



MEETING : DEVELOPMENT MANAGEMENT COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 10 JANUARY 2024
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

This meeting will be live streamed on the Council's Youtube page:
<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.)

CONTACT OFFICER: PETER MANNINGS

01279 502174

PETER.MANNINGS@EASTHERTS.GOV.UK

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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;
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AGENDA

1. Apologies

To receive apologies for absence.

2. Chairman's Announcements

3. Declarations of Interest

To receive any Members' declarations of interest.

4. Minutes - 6 December 2023 (Pages 6 - 16)

To confirm the Minutes of the meeting of the Committee held on Wednesday 6 December 2023.

5. Planning Applications for Consideration by the Committee (Pages 17 - 20)

(A) 3/22/2067/FUL - Retrospective approval to change a temporary vehicle access bridge to a permanent access bridge at new Grange Paddocks Leisure Centre. Rye Street, Bishop's Stortford, Hertfordshire, CM23 2HH_(Pages 21 - 35)

(B) 3/21/2509/FUL - Change of use of the land for 2 Gypsy and Traveller residential pitches, accommodating the siting of 2 mobile homes, 4 touring caravans and 2 dayroom/amenity buildings, alongside the formation of an access road, areas of hardstanding, provision for foul water drainage and widened site entrance onto Cherry Green Lane at Land at Cherry Green Lane, Westmill, Hertfordshire, SG9 9LF_(Pages 36 - 97)

6. Items for Reporting and Noting (Pages 98 - 140)

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

(B) Planning Appeals Lodged.

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

(D) Planning Statistics.

7. Urgent Business

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

Agenda Item 4

DM

DM

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 6 DECEMBER 2023, AT 7.00
PM

PRESENT: Councillor Y Estop (Chairman)
Councillors R Buckmaster, S Bull, R Carter,
M Connolly, S Copley, I Devonshire,
J Dunlop, G Hill, S Marlow, T Stowe and
S Watson

ALSO PRESENT:

Councillors D Andrews and V Glover-Ward

OFFICERS IN ATTENDANCE:

- | | |
|------------------|-----------------------------------------------------------------------------|
| Neil Button | - Team Leader
(Strategic
Applications -
Development
Management) |
| Rachael Collard | - Principal Planning
Officer |
| Peter Mannings | - Democratic
Services Officer |
| Sara Saunders | - Head of Planning
and Building
Control |
| Victoria Wilders | - Legal Services
Manager |

242 APOLOGIES

Apologies for absence were submitted from Councillors V Burt and A Holt. It was noted that Councillor M Connolly was substituting for Councillor V Burt and Councillor S Bull was substituting for Councillor A Holt.

243 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

244 DECLARATIONS OF INTEREST

There were no declarations of interest.

245 MINUTES - 20 SEPTEMBER 2023

Councillor Copley proposed and Councillor Devonshire seconded, a motion that the Minutes of the meeting held on 20 September 2023 be confirmed as a correct record and signed by the Chairman, subject to the following amendment to minute 147:

Councillor Estop said that she had referred to footpath E2 that had not been included in footway improvements in condition 19.

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

RESOLVED – that the Minutes of the meeting held on 20 September 2023, be confirmed as a

correct record and signed by the Chairman,
subject to the following amendment to minute
147:

Councillor Estop said that she had referred to
footpath E2 that had not been included in
footway improvements in condition 19.

- 246 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 PINWOOD SCHOOL, HOE LANE,
WARE, HERTFORDSHIRE, SG12 9PB
-

The Head of Planning and Building Control
recommended that in respect of application
3/23/0579/FUL, planning permission be granted
subject to the conditions set out at the end of the
report.

The Chairman said that she wanted to put on the
public record that yesterday (5th December 2023)
Members of the Development Management
Committee had been sent via email a "Councillor
Briefing Note" on Pinewood School Planning for our
Future" by Rebecca Darling of Stonyrock.

She said that Officers had reviewed the briefing note
and had confirmed that the content merely related to
a summary of the proposals which were covered off in
the presenting officer's report and presentation. There
was no new information contained in this note.

The Chairman said that, for the purposes of transparency, she would ask for a show of hands in a moment from members who have read the briefing note. She would then ask each member who had raised their hand to confirm that they have come to the committee this evening with an open mind to determine the application.

The Chairman said that no new information was contained in the note. Councillors Buckmaster, Bull, Copley, Dunlop, Stowe and Watson all confirmed that they had read the briefing note and had come to the meeting with an open mind to determine the application.

The Team Leader (Strategic Applications - Development Management) presented the application to the Committee and summarised in detail the main issues for Members to consider. He detailed the location of the site and presented Members with a detailed set of elevation drawings and electronic plans.

The Team Leader (Strategic Applications - Development Management) detailed the dominant materials that were intended to be used and presented a series of CGI images of the proposed development. Members were reminded that the site fell within the Ware Neighbourhood Plan area.

The Team Leader (Strategic Applications - Development Management) referred in detail to the Special Educational Needs and Disability (SEND) considerations that had been considered when the application had been prepared. Members were

advised that the building would achieve a net zero carbon impact in operation at handover and a fabric first architectural principle had been applied.

The Team Leader (Strategic Applications - Development Management) said that neither the Arboricultural Officer nor the Landscape Officer had raised objections to the application. Members were advised that there would be a 17.7% net gain in biodiversity on the site. A community use strategy would be conditioned to cover the community use of the sports facilities.

Members were advised that Officers felt that very special circumstances had been demonstrated to justify provision of development within the green belt. Officers felt that the application can and should be determined favourably notwithstanding the conflict with the development plan. Officers felt that the application should be approved subject to conditions.

Mr Bob Robinson addressed the committee in support of the application.

Councillor Carter asked about the anticipated lifespan of the proposed new buildings. She commented on the matter of the school not providing additional SEND spaces and referred to the carbon cost of demolishing the old buildings and constructing the proposed new buildings.

Councillor Stowe asked for some clarification in respect of the 118 square metres below the current footprint that had referred to by the applicant. He

referred to a figure of 434 square metres that had been mentioned by officers.

The Team Leader (Strategic Applications - Development Management) said that the temporary buildings were not taken in account and the key consideration was the elevation drawings and the indications of the increased height of the buildings and the proposed larger footprint.

Officers considered that the proposed development was a larger built form on the site and they had concluded that the scheme could be defined as inappropriate development. The Team Leader (Strategic Applications - Development Management) explained that officers had looked at the scheme in the context of the very special circumstances that outweighed the matter of inappropriate development.

The Team Leader (Strategic Applications - Development Management) said that the matter of lifespan of buildings was not a matter that the Officers or Members should be taking in account when considering an application for a permanent building. He said modern technologies meant that buildings were designed to be sustainable for the life of the building.

Councillor Buckmaster asked if there could be any guarantee which stipulated that the reinstatement of the playing fields and the MUGA could be insisted upon once the demountable classrooms were removed from the site. She said that she could not see a condition for this in the report.

The Team Leader (Strategic Applications - Development Management) said that there would have to be specific wording for that reinstatement. He referred to the plan for the landscaping scheme and said that the conditions would have to specifically stipulate that playing fields must be restored upon completion of the development.

Members were advised that condition 10 could be amended to include the words completely restored in respect of the playing fields. Councillor Bull asked what assurances had been given in respect of the future shared use of the sports facilities for the public.

The Team Leader (Strategic Applications - Development Management) said that condition 9 required there to be a community use agreement covering how the facilities would be managed and how the community could come and go from the site. This would also cover the standard of the facilities in consultation with Sport England.

The Legal Services Manager referred to the formal legal document in respect of the community use agreement.

Councillor Marlow sought and was given assurances regarding fire safety and the quality of the construction methods to be used given the extremely vulnerable nature of the users of the proposed development.

Councillor Hill referred to the poor quality of the road surface on Hoe Lane and expressed a concern over the lack of any traffic calming. He asked if Hertfordshire

Highways could re assess this situation in light of the fact that there were three schools in the vicinity.

The Team Leader (Strategic Applications - Development Management) said that Members should consider the additional traffic resulting from the proposed development and whether this itself would result in a significant or severe impact in NPPF terms. The highways advice was that the impact did not justify any additional mitigation through the conditions or the legal obligations of the section 106 legal agreement.

Councillor Hill asked if there could be a ban on construction traffic travelling past the schools during the access and drop off times for the schools. The Team Leader (Strategic Applications - Development Management) said that there would be construction management conditions which would seek to impose controls on construction movements.

Councillor Dunlop asked what consideration had gone into the design of the temporary accommodation given the vulnerable nature of the occupants of the building. He made some observations in respect of the hardstanding. He referred to the calming impact of green space and trees in terms of providing a much more calming and comfortable environment for SEND students. He asked if there was any opportunity to expand this provision and he referred in particular to expanding the provision of the proposed sensory garden.

The Team Leader (Strategic Applications - Development Management) said that the playground

had been designed for key stages three and four and this looked slightly largely as it was facilitating for both key stages. He said that this had been designed to the relevant department for education standards and there was no specific planning guidance to dictate the size of that space.

The Team Leader (Strategic Applications - Development Management) said that the additional proposed landscaping had been reviewed by the landscaping officer and he considered this to be acceptable. The landscape officer had also commented that this integrated well with the current landscaping and with the wider landscape plan. The application was also compliant with the requirements of the District Plan in terms of improvements to landscaping.

The Team Leader (Strategic Applications - Development Management) responded to a number of further questions from Members in respect of the demountable classrooms, hours of construction and drainage.

Councillor Stowe proposed and Councillor Watson seconded, a motion that application 3/23/0579/FUL be granted planning permission, subject to the conditions set out at the end of the report and subject to the following revision to condition 10:

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 completely restored to playing fields.

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

RESOLVED – that application 3/23/0579/FUL be granted planning permission, subject to the conditions set out at the end of the report and subject to the following revision to condition 10:

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 completely restored to playing fields.

247 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.

248 URGENT BUSINESS

There was no urgent business.

The meeting closed at 8.06 pm

Chairman
Date

East Herts Council Report

Development Management Committee

Date of Meeting: 10 January 2024

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

Report title: Planning Applications for Consideration by the Committee

Ward(s) affected: All

Summary

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

RECOMMENDATIONS FOR DEVELOPMENT MANAGEMENT COMMITTEE:

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

1.0 Proposal(s)

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

2.0 Background

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

individual reports.

3.0 Reason(s)

3.1 No.

4.0 Options

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

5.0 Risks

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

6.0 Implications/Consultations

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

Community Safety

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

Data Protection

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

Equalities

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

Environmental Sustainability

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

Financial

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

Health and Safety

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

Human Resources

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

Human Rights

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

Legal

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

Specific Wards

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

7.0 Background papers, appendices and other relevant material

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

7.2 Display of Plans

7.3 Plans for consideration at this meeting are available online. An Officer will be present from 6.30 pm to advise on any plans relating to schemes on strategic sites. A selection of plans will be displayed electronically at the meeting. Members are reminded that those displayed do not constitute the full range of plans submitted for each matter and they should ensure they view the full range of plans online prior to the meeting.

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

Contact Member Councillor Vicky Glover-Ward, Executive Member for Planning and Growth
vicky.glover-ward@eastherts.gov.uk

Contact Officer Sara Saunders, Head of Planning and Building Control, Tel: 01992 531656
sara.saunders@eastherts.gov.uk

Report Author Peter Mannings, Democratic Services Officer, Tel: 01279 502174
peter.mannings@eastherts.gov.uk

DEVELOPMENT MANAGEMENT COMMITTEE – 10th JANUARY 2024

Application Number	3/22/2067/FUL
Proposal	Retrospective approval to change a temporary vehicle access bridge to a permanent access bridge.
Location	New Grange Paddocks Leisure Centre, Rye Street, Bishop's Stortford, Hertfordshire, CM23 2HH
Parish	Bishop's Stortford
Ward	Bishop's Stortford North Ward Bishop's Stortford Parsonage Ward

Date of Registration of Application	September 2022
Target Determination Date	January 2024
Reason for Committee Report	Application by East Herts District Council
Case Officer	Nick Reed

RECOMMENDATION

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

1.0 Summary of Proposal and Main Issues

1.1 The proposal seeks planning permission for the permanent retention of an existing temporary road and pedestrian bridge.

1.2 The main considerations for the proposal are:

- Principle of development in the Green Belt
- Impact on landscape and visual amenity
- Impact on neighbour Amenity
- Highways and parking Implications
- Impact of biodiversity and the natural environment
- Flood Risk
- Heritage Implications

- 1.3 The main issue for consideration is whether the proposed development is appropriate at this site; having regard to policies in the East Herts District Plan 2018, the Bishop's Stortford Neighbourhood Plan for Silverleys and Meads (First Revision) and the National Planning Policy Framework.

2.0 Site Description

- 2.1 The application site is located within the settlement of Bishop's Stortford and is occupied by an access road, parking areas and two bridges that are used in association with the Grange Paddocks Leisure Centre. The site is bisected by the River Stort and is within Flood Zones 2 and 3.
- 2.2 The application site is located within the Metropolitan Green Belt and an Area of Archaeological Significance (AAS292) and partially within an area of designated open space and an area of local green space.
- 2.3 Two bridges cross the river and provide two-way vehicular access to the leisure centre, sports pitches, artificial sports pitch, and the associated customer car parks and also provide a segregated pedestrian crossing.
- 2.4 The southernmost river crossing, which includes the segregated pedestrian walkway, is a temporary crossing which was approved as part of the redevelopment of the Grange Paddocks leisure centre (ref. 3/19/1642/FUL). The siting and design were approved through the discharge of Condition 10 (Construction Management Plan) and condition 27 (Construction Traffic Management Plan) of planning permission ref. 3/19/1642/FUL; discharge of conditions ref. X/19/0573/CND.
- 2.5 The temporary bridge was retained for the subsequent construction of an artificial sports pitch (ref. 3/21/2353/FUL).

- 2.6 The temporary crossing replaces a timber pedestrian bridge that had been in situ since 2011 and was granted planning permission under ref. 3/11/0554/FP.

3.0 **Planning History**

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

Application Number	Proposal	Decision	Date
3/21/2353/FUL	Construction of a artificial turf pitch (use class F2c), associated footpaths, fences, a storage container, flood lighting and creation of a localised bund.	Approved subject to conditions	02.02.2022
3/19/1642/FUL	Demolition of existing Leisure Centre and the development of a replacement leisure centre with associated cycle parking facilities, landscaping, footpaths, children's play area, flood attenuation and amendments to playing pitches.	Approved subject to conditions	08.11.2019
3/11/0544/FP	Re-surfacing of the existing car park at Grange Paddocks, temporary car park, new foot bridge beside vehicle bridge; pedestrian and cycle path alongside the River Stort with link to Grange Paddocks; links to	Approved subject to conditions	13.07.2011

	existing bridges and installation of lampposts along the route from Rye Street to Castle Gardens.		
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4.0 **Main Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts District Plan 2018 (DP), the and the Bishop's Stortford Neighbourhood Plan for Silverleys and Meads – First Revision (NP).

