

### *Housing land supply position*

19. The Council has stated it does not have a 5-year Housing land Supply, with a provision of around 4.41 years. As such, paragraph 11(d) of the Framework is engaged. Paragraph 11(d) states that where policies which are most relevant in the determination of out of date (including when dealing with applications involving the provision of housing) permission should be granted. This is unless, the application of policies in the Framework, that protect areas or assets of particular importance provides a clear reason for refusing development proposed. At footnote 7 this identifies protected areas as including development within the Green Belt.

### *Other Considerations*

20. Most of the proposed works would directly improve the existing sports facility and I note that Sport England support the scheme. Furthermore, DP policy CFLR1 supports the retention, enhancement of existing sport and recreation facilities. Also, DP policy CFLR7 supports the expansion of community facilities subject to it being in a sustainable location and of an appropriate scale to meet the needs of users and be of flexible design to enable multiple uses throughout the day. Further support is conveyed by NP policies SP1 and SP2 and NP2 policy SLCP2. The benefits of the enhanced facility weigh strongly in favour of the proposal and where the Framework recognises that sport and physical activity is important for the health and well-being of communities.
21. The Appellant states that the Community Sports Club provides a facility for the cricket club, tennis club and squash club, which are all long established on site, with a combined membership of around 1200 adult and junior members.

Accordingly, the facility is popular, and improvements would benefit a wide section of the local community.

22. The Appellant identifies that the building is outdated and has not been materially improved in over 40 years. This results in a roof that leaks requiring frequent maintenance and the building having poor thermal insulation. Also, it is stated that the bar and venue is too small and cannot cope in the summer when demand is high, there are too few toilets, and the décor is outdated. Most of these issues are a matter of general maintenance and can be addressed without needing to extend. However, I am sympathetic to existing capacity difficulties which weigh in favour of the proposal.
23. Two appeals<sup>1</sup> were allowed for two padel courts and one for courts and a canopy in a site just to the west of the clubhouse last year. The Inspector found that whilst the proposal caused some harm to the openness of the Green Belt, the health-related benefits of the scheme would clearly outweigh the harm. Although each case must be considered on its own merits, these decisions are for a different range of facilities that prevents any commonality being found between them and the proposal.
24. The Appellant's evidence also refers to two planning approvals for groundskeeper's dwellings within the Green Belt and an appeal decision in 2011 for a manager's dwelling in the Green Belt. The appeal decision recognised that the security benefits of the proposal outweighed any harm. However, whilst I recognise that security issues can be of substantial weight in favour of a proposal each case must be considered on its own merits.
25. The Appellant explains that the Groundsman's flat is an integral part of the proposal. It is needed to attract a suitable caretaker and an on-site presence is required to provide on-site security. The Appellant identifies the dwelling as a small flat to fulfil as specific functional requirement of the facility. The club consider that the site is relatively exposed, and has been subject to break-ins, theft, and arson over the years. Whilst measures to improve security would comply with DP policy DES5, insufficient evidence has been provided to substantiate that either crime and anti-social behaviour is a frequent issue on site or evidence that a 24/7 presence would materially reduce such activity.
26. It has not been demonstrated why an on-site residential presence is essential for the proposal or the club. The Appellant has not explained why accommodation within the adjacent town would not address this requirement. Furthermore, a condition limiting the dwelling to only be used by an employee and his/her family would not resolve the policy objection to the scheme. This is because the dwelling would achieve the sought security presence irrespective of whether they act as caretaker or not and this would not resolve the policy objection.
27. The Appellant indicates that the proposal would include improved insulation, compared to the existing structure, and a ground source heat pump, solar/voltaic panels and a green roof. These improvements are welcomed but only convey limited weight in favour of the proposal.
28. The clubhouse was subject to planning approval for an extension in 2003. This appears to be, in part, similar to the current proposed extension to the CECP in

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<sup>1</sup> Planning Appeal References: APP/J1915/W/21/3272506 and APP/J1915/W/21/3275195

that it included additional toilets, changing rooms and function room. However, this did not include a dwelling and, in any event, has lapsed unimplemented. Therefore, it is of very limited weight in my consideration of the merits of the current proposal.

*Whether there would be Very Special Circumstances*

29. Paragraphs 147 and 148 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
30. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in modest harm to the openness of the Green Belt and would result in encroachment. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.
31. On the other hand, it has been demonstrated that most of the proposed additions would support outdoor sport and would not be inappropriate development. Furthermore, the proposed dwelling may improve on site security and the overall scheme would significantly improve a dated but popular sports facility with energy benefits. However, these matters are of limited to moderate weight in favour of the proposal. Accordingly, in these specific circumstances, I consider that the harm to the Green Belt provides a clear reason to refuse the proposal which is not clearly outweighed by other considerations and therefore the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to DP policy GBR1 and NP2 policy SLCP5, and the national Green Belt policies I have already outlined.

**Conclusion**

32. The proposed development would not accord with the development plan or national policy and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

*B Plenty BSc (Hons) DipTP MRTPI*

INSPECTOR



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# Appeal Decision

Site visit made on 22 August 2023

**by R Bartlett PGDip URP MRTPI**

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

**Decision date: 12<sup>th</sup> October 2023**

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## **Appeal Ref: APP/J1915/W/23/3316579**

### **Land north of St James Way and west of Thorley Street, Bishops Stortford**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of reserved matters consent subject to conditions.
- The appeal is made by Wrenbridge (FEOF V Bishops Stortford) LLP against the decision of East Hertfordshire District Council.
- The application Ref 3/22/0510/REM, dated 2 March 2022, was approved on 25 August 2022 and reserved matters consent was granted subject to conditions.
- The development permitted is approval of reserved matters for layout, scale, appearance and landscaping of 3/21/1749/VAR (approved under outline planning 3/18/2253/OUT) for E(g)(ii), E(g)(iii), B2 and B8 uses including servicing, landscaping, means of enclosure and associated works and infrastructure.
- The condition in dispute is No.4, which states that: Prior to occupation of the first unit hereby approved, a Servicing and Delivery Plan shall be submitted to the Local Planning Authority for approval in writing in consultation with the Highway Authority. The Servicing and Delivery Plan shall contain details of:
  - the delivery and servicing arrangements (including refuse storage and collection) for the proposed units,
  - areas within the development site that will be used for loading and manoeuvring of delivery and servicing vehicles,
  - access to / from the site for delivery and servicing vehicles,
  - the HGV plan and routing register to be kept by all occupiers to evidence that HGVs visiting the site have travelled via the A120, Bishops Park Way and St James Way when travelling to and from the M11 and A10 (unless otherwise making a delivery to the town itself),
  - how the landowner will communicate the provisions and responsibilities of the Servicing and Delivery Plan to future occupiers to ensure they are complied with in perpetuity.The development shall be implemented in accordance with the details approved.
- The reason given for the condition is: In the interests of maintaining highway efficiency and safety; in accordance with Policies 5 and 16 of Hertfordshire's Local Transport Plan (adopted 2018).

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## **Decision**

1. The appeal is allowed and the reserved matters consent Ref 3/22/0510/REM for approval of reserved matters for layout, scale, appearance and landscaping of 3/21/1749/VAR (approved under outline planning 3/18/2253/OUT) for E(g)(ii), E(g)(iii), B2 and B8 uses including servicing, landscaping, means of enclosure and associated works and infrastructure, at Land north of St James Way and west of Thorley Street, Bishops Stortford, granted on 25 August 2022, by East Hertfordshire District Council, is varied by deleting condition 4.

## Background and Main Issues

2. The appeal site is allocated under Policy BISH5 of the East Herts District Plan (adopted October 2018) as forming part of a major mixed use urban extension, comprising, amongst other things, 4-5 hectares of new employment land. The site also has outline planning permission, including permission for means of access, for up to 4 hectares of employment land, comprising a mixture of B1, B2 and B8 uses and a car showroom.
3. The appellant is seeking a variation of the disputed condition that reflects the wording that was agreed with Officers and was set out in the Officer report and recommendations, before the Planning Committee resolved to impose an amended condition, which the appellant had no opportunity to make representations upon.
4. In reaching my decision I must have regard to the relevant legislation and guidance regarding planning conditions. The reserved matters being considered in this case are layout, scale, appearance and landscaping. The Planning Practice Guidance (PPG) relating to the use of planning conditions, states at Paragraph:025 Reference ID: 21a-025-2014036 that: "*The only conditions which can be imposed when the reserved matters are approved are conditions which directly relate to those reserved matters. Conditions relating to anything other than the matters to be reserved can only be imposed when outline planning permission is granted.*" The views of the two main parties have been sought on the relevance of this guidance to the appeal and I have taken these comments into account in reaching my decision.
5. The main issues are therefore whether the condition is reasonable and necessary having regard to the scope of the reserved matters approval, and if so, the effect of varying or deleting the condition on highway efficiency and safety.

## Reasons

### *Whether the condition falls within the scope of the reserved matters*

6. The condition in dispute requires a servicing and delivery plan to be submitted to and approved in writing by the local planning authority prior to the occupation of the first unit on the site. The condition includes a list of the details that should be included within this plan.
7. Details identifying how and where refuse will be stored and collected, and identifying areas within the site to be used for the loading and manoeuvring of delivery and servicing vehicles, are relevant in terms of considering the layout and appearance of the site. However, I note that the submitted plans identify space for the storage of waste and recycling bins within the curtilage of each unit. The submitted plans also show that there would be space to the front of each unit to enable the loading and unloading of servicing and delivery vehicles, including associated manoeuvring space, without obstructing the highway. As such, having regard to paragraph 56 of the National Planning Policy Framework (the Framework), which makes clear that planning conditions should be kept to a minimum, and only used where they meet the relevant tests, I consider it unnecessary to condition the submission of further details in relation to these matters.



8. The condition also seeks details of access to and from the site for delivery and servicing vehicles. The evidence before me confirms that means of access to the site was approved alongside the outline planning permission and is not a reserved matter. The plans submitted with the reserved matters application clearly identify satisfactory means of vehicular access to and from each individual unit within the site. The submitted plans show a single means of access to and from the site, via a new roundabout on the A1184 St James Way. The roundabout and initial site access were already in place at the time of my site visit. Given the nature of this previously approved new access road, which is designed to cater for this type and scale of development, I consider it unnecessary to condition the submission of further details regarding access to and from the site for delivery and servicing vehicles.
9. The condition also seeks to secure a HGV plan and routing register, together with details of how the land owner would communicate the provisions of this to future occupiers of the development, to ensure it is complied with in perpetuity. The condition states that the plan should ensure that HGVs travelling to and from the appeal site to and from the M11 and A10, do so via the A120, Bishops Park Way and St James Way (unless otherwise making a delivery to the town itself), in the interests of highway efficiency and safety.
10. The principle of a major employment development in this location, and its associated traffic implications, will already have been extensively considered and accepted, prior to allocating the site for this form of development and again prior to granting outline planning permission, including means of access. The routing of HGV traffic outside of the appeal site, apart from being incredibly difficult to enforce, would not in my view fall within the scope of the matters reserved for consideration under this application or appeal.
11. I therefore conclude that the condition in dispute is not directly relevant to the reserved matters and consequently, my deletion of the condition would not conflict with Policies 5 and 16 of the Hertfordshire Local Transport Plan (2018), which seek amongst other things to limit the impacts of development on the transport network and to encourage HGVs to use the primary route network.
12. As I have found that the condition in dispute falls outside of the scope of the reserved matters, it is not necessary for me to consider the Council's reasoning behind it further. Whilst I have considered the variation of the wording of the condition as suggested by the appellant and previously recommended by Officers, this would also fall outside of the scope of the reserved matters and would fail the relevant tests for conditions.

### **Other Matters**

13. A large number of objections have been received in relation to the variation or deletion of the condition in dispute. These relate primarily to concerns regarding highway safety (including the safety of pedestrians and cyclists), air quality concerns, noise, vibration and damage to local buildings and infrastructure, due to increased HGVs travelling along the A1184 (to the south of the appeal site) through Sawbridgeworth and Spellbrook. Despite being a classified A road, I am advised that this route passes schools and residential areas and is already heavily congested, has poor air quality, and that the road and footpaths are narrow in parts.

14. Whilst I acknowledge and have had regard to all of the concerns raised, and fully understand the reasoning behind them, the condition in dispute was imposed purely on highway safety and efficiency grounds and falls clearly outside of the scope of the reserved matters that are up for consideration as part of this stage of the proposal.
15. There is also no evidence before me to suggest that the reserved matters proposal falls outside the parameters agreed by the outline planning permission.

**Conclusion**

16. For the reasons given above, I conclude that the appeal should succeed. I will vary the reserved matters consent by deleting the disputed condition.

*R Bartlett*

INSPECTOR



## Appeal Decision

Site visit made on 29 August 2023

**by R Hitchcock BSc(Hons) DipCD MRTPI**

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

**Decision date: 07 September 2023**

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### **Appeal Ref: APP/J1915/X/22/3301570**

### **42 Bell Lane, Widford, WARE, SG12 8SH**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended against a refusal to grant a certificate of lawful use or development (LDC).
  - The appeal is made by Mr Dean Butti against the decision of East Hertfordshire District Council.
  - The application ref 3/22/0543/CLPO, dated 14 March 2022, was refused by notice dated 1 June 2022.
  - The application was made under section 192 of the Town and Country Planning Act 1990 as amended.
  - The development for which a certificate of lawful use or development is sought is the erection of solar panels.
- 

### **Decision**

1. The appeal is allowed and attached to this decision is a certificate of lawful development describing the proposed operation which is found to be lawful.

### **Preliminary and Procedural Matters**

2. The description of development appearing in the banner heading above is taken from the Council's Decision Notice. This is because although the application referenced the 'installation of PV cell array 12 panel over existing roof', section 8 of the application form was incomplete.
3. The Council's Decision Notice refers to conflicts with limitation A.1.(c) and Conditions A.2.(a) and (b) of Class A of Part 14 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GDPO). However, subsequent to a shift in the Council's understanding of limitation A.1.(c) and an associated interpretation of Condition A.2.(a), the Council have confirmed in writing that they do not wish to contest the appeal.
4. The reference to Condition A.2.(b) in the Decision Notice is not, however, addressed in the Council's submission. I return to this matter below.
5. The Council confirm that they have since approved a second application for the development of the installation of '12 PV cells to shallow pitched concrete tiled roof' (application ref. 3/22/1417/CLPO refers); nevertheless, I shall proceed to consider the LDC as applied for.
6. At my site visit I saw that some solar panels had been installed on the building. It is unclear as to when this took place. For the avoidance of doubt, my assessment is based on the information provided to the Council and whether or not the proposed development would have been lawful or not at the date of the application.

## **Main Issue**

7. The main issue is whether the Council's decision to refuse to issue a LDC was well-founded. That turns on whether the proposed development would constitute permitted development by virtue of the provisions of Article 3(1) and Class A of Part 14 of Schedule 2 of the GPDO.

## **Reasons**

8. The appeal site consists of an extended detached bungalow bordered by gardens. The principal elevation of the building faces on to Bell Lane; Ware Road lies to the rear. The site lies within a Conservation Area.
9. The development shown on the submitted plans consists of an array of 12 connecting solar panels set in 2 rows to the western side of the front roof slope of the bungalow.
10. Class A of Part 14 of the GPDO allows for the 'installation or alteration etc of solar equipment on domestic premises'. This is subject to certain specified restrictions and conditions. There is no evidence before me to suggest that the dwelling in question does not benefit from the provisions of the GPDO.
11. There is now no dispute between the main parties that the proposed installation would meet the specified restrictions in paragraph A.1 of Class A, including limitation A.1.(c). This concerns wall-mounted equipment and applies to sites within a Conservation Area. However, as the proposal is for roof-mounted equipment, in agreement with the Council's revised position, I am satisfied that the proposal is not caught by the A.1.(c) limitation.
12. Condition A.2.(a) requires that the equipment is, so far as practicable, sited to minimise its effect on the external appearance of the building. The GPDO does not provide a definition for the term 'so far as practicable'. Ordinary definitions of the term 'practicable' include 'able to be done or put into practice successfully' and 'able to be used; useful'. Additionally, ordinary definitions of 'minimise' include 'reduce something to the smallest possible amount or degree'.
13. The front roof slope is roughly south-facing. To facilitate successful use of the solar panels their siting would be best placed on this roof slope where their orientation and inclination would maximise solar input. Although this forms part of the building's frontage, the panels are shown clustered to the western side of the roof. Here they would benefit from the highest degree of the site's enclosure by a tall evergreen boundary hedge to the Bell Lane frontage and vegetation along the site's western boundary.
14. Fronting on to the more minor of the flanking roads, only limited glimpses of the panels would be visible from the open driveway entrance and across the more-sparsely vegetated eastern boundary. Accordingly, I find the panels would be positioned to minimise the effect on the external appearance of the building.
15. For those reasons, and that the proposed position closer to the centre of the site would maximise the distance from nearby houses on the northern side of Bell Lane and offset the panels from the principal views and outlook from the nearest property on the opposite side of the road, I find that, so far as

practicable, the equipment would be sited so as to minimise its effect on the amenity of the area. This would meet the requirement of Condition A.2(b).

16. For completeness, Condition A.2(c) requires that the equipment is removed as soon as reasonably practicable when no longer needed. The application form confirms that the proposed operation of the panels would be temporary. Their removal when no longer required was subsequently confirmed by the appellant in correspondence with the Council on 5 June 2022. Accordingly, I find there would be no reason to anticipate conflict with that condition of the Class A provisions.

### **Other Matters**

17. I note the frustrations expressed by the appellant in relation to the level of engagement by the Council prior to determination of the application. However, this is not a matter for my considerations as part of an appeal under section 195 of the 1990 Act as amended.

### **Conclusion**

18. For the reasons given above I conclude, on the evidence available, that the Council's refusal to grant a certificate of lawful development was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

*R Hitchcock*

INSPECTOR

# Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192  
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015: ARTICLE 39

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**IT IS HEREBY CERTIFIED** that on 14 March 2022 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposed operations would constitute permitted development within the terms of Schedule 2, Part 14, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

Signed

*R Hitchcock*

Inspector

Date: 07 September 2023

Reference: APP/J1915/X/22/3301570

## **First Schedule**

The erection of solar panels.

## **Second Schedule**

Land at 42 Bell Lane, Widford, WARE, SG12 8SH

IMPORTANT NOTES – SEE OVER

## NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.



## Plan

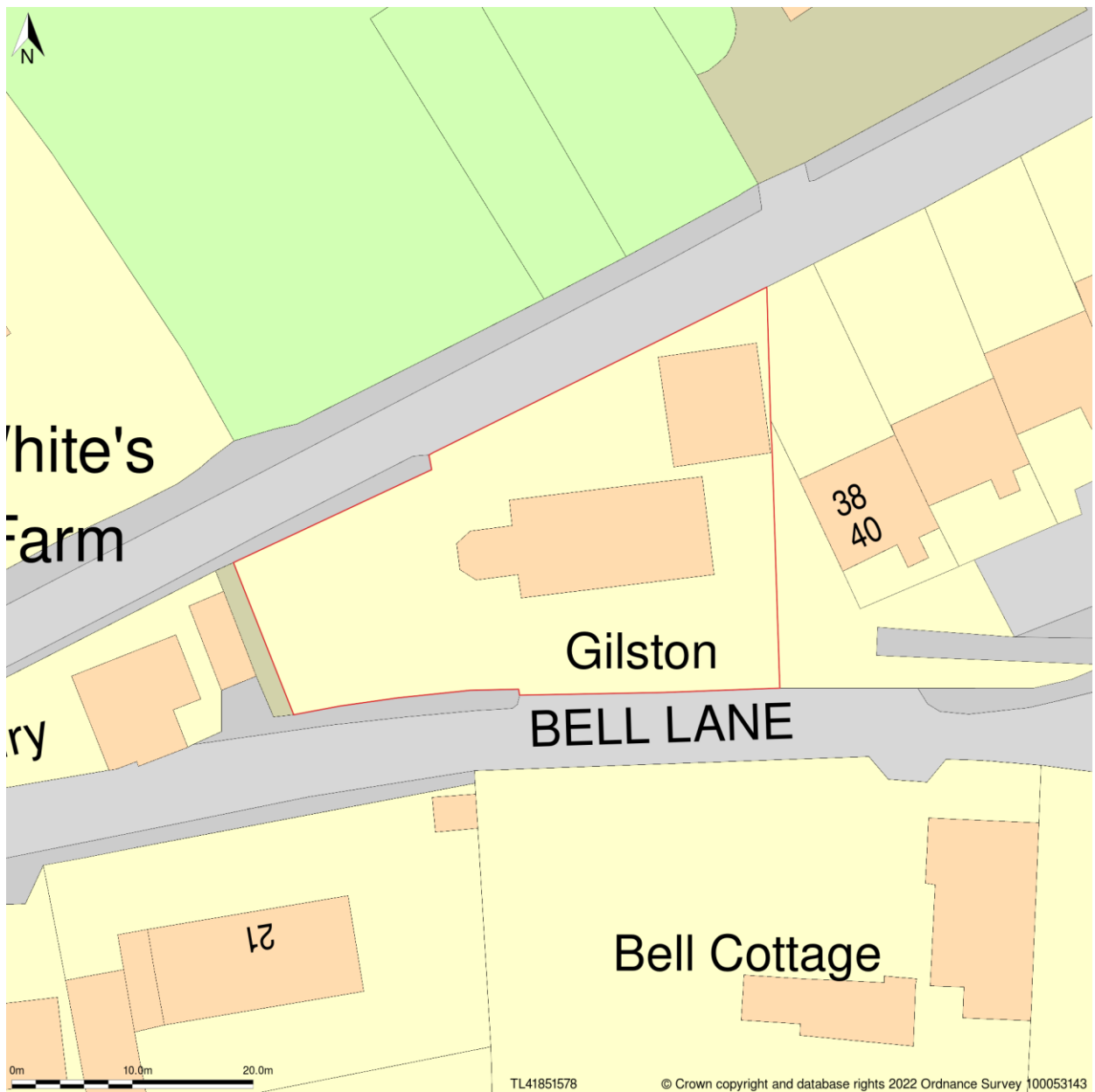
This is the plan referred to in my decision dated: 07 September 2023

by **R Hitchcock BSc(Hons) DipCD MRTPI**

**Land at: 42 Bell Lane, Widford, WARE, SG12 8SH**

**Reference: APP/J1915/X/22/3301570**

Scale: not to scale







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# Appeal Decision

Site visit made on 12 September 2023

**by Nick Bowden BA(Hons) Dip TP MRTPI**

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

**Decision date: 25 September 2023**

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**Appeal Ref: APP/J1915/Z/23/3319994**

**34 Amwell End, Ware, Hertfordshire SG12 9HW**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Betting Shop Operations Limited against the decision of East Hertfordshire District Council.
  - The application Ref 3/22/1842/ADV, dated 30 August 2022, was refused by notice dated 14 February 2023.
  - The advertisement is 2 internally illuminated fascia signs.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the signs on the amenity of the area including the Ware Conservation Area (CA).

## Procedural Matters

3. The parties have drawn my attention to the policies considered to be relevant to this appeal and I have taken them into account. However, powers under the Control of Advertisements Regulations may only be exercised in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
4. The Council does not raise any objections to the signage on public safety grounds and I see no reason to disagree.

## Reasons

5. The site forms a mid-twentieth century extension to a parade of shops addressing the corner of Amwell End and is within the Ware CA.
6. The position of the site within the CA means that S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies. Therefore special attention should be paid to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the CA is the concentration of historic buildings at the core of Ware. This part of the CA does contain a number of historic buildings where are of relatively modest scaled two and three storey buildings under tiled roofs. There is however evidence of more modern infill development including a larger redevelopment to the north. Many of the retail units to older buildings feature traditional style shop frontages with stall risers and panelled glazing. Advertising signage to shops remains relatively low key

- within the area, is sometimes in a traditional handwritten lettering, and almost universally non-illuminated or externally illuminated.
7. The fascia signs are black and green and internally illuminated. The internal illumination of the signs at the appeal site are quite jarring by comparison to other adverts nearby. The proposal would be harmful to the amenity of the area by reason of the size of the signage, manner of internal illumination and position on prominent corner. They cause harm, albeit less than substantial harm and fail to preserve or enhance the character or appearance of the CA.
  8. I have had regard to previous decisions referenced by the appellant. I note that these were considered under a differing policy framework and the signage was externally illuminated and is therefore materially different.
  9. I have further noted other signage along Amwell End referred to in the appellant's evidence. From my site visit, these all appear to be non-illuminated or externally illuminated. The adverts at 'Fuoco's' and 'The Lighthouse' appear to be externally backlit individual letters and non-illuminated respectively. They are therefore not directly comparable. In any case, they are both set within the profile of the new building to the north of the site and seen in a different context.
  10. A lack of street lighting on this corner has been nominated as a public benefit, however this could be more practicably resolved through adding additional lighting columns or improving and existing street lighting. No evidence has been provided to me that would suggest additional lighting would enhance public safety, nor that this is a concern in any case.
  11. In conclusion, the fascia signs are detrimental to the amenity of the area and fail to preserve or enhance the character or appearance of the Ware CA. The signs do not accord with policies HA1, HA4 and HA6 of the East Herts District Local Plan 2018 of which Policy HA6(b) specifically notes that internally illuminated signs within the CA will not be permitted.

### **Conclusion**

12. For the reasons given above the appeal is dismissed.

*Nick Bowden*

INSPECTOR



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## Appeal Decision

Site visit made on 21 August 2023

**by R Bartlett PGDip URP MRTPI**

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

**Decision date: 21<sup>st</sup> September 2023**

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### **Appeal Ref: APP/J1915/W/22/3313455**

#### **4 Rushleigh Green, Bishop's Stortford, CM23 4JH**

- 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 James Groom against the decision of East Hertfordshire District Council.
  - The application Ref 3/22/1899/FUL, dated 8 September 2022, was refused by notice dated 23 November 2022.
  - The development proposed is change of use of amenity land to residential garden. Demolition of porch, erection of two storey side extension and porch to front.
- 

### **Decision**

1. The appeal is allowed and planning permission is granted for change of use of amenity land to residential garden. Demolition of porch, erection of two storey side extension and porch to front, at 4 Rushleigh Green, Bishop's Stortford, CM23 4JH, in accordance with the terms of the application, Ref 3/22/1899/FUL, dated 8 September 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: AZ/RG4/PL/001, AZ/RG4/PL/005, AZ/RG4/PL/006 and AZ/RG4/PL/007.
  - 3) The external surfaces of the extensions hereby permitted shall be constructed in materials that match those of the existing dwelling.
  - 4) No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall: i) identify the existing landscaping to be retained and set out measures for its protection throughout the course of development; and ii) include planting plans and a schedule of planting, noting species, planting sizes and proposed numbers/densities. The new landscaping works shall be carried out in accordance with the approved details within the first available planting season following the change of use and enclosure of the garden extension.
  - 5) Any trees or plants forming part of the approved soft landscaping works, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

## **Preliminary Matters**

2. The description of development on the application form states: "*change of use of amenity land to residential curtilage*". As curtilage is not a use of land, I have amended this part of the description to: "*change of use of amenity land to residential garden*".
3. The Council does not object to the design or scale of the proposed two-storey side extension or to the replacement porch, which I note would both be located within the existing curtilage of the dwelling. As such I have not considered these matters further.

## **Main Issues**

4. The main issues are the effect of the development on i) the character and appearance of the area and ii) trees that are protected by a Tree Preservation order (TPO).