Main Issue	NPPF	DP policy	NP policy
Principal of Development	Section 2 Section 13	GBR1	
Impact on character and appearance of the area	Section 12	DES3 DES4	HDP2 HDP3
Impact on neighbour amenity	Section 12	DES4	HDP2 HDP3
Impact on natural environment	Section 15	DES3 NE2 NE3	GIP5
Flood risk	Section 14	WAT1	GIP6
Heritage Implications	Section 16	HA1 HA3	HDP6
Highways Implications	Section 9	TRA1 TRA2 TRA3	TP9

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

5.0 **Summary of Consultee Responses**

- 5.1 Bishop's Stortford Town Council: The Committee has raised no objection to the development.

- 5.2 HCC Highway Authority: The Highway Authority has advised that the bridge is not located on or near highway land or the public rights of way network and does not wish to restrict the grant of permission.
- 5.3 Environment Agency: The Environment Agency does not object to the development subject to a condition being imposed requiring the submission of a bridge inspection and maintenance plan.
- 5.4 HCC Historic Environment Unit: The Historic Environment Unit has advised that the temporary access bridge is already in place and no further construction work is required to make it permanent. The development is therefore unlikely to impact heritage assets of archaeological interest.

6.0 Town/Parish Council Representations

- 6.1 Bishop's Stortford Town Council has raised no objection to the development.
- 6.2 No comments were received from the Local Ward Member.

7.0 Summary of Other Representations

- 7.1 Representations have been received regarding noise levels. Concerns have been raised regarding the metal construction of the footpath and the noise levels when scooters/bikes are ridden across it.

8.0 Consideration of Issues

Principal of Development

- 8.1 Policy GBR1 of the East Herts District Plan states that planning applications within the Green Belt will be considered in line with the provisions of the National Planning Policy Framework. Policy GBR1 is therefore consistent with paragraph 154 of the NPPF, which states that, a local planning authority should regard the construction of

new buildings as inappropriate development in the Green Belt. However, paragraphs 154 and 155 do outline some exceptions to this. Paragraph 155 (b) advises that Engineering Operations are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

8.2 Paragraph 142 of the NPPF states that one of the essential of Green Belts is their openness. Openness can be defined by the absence of built form, and assessment of the impact on openness requires a spatial and visual judgement. Paragraph 143 goes on to advise of the five purposes of the Green Belt, these are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

8.3 The existing temporary bridge has been in situ since April 2020 and as such the impact on the openness of the Green Belt would remain unchanged from the current situation.

8.4 When constructed in 2020 the temporary bridge replaced a timber pedestrian bridge that had been in the same location since 2011. The temporary bridge is of a greater width than the pedestrian bridge which it replaced and as such occupies a greater volume and would result in a reduction to the openness of the Green Belt, in spatial terms.

8.5 In visual terms the temporary bridge is of a greater width than the pedestrian bridge that it replaced. The road and footway surfaces are not raised above the adjacent land on either side of the river and the only vertical intrusion is in the form of the barriers located either side of the carriageway and footway; the amount of visual intrusion is not dissimilar to that which existed when the previous pedestrian bridge was in situ.

- 8.6 The temporary bridge links the Grange Paddocks leisure centre to Rye Street; each side of the crossing is formed of access roads and car parking areas. When viewed from the junction with Rye Street and from within the Grange Paddocks site, the bridge is set within an area of established built form, hard surfacing and general street furniture. It is considered that the retention of the bridge would have a neutral impact on the openness of the Green Belt, in visual terms.
- 8.7 On balance it is considered that the retention of the temporary bridge on a permanent basis would not materially reduce the openness of the Green Belt and would not conflict with the purposes of including land within it. The development would accord with Policy GBR1 of the District Plan and the NPPF.

Impact on Landscape and Visual Amenities

- 8.8 The bridge is comprised of a single-track carriageway and a segregated pedestrian footway; each element of the bridge is separated by a barrier, with further barriers extending along the northern and southern edges of the structure. The bridge is located immediately to the south of the existing single track vehicle bridge that crosses the River Stort and replaces a timber pedestrian bridge that was removed to allow for the construction of the temporary construction traffic bridge. The bridge is constructed in galvanized steel.
- 8.9 The bridge has a simple utilitarian design and is not dissimilar in appearance to the northern road bridge, albeit of a slightly greater width in order to accommodate the segregated pedestrian walkway. Given the context of the site with existing access ways and parking areas on either side of the river, the bridge does not appear out of keeping or conspicuous within the landscape.
- 8.10 It is considered that the design of the development relates satisfactorily to the site and the wider locality. The proposal therefore complies with Policy DES4 of the East Herts District Plan

and Policies HDP2 and HDP3 of the Bishop's Stortford Neighbourhood Plan for Silverleys and Meads.

Impact on neighbour Amenity

- 8.11 There is an approximate separation gap of 20 metres between the bridge and the closest residential property to the south west (1 Reynard Copse). Given the separation distances involved and the scale of the development it is considered unlikely that the bridge would result in a reduction in amenity being experienced by the adjoining occupiers in terms of overbearing impacts, loss of outlook, overlooking, loss of privacy or overshadowing.
- 8.12 Concerns have been raised relating to noise specifically resulting from cyclists and children's scooters crossing the metal surface of the pedestrian foot bridge; these concerns are acknowledged.
- 8.13 The majority of pedestrian and cycle traffic using the footbridge would be during the opening hours of the leisure centre which are between 6am and 10pm on weekdays and between 7.30am and 6pm at weekends. It is also noted that vehicles will also use the bridge during these hours. The type of noise which is of concern is likely to be infrequent and in the context of the site and the adjacent car parks and access road it is not considered that neighbour amenity would be detrimentally impacted.
- 8.14 Based on this assessment it is considered that the proposals comply with the requirements of policies EQ2 and DES4 of the District Plan and HDP2 of the Neighbourhood Plan, with regard to noise and residential amenity impact on neighbours.

Highway and parking implications

- 8.15 The permanent retention of the temporary bridge would allow two-way traffic to access the Grange Paddock leisure centre and would improve the flow of traffic into and out of the site during peak times. The segregated pedestrian footway would allow customers

accessing the leisure centre and sports pitches to cross the river without risk of coming into conflict with road users or cyclists.

- 8.16 The application site is located within private land and is not near to public highway land or the public rights of way network. Nevertheless, the Highway Authority has been consulted and have advised that they do not wish to restrict the grant of planning permission.
- 8.17 With regards to parking, it is acknowledged that the construction of the temporary bridge resulted in the loss of 4 parking spaces within the car park on the western side of the river.
- 8.18 Condition 6 of planning permission 3/19/1642/FUL required a green travel plan to be submitted in order to encourage a greater number of sustainable journeys to take place; this condition was subsequently discharged (ref. X/21/0235/CND). The provisions of the adopted green travel plan, the provision of secure bicycle storage and the sustainable location of the site will help to encourage car free journeys and reduce the dependence on private car use for access to the leisure facilities. It is also noted that additional public car parking provision is available at Northgate End car park which is approximately 600 metres away. It is considered that the factors discussed would offset the minor loss of parking spaces.
- 8.19 The development would therefore accord with Policies TRA1, TRA2 and TRA3 of the District Plan and Policy TP9 of the Neighbourhood Plan.

Impact of biodiversity and the natural environment

- 8.20 District Plan policies require that developments result in a net increase in biodiversity and the ecological value of the site.
- 8.21 The retention of the bridge would not result in any additional loss of riverbank habitat or trees/hedging.

- 8.22 It is noted that the construction of the temporary bridge required a section of hedging to be removed; it is understood that this was to be replaced once the bridge was removed. Given that the application seeks to permanently retain the bridge it is recommended that a replacement section of hedging or compensatory planting is provided; this shall be secured by way of a landscaping condition.

Flood Risk

- 8.23 A Flood Risk Assessment was submitted in support of the application. The site falls predominantly within flood zones 2, 3 and 3b.
- 8.24 New development within flood zone 2 and 3/3b will be required to pass the sequential test unless it falls within certain exceptions. The proposed development does not fall within the list of exceptions and the sequential test will need to be applied. The sequential test seeks to steer new development to areas at the lowest risk of flooding.
- 8.25 Where it is not possible to locate development in low-risk areas, the Sequential Test should go on to compare reasonably available sites within medium risk areas and then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas.
- 8.26 The bridge was initially constructed in 2020 as a temporary vehicular access for construction traffic for the construction of the Grange Paddocks Leisure Centre and is located adjacent to the original vehicular crossing.
- 8.27 The Grange Paddocks leisure centre is located on an "island" and is constrained by the River Stort to the west and a railway line to the east. As such there is a single point of entry for vehicles and pedestrians, via Rye Street and across the River Stort. The existing location of the bridge is therefore the only reasonable and available

location for a river crossing to provide vehicular access to the leisure centre. It is considered that the sequential test is passed.

- 8.28 The provision of a new bridge is considered to constitute a water compatible use, as defined in Annex 3: Flood risk vulnerability classification of the NPPF. Table 2 (Flood risk vulnerability and flood zone 'incompatibility) as set out in paragraph 079 of the PPG, states that the exceptions test is not required to be passed where development located in flood zone 3b is classed as water compatible. However, the notes to table 2 state that: In Flood Zone 3b (functional floodplain) water-compatible uses, should be designed and constructed to: a) remain operational and safe for users in times of flood, b) result in no net loss of floodplain storage, and c) not impede water flows and not increase flood risk elsewhere
- 8.29 The Environment Agency (EA) has been consulted and has provided an assessment of the bridge and its impact on flood risk. The bridge has a relatively low soffit level (57.996mAOD) compared to the 1 in 100-year event (57.90mAOD); the adjacent upstream bridge also has a low soffit of a nearly identical level. The EA have therefore advised that the proposed bridge will not increase flood risk to the area.
- 8.30 The EA have advised that due to modelled flood flow routes showing the 1 in 20 extent spilling out of the bank further upstream of the bridge. It is likely that debris is likely to be carried onto the floodplain to the east of the bridge. Consequently, in this event, any debris that does not spill onto the floodplain will encounter and potentially become lodged in these bridges.
- 8.31 In order to prevent debris becoming lodged in the bridges, the EA has recommended a condition requiring a bridge inspection and maintenance plan to be submitted. Consequently, a bridge maintenance plan (Maintenance Plan – East Herts Council: March 2023) has been provided. The maintenance plan advises that regular checks are to be carried out; the Council's Parks, Parking, Inspection and Leisure Officers will carry out weekly visual checks to identify obstructions, damage and defects. Further monthly checks by the Council's Property Surveyors on a monthly basis and

additional surveys and visual inspections by Hertfordshire County Council will be carried every two years. The maintenance checks as proposed are acceptable and shall be secured by a condition.

- 8.32 Regarding safe access and egress during times of flooding, refuge is possible by utilising the railway bridge to the east of the leisure centre.
- 8.33 The development is considered to accord with Policies WAT1 of the District Plan, GLP6 of the Neighbourhood Plan and section 14 of the NPPF.

Heritage Implications

- 8.34 The application site is located within an Area of Archaeological Significance (AAS292). The development is retrospective and seeks to retain a bridge that has already been constructed and as such any disturbance of the surrounding ground or archaeological remains has already taken place; no additional construction or ground works are proposed. The Historic Environment Department at Hertfordshire County Council have been consulted and have advised that the retention of the bridge would not result in harm to heritage assets of archaeological interest.
- 8.35 The development would accord with Policy HA3 of the District Plan, Policy HDP6 of the Neighbourhood Plan and section 16 of the NPPF (September 2023).

Conditions

- 8.36 The standard three-year time limit condition has not been recommended, this is on the basis that the development is retrospective in nature and no further construction works are required.
- 8.37 A condition has been recommended requiring a landscaping scheme to be submitted, in order to ensure that the development provides an improvement in biodiversity across the site and to

ensure that the section of hedging that was removed in order to construct the bridge is suitably replaced.

- 8.38 A condition has been recommended requiring the development to be operated in accordance with the submitted bridge inspection and maintenance plan. This is to ensure that the development remains safe during its operational lifetime and that damage, specifically relating to trapped debris resulting from flood conditions, is detected and acted upon immediately.

9.0 Planning Balance and Conclusion

- 9.1 The site is within the Green Belt but would not constitute inappropriate development.
- 9.2 There is some additional visual impact to the character of this part of the site but it is considered that this location within an established carpark is appropriate and that the adverse impact is limited.
- 9.3 The development is appropriate to the Flood Zone in which it is located and would not exacerbate the risk of flooding.
- 9.4 It is considered that the development would not result in harm to neighbouring amenity from excessive noise, overbearing impacts, loss of outlook, overshadowing, or loss of privacy and there will be no adverse impact on any designated heritage assets.
- 9.5 Accordingly, is considered that the proposals accord with relevant policies of the District and Neighbourhood Plans and that the planning balance falls in favour of the development. It is therefore recommended that conditional planning consent be granted.

RECOMMENDATION

That planning permission be **GRANTED subject** to the conditions set out below.

Conditions

1. The development hereby approved shall be carried out in accordance with the approved plans listed at the end of this Decision Notice.