## **Reasons**

### *Character and appearance*

5. The appeal site comprises a two-storey end of terrace dwelling, with a detached garage to the front, and private garden space to the front, side and rear. The side and rear garden areas are bound by a brick wall. Beyond the wall there is a small area of soft landscaping, which forms a buffer between the existing garden boundary, the adjacent shared parking court and the public footpath to the rear of the site.
6. It is proposed to extend the existing garden into the adjacent area of land to the side, which is owned by the appellant. I am advised that this area is shown as a landscaped area on the original planning permission for the housing estate, and that a condition exists to protect this. I have not been provided with a copy of the original planning permission, any plans identifying landscape areas, the full conditions or the reasons for them. I have also not been made aware of any conditions relating to landscape maintenance or management.
7. From the evidence before me, the landscaped area is not being managed or maintained in the public interest. Given its size, and its private ownership, the current use of the land is of very limited public benefit. Although the existing greenery creates a break between buildings and softens the appearance of the adjacent boundary wall and car parking area, the use of the land as garden, with some retained and some additional new landscaping, would achieve the same.
8. It is proposed to enclose the extended garden area with 1.8-metre-high close boarded fencing. The fencing would be inset from its two boundaries adjacent to the car parking area, enabling the retention of some of the existing vegetation, which would soften its appearance. A new area of planting is also proposed to the front of the side extension, which would replace the gravel area to the front of the existing boundary wall. Landscaping details can be agreed and secured by appropriate planning conditions.
9. I saw many fences similar to that proposed in visually prominent locations in the immediate surrounding area. There are other fences hard up to the edge of public footways adjacent to the gardens of 5 and 11 Rushleigh Green and to

the rear of 12-19 Rushleigh Green. Fences along the rear gardens of other houses on Rushleigh Green, which back onto Friedberg Avenue are set back from the road and have soft landscaping adjacent to them.

10. I note that the supporting text to local plan policy NE4 states that gardens also contribute to urban green infrastructure. Consequently, the change of use of this small privately owned amenity space to private garden, which would continue to contribute to the landscape and biodiversity value of the area, would have a negligible effect on the wider green infrastructure network.
11. I therefore conclude that the proposal would not be harmful to the character and appearance of the area. It would therefore accord with Policies HOU12, NE4, DES4 and DES3 of the East Herts District Plan (October 2018), which seek amongst other things to ensure the enclosure of amenity land and changes of use to residential garden, would not have an adverse effect on the surrounding area and landscape, and would include appropriate landscaping and boundary treatment.

#### *Protected trees*

12. The nearest protected trees are a Beach Tree (T33), which is to the front of 11 Rushleigh Green, a Lime Tree (T34), which is located behind the garage in front of 4 Rushleigh Green, and the group of trees (G16), which are located along the opposite side of the public footpath that runs behind the appeal property.
13. The front porch extension would replace an existing porch of similar size and in the same position. It would be no closer to any protected trees. The two-storey side extension would be set back from the front elevation of the existing dwelling and would be in line with the existing rear elevation. Due to the orientation of the building, the footway and the landscape belt running alongside it, the rear corner of the extension would be slightly closer to the group of protected trees than the existing dwelling. I note that adjacent Nos. 5 and 6 Rushleigh Green are located much closer to the trees, as are various brick outbuildings.
14. The trees located on the opposite side of the footway to the site are relatively small. The canopy of one of the larger hedgerow trees, which is leaning towards the site, is just above the site boundary. The proposed extension would be set in some distance from this boundary.
15. Given the size and nature of these trees, their distance from the proposed extension and the intervening areas of hardstanding, the proposal would be unlikely to have any adverse impact upon them.
16. The proposal would therefore accord with Policy DES3 of the East Herts District Plan, which requires the retention and protection of existing landscape features of amenity and biodiversity value.

#### **Conditions**

17. In addition to the standard time limit, I have imposed a condition listing the approved drawing numbers for the avoidance of doubt. A condition to ensure the external materials of the extensions would match those used in the existing dwelling, is necessary to ensure a satisfactory end appearance. Landscaping conditions are necessary to ensure the character and appearance of the area is preserved.

**Conclusion**

18. For the reasons given above I conclude that the appeal should be allowed.

*R Bartlett*

INSPECTOR



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## Appeal Decision

Site visit made on 25 July 2023 by Darren Ellis MPlan MRTPI

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

an Inspector appointed by the Secretary of State

**Decision date: 26 September 2023**

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**Appeal Ref: APP/J1915/D/23/3318075**

**Lane Croft, Perrywood Lane, Watton At Stone, Hertfordshire SG14 3RB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs T. Walton against the decision of East Hertfordshire District Council.
  - The application Ref 3/22/2224/HH, dated 20 October 2022, was refused by notice dated 16 December 2022.
  - The development proposed is a single storey rear extension to existing dwelling incorporating a partial basement area.
- 

### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Procedural Matter

3. The Watton at Stone Neighbourhood Plan (NP) has been through examination and a referendum is scheduled for 12 October 2023. However, neither main party has provided the details of any relevant policies in their submissions. I have therefore assessed the scheme against the East Herts District Plan 2018 (DP) which is the adopted development plan at the time.

### Main Issues

4. The main issues are a) whether the proposal is inappropriate development in the Green Belt; b) its effect on the openness of the Green Belt; and c) if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

### Reasons for the Recommendation

#### *Inappropriate Development*

5. The Framework establishes that new buildings in the Green Belt are inappropriate except in certain circumstances, including where they involve the extension of an existing building. This is provided that the extension does not result in a disproportionate addition over and above the size of the original

- building. The Framework defines 'original building' as 'a building as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was built originally.'
6. DP Policy GBR1 seeks to protect the Green Belt and requires development proposals therein to be considered in line with the provisions of the National Planning Policy Framework (the Framework). Neither the DP nor the Framework define disproportionate for their purposes. The officer report states that, as a general rule, the Council would consider any additions over 50% of the floorspace of the original building as such, but this figure is not mentioned in GBR1.
  7. The appeal property is a large, detached dwelling set in a substantial plot. Owing to the slope of the land, the property is split-level with the main dwellinghouse being single-storey and a garage at a lower-ground level. The property has been previously extended with front, side and rear extensions. Planning permission also exists for an 8m single-storey rear extension<sup>1</sup> and an additional storey<sup>2</sup>, although these have yet to be constructed.
  8. There is disagreement between the parties regarding the increase in floorspace of the original building. Nevertheless, the appellant accepts that the proposed extension together with the extensions which have already been built would constitute a disproportionate addition.
  9. Size can be more than a function of footprint and can include bulk, mass, and height. Based on the evidence before me and given the increase in size of the building from the existing, approved and proposed extensions, I have no reason to disagree. Consequently, the proposed rear extension together with the previous extensions would cumulatively amount to a disproportionate addition over and above the size of the original building. The proposal would therefore be inappropriate development which is, by definition, harmful to the Green Belt.

#### *Openness*

10. Openness is an essential characteristic of the Green Belt. Planning Practice Guidance states that openness is capable of having both spatial and visible aspects, so that both the visual impact of the proposal and its volume may be relevant.<sup>3</sup>
11. The proposed rear extension would increase the visual and spatial bulk and massing of the dwelling and would therefore result in an unavoidable reduction in the openness of the Green Belt. Given the, in context, modest size of the extension and the residential nature of the surrounding area, that harm would be limited. Nonetheless, one of the fundamental aims of Green Belt policy is to keep land permanently open and any harm to the Green Belt attracts substantial weight. This would be in addition to the inappropriateness of the scheme.

#### *Other Considerations*

12. The appellant contends that the previously approved 8m single-storey rear extension represents a fall-back option. However, the proposed rear extension

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<sup>1</sup> Planning application ref. 3/16/1768/PNHH

<sup>2</sup> Planning application ref. 3/22/0973/ASDPN

<sup>3</sup> Planning Practice Guidance, Paragraph: 001 Reference ID: 64-001-20190722



would include a basement level, making it materially different to the approved extension. Furthermore, while the proposed extension may not have a greater visual effect on the openness of the Green Belt, given the addition of the basement it would have a greater spatial impact. As such the previously approved extension would be less harmful to the openness of the Green Belt and consequently would not justify the proposed extension in this case.

13. A small part of the site, namely the access and northern edge of the front garden, are within the Watton At Stone Conservation Area (CA), although the majority of the site, including the house and the proposed extension, lie outside. Given the position of the extension at the rear of the property, it would not have any adverse effect on the CA or its setting. The proposal would also not detract from the character of the existing house and surrounding area, and it would not cause any harm to the living conditions of occupiers of neighbouring properties. These matters all carry neutral weight as absences of harm in each case.

### **Conclusion and Recommendation**

14. The proposed rear extension would cause harm to the Green Belt by way of inappropriateness and through reducing openness, to which substantial weight should be afforded. The Framework states that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The other considerations identified above do not clearly outweigh the totality of the harm. Consequently, the very special circumstances necessary to justify the rear extension do not exist.
15. Accordingly, the proposed rear extension would conflict with DP Policy GBR1 and with the Framework, the aims of which are set out above. There are no material considerations, including the approach of the Framework, which indicate that a decision should be made other than in accordance with the development plan. I therefore recommend the appeal be dismissed.

*Darren Ellis*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

16. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

*John Morrison*

INSPECTOR



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## Appeal Decision

Site visit made on 19 October 2023

**by Chris Couper BA (Hons) Dip TP MRTPI**

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

**Decision date: 30<sup>th</sup> October 2023**

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**Appeal Ref: APP/J1915/D/23/3327453**

**13 Ploughmans Close, Bishops Stortford, Hertfordshire CM23 4FS**

- 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 Philip Ellis against the decision of East Hertfordshire District Council.
  - The application Ref 3/23/0115/HH, dated 22 January 2023, was refused by notice dated 2 June 2023.
  - The development proposed is a first floor rear extension to the detached house to create a new bathroom and a new shower room over the existing living room and the existing kitchen.
- 

### 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 host property; and
  - The living conditions of adjacent occupiers.

### Reasons

#### *Character and appearance*

3. The host is a detached property, which sits amongst dwellings in a variety of styles on this cul-de-sac. It has a fairly simple gabled form, with an evenly pitched main roof, but with a single storey extension with a cat-slide roof across the whole of its rear face. In common with most nearby properties, it has a short back garden.
4. The proposal would sit above the existing ground floor extension, and its shallow pitched roof would meet the host's ridgeline. Given its height, depth and width, although it would not increase the footprint of the building, it would significantly increase its scale and mass. For these reasons, it would appear out of proportion to the host, and the resultant dwelling would have a rather awkward, unevenly pitched and bulky form.
5. Additionally, given the limited plot size, and that the extension would project significantly further to the rear at first floor level compared to its neighbours at 12 Ploughmans Close ('No 12') and at 14 Ploughmans Close ('no 14'), the resultant dwelling would appear rather incongruous and domineering.

6. Amongst other things, Policy HOU11 of the East Herts District Plan 2018 ('EHDP') sets out that house extensions should be of a size, scale, mass and form appropriate to the character and appearance of the existing dwelling, and should generally appear subservient. Having regard to cumulative impacts, this scheme would conflict with that approach; and with the requirement for a high standard of design in EHDP Policy DES4 and in the National Planning Policy Framework. However, as the scheme would be faced in matching materials, and would be to the rear, where it would be visible from nearby properties but not in the streetscene, I attach moderate weight to the harm that I have found.

*Living conditions*

7. The conservatory at No 14 is set just in from the side boundary. It has a brick side wall, but a glazed roof. I have limited evidence to assess the impact of the scheme on the availability of natural light at No 14, and both proposed first floor side windows facing it would be obscurely glazed to avoid any significant loss of privacy. However, whilst the principal outlook from No 14, including its conservatory, is down that property's garden, given the height of the proposal's side wall, its rearward projection, and its proximity to the common boundary, it would have a rather overbearing impact on those occupiers.
8. A degree of overlooking is commonplace in residential areas, and the host already has first floor windows with a rear outlook. However, the two proposed first floor rear-facing bedroom windows would be at least 3.1 metres closer to the rear boundary than the existing windows. The Council calculates that this would bring them to within 15 metres of the rear face of 7 Wainwright Street ('No 7'). Intervening vegetation is limited, and this would therefore result in significant actual and perceived overlooking of No 7, including its garden.
9. The scheme would include a first floor side-facing bedroom window. However, the outlook from there would be principally towards No 12's flank wall, and it would not therefore cause those occupiers a harmful loss of privacy. Given the siting and orientation of 9 Wainwright Street relative to this site, I am satisfied that the scheme would not result in harmful overlooking of that property.
10. Nevertheless, for the above reasons, the scheme would harmfully impact the living conditions at No 14 and at No 7. Thus, it would conflict with those parts of EHDP Policy DES4 which require proposals to avoid significant detrimental impacts on neighbouring occupiers' amenities.

**Planning Balance and Conclusions**

11. I have found that the scheme would cause significant harm to adjacent occupiers' living conditions, and that it would cause moderate harm to the character and appearance of the host property.
12. I understand that the additional bedroom is needed to accommodate family members. However, that benefit to the current occupiers does not outweigh the lasting harm that the scheme would cause. The scheme would conflict with the development plan and, having regard to all other matters raised, including representations by interested parties, the appeal is therefore dismissed.

*Chris Couper*

INSPECTOR



## Appeal Decision

Site visit made on 1 August 2023

by **P B Jarvis BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28<sup>th</sup> September 2023

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**Appeal Ref: APP/J1915/D/23/3324238**

**Camps Hill Bungalow, North Road, Hertford SG14 1NE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms Georgina McGrath against the decision of East Herts District Council.
  - The application Ref 3/23/0146/HH, dated 26 January 2023, was refused by notice dated 31 March 2023.
  - The proposed development is single storey rear extension, front extension; increase in roof height to accommodate loft conversion incorporating 5 dormer windows and two skylight windows; alterations to front and side fenestration.
- 

### Procedural Matter

1. The Appellant has provided the 'missing' side elevation as referred to by the Council. A number of other documents were also provided, including the Design and Access Statement and Appellant's response to neighbour concerns which were omitted as part of the documents supporting the originally submitted scheme. All these have been taken into account in this appeal decision.

### Decision

2. The appeal is dismissed.

### Main Issues

3. The main issues are the impact on (a) the character and appearance of the host dwelling and wider area and (b) the living conditions of the occupiers of the adjoining properties, in respect of light and privacy.

### Reasons

4. The appeal site comprises a single storey detached dwelling set in a rectangular shaped plot. A similar single storey dwelling, Hillside, lies to the west. The flank elevation of the dwelling on the appeal site lies on the common boundary between the two properties. The dwellings are set back a similar distance from the site frontage behind gravelled drives with the front and rear elevations roughly in line with each other, though Hillside has been extended to the front by a large single storey addition. There is a small rear extension to the appeal dwelling which is also located on the common boundary.
5. The site address is given as North Road, but I note that the narrow lane to the front of the appeal site appeared to be known as Camps Hill and is also a public footpath. Vehicular access to the site was gained from Sele Road to the south.

*Character and appearance*

6. The proposed extensions would be significant in size extending around 5 metres in depth to the rear across the whole width of the existing bungalow incorporating a new roof over the extended dwelling. The resulting extended roofspace would enable the provision of first floor accommodation and would involve the formation of a central flat 'crown' roof.
7. It would seem that this roof form has been incorporated to seek to minimise the increase in height of the roof and as there would be no change to the eaves height, it could be described as a chalet bungalow. Nevertheless, it would introduce a bulky roof of an uncharacteristic design, which, when viewed in the street scene and along the public footpath of Camps Hill, would appear as an incongruous addition. Whilst viewing the property 'face on' the increase in roof height and crown roof shape would not be particularly noticeable, the proposed large front gable extension, which would add considerable bulk forward of the front elevation of the existing dwelling, would be an unduly prominent and detracting feature.
8. I saw on my site visit that the property to the east is of greater scale than the existing modest bungalow on the appeal site and its neighbour, Hillside, to the west. However, that property sits on lower ground with the nearest element being a single storey garage. It is also of a different design with pitched roofs. I also saw that there is a large extension to the rear of Hillside which, whilst noting that it is not readily viewed in the 'face on' street scene, is visible within the wider area and in particular from the edge of the bridge over the railway to the west of the site. However, it is also designed with a pitched roof, albeit of a ridge height higher than its host dwelling. It seems to me that it is likely that the proposed crown roof of the appeal scheme would be visible in this view and would appear at odds with this overall character of predominantly pitched roofs.
9. The Appellant has referred to a number of other sites within Hertford where crown roofs have been introduced. However, whilst these may have been found to be acceptable in the context of those individual sites, there appeared to be no such roof forms within the immediate context of the appeal site. In any event, I have judged its impact having regard to the particular site characteristics.
10. I therefore find that the proposal would be harmful to the character and appearance of the host dwelling and wider area. It would thereby conflict with Policies HOU11 and DES4 of the East Herts District Plan (2018) which seek to ensure that development is of a high standard of design to reflect and promote local distinctiveness, that respects or improves upon the character of a site and that extensions to dwellings that, in addition to being of a size, scale, mass, form, siting, design and materials appropriate to the character, appearance and setting of the existing dwelling and surrounding area, should also generally appear as a subservient addition to the dwelling.
11. In respect of the latter factor, it seems to me that in schemes such as that proposed, whereby the whole dwelling is effectively being remodelled, the issue of 'subserviency' has little general relevance. Notwithstanding that, there remain conflicts with the other elements of the relevant policies.

### *Living conditions*

12. As indicated above, the proposal would result in an additional depth and height of building abutting the common boundary with Hillside. That property is located close to the boundary with rear facing windows and patio area immediately to the rear, the nearest part of which is covered with a pergola.
13. The proposal would result in the flank elevation of the dwelling on the appeal site being increased in depth by around 4 metres and a much larger flank gable wall introduced on the boundary. Whilst Hillside is set a short distance from the common boundary the proposed flank wall would nevertheless introduce a dominating feature very close to rear facing windows and the patio area. The pergola would have the effect of somewhat reducing the light received to the window it adjoins, but it appeared to have a translucent roof to minimise these impacts. Due to its position, height and solid nature the flank wall would be likely to have a much greater overbearing impact and reduce the amount of light received.
14. In terms of any possible 'tunnelling' effect I consider that this would be limited given the separation distance of the proposed extension from the existing rear extension to Hillside. In terms of any potential loss of privacy, whilst the proposal would result in new first floor windows, this would not introduce a significantly greater level of overlooking than currently exists.
15. I note the concerns of the other adjoining neighbour at Arrowhead. In terms of any overlooking from the proposed flank windows, this could be addressed via condition to secure non-opening lower sections and use of obscure glazing. With regard to the potential overbearing and overshadowing impact, I consider that the separation distance would be sufficient to mitigate any such impact, notwithstanding the difference in levels.
16. Overall, I find that the proposal would have a harmful effect on the living conditions of the occupiers of Hillside in terms of overshadowing and overbearing impact. The proposal would thus conflict with EHDP Policies HOU11 and DES4 which seek to ensure that detrimental impacts on the amenity of neighbouring properties are avoided.

### **Other Matters**

17. The Appellant has referred to a recent permission for a lawful development certificate relating to a rear extension, side/rear extension, front porch and rear detached outbuilding.<sup>1</sup> The related approved plans have not been provided but I note that the Appellant acknowledges that the scheme is not directly comparable in terms of height and scale, albeit adds more footprint. In particular, it would not appear to include a raised roof and / or crown roof design, therefore it seems to me that it is not directly comparable to the scheme before me.
18. The Appellant has also suggested that other designs for a chalet bungalow have been considered but not progressed for various reasons. Whilst I do not consider that the introduction of accommodation at first floor level to create a chalet bungalow would necessarily be unacceptable, I do find for the reasons set out above, that the appeal scheme before me would have harmful impacts and thereby not accord with the policies of the development plan.

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<sup>1</sup> Council ref: 3/23/1223/CLPO

19. I also acknowledge that the appeal scheme would result in the upgrading of the existing property and provide enhanced living accommodation for the Appellant's family. However, these benefits are not sufficient to outweigh the harm identified above.
20. I have taken into account the policies of the National Planning Policy Framework (the Framework) but find that the appeal proposal would conflict with its policies in that it would not achieve good design as it would not be visually attractive or sympathetic to local character and the surrounding built environment.

**Conclusions**

21. I therefore conclude that this appeal should be dismissed.

*P B Jarvis*

INSPECTOR



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## Appeal Decision

Site visit made on 1 August 2023

by **P B Jarvis BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 October 2023

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**Appeal Ref: APP/J1915/D/23/3323078**  
**17 Roseley Cottages, Eastwick, Harlow CM20 2QU**

- 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 George Nainan against the decision of East Herts District Council.
  - The application Ref 3/23/0418/HH, dated 26 February 2023, was refused by notice dated 28 April 2023.
  - The proposed development is additional first floor extension to rear bedroom (original bedroom approved on application 3/22/1661/HH; we are seeking additional approval floor increased size).
- 

### Procedural Matter

1. The Council has described the development as "First floor rear extension, insertion of first floor side window and alterations to first floor rear fenestration". This more accurately describes the whole development.

### Decision

2. The appeal is allowed and planning permission is granted for first floor rear extension, insertion of first floor side window and alterations to first floor rear fenestration at 17 Roseley Cottages, Eastwick, Harlow CM20 2QU under ref: 3/23/0418/HH dated 26 February 2023 and subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) This permission shall relate to the following approved plans: 1:1250 (site location plan), 1:500 (block plan) and DB/GN/100/Rev.I (existing and proposed plans).
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing dwelling.
  - 4) The proposed first floor window opening in the side (west) elevation as indicated on drawing ref: DB/GN/100/Rev.I shall be permanently fitted with obscure glazing to a minimum degree of obscurity level 3 and non-opening up to 1.7 metres from the finished floor level of the room it serves.

### Main Issue

3. The main issue is the impact on the character and appearance of the host dwelling and wider area.



## Reasons

4. The appeal site comprises a modern semi-detached property located in a small cul-de-sac of similar properties. It lies on the northern edge of the small village of Eastwick which itself is located in open countryside to the north west of Harlow. There is an existing single storey extension to the rear and side of the dwelling.
5. Permission was granted in October 2022 for a single storey side extension and first floor rear extension incorporating rear Juliet balcony, first floor side window and alterations to existing single storey flat roof at the property.<sup>1</sup> The current appeal scheme is similar to this approved scheme but proposes a larger first floor rear extension.
6. The proposed first floor extension would be above the single storey rear addition and extend across much of the width of the dwelling. It would be about 1 metre wider than the first floor element permitted under the above permission but would have the same depth. Whilst this would result in a larger addition, it would not be readily visible from the street scene or from any public viewpoint within the wider area. The increased size of extension would add more bulk to the dwelling but not to such a significant degree as to be unacceptable. The ridge would not extend above the main ridge height and, overall, I consider that the scale and mass of the proposal would remain appropriate to the host dwelling and be subservient in appearance.
7. The increased size of the first floor extension would bring it closer to the attached neighbouring property but this would not be significantly more harmful when compared to the approved scheme.
8. I therefore find that the proposal would not be harmful to the character and appearance of the host dwelling and wider area. It would thereby accord with Policies HOU11 and DES4 of the East Herts District Plan (2018) which seek to ensure that development is of a high standard of design to reflect and promote local distinctiveness, that respects or improves upon the character of a site and that extensions to dwellings are of a size, scale, mass, form, siting, design and materials appropriate to the character, appearance and setting of the existing dwelling and surrounding area, and should also generally appear as a subservient addition to the dwelling.

## Conclusions

9. Conditions to ensure that the development accords with the approved plans and that the materials used in the construction of the external faces of the extension match those of the host dwelling are necessary in the interests of proper planning and visual amenity. A condition to ensure that the new first floor side window is obscurely glazed and non-opening is also required to protect the privacy of the occupiers of the adjoining dwelling.
10. I therefore conclude that this appeal should be allowed and planning permission granted.

*P B Jarvis*

INSPECTOR

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<sup>1</sup> Council ref: 3/22/1661/HH



# Appeal Decision

Site visit made on 18 July 2023

**by K Allen MEng (Hons) MArch PGCert ARB**

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

**Decision date: 7<sup>th</sup> September 2023**

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## **Appeal Ref: APP/J1915/W/22/3304709**

### **Fishers Farm, Ermine Street, Colliers End SG11 1ER**

- 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 G Williamson of LW Developments Ltd. against the decision of East Hertfordshire District Council.
  - The application Ref 3/22/0563/FUL, dated 11 March 2022, was refused by notice dated 16 May 2022.
  - The development proposed is the conversion of existing barns into 4 residential dwellings with associated parking and landscaping.
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### **Decision**

1. The appeal is allowed, and planning permission is granted for the conversion of existing barns into 4 residential dwellings with associated parking and landscaping at Fishers Farm, Ermine Street, Colliers End SG11 1ER in accordance with the terms of the application, Ref 3/22/0563/FUL, dated 11 March 2022, subject to the conditions set out in the attached schedule.

### **Preliminary Matters**

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. Both parties have referred to a previous appeal<sup>1</sup>. Although on the same site, the previous appeal and the appeal currently before me are significantly different. The previous appeal sought to demolish two existing barns on site and make substantial alterations to a listed building, with a total of 8 dwellings created around a new courtyard. The current appeal will maintain the existing structures and access on site and proposes 4 dwellings in total. Whilst I have had regard to the previous appeal decision as a material consideration, I have reached my own conclusions on the proposal based on the evidence before me.

### **Main Issues**

4. The main issues are:
  - the effect of the development on the character and appearance of the area; and
  - whether, having regard to local and national policy, the appeal site is a suitable location for the development.

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<sup>1</sup> Appeal Reference: APP/J1915/W/21/3269273

## Reasons

### *Character and appearance*

5. Colliers End is a rural linear settlement, with most dwellings set close to the highway. Several large agricultural buildings can be glimpsed between dwellings contributing to the rural agricultural character of the village. The appeal site is located on the northern edge of the village, comprising a farmyard which includes a Grade II listed barn and two large modern barns. Access is provided to the barns via a concrete/loose gravel farm track with large areas of grass and scrub to the north and east. An overgrown dry pond and adjacent property physically separate the modern barns from the highway. The appeal site is cluttered with numerous pieces of machinery, vehicles, and sheds in various states of repair and a large pile of rubble. Despite its proximity to the village, and glimpsed views across the pond, the appeal site visually relates to the open countryside and contributes significantly to the open rural character.
6. Although set back from the highway, the proposed dwellings would maintain the existing layout and massing of the site. The proposal would alter the two modern barns to allow for their conversion into dwellings with the addition of doors and windows. However, it would utilise materials typical of agricultural buildings and would largely maintain the agricultural character and appearance of the structures. Further, minimal landscaping interventions would be made across the site to facilitate the conversion. The layout and proposed hard surfacing material would be in keeping with the existing loose gravel tracks and the proposed post and rail fences would be appropriate to the rural character.
7. Activities and movements associated with residential use, such as waste storage and vehicle parking, would be apparent from the highway but would not appear significantly different to the current state of the appeal site and would not harmfully detract from the existing rural character. Further, the proposal would improve the overall appearance of the site, through the introduction of enhanced planting, the reinstatement of the overgrown dry pond and the removal of disused machinery and vehicles from site.
8. Given the above, I conclude that the proposal would not harm the character and appearance of the area. Consequently, the proposal accords with Policies GBR2 and DES4 of the East Herts District Plan (October 2018) (EHDP) and Policy SP1 of the Standon Parish Neighbourhood Development Plan 2017-2033 (September 2019) (SPNP). Collectively these policies seek to ensure development is compatible with the character and appearance of the rural area, considering siting, materials, and landscaping.
9. Similarly, the proposal would accord with the National Planning Policy Framework (the Framework) which requires that development is sympathetic to local character and is visually attractive as a result of good architecture.
10. The Council reference Policies SP7 and SP8 of the SPNP in the reason for refusal. However, these policies relate to the distribution of development and are not relevant to the character and appearance of the area.