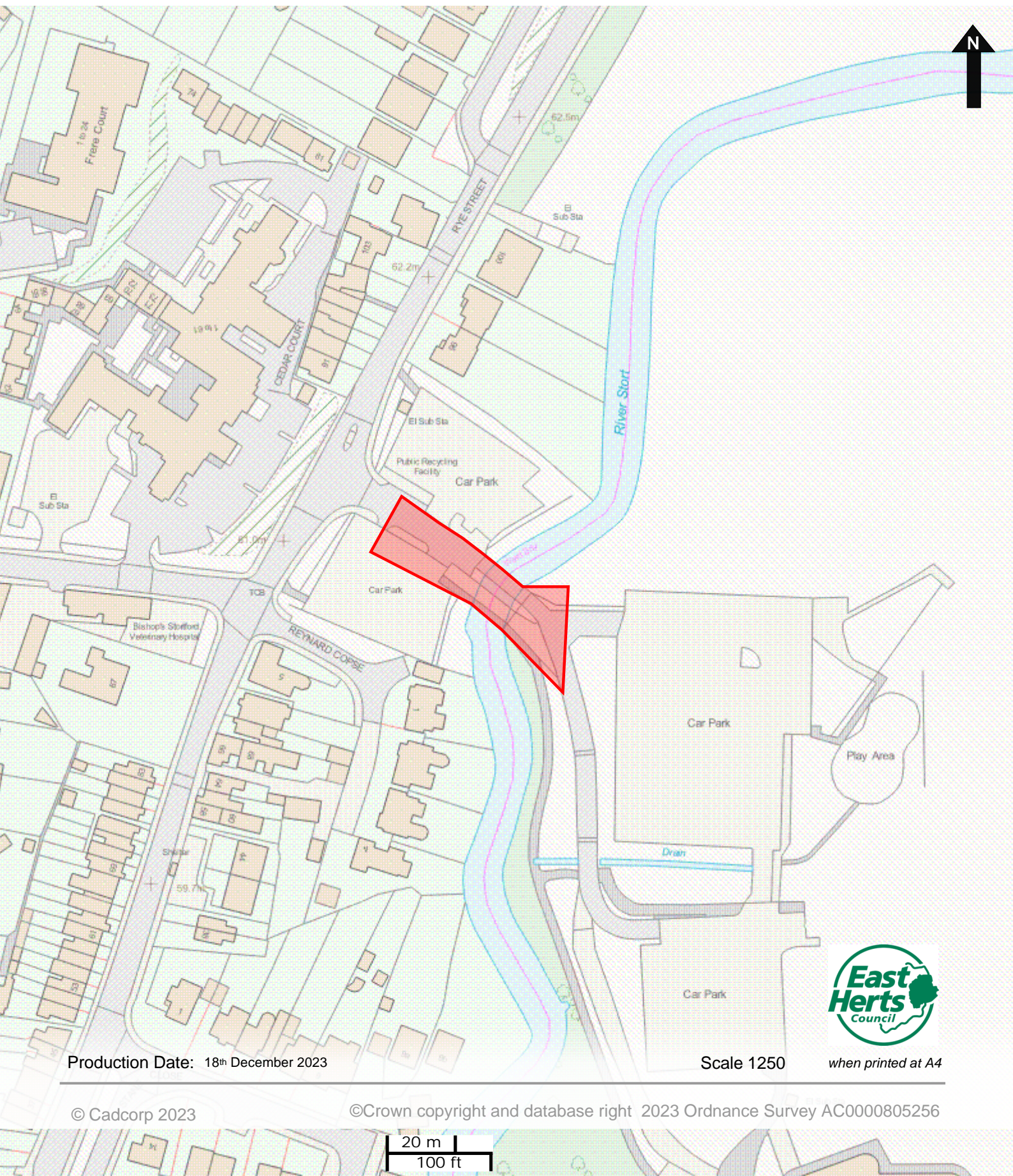
Reason: To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

2. Within three months of the decision being issued, details of soft landscaping and compensatory planting shall be submitted and approved in writing and shall include full details of planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policies NE2, NE3, DES3 and DES4 of the East Herts District Plan 2018.

3. The development hereby approved shall be operated in accordance with the bridge inspection and maintenance plan (Maintenance Plan – East Herts Council: March 2023) unless otherwise agree in writing with the local planning authority.

Reason: To ensure that the bridge remains safe during its operational lifetime and during flood events and in accordance with Policy WAT1.



3/22/2067/FUL
 New Grange Paddocks Leisure Centre, Rye Street, Bishop's Stortford, CM23 2HH
 Scale 1:1250

Agenda Item 5b

DEVELOPMENT MANAGEMENT COMMITTEE – 10th JANUARY 2024

Application Number	3/21/2509/FUL
Proposal	Change of use of the land for 2 Gypsy and Traveller residential pitches, accommodating the siting of 2 mobile homes, 4 touring caravans and 2 dayroom/amenity buildings, alongside the formation of an access road, areas of hardstanding, provision for foul water drainage and widened site entrance onto Cherry Green Lane.
Location	Land At Cherry Green Lane, Westmill, Hertfordshire, SG9 9LF
Parish	Westmill
Ward	The Mundens

Date of Registration of Application	29 th November 2021
Target Determination Date	13 th July 2022
Case Officer	Amit Patel

RECOMMENDATION

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

1.0 Summary of Proposal and Main Issues

1.1 The application seeks to change of use of the land for 2 Gypsy and Traveller residential pitches, accommodating the siting of 2 mobile homes, 4 touring caravans and 2 dayroom/amenity buildings, alongside the formation of an access road, areas of hardstanding, provision for foul water drainage and widened site entrance onto Cherry Green Lane.

1.2 The main issues for consideration are:

- Principle of development;

- Gypsy and Traveller Accommodation;
- Gypsy and Traveller Housing Need;
- Other matters including Equalities Considerations

1.3 The application has been amended following previous comments from the Highway Authority. The access is now proposed to be at the north-eastern corner of the site.

1.4 The applicants have submitted additional documents with regards to the application. The documentation submitted are:

- Tree Survey
- Preliminary Ecological Appraisal
- Landscape and Visual Assessment
- Proposed Site Plan
- Tree Constraint Plan
- Visibility Splay
- Swept Path Analysis

1.5 Following further comments from the highway authority and the issue around visibility splays the applicants have submitted amended details to address this issue as well as landscape.

1.6 The site access has now moved towards the central part of the site and updated landscaping proposal is submitted.

2.0 Site Description

2.1 The application site lies within the Rural Area Beyond the Green Belt and an Area of Archaeological Significance No 325. The site historically has been in agricultural use.

2.2 The application site lies in open countryside, amongst other agricultural fields, with residential development scattered around the locality. Hedgerows lie to the north, west and east of the site, whilst agricultural land. The boundary of Westmill Village is approximately 130m to the east of the site. Westmill is defined as a

Group 2 village within the East Herts District Plan Policies Map designation.

- 2.3 The nearest dwellings adjoin the land to the west. There are no other constraints on the site.
- 2.4 There are a group of agriculture buildings to the rear of the site. It is also noted that there is a current application for this site, under planning reference 3/22/1027/ARPN.
- 2.5 Following a visit to the site it is noted that there are already 2 mobile homes on site and provision for foul water drainage has been installed and therefore this application is retrospective for these elements. The proposed 2 dayroom/amenity buildings, alongside the formation of an access road, areas of hardstanding, and widened site entrance onto Cherry Green Lane are still to be implemented.
- 2.6 As part of the ongoing assessment officers visited the site with the agent and the applicants. As part of the discussion, it was agreed that additional information was required in respect to:
- Drainage
 - Lighting
 - Boundary Treatments, landscaping and arboriculture
 - Detailed Design of Access.
 - Programme of Archaeological Works.

3.0 **Planning History**

LPA Reference	Description of Development	Decision
3/21/0265/AGPN	Proposed access road	Prior Approval Not Required – 2 nd March 2021
3/18/0918/FUL	Retrospective planning application for the retention of a field shelter structure.	Refused – 17 th July 2018

3.1 Planning History for the adjacent site to the south, known as Gaylors Farm:

Application Number	Proposal	Decision	Date
3/22/1915/ARPN	Change of use and conversion to use class C3 to provide 2 smaller dwellinghouses and 1 larger dwellinghouse.	Prior Approval Required/ Granted subject to conditions	27 th October 2022
3/22/1914/ARPN	Change of use of a building and land within its curtilage from agriculture to use class C3 for 1 dwelling house	Prior Approval Required/ Granted subject to conditions	26 th October 2022
3/22/1027/ARPN	Change of use of agricultural barn to C3 (residential), to create 3 dwellings.	Prior Approval Required and Refused	11 th July 2022
3/21/0265/AGPN	Proposed access road	Prior Approval not Required	2 nd March 2022

4.0 **Main Policy Issues**

4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the Planning Policy for Traveller Sites, and the adopted East Herts District Plan 2018 (DP).

Main Issue	DP policy	NPPF/PPTS
Principle of development	DPS2 GBR2 HOU1	Section 5

	HOU9 HOU10	
Gypsy and Traveller Accommodation	HOU1 HOU9 HOU10 DPS2 DES2 DES3 DES4 TRA1 TRA2 TRA3 EQ1 WAT1 WAT5 WAT6	Section 5, Section 8, Section 9, Section 12 Section 15, Planning Policy for Traveller Sites
Gypsy and Traveller Housing Need	HOU1 HOU9 HOU10	Section 5, Planning Policy for Traveller Sites
Other matters	HA1 HA3 HA7 NE3	Section 16 Section 15

4.2 Equality Act 2010

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.

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

5.0 Summary of Consultee Responses

- 5.1 HCC Highway Authority recommends that permission should not be restricted subject to conditions and informatives.
- 5.2 The Highways Officer originally raised concerns about the delivery of the visibility splays and the applicants have amended the access to be located more centrally within the site. The amended information has addressed the Highway Authority's concerns.
- 5.3 Following on from the submission of the revised access proposals, the Highways officer considers that the visibility splays can be delivered, and that Cherry Green Lane would not be impacted to have a highway safety concern. Their full comments are on file.
- 5.4 The Highway Officer has discussed the acceptability of the access in terms of the immediate approach route, it is noted that Cherry Green Lane is slightly tight at its eastern end, but quickly widens out to a general carriageway width of around 3.2m. There are four informal passing places on approach to the site from the east, each of them between 4.1 metres to 4.7 metres wide. This enables two cars to comfortably pass by one another, and even a car plus a van. Forward visibility is good, and drivers can quite easily work out if they need to hold back to let another vehicle pass by at one of the passing places. The wider approach route to Cherry Green Lane is a little narrow in places, but again fairly typical of a rural settlement like this. There are quite regular informal passing places, and the existing houses around here all need servicing (e.g. refuse collection, white goods deliveries, grocery deliveries, etc) – so occasional larger vehicle movements are not uncommon.

- 5.5 There is not an obvious accident history along these roads which would otherwise cause concern. Essentially, this development is just two gypsy and traveller plots, which will generate very minimal traffic increase overall.
- 5.6 As such, Highways concluded that if the Highway Authority do not wish to restrict the grant of permission, it is recommended that the consent includes the conditions recommended.
- 5.7 HCC Historic Environment Unit consider that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest.
- 5.8 The development site is in an Area of Archaeological Significance identified in the Local Plan. No archaeological remains or finds are recorded from within the site, but it is located in an area known to contain archaeological remains dating from the prehistoric period through to the post-medieval period, including the site of a possible Roman villa, known from cropmarks visible on aerial photography [Historic Environment Record no 16684]. The village of Westmill [2658] is in the close vicinity. This is recorded in Domesday Book, though it is not known whether there was any nucleated settlement in the 11th century. However, the parish church [HER 4262], close to Westmill Bury [HER 15955], the manorial centre, has late Saxon origins.
- 5.9 The applicants have produced a Written Scheme of Investigation (WSI) in conjunction with the HCC Archaeology Team and HCC have confirmed that the details within the WSI are acceptable and the development shall be implemented in accordance with the WSI. A planning condition will be imposed requiring compliance with the WSI.
- 5.10 EHDC Landscape Advisor recommend that the additional information submitted is acceptable.
- 5.11 The applicants have provided additional drawings and a schedule for planting. The Landscape Officer advises that the provision of the

additional hedging to the front boundary and landscaping around the site would be acceptable. The additional hedging to the front will help with the screening of the development and planting around the perimeter would further screen the development. The landscape officers comments are as follows:

- The revised location for the access now results in fairly minimal loss of trees/hedgerow along the site frontage assuming the sight lines shown in red satisfy highways requirements.
- The caravans being moved further back from the road i.e. to remain approximately in their existing location, is an improvement in terms of the site planning and layout for the proposed development.
- The proposed new native hedge planting around the perimeter of the site (including suggested species mix) is acceptable and would provide the biodiversity net gain as well as helping to enclose the site.
- The proposed shingle driveway is acceptable in terms of appearance and permeability.
- Fruit tree planting along the access road is acceptable – medium sized species recommended.
- Details of the proposed replanting along the western part of the road frontage (the existing access) are acceptable.
- Gapping up details for the rest of the trees/hedgerow along the site frontage are acceptable.

5.12 In summary, it is considered that the additional information submitted is acceptable and subject to the proposal being implemented in accordance with the submitted details, subject to condition, and therefore the proposal would be acceptable in landscape terms.

5.13 Herts Ecology have been consulted but at the time of writing the report no comments have been received. If comments are received, they will be verbally relayed to Committee.

- 5.14 EHDC Environmental Health Advisor has looked through the additional information and has confirmed that this now addresses the concerns previously raised.
- 5.15 Environmental Health have stated that the sewage provisions are already installed. The agent has now confirmed the treatment of this and capacity and therefore have no objection to this.
- 5.16 Concerns were raised as to electrical safety and LPG storage and provision, the welfare of the site in relation to potable water supply and now consider that this is a site licence matter and would not be within the realms of planning policies but separate environmental legislation.
- 5.17 The Planning Policy Team advise that the Council has an adopted District Plan that includes a Gypsies and Travellers and Travelling Showpeople policy (HOU9), which is founded on a robust evidence base that demonstrates how the identified accommodation needs would be met by the Council both within the plan-period and beyond. However, the evidence base supporting that policy has recently been superseded by the East Herts Council Gypsy and Traveller Accommodation Needs Assessment (GTANA), May 2022, which has increased the numbers of pitches required in the first five years from 9 to 31. This increase in identified need means that the Council cannot currently demonstrate a supply of pitches for Gypsies and Travellers to meet its five-year requirements. It should be noted that the needs of the applicants were taken into account in the May 2022 GTANA and therefore would contribute towards meeting those needs if permission were to be granted.
- 5.18 Beyond setting out specific site allocations, the District Plan provides a criteria-based approach to assess other applications coming forward outside of the Plan's allocated site, such as this application. The policy aims to direct sites toward sustainable locations, which protect local amenity and environment, and the criteria-based approach is applied in accordance with paragraph 24(d) of Planning Policy for Travellers Sites (PPTS). Furthermore, in line with paragraph 24(a) of PPTS, additional to the criteria-based

approach, the existing level of local provision and need for sites or further pitches will still be a relevant consideration that should be taken into account in the planning balance.