### *Location*

11. EHDP Policy DPS2 outlines the strategy for development within the district, primarily focusing development on sustainable brownfield sites and urban areas. SPNP Policy SP7 is consistent with this approach concentrating development within the defined village boundaries of the largest villages within the parish.
12. SPNP Policy SP8 permits development within the defined village boundaries of Colliers End. However, the parties agree that the appeal site is located outside of but immediately abutting the defined village boundary of Colliers End and therefore, lies within the 'Rural Area Beyond the Green Belt'. Further, as the appeal site comprises land that is occupied by agricultural buildings it cannot be considered a brownfield site.
13. Certain types of development within the Rural Area Beyond the Green Belt are supported by EHDP Policy GBR2. Part d of the policy permits for the alteration of buildings where the proposed development is appropriate to the character, appearance and setting of the site and surrounding area. The Council have suggested that the proposal would not accord with Policy GBR2 part d on two grounds.
14. First, that the proposal would conflict with EHDP Policy DES4 which provides design criteria for development and amongst other things, seeks to secure the character and appearance of the area. However, as concluded above, the proposal would be in accordance with Policy DES4 and would be in keeping with the area.
15. Second, that as the proposal would require alterations to be made to the site as well as the existing buildings it would go beyond what the policy allows. This interpretation of the policy is extremely limiting and would not be consistent with the Framework which supports development that would re-use redundant buildings and enhance their immediate setting. As identified above the proposal would improve the appearance of the site. Consequently, the proposal would accord with the aims of EHDP Policy GBR2 part d.
16. EHDP Policy INT1 and SPNP Policy SP1 are consistent with the Framework's presumption in favour of sustainable development. Policy INT1 Part I further seeks to secure development that improves the economic, social, and environmental conditions of an area. Although referenced in the Council's reason for refusal, the parties agree that the proposal would be considered compliant with the sustainability ethos of the policies and that the proposal would be accessible, and I see no reason to disagree.
17. Therefore, having regard to local and national policy, I conclude that the appeal site is a suitable location for the development. It would accord with the aims of Policies DPS2, GBR2, DES4 and INT1 of the EHDP and Policies SP1, SP7 and SP8 of the SPNP which collectively outline the spatial strategy for the area by identifying where growth and development should be focussed whilst seeking to ensure development is compatible with the character and appearance of the rural area and would be appropriate to the setting of the site. The proposal would also accord with the Framework, where it promotes the reuse of redundant or disused buildings and enhance their immediate setting.

## Other Matters

18. Additional concerns have been raised by Standon Parish Council. While the parish may prefer the proposal to provide smaller units, the existence of other 4 bedroomed dwellings in the area is not a reason, on its own, to refuse development which accords with the development plan. Although details have not been provided for foul or surface water drainage, I have little substantiated evidence before me to suggest that the proposal would exacerbate any existing capacity issues. Further, I am satisfied that a suitably worded condition would secure adequate surface water drainage systems and their ongoing maintenance. Similarly, further details regarding the assessment of contamination, landscaping provisions, biodiversity net-gain and energy efficiency could be secured via condition.
19. The appeal site forms part of the setting of the adjacent Grade II listed farmhouse and barns as well as the neighbouring property Barnacres. In accordance with the statutory duty imposed by section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving the setting of the listed buildings in the determination of this appeal. The buildings derive significance from their architectural character and detailing and rural setting. The proposal would maintain the existing massing of structures and subject to suitably worded conditions, would maintain the agricultural character of the appeal site. Consequently, the proposal would not harm the setting of the listed buildings.

## Conditions

20. The Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. I have considered the conditions put forward by the Council against the Framework and where necessary I have amended the wording in the interests of effectiveness and precision.
21. Aside from the statutory condition required to set the necessary time limit for development [1], a condition is required to indicate the approved plans to provide certainty [2]. The appellant has provided their written agreement to the pre-commencement conditions, and I am satisfied those conditions need to be such.
22. A construction management plan is necessary to establish safety and environmental procedures for the work phase of the scheme [3]. Due to the agricultural use of the appeal site, a contamination risk assessment is necessary in the interests of the health and safety of the future occupiers and the surrounding environment [4]. These reports are required before the commencement of development so the relevant standards and procedures relating to the construction phase are established and familiarised by site operatives before work begins and any potential contamination hazards are identified.
23. To secure the appearance of the proposal, a condition requiring the submission of external facing material samples is necessary [5]. Although the appellant has provided a sustainable construction, energy and carbon reduction statement, a condition requiring further design details is necessary to secure sufficient climate change adaptations and reduce carbon emissions [6].

24. EHDP Policy WAT5 seeks to ensure that surface water run-off is managed sustainably in accordance with the sustainable drainage system (SUDS) hierarchy. I have imposed a condition requiring the submission of a sustainable surface drainage scheme [7], in lieu of the Council's suggested condition imposing the Environment Agency's flood risk standing advice which would not be precise or enforceable.
25. The various proposed hard and soft landscaping conditions will be amended and combined with the suggested conditions relating to boundary treatments and biodiversity to ensure that the site adequately assimilates into the area and appropriate ecological enhancements are made [8]. A further condition is necessary to ensure existing planting is protected during the construction period and that existing and proposed planting is retained into the future [9]. As the site is relatively flat and the existing buildings are to be retained, it is not necessary for detailed ground levels/contours to be submitted.
26. A condition is required to ensure the parking area is in place prior to occupation so as not to effect highway safety [10]. Secure bicycle storage and electric vehicle charging points are required to promote sustainable transport [11,12].
27. EHDP Policy WAT4 requires higher water efficiency standards in residential development than the Building Regulations in response to the challenging local circumstances on water supply in the area, therefore a condition on water efficiency is necessary and reasonable [13]. I am satisfied that a condition limiting the nitrogen oxide emissions from all gas-fired boilers is necessary and reasonable to ensure an adequate level of air quality in accordance with EHDP Policy EQ4 [14].
28. While Planning Practice Guidance states that conditions restricting the future use of permitted development rights often do not pass the test of reasonableness or necessity, given the close proximity of the proposal to the neighbouring listed buildings, in this instance, I am satisfied that it is necessary to prevent future enlargements, improvements or alterations to safeguard the rural agricultural character of the appeal site, preserving the setting of the listed buildings [15].
29. I have not imposed the Council's suggested condition regarding machinery operation hours as this is adequately addressed via other legislation and details of proposed working hours will be provided via Condition 3. Details of the external facing materials to be used in the proposal will be provided via Condition 5. Although in the setting of the adjacent listed buildings, no works are proposed to them. Therefore, it is not necessary to impose a further materials condition related to the 'making good' of existing buildings.

### **Conclusion**

30. Notwithstanding the Council's 5 Year Housing Land Supply position, for the reasons given above, I conclude that the development accords with an up-to-date development plan and the Framework and should be approved without delay. Therefore, subject to the identified conditions, the appeal is allowed.

*K Allen*

INSPECTOR

## Schedule of 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:
  - NWA-19-007-S4LOC\_E Rev A
  - NWA-19-007-SURV Rev A
  - NWA-19-007-1 Rev A
  - NWA-19-007-2 Rev A
  - NWA-19-007-50 Rev A
  - NWA-19-007-51 Rev -
  - NWA-19-007-52 Rev -
- 3) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The Plan shall include details of:
  - a) access, egress and turning arrangements;
  - b) the parking of vehicles of site operatives and visitors;
  - c) loading and unloading of plant and materials;
  - d) storage of plant and materials used in constructing the development;
  - e) wheel washing facilities;
  - f) cleaning of site entrances, site tracks and the adjacent public highway;
  - g) delivery, demolition, and construction working hours.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

- 4) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures. Before the development is first occupied a verification report for all the remediation works shall be submitted to and approved in writing by the local planning authority.

- 5) No development above ground works, apart from approved demolition works and site preparation works, shall commence until samples of all external facing materials to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples before the development is first occupied.
- 6) No development above ground works, apart from approved demolition works and site preparation works, shall commence until details of the design and construction of the dwellings, demonstrating how summer overheating and winter heating energy demand will be minimised, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before the development is first occupied.
- 7) No development above ground works, apart from approved demolition works and site preparation works, shall commence until a sustainable surface water drainage scheme to deal with the additional surface water run off arising from the development, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented before the development is first occupied and thereafter retained as such for that specific use.
- 8) No development above ground works, apart from approved demolition works and site preparation works, shall commence until, a landscaping/biodiversity scheme has been submitted to and approved in writing by the local planning authority. The details shall include:
  - a) retained landscape features;
  - b) hard surfacing materials;
  - c) planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment);
  - d) schedules of plants, noting species, sizes and proposed numbers/densities where appropriate;
  - e) boundary treatments indicating the type, position, design, and materials;
  - f) buffers around water bodies;
  - g) measures to enhance biodiversity, demonstrating a biodiversity net gain;
  - h) management/maintenance plan, indicating long term design objectives, management responsibilities and maintenance schedules;
  - i) an implementation programme.

Development shall be carried out in accordance with the approved details, management/maintenance plan and the agreed implementation programme.

- 9) All existing retained trees, hedges and plants on and immediately adjoining the site shall be protected from damage as a result of work 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 replacement British Standard, for the duration of the works on site. Any trees, hedges or plants (existing retained or proposed) that, within a period of five



years after planting (or replanting if previously failed), are removed, die or become, in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives written consent to any variation.

- 10) Prior to occupation of the development hereby permitted, the access, parking and turning areas shown on drawing NWA-19-007-50 Rev A, shall be provided, and thereafter retained as such for that specific use.
- 11) Prior to occupation of the development hereby permitted, a scheme detailing secure cycle parking, shall be submitted to, and approved in writing by the local planning authority. The approved scheme shall be fully implemented before the development is first occupied and thereafter retained as such for that specific use.
- 12) Prior to occupation of the development hereby permitted, at least one electric vehicle charging point per dwelling shall be installed and be available for immediate use. The electric vehicle charging points shall thereafter be retained and kept in good working order as specified by the manufacturer.
- 13) Prior to occupation of the development hereby permitted, measures to ensure compliance with the Building Regulations optional water efficiency standard of 110 litres (or less) per person per day shall be incorporated and be available for immediate use. The measures shall thereafter be retained.
- 14) Prior to occupation of the development hereby permitted, all gas-fired boilers installed within the development hereby permitted must meet a minimum nitrogen oxide emissions standard of <40 mgNO<sub>x</sub>/kWh. The emissions standard shall thereafter be retained.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), or any amending Order, the enlargement, improvement, or other alteration of any dwellinghouse as described in Schedule 2, Part 1, Classes A, AA, B, C and E of the Order shall not be undertaken without the prior written permission of the local planning authority.

**\*\*\*End of Conditions\*\*\***



## Appeal Decision

Site visit made on 19 September 2023

by **Benjamin Clarke BA (Hons.) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 2 October 2023**

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**Appeal Ref: APP/J1915/W/23/3315467**

**Area 4, Land south of Hare Street Road, Buntingford SG9 9HX**

- 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 Wheatley Homes against the decision of East Hertfordshire District Council.
  - The application Ref 3/22/0798/FUL, dated 8 April 2022, was refused by notice dated 16 December 2022.
  - The development proposed is a residential development comprising 10 bungalows, associated car parking provision and ancillary works.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The planning application was refused permission for several reasons. One of these pertained to the effects of the development upon highway safety. As part of the appeal proceedings, the appellant submitted additional information in respect of this matter. Following consideration of this information, the Council has confirmed that it satisfactorily addresses the concerns previously raised. I have no reason to disagree and have therefore preceded on this basis.

### Main Issues

3. The main issues relevant to this appeal are:
  - the effect of the development upon the character and appearance of the surrounding area;
  - the effects of the development upon biodiversity; and
  - whether the effects of the developments are such that a legal agreement to secure affordable housing, education, leisure and community facilities would be required.

### Reasons

#### *Character and appearance*

4. The appeal site consists of an undeveloped area on the periphery of a relatively recent residential development. Although the appeal site is on the edge of the settlement, a notable feature of the site's environs is the presence of open countryside. In result, the appeal site forms a transitional space between the built form of the settlement and the countryside beyond. In addition, the

appeal site is adjacent to a footpath that runs into the nearby countryside. To the rear of the appeal site is a belt of trees.

5. The proposed development would result in a significant increase in the overall level of built form, even though the proposal would involve the provision of bungalows. This would comprise the proposed dwellings, in addition to features such as boundary treatments and areas of hard standing. This means that the development would have a predominantly engineered appearance, irrespective of the inclusion of front gardens within the development.
6. These factors result in a scheme that would conflict with the general open character on the periphery of a larger residential development.
7. Furthermore, the proposal would be viewed alongside the relatively recent residential development. Therefore, the cumulative effect would be the creation of a more urban form of development due to the reduction in the overall level of open spaces surrounding dwellings. In consequence, the development would conflict with the existing more open character.
8. In addition, a notable feature of the existing residential development is the presence of spacious elements at key points in the development. This enables views through the residential development to the belt of trees to the rear of the proposed dwellings. These views allow for the existing residential area to harmonise with the wider rural area.
9. By reason of the quantum of the development within the appeal scheme and the siting of the proposed dwellings, such views would be severed. This means that the proposed development would result in an increased urbanising effect, which would conflict with the predominantly rural landscape of the wider surrounding area.
10. I have given consideration as to whether it would be possible to impose conditions regarding the materials from which the proposed dwellings are constructed from and the provision of landscaping.
11. Such conditions would ensure that the dwellings would have an appearance consistent with the neighbouring development and would provide some softening of the overall level of built form. However, the effectiveness of these would be reduced by reason of the loss of open space. In result, this suggestion does not overcome my previous concerns.
12. These matters are of particular concern due to the prominence of the appeal site. In addition to views from the neighbouring dwellings, the increased built form would also be perceptible from the footpath that runs near to the appeal site. There would also be some views, albeit to a lesser degree, from the nearby Hare Street Road. This means that the proposed development would be experienced by a great number of people. In result, the incongruous form of development would be strident.
13. Although there would be some changes to the views from the existing development, these are unlikely to be significant and would not result in an erosion of the existing development's character.
14. I have had regard to the presence of the tree belt near to the appeal site. This means that the proposed development would not be substantially viewable from the countryside beyond the appeal site. Therefore, the gently undulating

plateau that is a feature of this area would be retained. Although this reduces the effects arising from the development, it does not mitigate the previously identified harm.

15. The Council has raised some concerns regarding the lack of surveillance in the development. However, the parking and garden spaces of the proposed dwellings would have a layout like the character and appearance of the nearby existing dwellings. In addition, these spaces would benefit from surveillance from the proposed dwellings, as well as views from the street. However, this matter does not mitigate my previous findings.
16. My attention has been drawn to another development in Hare Street. I do not have the full information regarding the planning circumstances of this, which means that I can only give it a limited amount of weight. Nonetheless, I note that this development is not adjacent to a footpath and has a different layout. Therefore, there would be several differences between the existing and proposed development. In result, the presence of the existing development does not allow me to disregard my previous concerns.
17. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with the requirements of Policies DES2, DES3 and DES4 of the East Hertfordshire District Plan (2018) (the Local Plan. Amongst other matters, these seek to ensure that developments demonstrate how they conserve the character of the district's landscape; retain, protect and enhance existing landscape features; and be of a high standard of design and layout.

#### *Biodiversity*

18. The proposed development would be sited on an existing undeveloped piece of land. In considering this appeal, I have been directed towards adopted development plan policies that seek to ensure that developments deliver a net improvement in biodiversity.
19. I understand that, over the course of the planning application process, there was some disagreement regarding the baseline position. However, at the Final comments stage, the appellant submitted additional information which included a further assessment of the level of biodiversity.
20. However, this information has not been the subject of formal consultation with either the Council or any other relevant consultees. therefore, if I were to proceed to a decision with reference to this additional document it would cause prejudice to other parties. Therefore, I have not been able to give this weight in my assessment.
21. In result, I cannot be certain as the amount of biodiversity improvements that would be required in order to mitigate the effects of the proposed development. This is of particular concern given that the proposed development is near to open countryside and is currently undeveloped in nature.
22. In result, there is a likelihood that the appeal site could be used as a habitat for some species, in addition to potentially offering an environment for foraging. In addition, there is some potential for the appeal site to serve as an appropriate environment for plants to grow. Given this, the lack of certainty regarding the

level of biodiversity improvements that would be required is particularly concerning.

23. I have given consideration as to whether it would be possible to impose a condition to secure improvements to biodiversity either on, or off, site. However, without certainty regarding the level of biodiversity provision that should be made, it is not possible to draft a condition with sufficient precision to meet the statutory test of reasonableness for the imposition of a planning condition.
24. Therefore, I do not believe that a planning condition could be imposed to ensure that the development delivers the necessary improvements in biodiversity either through on-site, or off-site, provision. In result, the possibility of imposing a planning condition does not allow me to disregard my previous concerns.
25. I therefore conclude that the proposed development would not deliver the necessary improvements to biodiversity. The development, in this regard, would conflict with Policies DES2 and NE4 of the Local Plan. Amongst other matters, these seek to ensure that enhancement opportunities are appropriately addressed; and biodiversity is enhanced.

*Whether a legal agreement is required*

26. The proposed development seeks planning permission for the erection of 10 dwellings. In considering this appeal, I have been directed towards adopted development plan policies, which seek to ensure that developments of this scale include provision of affordable housing, in addition to financial contributions for the provision of community, leisure and education facilities. These aims are consistent with the requirements of the National Planning Policy Framework (the Framework).
27. However, from the outset, the proposed development was designed to meet the requirements of potential older residents. The submitted Unilateral Undertaking (UU) includes a clause that would ensure that the development is occupied by such residents only. This clause is necessary to ensure that the development conforms with the terms of the planning application. In addition, I am also mindful that the Framework is clear that the planning process should deliver a mixture of housing in order to meet the needs of all members of the community.
28. Considering this, the proposed development would not be occupied by younger residents. In consequence, the proposed development need not make a financial provision for matters pertaining to education and youth facilities provision.
29. This is because it is a requirement that any such financial contribution mitigate the effects arising from the proposed development only. It therefore follows that if the proposed development were not to be occupied by residents that would result in an increased demand for the provision of education and youth facilities, it would not be necessary and reasonable to secure mitigation for these areas.
30. I understand that the County Council has raised some concerns regarding the way these contributions are structured in the submitted UU. However, given that I have found that, subject to other requirements of the UU, such financial

contributions are not required. For this reason, and given that I am dismissing the appeal for other reasons, I do not need to give this matter further consideration.

31. The UU also secures the provision of affordable housing and obligations relating to the provision of library facilities, open space and recycling collections. This ensures that the effects of the development in respect of these matters would be mitigated. Furthermore, the proposed development would provide a mixture of tenures, which would ensure that it accords with the requirements of the Framework in respect of delivering a range of house types to meet the needs of all groups of society.
32. I therefore conclude that the effects of the development would give rise to the need for a legal agreement and that such agreement has been submitted. The development, in this regard, would comply with the requirements of Local Plan Policies HOU3; CFLR7; CFLR10; DEL1; and DEL2; and the Affordable Housing Supplementary Document (2020). Amongst other matters, these seek to ensure that new developments make a provision of affordable housing; make provision of adequate and appropriately located community facilities; promote healthy communities; facilitate the timely provision of infrastructure; and have planning obligations that make the development acceptable in planning terms.

### **Other Matters**

33. The Council cannot currently demonstrate a five-year housing land supply. In consequence, the provisions of Paragraph 11(d) of the Framework are engaged.
34. Amongst other matters, this states that planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is often referred to as the 'tilted balance'.
35. In this case, the development would include the provision of additional dwellings. Whilst the scale, in terms of dwellings to be provided, of the development is relatively small; I am mindful that the development would provide an appropriate amount of affordable housing.
36. In addition, it is apparent that there is a need in the locality for smaller dwellings and for bungalows. This would contribute to the delivery of such housing within the area. In consequence, I give this benefit a moderate amount of weight.
37. The proposed development would generate some economic benefits. These would comprise benefits arising from the construction process, in addition to support local services and facilities by the future occupiers of the development. However, given the scale of the development, these benefits are unlikely to be large in scale. Furthermore, in some instances, they are likely to be time limited in duration. This means that they can only be given a limited amount of weight.
38. The proposed development would result in the provision of additional public open space. However, there is no convincing evidence before me that suggests that there is a shortage of such facilities in the surrounding area. In result, it can only be attributed a limited amount of weight.

39. In result, the proposed development would generate a limited to moderate benefits, which can be ascribed a moderate amount of weight. However, due to the significant harm that would arise from the granting of permission, in terms of the effects on biodiversity and the character and appearance of the surrounding area, I find that the adverse effects of granting planning permission significantly and demonstrably outweigh the benefits.
40. I understand that the appellant made some amendments to the scheme prior to the determination of the planning application. Although a matter of note, it does not overcome my previous findings.

### **Conclusion**

41. Although some of the effects of the development have been mitigated through the submission of the UU, the development would have significant adverse effects on biodiversity provision and the character and appearance of the surrounding area. Accordingly, the scheme would conflict with the development plan taken as a whole. There are no material considerations, including the Framework, which indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

*Benjamin Clarke*

INSPECTOR



# Appeal Decision

Site visit made on 3 October 2023

by **Benjamin Clarke BA (Hons.) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 13 October 2023**

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**Appeal Ref: APP/J1915/W/23/3321219**

**Land at Tewin Hill, Upper Green Road, Tewin, Hertfordshire AL6 0LJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Tewin Hill Limited against the decision of East Hertfordshire District Council.
  - The application Ref 3/22/1378/OUT, dated 11 July 2022, was refused by notice dated 11 November 2022.
  - The development proposed is the erection of 18 residential dwellings, together with access, car parking, public open space and landscaping.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The planning application was refused for several reasons. Following the submission of the appeal, the Council withdrew the reasons pertaining to drainage and the loss of agricultural land. I have no reason to disagree with the conclusions reached by the Council in these instances and, accordingly, have proceeded on this basis.
3. The application was submitted in outline, with all matters reserved for future consideration apart from access. I have therefore had regard to the details that pertain to the reserved matters on an indicative basis only.

## Main Issues

4. The main issues relevant to this appeal are:
  - whether the proposed development would be inappropriate in the Green Belt;
  - the effects of the development on the openness of the Green Belt;
  - the effect of the development upon the character and appearance of this surrounding area;
  - The effects of the development upon the living conditions of the occupiers of neighbouring properties;
  - The suitability of the appeal site as a location for the proposed development, with particular reference to the requirements of the development plan;
  - whether sufficient infrastructure would be provided; and



- if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

## **Reasons**

### *Whether inappropriate development*

5. The appeal site is located in the Green Belt. Policy GBR1 of the East Hertfordshire District Plan (2018) (the District Plan) states that planning decisions in the Green Belt should be considered in line with the National Planning Policy Framework (the Framework). The Framework regards the erection of new building in the Green Belt as generally being inappropriate. The Framework lists some exceptions to this (at Paragraph 149), which include that the undertaking of limited infilling in a village.
6. Although submitted in outline, the planning application sought permission for the erection of up to 18 dwellings. The development would also include access to the site. It is also likely that the development would include car parking areas, boundary treatments and vehicle manoeuvring areas. Therefore, the development would, cumulatively, create a significant amount of development and built form. For this reason, the development cannot be accurately described as being limited, even though the scale of the development has been reserved for future consideration.
7. The appeal site fronts onto Upper Green Road, which contains a number of dwellings. These are typically arranged in a linear fashion. To the side of the appeal site is Tewin Hill. Beyond Tewin Hill are more buildings. However, owing to the presence of Tewin Hill, the proposed development would not result in an enclosure of an existing line of dwellings in the surrounding area.
8. Although the layout of the development has been reserved for future consideration, it is likely that if the final development were to include up to 18 dwellings some of these would need to be arranged on a relatively large proportion of the appeal site, to achieve appropriate plot sizes.
9. In result, not all the proposed dwellings would have a frontage on to Upper Green Road. Therefore, the development would have a form that would be differ from the predominantly linear form of the existing nearby dwellings. In result, the proposed development cannot be an infill.
10. There is some debate as to whether the appeal site is within a village. This is pertinent as the assessment of whether an appeal site is within a village needs to be made based on an individual site and its surroundings, rather than establishing whether an appeal site is within allocated settlement boundaries.
11. However, in this case, I have concluded that the proposed development would not be either limited in scale; and would not also be an infill. Therefore, an assessment on whether the appeal site is within a village need not be given further consideration in this case. This is because it has already been established that the proposal would not meet the definition of a not inappropriate development in the Green Belt in this instance.

12. Although the Framework lists other types of development that might not be inappropriate in the Green Belt, the proposal would not fall within any of these categories.
13. I therefore conclude that the proposed development would be an inappropriate development in the Green Belt as defined by Policy GBR1 of the District Plan and the Framework.

*Effect on openness*

14. The appeal site consists of an undeveloped field, located adjacent to various other fields. The site is near to the built form of Tewin. The appeal site is somewhat undulating in nature. The boundaries of the site are marked by a combination of fences and hedges.
15. The proposed development would comprise up to 18 dwellings, in addition to the proposed access. It is also likely that the development would include items such as driveways, parking areas, vehicle manoeuvring areas and boundary treatments. These items would, in unison, result in a significant increase in the overall level of built form. Therefore, the proposed development would result in a general erosion of the spatial sense of openness that is a feature of the Green Belt.
16. In addition, the proposed development would result in an expansion of the settlement into the countryside arising from the type and likely quantum of buildings that would be constructed. In result, the development would create a diminished level of open space in the existing field. This would mean that the space between buildings, which give the settlement of Tewin a more rural appearance, would be diminished.
17. Irrespective of the height of the proposed dwellings, it is likely that they would be visible from several different vantage points. There would be several views from a large proportion of the neighbouring dwellings. Views would be of items such as dwellings, access points and parking.
18. In addition, given that the development would include the provision of residential dwellings, it is likely that at times vehicles would park within the confines of the final development and that elements of domestic paraphernalia would be placed within the boundaries of the appeal site. These items, in conjunction with one another, would also contribute to the formation of an engineered appearance.
19. Therefore, the proposed development would be readily apparent from the nearby road network. This would include parts of Upper Green Road and Tewin Hill. Therefore, the proposed development would result in an erosion of the visual sense of openness that is a feature of the Green Belt.
20. Although the appeal site is not part of a designated landscape, it has an open character. This would be eroded by the proposed development. In particular, views of the development upon a ridge in the landscape would be possible.
21. I therefore conclude that the proposed development would result in an erosion of the visual and spatial sense of openness in the Green Belt. The development would therefore conflict with the requirements of Policy GBR1 of the District Plan and the Framework. Amongst other matters, these seek to ensure that developments maintain the Green Belt's sense of openness.