- 5.19 Notwithstanding the Lisa Smith judgement, the applicants would need to meet the PPTS Annex 1 Gypsy definition which states *that Gypsies and Travellers are defined as "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such"* in order for Policy HOU9 to apply. If the travellers do not meet the definition, then Policy HOU10 is applicable. HOU10 applies to "Gypsies and Travellers who no longer lead nomadic lifestyles", to protect their cultural choice to live in mobile accommodation. Therefore, this policy is directed to meeting the accommodation needs of travellers who have ceased to travel (and by implication this means that they must have previously travelled), so is not intended for any potential occupier/s outside of such a cultural grouping. Therefore, as long as the applicants can demonstrate that they are indeed Gypsies or Travellers, then either Policy HOU9 or HOU10 would apply.
- 5.20 However, it should be noted that, since the Policy Team response was made, Annex 1 of PPTS was updated on 19th December 2023 and the definition of "gypsies and travellers" was revised to add 'or permanently' to the text, so that it now reads *"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such"*
- 5.21 In terms of criterion (a) of Part II of Policy HOU9, which discusses sustainability in locational terms, it should be noted that, in respect of meeting accessibility to existing local services requirements, Westmill is one of a number of settlements to the north of the district which are covered by the HertsLynx on-demand bus service,

which was launched in September 2021

<https://www.intalink.org.uk/hertslynx>. There are four stops for this service within Westmill and 28 stops in Buntingford, the nearest large settlement with a range of facilities. In considering accessibility in terms of journeys to support everyday living, it should therefore be ascertained whether the locations of the stops within Westmill could enable use of the HertsLynx to provide a viable and suitable alternative to trips by private vehicles.

5.22 Environmental Services (Waste) commented that whilst there is no reference to waste and recycling provision, general guidance is provided regarding pull distances, collection point, storage areas. Their full comments are available online.

5.23 Environmental Health (Air and Contamination): have not raised any objection or requested any conditions.

6.0 Town/Parish Council Representations

6.1 Westmill Parish Council. Additional comments are added within these from members of the public. These are all incorporated into the representation from the Parish Council. Those grounds will be summarised below:

6.2 Planning Process

- The whole planning process is deceiving as there have been no reports regarding ecology or Archaeology.
- Planning form is inaccurate at multiple places;

6.3 Principle and Planning Policy

- Site outside Group 2 Village and therefore presumption against development to protect landscaping.
- Not infilling.
- Site not specifically identified in District Plan for traveller provision.
- Community Services are limited.

6.4 Character and appearance

- The application site is situated on Rural Lane Beyond the Green Belt
- Impact upon the Conservation area and Village setting.
- Potential to increase number on site and lead to more traffic, noise and disturbance and dogs and animals.
- Visual amenity is impacted due to the paraphernalia on site.

6.5 Highways and Sustainability

- Unsuitable highway access
- No proper footpaths, street lighting

6.6 Environmental concerns

- No biodiversity report has been submitted.

6.7 Archaeology

- The site lies within a designated AAS. Works have taken place in regard to deep structures below ground;

6.8 Housing need

- The site is not an identified site for Gypsies, Travellers and Travelling Showpeople within the pitch allocations that are detailed in the District Plan, Policy HOU9. The District Plan had, prior to the 2022 GTANA, identified sufficient allocation of pitches for Gypsy and Travellers and plots for Travelling Showpeople in the district to the end of the Plan period, 2033. However, following the 2022 GTANA, which updated the evidence base for the overall needs in the district, an immediate accommodation need for the occupiers of the site was identified and, therefore, it is incumbent on East Herts to ensure that their needs can be met within the district in a timely manner.

6.9 Residential amenity

- Loss of landscaping would have impact upon neighbouring occupiers through noise disturbance and visual amenity;
- Animal noise to neighbours;
- The proposal would cause a loss of privacy to neighbouring properties
- Light pollution from the site

6.10 Other matters

- There is no readily available electricity or water supply and waste, for the site
- Natural drainage and flooding

6.11 Second Round of Consultation

- Original Comments still stand

Character and appearance

- Impact on landscape character;
- Conflict with policy for Rural Area Beyond Green Belt GBR2(a);
- Urbanisation of a rural area
- Landscaping and Ecology
- Hedgerow and trees are to be removed which will impact ecology
- The Field Survey Report is inaccurate as this was a field and change of use has already had an impact upon ecology
- Tree survey relates to a different site

Highways and Sustainability

- Narrow entrance to the site
- Traffic Survey inadequate
- Impact upon the highway
- Visibility splay inadequate

- Swept Path Analysis would still impact highways
- No details of vehicles turning right into the site which would not be possible due to the narrow access
- Lack of public transport
- Residential Amenity
- New access will create loss of privacy and outlook through engineering operations
- Noise and disturbance

Other Matters:

- Utility supply issues
- Dogs causing environmental and anti-social behaviour
- Water run off

6.12 Third round of consultation on the amended access.

- The amended visibility splay is still a concern
- Ecology appraisal is flawed
- Banks along the road are already being damaged by vehicles

7.0 Summary of Other Representations

7.1 In the first round of consultation 17 responses have been received objecting to the proposal. It is noted that former District Cllr Jones commented as a County Councillor, which has been incorporated into the comments below:

7.2 Incorrect Information

- The planning application states the works have not started, but this is incorrect;
- Development has already begun and families are already living on the site;

7.3 Character and appearance

- The density of the proposal is out of character with the surrounding area and disproportionate to the size of the site;
- Set a precedent for additional housing;
- Harm the visual amenities of the surrounding landscape;
- Doesn't relate well to the Conservation Area

7.4 Highways

- The entrance is totally unsuitable for the site and increase in highway traffic.

7.5 Principle

- Does not meet the EHDP policies;
- Site is not a sustainable location;
- Hard to integrate into the local community;
- Breach of planning law as the use has already began;
- Not developable or deliverable land:

7.6 Amenity

- On site business activities have the potential to affect nearby residents through noise disturbance and loss of privacy;
- The site is an archaeological and green site and residency could harm the site along with the loss of the archaeological/green belt site.

7.7 Flooding

- Historical flash flooding area.

7.8 Local infrastructure/sustainability

- No services, such as water, sewerage and drainage and waste disposal
- No onsite facilities for play and on site
- There are no local shops in the area nor public transport therefore transport by car would be required

- The extra strain on water, gas and sewers in the local area.

7.9 Ecology

- Impact on ecology
- Will have an impact on wildlife.
- The application does not include an Ecological impact assessment.

7.10 Other matters

- A worry of future breaching in planning conditions by the increase of caravans, occupants and the expansion of the site over time and as a result the involvement of enforcement.
- Devaluing of properties as a result to the other site therefore causing further devaluing.
- Giving permission would set a precedent.

7.11 Former Cllr Huggins made the following comments:

- Site is in an unsustainable location;
- No suitable access
- Out of character with the nearby setting of the village;
- Not been integrated into the wider area
- Impact on residential amenity
- Impact on visual amenity
- Health hazards

7.12 Second round of consultation, 11 comments were received, these raised the following issues:

Principle

- Unsustainable location due to lack of services and facilities
Highway
- Access is inappropriate
- Highway safety
- Traffic Survey Data is dubious

Landscaping and Ecology

- Removal of trees and hedging will impact visual amenity
- Harm to ecology

Character and appearance

- Out of keeping

Other

- Set a precedent
- Water run off issues
- Postcode is wrong

7.13 The third round of consultation, on the amended site access and landscaping raised the following issues:

- Increase in number of pitches
- Electrical supply
- Impact on wildlife
- Increase in traffic
- Character and context impacted of the small village setting

8.0 Consideration of Issues

Principle of development

8.1 The site is within the Rural Area of Green Belt, therefore policy GBR2 is applicable, which seeks to maintain the Rural Area Beyond the Green Belt as a valued countryside resource. Policy GBR2 allows for certain types of developments. Part (g) of policy GBR2 allows for the:

“accommodation for Gypsies and Travellers and Travelling Showpeople in accordance with Policy HOU9 (Gypsies and Travellers and Travelling Showpeople) or Non-Nomadic Gypsies and Travellers and Travelling Showpeople in accordance with Policy HOU10 (New

Park Home Sites for Non-Nomadic Gypsies and Travellers and Travelling Showpeople)”.

- 8.2 The application is for the change of use of the land for 2 Gypsy and Traveller residential pitches, accommodating the siting of 2 mobile homes, 4 touring caravans and 2 dayroom/amenity buildings, alongside the formation of an access road, areas of hardstanding, provision for foul water drainage and widened site entrance onto Cherry Green Lane.
- 8.3 As previously noted, the site lies in the Rural Area Beyond the Green Belt, whereby in order to maintain the Rural Area as a valued countryside resource, specific types of development may be permitted. The pre-amble to Policy GBR2 sets out the context of this policy, however, whereby the Rural Area is a considerable and significant resource, which Policy GBR2 seeks to maintain by concentrating development within existing settlements.
- 8.4 Regard should also be had to ‘Planning Policy for Traveller Sites’ (PPTS), which should be read in conjunction with the NPPF.
- 8.5 PPTS provides a definition of gypsies and travellers at Annex 1 (revised December 2023) as follows: “Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such”.
- 8.6 The applicants have provided verification that the occupiers meet the definition of Gypsies and Travellers as set out in of the Planning Policy for Travellers Sites (PPTS).
- 8.7 With reference to Para 11 of PPTS, the District Plan provides a criteria-based approach to assess both allocated and non-allocated sites, whereby HOU9 refers to sites for Gypsies and Travellers and Travelling Showpeople, and HOU10 refers to sites for Non-Nomadic

Gypsies and Travellers and Travelling Showpeople. The criteria based approach is therefore applied in accordance with paragraph 24(d) of Planning Policy for Travellers Sites (PPTS); however, in recognising that this criterion is not to be taken in isolation, but rather that the paragraph is to be read as a whole, proposals must, notably, also be considered in line with paragraph 24(a) of PPTS. Consequently, regardless of whether the criteria-based approach is met on its own, the issue of whether there is need for further pitches in the district is also still a relevant consideration that should be taken into account in the planning balance.

- 8.8 Notwithstanding this, the criteria of HOU9 and HOU10 will be assessed below in the 'Gypsy and Traveller Accommodation' section.
- 8.9 For an application to be deemed acceptable in planning terms, all criteria should be satisfied along with the other policy requirements and national policy, in particular the NPPF and PPTS.

Sustainable Location

- 8.10 Whilst there are a number of relevant policies within the District Plan, as aforementioned, regard must also be had to Policies DPS2 and TRA1, in relation to the sustainability of the application site. This matter will also be touched again on later with regard to the criteria of Policies HOU9 and HOU10.
- 8.11 Policy DPS2 states that the strategy of the District Plan is to deliver sustainable development in accordance with a hierarchy. The hierarchy seeks to direct development towards sustainable brownfield sites, the towns of the district, and includes limited development within villages.
- 8.12 Criterion (a) states that sites should be sustainably located, in terms of accessibility to existing local services. Furthermore, as previously addressed, Policy DPS2 sets out the Council's strategy for delivering sustainable development; whereby development should be provided in accordance with a hierarchy, which directs developments towards sustainable locations in the district, including

sustainable brownfield sites, within the urban area of the districts towns, and limited development within villages.

- 8.13 As set out above, the application site lies just outside of the village of Westmill, which in itself is a Group 2 Village (whereby Policy VILL2 would normally apply). Group 2 Villages are deemed to be smaller villages in the District Plan Settlement hierarchy.
- 8.14 The site is approximately 100m from the village boundary. There is a village tea shop (approx. 440m), nursery (approx. 475m), public house (approx. 520m) and St Mary Church (approx. 1100m). It is noted that there are no dedicated pavements to access the village centre from the site, however, there are other residential properties that would also be in the same position. It is considered that the site would be in a relatively accessible location to the village centre and within walkable distances from the site. A nursery is located within the village centre which would further add to the accessibility of the site. Although it is noted that the Tea Shop and Pub would provide some food and social activities as will the church, the need for access to other every day services would have to be undertaken further afield. It is noted that there is a school bus service for children to access schools further away.
- 8.15 The closest nearest large town (Buntingford) is located to the north approximately 1.5 miles away. There is an on-demand bus service that will allow the residents of the site to access the larger town. The HertsLynx service allows residents to access other services by use of this service, especially the larger towns, where most services, such as shopping, medical and other amenities without the reliance on private motor vehicles and therefore due to this it is considered that the site would be in a sustainable location.
- 8.16 It should be noted that the appeal reference APP/J1915/W/19/3234671, in respect of a Gypsy and Traveller site which was allowed elsewhere in East Herts, gives some guidance to how sustainability for these sites could be determined. The Inspector (for that appeal) stated in paragraph 16 of the decision that *"In the context of a rural setting, the appeal site is not "away from*

an existing settlement”, being close to Westland Green and with Hadham Ford only being some 1km away. Nor is it isolated in that it is quite close the grouping of properties that form Westland Green. Furthermore, it is not remote from services. Other gypsy and traveller sites that form part of the Council’s identified existing supply are similarly situated in the rural area beyond the Green Belt in countryside locations. Such distances are not unusual in this context.”

- 8.17 In addition to the above, further appeal decisions are relevant in terms of sustainable location and Gypsy and Traveller sites. In the appeal reference APP/J1915/W/21/3279181 at Land Opposite Mill View and appeal references APP/J1915/C/17/3174667; APP/J1915/C/17/3174668; APP/J1915/W/17/3177630 at Wheelwrights Farm, both the Inspectors concluded that the sites were in sustainable locations. In the Land Opposite Mill View, the Inspector noted *“There is some 600 metres to the main built environment of the village. There are limited services in the village with no school, shop or doctors. The nearest school is 1.5 kilometres from the site and the nearest shops are in Buntingford 3 kilometres away. The nearest bus stop is within the village itself some 750 metres away, but the service is limited.”* In addition, *“There is no pedestrian footpath in either direction on either side of the road from the appeal site access. It would be necessary to either walk in the road or cross over and climb a small bank to find a safe walking refuge. Walking with a buggy/young children or children on their own in an area where speeds of traffic could be up to 60 mph would be dangerous and would dissuade walking into Hare Street.”* They went on to conclude that *“Travel distances to services are moderate and no different for those in the traveller community to those in the settled community. Nonetheless, there is a qualified tension with the terms of LP Policies HOU9 and TRA1, along with paragraph 105 of the Framework. That notwithstanding, for the reasons set out above, I ascribe only limited weight to that policy conflict.”*

- 8.18 With regards to the appeal at Wheelwrights the Inspector noted that *“Whilst it is accepted that the appellant would be reliant on a private car to access services in Dane End, some 2.6km distant, given the wider consideration of sustainability in the Framework and the specific*

considerations of gypsy and traveller sites in PPTS, the appeal site is not in an unsustainable location and is not, therefore, in conflict with LP Policy HOU9 II(a)." As described earlier, the site could be considered a sustainable location as it would be closer to the settlement of Westmill than the ones in appeal decision.

- 8.19 Taking into account the Inspector's view in this respect, the site in question is similarly located in regard to an existing settlement and services as well as public transport and therefore it is the officers view that the site is acceptable and suitably located.
- 8.20 Furthermore, Policy TRA1 sets out that in order to promote sustainable transport in the district, development proposals will be located in places which enable sustainable journeys to be made to key services and facilities to help aid carbon emission reduction.
- 8.21 The proposed development is considered to be in accordance with Policies GBR2, DPS2 and TRA1 and criteria (a) of HOU9, as the application site lies within easy reach of an existing settlement and sustainable journeys would be achievable through the use of on demand bus services.

Accommodation Need

- 8.22 In March 2012 the Government issued the National Planning Policy Framework and the associated 'Planning Policy for Traveller sites' document, which sets the overarching policy context for the provision of traveller accommodation. The most recent 2023 update of this document states that this policy must be taken into account in the preparation of development plans and is a material consideration in planning decisions.
- 8.23 Local Authorities have a legal responsibility (under the Housing Act 1985, Section 8) to assess the accommodation needs of Gypsies and Travellers. PPTS guides local authorities in respect of undertaking the assessment of the accommodation needs of travellers and in considering the need for sites. It further advises in respect of seeking to address identified needs and providing suitable locations

where they can be met, alongside guidance for the consideration of applications where there is no such identified need.

- 8.24 Paragraph 77 of the NPPF requires local authorities to identify a supply of sites to meet the 5 year land supply, with footnote 41 stating that “for the avoidance of doubt, a five year supply of deliverable sites for travellers – as defined in Annex 1 to Planning Policy for Traveller Sites – should be assessed separately in that document”. The Council cannot currently meet its requirement with regard to accommodation for Gypsies and Travellers, and the current proposal would therefore contribute towards meeting this need.
- 8.25 In terms of the mechanism that East Herts Council has in place to meet the identified accommodation needs of Gypsies and Travellers, Policy HOU9 makes provision in the District Plan through site specific allocations.
- 8.26 This policy was underpinned by evidence in the form of the East Herts Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment Update, published in May 2016 (produced by Opinion Research Services (ORS)), in light of the changes in definition detailed in the revised ‘Planning policy for traveller sites’, August 2015.
- 8.27 Since the adoption of the East Herts District Plan (2018), an updated East Herts Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment, May 2022 (GTANA), has been completed (also by ORS) and the findings include accommodation needs emanating from the application site, which the Council’s Policy Team has confirmed.
- 8.28 The May 2022 GTANA identified that, overall, a total of 31 permanent pitches for Gypsies and Travellers should be provided in the district for the period up to 2027. Due to the retrospective nature of the development, the applicants of the scheme under consideration were already residents in East Herts at the time that the survey work for the May 2022 GTANA was undertaken and,

therefore, their specific needs were taken into account in the final report. The Accommodation Needs Assessment identified that the 2 pitches arising from the application site are related to an immediate need and would therefore go towards the meeting the overall identified need in the district.

- 8.29 The GTANA identifies that 43 additional pitches (which includes the need for two pitches for the applicants of the Cherry Green Lane site) are required to be provided in the district by 2037 (with 31 of those by 2027). These include pitches beyond those which could be accommodated through the current allocations in the District Plan. As such, there are not enough pitches to come forward at the sites identified within Policy HOU9 to meet all the identified needs.
- 8.30 The Council has recently granted permission for 7 (net 5) of the pitches identified in the GTANA at The Stables, Bayford (which is 4 above the 1 pitch detailed in Policy HOU9 to be provided at the site during the period 2022 -2027), which reduces the need in the first five years from 31 to 26. However, the Council is currently unable to provide a 5-year supply, and there is still significant remaining unmet need. Grant of permission for the current application would reduce the five year need total by a further 2 pitches, leaving 24 to be found in that timescale¹. If permission were to be refused, the Council would need to identify an alternative suitable site elsewhere in the district to enable the identified need for these 2 pitches to be met.
- 8.31 In conclusion, the Council cannot currently meet its requirement with regards to accommodation for Gypsies and Travellers. The proposed retrospective approval for 2 additional pitches would contribute towards meeting the evidenced need within the District. As such, officers consider that significant weight is afforded to the provision of Gypsy and Traveller accommodation given the shortfall of sites and the contribution it would have towards the overall supply of sites. A condition is recommended that the site is

¹ The Council has also resolved to grant outline permissions for a total of 15 pitches in the Gilston Area, subject to S.106, which is currently being progressed but, at time of writing, not yet finalised.

occupied in a fashion which meets this need (i.e., by Gypsies and Travellers in perpetuity).

- 8.32 Due to the identified need and confirmation of the status of the occupiers, and the Council position of not being able to demonstrate a five-year land supply in respect of Gypsy and Traveller pitches the principle of development would be consistent with the guidance set out in the PPTS (2023) alongside the adopted policy HOU9 in the District Plan.

Character and Context

- 8.33 Policies DES2 to DES4 set out that schemes should respond to the character of the area. DES2 sets out that proposals must conserve, enhance, or strengthen the character and distinctive features of the district's landscape, taking in to account the District's Landscape Character Assessment and with appropriate mitigation. DES3 takes a similar approach and focusses on protecting existing features. DES4 contains a number of criteria relating to good design. HOU9 Criterion (d) states that the proposal should be well related to the size and location of the site and should respect the scale of the nearest settled community.
- 8.34 The site is located in a landscaped setting which forms part of the countryside. Cherry Green Lane is generally bounded by a hedge on its southern side and most site boundaries are formed by hedges. There are small areas of woodland nearby with scattered dwellings and agricultural buildings. Westmill has a tighter pattern of plots with some soft landscaping. The land rises from the East to the West.
- 8.35 The proposal includes a landscaping scheme and assessment which includes classifications of existing trees and hedges on the site and the proposed site plan proposes landscaping. The proposal would result in a loss of part of the hedgerow at the front of the site for the access and visibility splays. The scheme therefore proposes replacement landscaping in the form of additional planting to the front hedge, a new hedgerow located in the site at the front edge of

the hardstanding, which would wrap around the proposal to the east and west, with the existing hedge to the rear retained. Post and rail fences are proposed to subdivide the two plots.

- 8.36 The Landscape Officer has commented on the additional information submitted. The applicants have submitted a revised layout plan and landscaping details. The additional plans, show that the front boundary will be bolstered with new hedging and would help in screening the development from the public highway. There will also be additional planting along the boundaries to further screen the development and the Landscape Officer has commented that subject to the implementation of this the proposal is acceptable. It is however noted that the site is not part of a “valued landscape” which paragraph 170 of the NPPF requires to be protected and enhanced.
- 8.37 The proposal would have some adverse impact on the landscape and the character of the area without any further mitigation. However, this would be moderate and would be limited in the area which would be affected. Most people in the vicinity of the site would experience it from Cherry Green Lane and from this location the landscape character is formed mainly of open views to the north and the hedge to the south. In broad terms, the landscape character would not be affected. Through conditions, the exact location of the access and the area of trees and hedgerow to be removed can be controlled, with replacement planting in the location of the existing access and elsewhere in the hedgerow to replace lost soft landscaping and ensure that the hedgerow feature running along Cherry Green Lane, which is an important element of the character of the area, is maintained. This will not only retain an important element of the character of the area but ensure that views of the site would be limited. The additional planting along the frontage and on the boundaries would mitigate the impact of development from wider views minimising the impact on landscape character of the area. Therefore, the landscape impacts are a neutral factor within the overall planning balance.

- 8.38 Turning to the impact of the scheme itself, the additional 2 x pitches and associated facilities are located in close proximity to other existing built form – the house to the side and the agricultural building. In all views of the site, the development is seen in the context of other built form and is not visible in long views or from a distance. No public rights of way run in close proximity to the site.
- 8.39 An appropriately worded condition can ensure that the landscaping scheme is implemented which would reduce the impact of the scheme on the landscaping and character of the area and enhance some elements, such as the hedge to Cherry Green Lane.
- 8.40 Regarding biodiversity, paragraph 174 of the NPPF requires net gains in biodiversity, as does policy NE3, where it is feasible and proportionate to do so.
- 8.41 The scheme would result in the loss of some biodiversity (primarily through lost areas of hedgerow, but also through the loss of some grassland) but there would be opportunities for enhancement in through the proposed landscaping. Comments have not been received from the County Ecology team. The applicants have provided a Biodiversity Net Gain Matric and this considers that the additional planting will benefit the site in terms of biodiversity. Taking a proportionate approach to what is a scheme for the development of two pitches and given that there is scope for enhancement on site, it is recommended that conditions relating to soft landscaping and implementation will achieve the outcomes with the submitted Biodiversity Net Gain.

Design and appearance

- 8.42 Policy DES4 of the East Herts District Plan requires developments to be appropriate in terms of scale, height, massing, siting and other elements, and proposals must be of a high standard of design and reflect and promote local distinctiveness.
- 8.43 Significant elements of the design of the scheme have already been assessed in the landscaping section, above. Turning to the other

elements of the design of the scheme, the overall layout is considered to be appropriate. The site would be divided into two plots by a low fence, with the existing plot boundaries retained by the more visually dominating soft landscaping. The hardstanding would be set well back from the front so the area most visible from the public realm would be retained as soft landscaping.

- 8.44 Beyond the hardstanding, the permanent fixed elements of the proposal are the dayrooms; one is proposed to each pitch. They would be 5m x 3m x 2.5m brick built pitched roofed buildings with a dayroom and a bathroom. Each is located on the areas of hardstanding, towards the front of the site. The proposed materials would be brick, with timber above and artificial slate roofs.

- 8.45 The buildings are considered to be appropriately located, in relatively well screened locations and are of a small size. The materials would be similar to those generally found in a rural area and they would not be overbearing or dominant. Whilst their design is relatively basic and does not respond to a specific characteristic of the wider site or area, they are examples of the types of design which could be found as outbuildings on farms and as such, they are considered to be acceptable.

- 8.46 The use would necessitate the siting of caravans and motorhomes. The proposed site plan shows room for a motorhome and two touring caravans in each pitch, as well as two parking spaces. The application argues that these are temporary buildings which would not require consent, and this is generally accepted to be the case with such sites. Whether a proposal constitutes a temporary structure not requiring permission or a building requiring permission is a matter of fact and degree (i.e. the individual circumstances of the case) and this is a matter which could continue to be reviewed should concerns be raised that there are, in fact buildings requiring planning permission on the site. For the purposes of this application, given the information submitted, it is accepted that the intention is for motorhomes and touring caravans to be sited on the site in a way which does not require planning permission, and so the exact details of these are not for

consideration. The use would however require the siting of at least some of these facilities and so a grant of planning permission would necessitate some of these facilities with associated impact in terms of design and character. Given the size of the site and the proposed landscaping, the impact on the character of the surrounding area is considered to be acceptable. To ensure that the proposal does not cause visual harm, a condition is recommended to limit the number of caravans and mobile homes on each pitch to 2 and 1 respectively.

Sustainability and Climate Change

- 8.47 Policies in the Climate Change section of the East Herts District Plan require that proposals make contributions to ensuring that overheating and cooling needs can be minimised and the use of embodied carbon and power from non-renewable sources minimised.
- 8.48 Gypsies and Travellers, where they are nomadic, generally move around for at least part of the year. The intention is that the residents of this site would tour and this lifestyle precludes the use of public transport options for the majority of most trips of this nature. Some residential accommodation (the motorhomes) would generally be retained on the site and whilst occupiers are resident at the site, there are some options for sustainable travel and use of local services, as discussed in the “sustainable location of the site” section above.
- 8.49 The forms of homes proposed do not themselves include measures to include renewable energy technologies and in this instance conditions are not recommended to secure the provision of renewable technologies; as the caravans and mobile homes are temporary and so would move from site to site, such technologies could be inappropriate on future sites.
- 8.50 Therefore, whilst the proposal does not include renewable energy technologies and measures to reduce carbon dioxide emissions, given the nature of the use, that there would be some access to public transport options and local services from the site and the

biodiversity and ecology improvements which can be secure by condition, which do themselves form a type of climate change mitigation, the proposal is considered to be acceptable in this regard.

Residential Amenity

- 8.51 Criterion (c) of Policy HOU9 of the East Herts District Plan 2018 sets out that schemes should make adequate provision for on-site facilities for storage, play, residential amenity and on-site utility services. This criterion reflects Paragraph 26 of Planning Policy for Traveller Sites, whereby part c) stated that Local Planning Authorities should attach weight to promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children. Furthermore, Policy DES4 relates to design of development, whereby all development should make provision for the storage of bins and ancillary household equipment. In addition criterion (f) of HOU9 and DES4 seeks to ensure that proposals provide satisfactory residential amenity for those occupying the site, and those within the vicinity of the site.
- 8.52 The scheme, being for only two residential units, does not include formal playspace, and this would not normally be required. It does show large outdoor areas associated with each pitch in which there is room for amenity space and some recreation, as well as storage of bikes and bins.
- 8.53 It is proposed that each pitch is to include the provision of utility services, with dayrooms including a shower, toilet and sink.
- 8.54 Environmental Health have reviewed the additional information. Their original main concern was whether or not suitable provision for waste through a septic tank was appropriate. Council Officers visited the site and noted that this has already been installed. The applicants have provided details of 3800 litre tank has been installed and the Environmental Health has since confirmed that this is acceptable.

- 8.55 Other details requested, such as potable water supplies, resident numbers, hardstanding provision, chemical toilets, electrical installations and LPG by the Environmental Health team are not considered to be necessary or relevant. The proposed site plan shows details of hardstanding proposed. The storage of flammable materials and the other requested information is controlled by other legislation and the provision of electricity to the site is not a material planning consideration. The Environmental Health Team have commented that some aspects of the information are covered by site licences and legislation not linked to planning requirements. Therefore, they have removed their objection to these matters. Subject to the retention of the septic tank it is considered that the proposal is acceptable, in terms of the provision of on-site facilities (as required by way of Policy H09 (c)).
- 8.56 The dayrooms are considered to provide an element of residential amenity and are connected to services including heating. Whilst no standards exist for internal floor area provisions, motorhomes, supported by the dayrooms are considered to provide sufficient space and therefore provide adequate amenity for the occupiers of the site.
- 8.57 The site is considered to have sufficient privacy, light and outlook. Some intervisibility between the two pitches would occur, being separated only by a post and rail fence, but this is considered acceptable subject to conditions to secure the detailed design.
- 8.58 The nearest dwelling is to the west, Lighthouse. The separation distances between the accommodation on the site and the main dwelling to the west would be approximately 13m from building to building. To the south are agricultural barns which would be approximately 4m away. To the east is open field and beyond that is the edge of the village which is over 120m away. It is noted that concerns are raised regarding business activity on site, but such activity or land use is not part of the application and there were no signs of business activity at the time of site visit. Such activity requiring planning permission is not normally associated with Gypsy and Traveller sites. It is considered that due to the separation

distances and boundary treatments, the development has no significant unneighbourly impact upon the adjoining neighbours through loss of light, overlooking or loss of privacy. Therefore, the proposal is considered to be acceptable in this regard.