### *Character and appearance*

22. The proposed development would result in the creation of a notable number of dwellings. This would be in addition to several other elements of development, associated with the use of the site for residential purposes, as described previously. The appeal site consists of a field, which is undulating in nature. The appeal site is also near to other fields.
23. The appeal scheme would result in a significant overall increase in the level of built form, by reason of the scale of the proposed works. In result, the proposed development would create an urbanised appearance. This would conflict with the general open and rural character that is a feature of the surrounding landscape.
24. In addition, the proposed development would result in a more built up appearance when viewed from the nearby road of Upper Green Road. Currently, the presence of space between buildings allows for the settlement to harmonise with the rural areas beyond. By reason of the scale of the proposed development, the proposal would result in an erosion of the verdant character of the settlement.
25. Furthermore, from Tewin Hill, the proposed development would also be viewed alongside several other fields, which assist in giving the area a rural character. The development, by reasons of the expansion of built form, would result in an incongruous development and erosion of the wider area's more rural character.
26. In result, the proposed development, irrespective of the scale and form of the dwellings would be incongruous.
27. This causes a concern given the relative prominence of the development. In addition to views from the section of Upper Green Road nearest the appeal site, the proposed development would also be apparent from the neighbouring dwellings. Some of these dwellings feature windows on the upper floors and directly face the appeal site. This means that the development would be readily perceptible.
28. In addition, views of the proposed development would be available from parts of the nearby road of Tewin Hill. By reason of the topography of the surrounding area, the development is likely to take place on a ridge in the land. This means that the proposed dwellings would be readily apparent from the wider area.
29. Therefore, owing to the number of viewpoints from which the proposed development would be visible and the potentially large number of people that might experience the scheme, the proposal would be a strident addition to the landscape.
30. In reaching this view, I have had regard to the possibility of some views from other vantage points in Upper Green Road. Whilst the proposed development is likely to be visible from these locations, they are likely to be only partial in nature. Furthermore, they would also be of a backdrop including other buildings in the surrounding area. In result, the development would not result in harm to the character of these areas; however, it would not offset my previous findings.

31. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with the requirements of Policies DES2, DES3 and DES4 of the District Plan. Amongst other matters, these seek to ensure that developments conserve, enhance or strengthen the character and distinctive features of the district's landscape; retain, protect and enhance existing landscape features; and promote local distinctiveness.

*Living conditions*

32. The proposed development would be sited adjacent to an existing house, which is shown on the submitted plans as being 80 Upper Green Road. Although the planning application was submitted in outline, access was not reserved for future consideration. Therefore, it is clear that the access to the development would be near to the shared boundary with No. 80. Amongst other points, No. 80 features windows that face the appeal site, as well as a garden that is sited adjacent to the shared boundary.

33. By reason of the likely quantum of the development, the proposed scheme is likely to result in a greater number of vehicle movements entering and leaving the site. In reaching this view, I have had regard to the indicative layout. Although some dwellings would face Tewin Hill, the only vehicle access point is adjacent to No. 80.

34. Due to the increased number of vehicle movements, there would be additional noise that would be generated. This would comprise movement of vehicles into and out of the proposed development, in addition to any vehicles that might manoeuvre in the development itself. These would include noise from vehicles being moved into car parking spaces.

35. In addition, it is likely that noise would be generated from within the gardens of the proposed dwellings as part of the use of these spaces by the occupiers of the development. This would likely represent a notable increase in the overall levels of noise, when compared to the existing use of the appeal site.

36. This means that there would be an increased level of noise that would be audible within the confines of the existing property at No. 80. This would be most apparent in the garden of the dwelling. However, the existing dwelling features several windows that face the appeal site. During periods of good weather, it is likely that these windows may be opened. This would occur irrespective of the use of any rooms served by the windows of the neighbouring dwelling.

37. In result, the proposed development would reduce the ability of existing residents to undertake the full range of activities within their property, and also experience an appropriate level of peace and quiet.

38. In considering this appeal, I have had regard to whether a condition could be imposed to secure additional screening that might reduce the level of noise that would be audible at the neighbouring property. However, if this were to be installed it would result in a more urbanised and developed appearance which would conflict with the rural character of the surrounding area. In result, this suggestion does not overcome my previous concerns.

39. Owing to the size of the appeal site and the positioning of the access, I have no reason to believe that a development could not be designed to ensure that the

erection of new buildings would not have an adverse effect upon the levels of privacy and outlook experienced by existing residents. However, this does not outweigh the preceding findings.

40. I therefore conclude that the proposed development would have an adverse effect upon the living conditions of the occupiers of the neighbouring property. The development, in this regard, would conflict with the requirements of Policy DES3 of the District Plan. Amongst other matters, this seeks to ensure that developments retain, protect and enhance existing landscape features which are of amenity value.

#### *Suitability of the site*

41. The appeal site is near the boundaries of the settlement. The nearby roads feature separate pavements, although these are not extensive. In addition, there is no street lighting. The settlement of Tewin features a level of services that would be typically expected within a smaller, rural, settlement.
42. Owing to the positioning of the appeal site in relation to Tewin, residents would have relatively easy access to the services and facilities that are on offer within the settlement. However, given the level, and type, of provision, it is likely that residents would need to travel to other settlements to access the full range of facilities and services that they are likely to require on a frequent basis.
43. This poses a concern as the roads linking Tewin to other settlements typically do not feature pavements or streetlighting. Therefore, the lack of a welcoming environment for pedestrians or cyclists is likely to encourage travel by motor vehicles.
44. Although the appeal site is near to bus stops, the evidence before me does not indicate that there is an extensive bus service. Therefore, it is likely that public transport would not serve an option for all journeys that the future residents are likely to need to undertake.
45. In result, it is likely that the residents that would require services and facilities that are not available in Tewin itself would travel by private car to other settlements. This would mean that the proposed development would, by reason of its siting, lead to an increase in the number of journeys that would be required.
46. Although the proposed development could include some cycle storage, this would not offset the adverse effects as previously described arising from the appeal site's location, and the surrounding road network.
47. This would conflict with the aims of the Development Plan and the Framework, which seek to ensure that new developments are situated in areas where residents have different travel options and access to all the services and facilities that they are expected to require.
48. My attention has been drawn to previous appeal decisions in the Council's administrative area. Although the appeal site before me is closer to other larger settlements, there is a notable distance that residents would need to travel and an absence of effective alternatives other than private vehicles. In result, these previous decisions do not allow me to forego my preceding concerns.

49. I therefore conclude that the proposed development would not be appropriately sited. The development, in this regard, would conflict with the requirements of Policies DPS2 and TRA1 of the District Plan. Amongst other matters, these seek to deliver sustainable development in accordance with an allocated hierarchy; and promote sustainable transport.

#### *Infrastructure*

50. In considering this appeal I have been directed towards Policies DEL2, CFLR1, CFLR7, CFLR9, CFLR10 and TRA2 of the District Plan. Amongst other matters these seek to ensure planning obligations are sought where they are necessary to make the development acceptable in planning terms; that residential developments will be expected to provide open spaces; provide adequate and appropriately located community facilities; maximise the impact it can make to promoting healthy communities; make appropriate provision for new education facilities; and mitigate trip generation.

51. Given that the proposed development is likely to include an element of family accommodation, it is apparent that such facilities would be required in order to meet the varying needs of the future occupiers of the development and to ensure that the effects of the development would be mitigated. In addition, I am mindful that a requirement of the Framework is to provide a mixture of house types in order to meet the needs of all members of the community.

52. The appellant has submitted a draft Unilateral Undertaking (UU). This includes items including affordable housing; open space; library facilities; educations; waste services; youth facilities; sports and play facilities; and community facilities. However, the UU has not been signed.

53. In consequence, had I been minded to allow this appeal, the UU that has been submitted would not be capable of taking effect. In result, this would mean that the necessary infrastructure that would be required by the future occupiers of the proposed development would not be provided. This would therefore mean that the needs of the future occupiers if the development would not be met.

54. I acknowledge that the appellant is working on completing a UU. However, it is imperative that documents are submitted in accordance with the timetable for appeal proceedings. This has not occurred in this instance. In result, I am compelled to determine the appeal on the basis of the information before me. This means that the development would generate some harm in this regard.

55. I have given consideration as to whether a condition could be imposed to secure the required infrastructure. However, given that this would need to cover the payment of financial contributions and the tenure of the dwellings, it would not be possible to phrase such conditions with sufficient precision and reasonableness.

56. In result, this suggestion does not allow me to forego my previous considerations. Therefore, the absence of a completed legal agreement amounts to harm that would arise from the proposed development.

57. I therefore conclude that the proposed development would not make sufficient provision for associated infrastructure. The development, in this regard, would conflict with Policies DEL2, CFLR1, CFLR7, CFLR9, CFLR10 and TRA2 of the District Plan.

### *Other considerations*

58. The Council cannot currently demonstrate a five-year housing land supply. However, given that the proposed development would result in harm to the Green Belt, the provisions of Paragraph 11 d(ii) of the Framework do not apply. Nonetheless, the local housing supply is a material consideration that I must give weight to.
59. However, given that the precise current housing land supply position and as the proposed development would result in the provision of a maximum of 18 dwellings, the weight that can be attributed to the proposed development is reduced.
60. I also acknowledge that the proposed development could deliver a policy compliant level of affordable housing, which is in some need in the locality. In addition the evidence before me is indicative that the proposed development would be deliverable. In consequence, I give the benefits arising from the proposed development to the local housing supply a moderate amount of weight.
61. The proposed development would deliver some biodiversity improvements. This is notable given that the appeal site is predominantly grassland associated with its existing agricultural use. In consequence, this can be given a moderate amount of weight.
62. The proposed development would generate some economic benefits arising from the construction process, in addition to support to local businesses and facilities arising from the occupation of the proposed development. However, by reason of the number of dwellings that are proposed, these benefits are likely to be relatively small-scale in impact. Furthermore, some of these are also likely to be of a time-limited duration. In consequence, this matter can also only be given a limited amount of weight.

### **Other Matters**

63. My attention has been drawn to previous appeal decisions. I do not have the full information regarding the planning circumstances of these, which means that I can only give them a limited amount of weight. Nonetheless, I note that these are for developments of different scales when compared to the scheme before me. In addition, they are in different geographical locations.
64. In result, the assessment of any benefits or adverse effects are likely to be different to the conclusions reached in respect of the appeal scheme and the merits of its own location. It therefore follows that the presence of previous appeal decisions do not allow me to disregard my previous findings.
65. The appeal site is not located in a Conservation Area, would not affect any Listed Buildings and is in Flood Zone 1. Whilst these are matters of note, they represent only some of the issues that must be considered and therefore do not overcome my previous findings in respect of the main issues.

### **Planning Balance**

66. The development plan and Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances.

Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

67. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. In so doing I have found harm to the openness of the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.
68. In addition, the harm that would arise to the character and appearance of the surrounding area, the lack of a completed legal agreement, the unsuitable nature of the appeal site's location and the harm to the character and appearance of the surrounding area also can be attributed a significant amount of weight.
69. The other considerations I have identified individually and collectively carry a moderate to limited amount of weight in favour of the proposal. As such the harm to the Green Belt, in addition to the harm to the living conditions of the occupiers of the neighbouring property, the character and appearance of the surrounding area and the unsuitable nature of the appeal site's location, is not clearly outweighed by the other considerations identified, and therefore the very special circumstances necessary to justify the development do not exist.

### **Conclusion**

70. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the Framework, which indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

*Benjamin Clarke*

INSPECTOR





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## Appeal Decision

Site visit made on 25 July 2023 by Darren Ellis MPlan MRTPI

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

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

**Decision date: 14 September 2023**

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**Appeal Ref: APP/J1915/D/23/3316690**

**3 Staff Houses, Crouchfield Lane, Chapmore End, Hertfordshire SG12 0HE**

- 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 Gemma Ali Turnbull against the decision of East Hertfordshire District Council.
  - The application Ref 3/22/1668/HH, dated 4 August 2022, was refused by notice dated 8 December 2022.
  - The development proposed is described as a double rear extension.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Preliminary Matters

3. The decision notice and appeal form refer to the 'removal of front porch, construction of two storey rear extension and new front porch, garage conversion and replace front garage door with new window, a new first floor side window and enlarged first floor rear window. This best describes the proposed development in more accurate and complete terms. I have therefore taken it into account.
4. Since the submission of the appeal, a new version of the National Planning Policy Framework 2023 (the Framework) has been published albeit the substance thereof in regard to the main issues of the appeal has not changed. The main parties will not therefore be prejudiced by it being taken into account in this decision.

### Main Issues

5. The main issues are a) whether the proposal would be inappropriate development in the Green Belt; b) its effect on the openness of the Green Belt; and c) if it would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

## **Reasons for the Recommendation**

### *Inappropriate Development*

6. The Framework establishes that new buildings in the Green Belt are inappropriate except in certain circumstances, including where they involve the extension of an existing building. This is provided that the extension does not result in a disproportionate addition over and above the size of the original building. The Framework defines 'original building' as 'a building as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was built originally.'
7. Policy GBR1 of the East Herts District Plan 2018 (DP) seeks to protect the Green Belt and requires development proposals therein to be considered in line with the Framework. Neither the DP nor the Framework define what is meant by disproportionate. The Council has a preferred allowance of a 50% but this figure is not mentioned in GBR1.
8. The appeal property is a semi-detached two-storey dwelling set in a generous plot. The property has been previously extended over two storeys. There is also a two-storey rear element with a dormer window which has no planning history. However, there are no similar rear extensions or dormer windows at the adjacent properties, and the pattern of the brickwork below the render differs slightly to the brickwork of the rest of the house. Furthermore, the appellant refers to the two-storey rear element as part of the original dwellinghouse, yet also refer to it as an extension. It is therefore not clear whether it is part of the original dwellinghouse for Green Belt purposes.
9. The Council states that the previous and proposed extensions, when taken together, would increase the floor area of the original dwelling by 86% and the footprint by 72%. The appellant contests this, stating that the floor area would increase by 73.6% and the footprint by 71.2%. Even if the existing rear element is part of the original dwellinghouse and using the lower figures provided by the appellant, the increase in both floor space and footprint above that of the original dwellinghouse would be substantial.
10. Size can be more than a function of footprint and can include bulk, mass, and height. In this case, the scale, bulk and mass of the building have already been considerably increased through the previous works. The proposed rear extension would further increase the massing and scale of the dwelling. Consequently, the proposed rear extension together with the previous additions would cumulatively amount to a disproportionate one over and above the size of the original building. The proposal would therefore be inappropriate development which is, by definition, harmful to the Green Belt.