- 8.59 Some concerns have been raised regarding loss of amenity due to noise generation. The proposed use is a residential use and so is not inherently noisy. Whilst there may be some greater use of the outdoor areas due to the nature of the use, and the sound insulation of mobile homes can be limited, given the separation distances it is considered unlikely to give rise to unacceptable harm to amenity of occupiers within the nearest existing properties. However, a condition is recommended to restrict the outdoors playing of amplified music or voice.
- 8.60 In terms of any light pollution, the applicants have provided additional details of lighting, which is proposed. The Environmental Health Team have confirmed that the proposed lighting does not give rise to any significant light pollution as the proposed lighting would not be so bright and therefore considered to be acceptable.
- 8.61 It is therefore considered that the proposal would not result in harm to the amenities of surrounding residents or the occupiers of the site, and as such the proposal accords with criteria (c) and (f) of HO9 and DES4 (c) of the East Herts District Plan.

Highways and parking

- 8.62 Policies TRA2 and TRA3 of the East Herts District Plan relate to safe and suitable highway access and parking, as well as the Vehicle Parking SPD. Criterion (b) of HOU9 also addresses these issues.
- 8.63 The scheme has been amended a number of times with regards to its access, with a new access now being proposed broadly towards the centre of the boundary to Cherry Green Lane.
- 8.64 Considering first the access, it is noted that there is an existing access to the site. Whilst the proposal would result in different use

of the access, there is an access which could be used without any permission being required. However, the proposal is considered to give rise to an increase in trip generation, and the existing access is located immediately adjacent to a statutory undertaker utility box which significantly impacts on visibility. As such, a new access is proposed in a safer location from a highways safety perspective.

- 8.65 The Highway Authority have had extensive dialogue with the applicant with regards to Cherry Green Lane, which has a 60mph speed limit. However, the applicants have submitted information relating to traffic speed data, which demonstrates that the 85th percentile speed (the speed used to derive visibility splays based on the stopping distances of vehicles travelling at this speed) is significantly lower than this and as such, reduced visibility splays are appropriate. The Highway Authority have accepted that argument and amended plans have been submitted showing how these visibility splays can be achieved within the site and the public highway. As such, conditions are recommended to secure these details.
- 8.66 The Highway Authority note in their comments that whilst the eastern end of Cherry Green Lane is quite tight, the Lane is typical of a rural road and there are adequate passing spaces. The increased traffic generation is therefore not considered to give rise to a highway safety concern.
- 8.67 The submitted details show sufficient parking on the site (two parking spaces per pitch) and there is ample room for turning within the site. As such, subject to conditions recommended by the Highway Authority, the proposal is considered acceptable in this regard.

Other matters

Flooding and Contamination

- 8.68 The site is located in Flood Zone 1, which is at low risk of flooding. As such, the proposed uses are acceptable. The scheme would

result in the introduction of hardstanding. Whilst the dayrooms are shown as draining to a soakaway, no details are provided for the hardstanding drainage. Given the size of the site and the topography, it is considered that drainage could be suitably provided on site and a condition is recommended.

- 8.69 The Environmental Health Team have commented that they have no objection to the proposal and do not request any conditions.

Historic Environment

- 8.70 The Historic Environment Unit note that the application site is within an Area of Archaeological Significance. No archaeological remains or finds are recorded from within the site, but it is located in an area known to contain archaeological remains dating from the prehistoric period through to the post-medieval period, including the site of a possible Roman villa, known from cropmarks visible on aerial photography [Historic Environment Record no 16684]. The village of Westmill [2658] is in the close vicinity. This is recorded in Domesday Book, though it is not known whether there was any nucleated settlement in the 11th century. However, the parish church [HER 4262], close to Westmill Bury [HER 15955], the manorial centre, has late Saxon origins.
- 8.71 During the course of the application, officers requested a Written Scheme of Investigation (WSI). The applicants and the HCC's Historic Environment Team have worked together to ensure that the WSI includes satisfactory measures to ensure that any/all archaeological interests are protected. It is noted that some works have taken place, but it has been agreed (with HCC Historic Environment Team) that the WSI should be followed in strict accordance with the approved measures set out therein and a suitably worded condition is recommended in order to ensure the preservation of any archaeological remains. Therefore, subject to condition, the proposal is capable of being carried out whilst protecting archaeological remains in accordance with policies HA1 and HA3 of the East Herts District Plan (2018) and the NPPF.

Ecology

- 8.72 Herts Ecology have not commented on the application. However, it is noted that additional planting and landscaping will take place. The applicants have provided a Biodiversity Net Gain Matric and as the site is not within a designated nature conservation site. A condition is recommended to ensure additional landscaping is delivered and it is considered that this would benefit ecology and therefore compliant with policy DES3 and NE2.

Waste Recycling

- 8.73 The Waste and Recycling Team have given general comments regarding waste and recycling. It is considered that there is room on site for vehicles to collect from the site and subject to conditions regarding waste and recycling storage to be provided on site in accordance with the proposed site plan, it is considered sufficient room is available on site.
- 8.74 Having regard to servicing arrangements, consideration should be had to refuse collections and the arrangements which may be required for emergency vehicles. Highways have advised that the proposal is acceptable in this regard in terms of distances and the layout of the site; it is noted that there appears to be sufficient space for the turning of large vehicles between the existing access.

9.0 Other Material Considerations

- 9.1 It is noted that there are comments received regarding the Gypsy and Traveller site are already occupying the site, in breach of planning. There is an injunction in place on the site due to the site being occupied as a Gypsy and Traveller site without planning permission. This intentional unauthorised development, as in this case, there is no opportunity to appropriate limit or mitigate the harm that has already taken place. The occupation of the site would be considered a material change in the use of the land, which requires planning permission. In that regard it is a material

consideration and needs to be weighed up in the regards to the planning balance.

- 9.2 The submitted supporting statement states that the "...interests of the child are of prime importance, and therefore the educational, health, and welfare needs of the child are required to be taken into account in the planning balance." In this instance it is noted that the site is occupied by families and children reside on the site. The children's welfare and health are also a consideration as defined in the PPTS (2015) paragraph 24.
- With reference to the occupation of the site, without proper planning permission, this was considered in the Wheelwrights appeal. The Inspector stated that *"In 2015 the Secretary of State issued a planning policy statement on Green Belt protection and intentional unauthorised development. This policy statement, which the Government has very recently confirmed still applies, makes intentional unauthorised development a material consideration to be weighed in the determination of planning applications and appeals."* The Inspector concluded that *"In the current appeals, although the residential use of the site amounts to intentional unauthorised development the weight to be attached to this in the determination of the appeal is limited."*

Public Sector Equality Duty

- 9.3 The Public Sector Equality Duty is also engaged by the application. The legislation provides that:
- "(1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

- 9.4 The protected characteristic relevant to this case would be any existing and proposed occupiers' Gypsy and Traveller status. The 2010 Equality Act identifies Gypsies, Roma and Travellers are protected under the minority ethnic group. The development has the potential to address the need to accommodate members of the Gypsy and Travellers community within a permanent site which has positive impacts for individuals within this protected characteristic.
- 9.5 With regard to future occupier Gypsy/Traveller status, particular consideration should be given to provision 3b of the Public Sector Equality Duty which specifies that: .."having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular to the need to...take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it."
- 9.6 The need in question is for Gypsy and Traveller pitches for members of the Gypsy and Traveller community which has been established as being unmet in the District. The granting of planning permission for this development would therefore make a significant contribution to meeting the need for gypsy/traveller pitches in the District and would significantly contribute to parts (b) and (c) of the PSED by providing an increased number of pitches specifically for Gypsies and Travellers in a sustainable location and would result in an authorised and well laid out transit site which has the potential to integrate with the settled community and foster good community relations.

Human Rights Act

- 9.7 Human Rights Article 8 of the Human Rights Act 1998 stresses the need to account for the best interests of the children involved and

relates to the personal circumstances of the applicant being considered. An appeal allowed in Derbyshire in July 2021 for a temporary period outlined the Inspectors considerations under Article 8 and it was ascertained in that decision that there was little evidence of alternative accommodation being available for the family within close proximity of the appeal site where the appellant made their living; that a refusal of planning permission in that case would result in the family losing their home and this would have resulted in a serious interference with that family's right to respect for private and family life as required under Article 8.

- 9.8 In this case, the family are already residing on site and are not homeless. The availability or otherwise of approved sites closer to or within Westmil is unproven and the school age children presumably receive an education from their existing schools in East Herts. There is also no information about any attempts to obtain alternative accommodation through the Local Housing officer.
- 9.9 Furthermore, considering the Article 14 requirements of the Human Rights Act, the Council does not consider the circumstances here to be any different to those family tensions frequently experienced in the settled community and would not in either case consider them sufficient to override the Local Planning process if applied equally and fairly in all circumstances.

10.0 Planning Balance and Conclusion

- 10.1 It is considered that the current occupiers fall within the definition of Gypsy and Traveller community, with regard to Planning Policy for Traveller Sites (PPTS). It is considered that the Council cannot currently demonstrate a five-year housing land supply in respect of Gypsy and Traveller pitch provision, for which there is a significant weight attached to this.
- 10.2 It is considered that the proposed development would comply with the criteria set out in the District Plan policies HOU9 and HOU10, which form the core basis for considering the suitability of sites for Gypsy and Traveller development. In addition to this, officers have

also given due regards to the national guidance set out in paras 11 and 24 (d) of the PPTS which requires local planning authorities to consider the need for such Gypsy and Traveller sites within the District. That makes it clear that regardless of a criteria-based policy, that the existing level of local provision and need for sites remains an important material consideration. Accordingly, the fact that there is a current need for sites is a material consideration that must be included in the planning balance and as a relevant consideration that weighs in favour of the grant of planning permission as confirmed by paragraph 24 (a) of PPTS.

- 10.3 The intentional unauthorised development on the site is a material consideration. As noted above, there are families on site and the children's welfare is a consideration. The council need to balance the potential harm and the benefits of the site and occupiers. However, considering previous appeals and guidance in the NPPF, the lack of a 5-year supply of pitches, the unmet need and the circumstances of the occupiers, it is considered that the intentional unauthorised development should be given limited weight in the planning balance and the overall assessment within East Herts District Plan policies and NPPF.
- 10.4 With regard to aforementioned policies of the District Plan, the proposed site is considered to be sustainably located, lying just outside an existing settlement, and within a short walk to the village centre, where there is a Tea Shop, Nursery and beyond this is a Public House and church. It is noted that bus services are provided for school children and an on-demand bus service is available for Westmill, which connects to larger towns.
- 10.5 The site is located outside of a settlement boundary, and policy DPS2 seeks to direct development to the hierarchy set out in the policy to be sustainable. However, development outside of these areas is also envisaged in Policy GBR2, and various other policies deal with site specific requirements. HOU9 and TRA1 require the sustainability of the site to be assessed. Given the access to some local services, and provision of some sustainable transport and the distances involved not being considered to be great in a rural

context, the site is considered to be broadly sustainable. This is a neutral factor in the planning balance although it is noted that the site is sustainable.

- 10.6 It is considered that the proposed access to the site is acceptable subject to conditions. This constitutes a neutral factor in the balance.
- 10.7 It is also deemed that the proposed development would not result in harm to the visual amenity and character of the rural area and surrounding landscape, subject to the implementation of the mitigation measures proposed in terms of soft landscaping and hedgerows. This constitutes a neutral factor in the balance.
- 10.8 The provision of a septic tank and day room as well as sufficient space provides for a suitable amenity for the occupiers. Due to the nature and layout of the site it is also considered that the proposal would have an acceptable impact in terms of residential amenity to neighbouring occupiers. A suitable condition can be attached to the permission. These factors are afforded neutral weight given the absence of harm identified.
- 10.9 Having regard to the information received with the application, it is deemed that the proposal accords with the criteria set out in policies HOU9 and HOU10 for non-allocated sites, along with other relevant policies of the District Plan and PPTS. Given that the Council is satisfied that it cannot demonstrate a five year supply in respect of Gypsy and Traveller pitch provision, significant positive weight can be given to the provision of additional pitches.
- 10.10 This report demonstrates that the development would provide significant benefits (in terms of the provision of G&T accommodation and contribution towards the evidenced need at a time where the LPA cannot demonstrate a 5 year supply of pitches), neutral impacts (unauthorised development, transport, environment, landscape and design etc) and an absence of significant harm within the planning balance, in NPPF terms. In applying the tilted balance (para 11 of the NPPF), it is considered

that there are no adverse impacts which demonstrably outweigh the benefits of the proposals. It is therefore recommended that planning permission be approved.

RECOMMENDATION

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

Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of s 91 of the Town and Country Planning Act 1990 as amended by s 51 of the Planning and Compulsory Purchase Act 2004.

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

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

- 3 The site shall not be occupied by any persons other than Gypsies and Travellers as defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Reason: In accordance with the 'very special circumstances' of the site in accordance with Policies HOU9 and HOU10 of the East Herts District Plan and guidance in the NPPF.

- 4 All hard and soft landscape works shall be carried out 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, 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.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: in the interest of ensuring that the visual amenity is protected, in accordance with policy DES4 of the East Herts District Plan (2018) and guidance in the NPPF.

- 6 No external lighting, other than that shown on plan reference J004020-DD-03 rev.D, shall be provided without the prior written permission of the Local Planning Authority.

Reason: in the interest of ensuring that the visual amenity and ecology is protected, in accordance with policies DES4 and NE3 of the East Herts District Plan (2018) and guidance in the NPPF.

- 7 Within 3 months of this Decision Notice the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number J004020-DD-03. Rev.D in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy TRA2 of the East Herts District Plan (2018).

- 8 Within 3 months of this Decision Notice the development hereby permitted the vehicular and pedestrian (and cyclist) access to, and egress from, the adjoining public highway shall be limited to the access(es) shown on drawing number J004020-DD-03 rev.D only. Any other access(es) or egresses shall be permanently closed, and the footway / kerb / highway verge shall be reinstated in accordance with a detailed scheme to be approved in writing by the Local Planning Authority in consultation with the highway authority.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policy TRA2 of the East Herts District Plan (2018).

- 9 Within 3 months of this Decision Notice a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number J004020-DD-03 rev.D. The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

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

- 10 Within 3 months of this Decision Notice the development hereby permitted the proposed on-site car parking shall be implemented in accordance with the approved drawing number J004020-DD-03 rev.D 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 TRA3 of the East Herts District Plan (2018).

- 11 The development hereby permitted shall be implemented in accordance with the submitted written scheme of investigation, ref Written Scheme of Investigation – Land at Cherry Green Lane, Westmill, Hertfordshire SG9 9LF, doc ref. TL 36442 26991 submitted on 24th November 2023 and prepared by WS Heritage and retained as such.

Reason: To secure the protection of and proper provision for any archaeological remains in accordance with policy HA3 of the East Herts Local District Plan.

- 12 The Landscaping, boundary treatment planting and ground works shall be carried out in accordance with approved landscape and boundary treatment scheme in order to secure the Biodiversity Net Gains set out in the approved Biodiversity Net Gain Metric. The proposed development works shall be carried out and completed in full accordance with the approved details within 3 months of the decision notice and shall be permanently retained and maintained thereafter.

Reason: To ensure compliance with Policies DES3 and NE3 of the East Herts Local District Plan 2018.

- 13 No more than 2 mobile homes, 4 touring caravans shall be stationed on the site at any one time.

Reason: To ensure that the scale of development remains suitable for this site and in the interests of the rural character of the area in

accordance with the aims of Policies GBR2, HOU9 and HOU10 of the East Herts District Plan (2018).

- 14 A full soft landscaping plan showing the full details of soft landscaping as stated in the letter dated 29 June 2023 by WS Planning and Architecture, shall be submitted and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details and retained as such.

Reason: To ensure compliance with Policies DES3 and DES4 of the East Herts Local District Plan 2018.

Informatives:

1. 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.
2. 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.
3. Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory

authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

4. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.
5. It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made-up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit must or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Plans

Plan Ref	Version	Received
J004020-DD-01		29th November 2021
J004020-DD-02		29th November 2021
J004020-DD-04 A		19th July 2023
2202064-02		14th November 2022
Tree Constraints Plan		28th July 2022
J004020-DD-03	Rev D	14th August 2023
Agent Letter dated 29 June 2023	J004020	19th July 2023

Biodiversity Metric	ISBN: 978-1-7393388-0-0	14 th Aug 2023
Proposed Gates	J004020-DD-06	14 th Aug 2023
Written Scheme of Investigation	TL 3644 26991	24th November 2023



Land at Cherry Green Lane, Westmill, Hertfordshire SG9 9LF

NGR: TL 36442 26991

Written Scheme of Investigation for Archaeological Monitoring

WSH Ref: J004020

November 2023

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1.0 Introduction

1.1 WS Heritage has been commissioned by the site owner, Mr. McInerny, to prepare a WSI for watching monitoring during groundworks at Land at Cherry Green Lane Westmill Hertfordshire, SG9 9LF. The site is centred on National Grid Reference (NGR) TL36442 2699, the location and site boundaries are shown on Figure 1.

1.2 Planning permission (application ref: 3/21/2509/FUL) has been sought at the site (in part retrospectively) for:

- Change of use of land to residential
- formation of hardstanding (in accordance with proposed plan, barring areas of excess hardstanding proposed to be removed, some of which was pre-existing
- Installation of drainage systems
- Fencing along northern boundary and gates at access
- Post & rail fence + laurel planting along eastern boundary

1.3 Having considered the application Hertfordshire County Council's Historic Environment Team (HET) recommended that a condition be attached to planning consent for a programme of archaeological work. Following a consultation with Alison Tinniswood from HET on 20/9/2023 it was agreed that the WSI should be prepared to detail methodology for a programme of archaeological monitoring of intrusive groundworks.

1.4 The minutes of this meeting are summarised here:

1. As the planning application has yet to go to committee (this will probably be included on the October/November planning meeting agenda) the WSI should be drafted to cover the eventuality of approval with a condition for archaeological monitoring and that of refusal with required enforcement for remediation, also under archaeological monitoring. AT agreed to review the draft WSI, this review and subsequent provision of additional comments to be carried out free of charge in this instance.

A suitably worded condition has been provided by the planner covering this case:

"The details within the written scheme of investigation, shall be implemented in accordance with the approved document (document ref: Written Scheme of Investigation – Land at Cherry Green Lane, Westmill, Hertfordshire SG9 9LF NGR: TL 36442 26991L, submitted on 23/11/2023 and prepared by Huw Sherlock MCIfA). The development shall then be implemented in accordance with the (Written Scheme of Investigation) and retained as such". The archaeological condition shall not be discharged until the programme of archaeological work as set out in the approved Written Scheme of Investigation has been completed, and the required archaeological reports have been submitted to and approved in writing by the Local Planning Authority".

The WSI has been prepared by WS Heritage who will seek to approve a ClfA registered organisation to carry out the fieldwork and subsequent reporting. HCC no longer issue briefs for archaeological work.

2. The WSI should Indicate that the approved contractor will provide an updated copy of the approved WSI ahead of work commencing to include a list of all staff members responsible for overseeing or carrying out the work, A data management plan and a list of specialists.

3. The details of the museum that archive will be deposited with was discussed. HS has consulted the latest Hertfordshire Archaeological Archive Standards (issued April 2023) and this indicates that Westmill is covered by Hertford Museum, the relevant curator being named as Sara Taylor. The retained contractor will issue a Fieldwork Notification Form to the museum curator in advance of the fieldwork commencing. The site archive will be prepared to meet the deposition standards as identified in the HERTFORDSHIRE ARCHAEOLOGICAL ARCHIVE STANDARDS document (April 2023).
4. To date the following works have been completed:
 - Formation of hardstanding, mostly in accordance with proposed plan, barring areas of excess hardstanding proposed to be removed, some of which was pre-existing. The hardstanding formed is mostly the southern part of the site.
 - Installation of drainage systems (includes septic tank installation and associated soakaways)
 - Fencing along northern boundary, and gates at access,
 - Post & rail fence + laurel planting along eastern boundary.
7. It was discussed that the WSI should include details of specific methodology to be employed i.e. areas of existing hardstanding to be removed may involve limited use of a breaker/toothed bucket to remove areas of concrete but that further excavation to formation level in areas of open ground or where only rubble/hardcore is present should use a smooth ditching bucket. Archaeological monitoring should also be carried out in areas where new trees are to be planted, depending on the depth and nature of the planting (i.e., if only whips are planted this will not require monitoring but if more mature standard trees are to be planted requiring a substantial hole to be excavated then these will need to be monitored. The area to be stripped to form the road splay will also require archaeological monitoring.

1.5 This document is a Written Scheme of Investigation for the archaeological monitoring which has been submitted to East Hertfordshire Council and Hertfordshire County Council's Historic Environment Team for approval. All works will be carried out in accordance with the current ClfA standards and guidance (ClfA). Any variations to the scope of work will be agreed with the client and HCC's Historic Environment Team prior to implementation.

2.0 Archaeological Background

Geology and Topography

2.1 The following information is drawn from the Hertfordshire HER and the key diagnostic information is summarised for context here.

The Site lies within an Area of Archaeological Significance as defined in the Local plan (Policy HA3, EH 220). No archaeological structures, deposits or finds are known to be directly associated with the site and the archaeological potential is therefore derived from its location. It lies within an area known to preserve sites from the prehistoric to the post medieval periods.

Prehistoric

Cropmarks of an unknown date (HER 2916) but which may relate to Iron Age settlement in the area are known from aerial photography (Aerial Photograph: HCC (General/Archaeology). 1969.

Cropmarks of enclosures and linear ditches, Westmill. PNO 3642; Aerial Photograph: CUCAP.

Cropmark of rectangular enclosure, Westmill. PNO 3867). This site is situated approximately 800m to the north east. The HER entry reads '*Cropmark of a sub-rectangular enclosure, three sides of which are visible. Dimensions approx. 55m x 30m (incomplete). A small ring ditch abuts the inside of the ditch circuit. To the east is a rectilinear ditch system [224]*'.

Roman

Ermine Street Roman Road runs approximately 900m to the north east and crop marks possibly showing the location of a roman villa are recorded in the Hertfordshire Historic Environment Record (HER 16684) 700m to the north east near Whatbarn Farm (Aerial Photograph: Hertfordshire County Council. HCC vertical photomapping, 2010). The entry in the HER reads: '*Marks in crops show buried cut features which form a pattern of enclosures which may be a Roman settlement or possible villa-like site. These features lie adjacent to two linear features, to their north and south, which may be access ways or boundaries. Tesserae and tiles [1583] have been found in the same field*'.

Given the relative proximity to a major roman road and the existence of roman settlement sites within 1km the site is considered to have a low to moderate potential to preserve roman finds or structures.

Medieval

The Site lies 500m to the west of St Mary the Virgin Church (HER 4262) and the centre of the medieval settlement of Westmill (HER 2568). Westmill Bury, a grade 11* Listed building and the central point of the manor (HER 15955; NHLE 1347548) is known to have Saxon origins. Westmill is listed as a settlement in the Domesday Book, recorded as being in the hundred of Braughing and the county of Hertfordshire. It had a recorded population of 80 households in 1086, putting it in the largest 20% of settlements recorded in Domesday, and is listed under 2 owners in Domesday Book (Domesday Online, accessed 2023).

The site is considered to have a moderate potential to preserve finds and evidence of medieval settlement.

Post Medieval

There are 28 designated heritage assets listed on the National Heritage List England (NHLE) within 500m of the site. Of these 25 are grade 11 listed buildings and 3 are Grade 11*, the majority being vernacular buildings dating from the 16th-19th Centuries.

John Marius Wilson's Imperial Gazetteer of England and Wales 1870-72, gives the following description of Westmill:

'WESTMILL, a parish, with a village, in Royston district, Herts; on the Buntingford railway, 1½ mile S by E of Buntingford. It has a post-office under Buntingford, and a r. station. Acres, 2,137. Real property, £3,190. Pop., 353. Houses, 76. Coles Park and Knights Hill are chief residences. Two Roman cups were found in 1728. The living is a rectory in the diocese of Rochester. Value, £474. Patron, the Countess of Mexborough. The church is plain but good; and has a tower and spire. There is an endowed school with £29 a year'.

Modern

The Site is associated with a farm and has modern concrete hard standing, drainage and hardcore covering most of the area. This will have had a direct impact on the preservation of underlying archaeology. The degree to which these modern intrusions may have truncated the archaeology is unknown.

Previous archaeological investigations

The National Monuments record Excavation Index records 3 previous archaeological interventions within 500m of the site:

- A building recording project was carried out at Westmill Bury cottage: NMR 3501192 (Collins, T & Prosser, L 2013)
- The Sword in Hand Public House, Westmill; Site code: AS868. NMR: 1817674. Monitoring of extension groundworks recorded no significant archaeological activity (Williams, J 2004)
- An archaeological evaluation at Land to the rear of Pilgrims row (Site code: HN1300, HER: EHT8215 NMR: 3513913 revealed: *'a large degree of disturbance in the form of post-medieval and modern activity. Layers of overburden lay directly over the natural and a modern drain and soakaway had impacted into the natural. Two parallel ditches running across the trench at right angles and aligned north-west to south-east were revealed cutting into the natural. Their fills contained charcoal flecks but no finds were discovered. The investigation demonstrated that the area for the proposed development has seen a degree of disturbance from at least the post-medieval period onward. Whilst the ditches were undatable, a study of the existing housing plot layout in Westmill combined with the results of the evaluation suggests that these may relate to property boundaries. On the basis of the results of the evaluation, the risks that the proposed development might disturb archaeological remains of any local significance may be considered to be Low-Moderate for the medieval period and Low for all other periods'* (Phillips, D 2016).

Geology

2.2 The underlying geology of the site is Lewes Nodular Chalk Formation and Seaford

Chalk Formation. Superficial deposits comprise Diamicton of the Lowestoft Formation (BGS 2023).

2.3 The site covers an area of approximately 0.5 hectares and is generally level, averaging at a height of 108 OD.

3.0 Research aims and objectives

3.1 The general aims of the archaeological investigation are as follows:

- To make a record of the presence (or absence) and location, extent, date, character, condition, significance and quality of any surviving archaeological remains.
- To prepare a grey literature report on the site work suitable to meet the requirements of HCC's Historic Environment Team and achieve discharge of the planning condition.
- Subject to the results of the work, to publish the results of the work in a suitable journal.
- To submit the site archive to Hertford Museum and report the details of the project and any findings to the Archaeological Data Service (OASIS).

3.2 Specific research aims of the archaeological work include the following:

- Is there any evidence for Prehistoric activity on the site?
- Is there any evidence for Iron Age or Roman activity on the site?
- Is there any evidence for early medieval, medieval or post medieval activity on the site?

3.3 With reference to Medlycott 2011, the potential of the site to contribute to the following regional research agendas should be addressed in the assessment of the results of the fieldwork:

- Rural settlement in the roman period
- Roman-Anglo Saxon Transition
- Rural settlement in the medieval period

4.0 Method

4.1 A Risk Assessment and Method Statement (RAMS) that is fully compliant with all relevant Health and Safety legislation and ClfA guidance will be prepared prior to commencement of the work.

The Health and Safety site management plan will be circulated to WS Heritage for approval prior to the groundwork commencing and a copy will be held on site for inspection. All members of the archaeological team attending the site will have read the plan and signed a register to demonstrate that they are fully aware of its contents.

4.2 The watching brief work will comprise the monitoring of all groundworks on site, including but not limited to: any ground reduction, landscaping and excavations for foundations and drainage etc. (Figure 2).

4.3 All machine excavation will be undertaken using a suitable back-acting mechanical excavator provided by the client or their contractor and fitted with a wide flat-bladed ditching bucket. The machine excavation will be excavated through undifferentiated topsoil and modern made ground in spits of no more than 0.25m until archaeological deposits are encountered or the top of the underlying natural sediments reached. Care will be taken that archaeological deposits are not damaged due to over machining. All machining will stop if significant archaeological deposits are encountered.

4.4 While a watching brief is designed to cause minimal disruption to a development, the client/contractor will ensure that sufficient time will be granted to the Archaeologist(s) on site to properly excavate and record any archaeological features and/or deposits if they arise.

4.5 Any exposed archaeological features/deposits will then be cleaned by hand and recorded in plan and section.

5.0 Excavation and Recording Techniques

5.1 All hand excavation will be carefully undertaken and will follow the stratigraphy of any encountered archaeological layers, features and/or deposits.

5.2 In certain appropriate situations and should dry site conditions prevail, water will be used to aid the identification of exposed archaeological features and/or deposits to be hand excavated.