### *Openness*

11. Openness is an essential characteristic of the Green Belt. Planning Practice Guidance explains that openness is capable of having both spatial and visual aspects, so that both the visual impact of the proposal and its volume may be relevant.<sup>1</sup>
12. The proposed rear extension would increase the visual and spatial bulk and massing of the dwelling and would therefore result in an unavoidable reduction in the openness of the Green Belt. Given the, in context, modest size of the

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<sup>1</sup> Planning Practice Guidance, Paragraph: 001 Reference ID: 64-001-20190722

extension and the built-up residential nature of the surrounding area, harm to the visual aspect would be limited. The harm to the spatial aspect would however remain. One of the fundamental aims of Green Belt policy is to keep land permanently open.

*Other Considerations*

13. It has not been demonstrated that claimed improvements to the energy efficiency and structural integrity of the property could not be achieved with a scheme that causes less harm to the Green Belt. In addition, subservience and suitable materials would be arguably expected for a successful scheme and would consequently carry only limited weight. Furthermore, adjacent properties have rear single or two storey extensions, but no details of any planning permissions therefore have been provided. It is thus not possible to compare the reasons for allowing such to the appeal scheme.

**Conclusion and Recommendation**

14. The proposal would cause harm to the Green Belt by way of inappropriateness and through reducing openness, to which substantial weight should be afforded. The Framework states that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The other considerations identified above do not clearly outweigh the totality of the harm for the reasons set out. Consequently, the very special circumstances necessary to justify the proposal do not exist.
15. Accordingly, the proposal would conflict with DP Policy GBR1 and with the Framework, the aims of which are set out above. There are no material considerations, including the approach of the Framework, which indicate that a decision should be made other than in accordance with the development plan. The appeal should therefore be dismissed.

*Darren Ellis*

APPEAL PLANNING OFFICER

**Inspector's Decision**

16. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

*John Morrison*

INSPECTOR



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## Appeal Decision

Site visit made on 25 July 2023 by Darren Ellis MPlan MRTPI

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

an Inspector appointed by the Secretary of State

**Decision date: 5<sup>th</sup> September 2023**

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**Appeal Ref: APP/J1915/D/23/3317155**

**12 Firs Walk, Tewin Wood, Tewin, Hertfordshire AL6 0NZ**

- 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 D Cooper against the decision of East Hertfordshire District Council.
  - The application Ref 3/22/1709/HH, dated 10 August 2022, was refused by notice dated 1 December 2022.
  - The development proposed is described as 'erection of single storey extension to rear of existing house.'
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issues

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

### Reasons for the Recommendation

#### *Inappropriate Development*

4. The National Planning Policy Framework 2021 (the Framework) establishes that new buildings in the Green Belt are inappropriate except in certain circumstances, including where they involve the extension of an existing building. This is provided that the extension does not result in a disproportionate addition over and above the size of the original building. The Framework defines 'original building' as 'a building as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was built originally.'
5. Policy GBR1 of the East Herts District Plan 2018 (DP) seeks to protect the Green Belt and requires development proposals therein to be considered in line with the provisions of the Framework. Neither the DP nor the Framework define

'disproportionate'. The officer report states that the Council has a preferred allowance of a 50% for development in the Green Belt, however this figure is not mentioned in GBR1.

6. The appeal property is a large detached two-storey dwelling set in a substantial plot. It has been previously extended, including with a side and rear extensions. When taken together, the Council suggests the previous and proposed extensions would increase the footprint of the original property by 119%. The appellant has not challenged this figure.
7. Size can be more than a function of footprint and can include bulk, mass, and height. In this case, the scale, bulk and mass of the building had already been considerably increased through the previous additions. The proposed rear extension would further increase the massing and scale of the dwelling. Consequently, the proposed rear extension together with the previous extensions would cumulatively amount to a disproportionate addition over and above the size of the original building. The proposal would therefore be inappropriate development which is, by definition, harmful to the Green Belt.

#### *Openness*

8. Openness is an essential characteristic of the Green Belt. Planning Practice Guidance states that openness is capable of having both spatial and visible aspects, so that both the visual impact of the proposal and its volume may be relevant.<sup>1</sup>
9. The proposed rear extension would increase the visual and spatial bulk and massing of the dwelling, creating built form where there was previously none and would therefore result in an unavoidable reduction in the openness of the Green Belt. Given the, in context, modest size of the extensions, the built-up residential nature of the surrounding area, and as no trees would be removed, that harm would be limited. Nonetheless, one of the fundamental aims of Green Belt policy is to keep land permanently open.

#### *Other Considerations*

10. Should the appeal be allowed, the appellant has suggested that a condition could be used to improve the soft landscaping on the site. However, this would not sufficiently mitigate the harm that would be caused to the Green Belt as identified above since it would relate to both inappropriateness as a matter of principle and still reduce the spatial aspect of the Green Belt's openness in any case.

#### **Conclusion and Recommendation**

11. The proposed rear extension would cause harm to the Green Belt by way of inappropriateness and through reducing openness, to which substantial weight should be afforded. The Framework states that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The other considerations identified above do not clearly outweigh the totality of the harm. Consequently, the very special circumstances necessary to justify the rear extension do not exist.

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<sup>1</sup> Planning Practice Guidance, Paragraph: 001 Reference ID: 64-001-20190722

12. Accordingly, the proposed rear extension would conflict with DP Policy GBR1 and with the Framework, the aims of which are set out above. There are no other material considerations before me, including the approach of the Framework, which indicate that a decision should be made other than in accordance with the development plan. The appeal should therefore be dismissed.

*Darren Ellis*

APPEAL PLANNING OFFICER

**Inspector's Decision**

13. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

*John Morrison*

INSPECTOR

## NEW PLANNING APPEALS LODGED SEPTEMBER-OCTOBER 2023

Head of Planning and Building Control

Application Number	Proposal	Address	Decision	Appeal Start Date	Appeal Procedure
3/21/1669/LBC	Reconfiguration of internal office layout, reinstatement of a second floor, removal of internal partitions, install new partitions, extend existing stairway up to second floor. Insertion of 2 roof light windows on North elevation.	3 The GatehouseHadham HallLittle Hadham SG11 2EB	Refused Delegated	25/10/2023	Written Representation
3/22/0264/LBC	Insertion of new windows and roof lights.	Hillside Farmhouse Hillside LaneGreat Amwell SG12 9SH	Refused Delegated	11/09/2023	Written Representation
3/22/0274/VAR	Demolition of building attached to listed building and replacement with new Class E (g) office use building and glazed link, alterations/extensions to and conversion of all other existing buildings to Class E (g) office use, provision of 35 car parking spaces with associated landscaping and bin/cycling stores. Variation of condition 2 (approved plans) to planning permission 3/20/1051/FUL: amendment of plans to provide additional rooflights and windows.	Hillside FarmhouseHillside LaneGreat Amwell SG12 9SH	Refused Delegated	11/09/2023	Written Representation
3/22/0909/FUL	Change of use of Barns 2 and 3 and Courtyard Unit 3 from Sui Generis Use to Class E (b, c, e, and g) including the provision of 20 additional car parking spaces	Warren Park Heritage And Craft CentreGreen Tye SG10 6FF	Refused Delegated	20/10/2023	Written Representation
3/22/1547/TEL	Installation of a 20m lattice tower, 6 antennas, 4 600mm transmission dishes, 4 equipment cabinets, erection of a 1.8m high palisade fence and associated works.	Brookfield Farm Car ParkAston End RoadAstonStevenage SG2 7EU	Refused Delegated	06/09/2023	Written Representation
3/22/1548/FUL	Proposed three storey residential block of 9 apartments (comprising one 2 bed four person dwelling and two 1 bed two person dwellings per floor). Cycle and bin storage, creation of private balcony space, shared amenity space from the new block to the River Lea, landscaping hard and soft planting, car parking including visitor parking.	Land At Crane MeadWare	Non Determination	02/10/2023	Written Representation
3/22/1870/FUL	Proposed new gates (vehicular and pedestrian), brick piers and railings at vehicular/pedestrian access to 5no. new dwellings.	236A North RoadHertford SG14 2PW	Refused Delegated	19/10/2023	Written Representation
3/22/1937/PIP	Erection of a self-build dwelling	Land Adj To The AcornsGinns RoadStocking Pelham	Refused Delegated	09/10/2023	Written Representation
3/22/2431/OUT	Outline planning application proposing the demolition of a stable and erection of up to 6 new dwellings (all matters reserved).	Field West Of Hay Street (Opposite / North-West Of The Barn) Dassels SG11 2RW	Refused Delegated	05/09/2023	Written Representation
3/22/2445/FUL	Installation of ground mounted solar PV panel array	Land To The Rear Of The Moat House226 Hertingfordbury RoadHertford SG14 2LB	Refused Delegated	09/10/2023	Written Representation
3/22/2660/FUL	Demolition of existing single storey, three bedroom dwelling and replacement with two four bedroom dwellings	49 London RoadBishops Stortford CM23 5NA	Refused Delegated	24/10/2023	Written Representation
3/23/0108/FUL	Erection of a detached eco-house.	Old East End House East End Furneux Pelham Buntingford SG9 0JT	Refused Delegated	04/10/2023	Written Representation
3/23/0115/HH	First floor rear extension. Insert new first floor side windows.	13 Ploughmans CloseBishops Stortford CM23 4FS	Refused Delegated	29/09/2023	Fast Track
3/23/0119/FUL	Proposed part change of use of existing barn to holiday let, including the installation of doorway, windows and two rooflights and existing stable to be used in conjunction with the holiday let	Bourne Farm (North Of Bourne Villa)Wareside Ware SG12 7SH	Refused Delegated	17/10/2023	Written Representation
3/23/0149/HH	Demolition of conservatory and erection of a single storey rear extension incorporating roof lantern and alterations to fenestration.	1 Desborough DriveTewin WoodTewinWelwyn AL6 0HQ	Refused Delegated	15/09/2023	Fast Track
3/23/0256/HH	Installation of 40 stand alone solar panels	Thurlwood House Main RoadBramfield SG14 2QG	Refused Delegated	04/10/2023	Fast Track
3/23/0349/HH	Single storey rear extension.	12 Highfield FarmMangrove LaneBrickendonHertford SG13 8QJ	Refused Delegated	05/10/2023	Fast Track
3/23/0633/HH	2 proposed outbuildings to provide a gym and office. Demolition of garage.	18 Well Row Bayford Hertford SG13 8PW	Refused Delegated	16/10/2023	Fast Track
3/23/0682/CLPO	Erection of detached outbuilding and extension of driveway (hard surface)	54 Bayford GreenBayfordHertford SG13 8PU	Refused Delegated	04/10/2023	Written Representation
3/23/0864/HH	Dropped kerb to provide vehicle access	23 Cambridge RoadSawbridgeworth CM21 9JP	Refused Delegated	27/10/2023	Fast Track
3/23/0924/ASDPN	Creation of additional storey to increase the height of the dwelling from 7.4 metres to 10 metres.	96 Thornbera RoadBishops Stortford CM23 3NN	Refused Delegated	23/10/2023	Fast Track
3/23/1239/HH	Erection of 2 bay cart shed	Tollgate HouseAmwell HillGreat AmwellWare SG12 9QZ	Refused Delegated	31/10/2023	Fast Track
X/22/0515/CND	Discharge of conditions 19 (A3/A4 - Sound Insulation) 41 (Lighting - Block A and B) 49 (Health Facility) 52(F) (Proposed and existing functional services above and below ground) 65 (Odour) of planning approval 3/22/0712/VAR	Bircherley Green Shopping Centre Hertford SG14 1BN	Non Determination	06/10/2023	Written Representation

Background PapersNoneContact OfficersSara 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
3/22/0873/FUL	Amit Patel	Quinbury FarmHay StreetBraughingWare SG11 2RE	Continued erection of four dwellings previously approved under reference 3/14/1204/FP.	INPROG	Public Inquiry	17/10/2023
3/22/2459/VAR	Janna Hon	Paddock LodgeChaldean FarmBromley LaneMuch Hadham SG10 6HU	Siting of a mobile home for a temporary period of 3 years for an agricultural worker's dwelling. Variation of condition 2 (use shall cease on or before 3rd April 2023) of planning permission: 3/19/2616/FUL - To allow the mobile home to be stationed for 3 more years (Replace '3rd April 2023' with '3rd April 2026').	INPROG	Hearing	24/10/2023
3/22/2635/FUL	Maya Cullen	The Piggeries Benington RoadWalkern SG2 7HX	Erection of a rural worker's dwelling to replace existing mobile home.	LODGED	Hearing	TBC
3/23/0356/FUL	Amit Patel	Quinbury FarmHay StreetBraughingWare SG11 2RE	Conversion of agricultural barn to a single residential dwelling.	VALID	Hearing	TBC



# DEVELOPMENT CONTROL

## Major, Minor and Other Planning Applications

**Cumulative Performance**  
( calculated from April 2023 )

	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24		
<i>Total Applications Received</i>	160	340	519	689	839	983	1165							
<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	<b>National Designation Targets (set by Government)</b>	
<b>Major %</b>	100%	80%	67%	78%	75%	70%	73%						<b>Major %</b>	<b>60%</b>
<b>Minor and Other %</b>	84%	83%	85%	86%	85%	84%	84%						<b>Minor %</b>	<b>70%</b>
	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24		
Total number of appeal decisions (Monthly)	10	6	5	10	12	10	6							
Number Allowed against our refusal (Monthly)	5	2	1	3	4	3	2							
Total number of appeal decisions (Cumulative)	10	16	21	31	43	53	59							
Number Allowed against our refusal (Cumulative)	5	7	8	11	15	18	20							

**AGENDA ITEM NO. 6D**