5.3 A sufficient sampling of archaeological features and/or deposits will be undertaken in order to determine their nature, date, condition, character and extent. This will comprise at least 10% of the length of linear features such as ditches in sections of up to 2 metres in length and at least 50% (or by half section) of the fills of other discrete archaeological features such as pits, postholes etc. Other specific features such as burials may require 100% sampling if necessary.

5.4 Should any human burials or remains be encountered the client and HCC's Historic Environment Team will be immediately informed. If removal of human remains is unavoidable this will only be done with the appropriate exhumation licence from the Ministry of Justice (<https://www.gov.uk/government/publications/apply-to-exhume-human-remains>).

5.5 HCC's Historic Environment Team and the client will be informed at the earliest opportunity of any archaeological features or deposits potentially worthy of preservation *in-situ*.

5.6 All excavated archaeological features; layers and/or deposits will be planned, photographed and recorded utilising the assigned site code. All excavated contexts; structures, features and deposits will be drawn on plastic film at a scale of 1:20. Additional plans at a scale of 1:10 will be made of specific features where appropriate, such as human inhumations or cremation burials. Sections of all excavated archaeological contexts will generally be drawn at a scale of 1:10, and where appropriate at a larger scale of 1:20. All site drawings will be digitised.

5.7 Bulk soil samples will be collected from datable excavated contexts of buried soils, well-sealed slowly silting features, sealed hearths, sealed features containing evident carbonised remains, peats, well-sealed closed features and water-logged deposits. Soil samples will be taken in accordance with English Heritage Guidelines and be a minimum of 40-60 litres (where possible), or 100% of the context where this is smaller.

A 20 to 30% sub-sample of each will be wet-sieved using 0.5mm meshes. Recovered material will be assessed in order to establish its potential for providing information relating to past environment and human activity. Additional guidance will be sought from the English Heritage Regional Science Advisor as appropriate.

5.8 A metal detector will be used on the site to check all archaeological horizons, fills and spoil heaps.

5.9 A full, digital photographic record will be made of all archaeological features. All photographs, except working shots, will include a board that will detail: the site code, date and context number, a scale and a north arrow.

5.10 All archaeological remains will be recorded and levelled relative to Ordnance Datum by an archaeological surveyor, using DGPS (Differential Global Positioning System) technology. All archaeological features and deposits will be recorded using numbered standard context record sheets and a log will be kept of all context numbers issued. Soil colours are recorded using visual inspection and not by reference to the Munsell Colour chart.

5.11 An ongoing site matrix will be compiled during the fieldwork stage, which will be fully phased during the subsequent post excavation stage.

6.0 Processing and identification of material recovered from excavation

6.1 All pottery, bone and worked flint recovered from the excavations will be washed and marked with the appropriate site code to identify the site and context. Most ceramic and other building material and burnt flint will be identified, counted, weighed and discarded. Samples will be retained as appropriate. Finds will be bagged in polythene bags according to type and context.

6.2 Any unstratified finds from topsoil or other deposits will be collected and recorded in the same way as all other archaeological finds.

6.3 Bulk samples collected from site will be processed using tank flotation unless considered detrimental to the samples or recovery rate (such as for waterlogged samples). Bulk samples will target recovery of plant remains (charcoal and macrobotanicals), fish, bird, small mammal and amphibian bone, and small artefacts. Waterlogged samples will be wet sieved through nested sieves and stored in wet, cool conditions or dried if considered an appropriate form of conservation for the remains. As a general rule waterlogged wood specimens will be recorded in detail in their original location. If removed they will be cleaned, photographed and a thin section sample will be taken for identification. Specimens will either be stored in wet cool conditions or dried if considered appropriate for the material. In all instances deposits with clearly intrusive material shall be avoided.

6.4 All finds will be cleaned, labelled, sorted and analysed in accordance with the practices and standards outlined in the United Kingdom Institute for Conservation's Conservation Guidelines No.2: Guidelines for the Preparation of Excavation Archives for Long Term Storage.

6.5 Adequate arrangements will be made for the conservation of artefacts where appropriate in consultation and with the agreement of the recipient museum. All finds in an unstable condition will be stabilised using passive conservation techniques where appropriate before being deposited.

6.6 The provisions of the Treasure Act of 1996, amended 2003 will be observed. Should finds of precious metals such as gold and silver and other finds as defined under the Act be made, they will be reported to the client with a view to deposition with the Coroner's local Archaeological Advisor.

6.7 The site archive comprising paper, photographic and drawn records as well as finds will be kept in a secure location at all stages of the project.

6.8 The lithic and ceramic finds will be identified by suitably qualified specialists to be identified in an updated version of this WSI by the archaeological contractor commissioned to conduct the work.

6.9 The specialists in the identification and study of the following classes of materials will be identified by the archaeological contractor if necessary and where appropriate:

Prehistoric and Roman pottery

Post-Roman pottery

CBM

Fired Clay

Clay Tobacco Pipe

Glass

Slag

Metalwork

Worked Flint

Geological material and worked stone

Human bone (including cremated bone)

Animal bone (including fish bone)

Marine shell

Coins

Treasure administration

Conservation

Geoarchaeology

Macro-plant remains

Charcoal & Waterlogged wood

Other specialists (e.g. regional, environmental, and scientific dating) as required.

7.0 Reporting

7.1 In the event that no significant archaeological remains are encountered a watching brief report will be prepared within six weeks of completion of the site works.

7.2 The report will contain the following information:

- **SUMMARY:** A concise non-technical summary
- **INTRODUCTION:** General introduction to project including reasons for work and funding, planning background.
- **BACKGROUND:** to include geology, topography, current site usage/description, and what is known of the history and archaeology of the surrounding area.
- **AIMS AND OBJECTIVES:** Summary of aims and objectives of the project
- **METHOD:** Methodology used to carry out the work.
- **FIELDWORK RESULTS:** Detailed description of results. In addition to archaeological results, the depth of the archaeological horizon and/or subsoil across the site will be described. The nature, location, extent, date, significance and quality of any archaeological remains will be described and mapped.
- **SPECIALIST REPORTS:** Summary descriptions of artefactual and ecofactual remains recovered. Brief discussion of intrinsic value of assemblages and their more specific value to the understanding of the site.
- **DISCUSSION AND CONCLUSIONS:** Overview to include assessment of value and significance of the archaeological deposits and artefacts, and consideration of the site in its wider context.
- **APPENDICES:** Context descriptions, finds catalogues, contents of archive and deposition details, HER summary sheet.

- FIGURES: to include a location plan of the archaeological works in relation to the proposed development (at an Ordnance Survey scale), specific plans of areas of archaeological interest (at 1:50), a section drawing to show present ground level and depth of deposits, section drawings of relevant features (at 1:20). Colour photographs of the more significant archaeological features and general views of the site will be included where appropriate.

7.3 A digital copy of the report will be supplied to Hertfordshire County Council's Historic Environment Team for planning purposes.

7.4 Copies of the report will also be submitted to the receiving museum as part of the project archive.

7.5 Immediately before fieldwork commences a record will be initiated for the Online Access to Index of Archaeological Investigations (OASIS) at <http://ads.ahds.ac.uk/project/oasis/UTH> in accordance with the guidelines provided by Historic England and the Archaeological Data Service. This will include the completion of key fields on Details, location and Creators. When the project is complete all parts of the OASIS online form will be completed for submission to the HER. This will include an uploaded pdf version of the entire report.

8.0 Preparation and deposition of the finds and archive

8.1 Permission will be sought from the landowner to deposit the finds and paper archive in an appropriate local museum. All necessary arrangements will be made and all procedures and requirements for the acceptance of finds and archive by the museum will be followed prior to their deposition. The site archive will be quantified, indexed and cross-referenced and checked prior to deposition.

8.2 The full site archive (including finds) will be prepared in accordance with the Hertford Museum guidelines.

9.0 Project Management

9.1 The names of the project managers and all staff attending the site will be included in an updated version of the WSI to be prepared by the archaeological contractor.

10.0 Monitoring

10.1 Provision will be made at all stages of the project for the client and HCC's Historic Environment Team to monitor progress and standards. Adequate provision will be made available for the HCC's Historic Environment Team to make site monitoring visits at agreed and specified times.

11.0 Health and Safety

11.1 A risk assessment for the project will be prepared prior to the commencement of work. All relevant health and safety regulations will be adhered to.

12.0 Insurance

12.1 The archaeological contractor will be insured against claims for:

Employer's liability to the value of £50,000,000; public liability to the value of £50,000,000 any one occurrence and in the aggregate for products liability, with an extension for no fault compensation

up to £50,000,000 in the aggregate; professional indemnity to the value of £10,000,000 any one occurrence.

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Appendices



Figure 1 Site Location Plan



Figure 2: Site Plan as existing

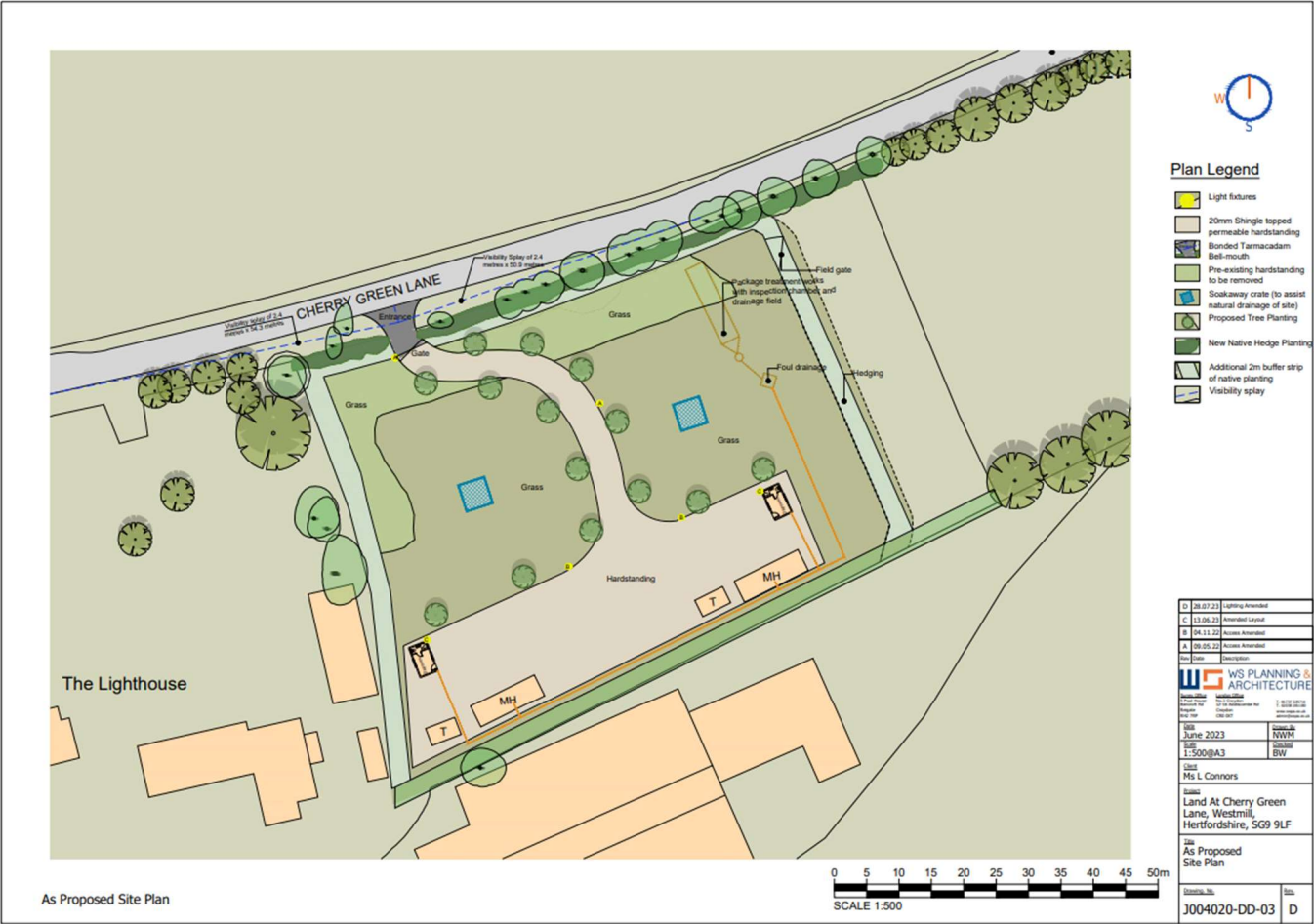


Figure 3: Site Plan as proposed

**EAST HERTS COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
ITEMS FOR REPORT AND NOTING
NOVEMBER 2023**

Application Number	3/21/1440/HH
Decsn	Refused
Level of Decision	Delegated
Address	1 Bury LaneDatchworthKnebworth SG3 6ST
Appellant	Mr Olek Keenan
Proposal	Ground floor extensions to include ground floor orangery style extension. New link between main house and gym. New roof to Gym with with a raised wall. First floor extension. New windows and doors. Removal of chimney. External Spiral staircase.
Appeal Decision	Allowed

Application Number	3/22/0218/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Land Adjacent To Fox Cottage81 Long LaneAstonStevenage SG2 7HE
Appellant	Mr A Moreham
Proposal	Erection of detached four bedroom dwelling. Demolition of outbuildings, access provided via existing access from Long Lane.
Appeal Decision	Dismissed

Application Number	3/22/0310/HH
Decsn	Refused
Level of Decision	Delegated
Address	The Stables London RoadHertford SG13 7NS
Appellant	Mr Chris Abbiss
Proposal	Conversion and alterations to garage/store/office to create residential annexe to include raising of roof, insertion of rooflights, doors and windows.
Appeal Decision	Allowed with Costs

Application Number	3/22/0711/VAR
Decsn	Refused
Level of Decision	Delegated
Address	46 Pepper HillGreat AmwellWare SG12 9RZ
Appellant	Mrs J Thom
Proposal	New first floor with alterations to ground floor of existing dwelling house. New detached garage with workshop/storage over. Variation of condition 2 (approved plans) of planning permission: 3/11/0306/FP.
Appeal Decision	Allowed

Application Number	3/22/1309/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Jesmond Cottage2 Cross RoadEpping Green SG13 8NG
Appellant	Mr Frank Banner
Proposal	Conversion of stable building to provide a single residential unit with associated parking and amenity space.
Appeal Decision	Allowed

Application Number	3/22/1706/FUL
Decsn	Refused
Level of Decision	Delegated
Address	59A Fore StreetHertford SG14 1AL
Appellant	Ms S Muriel
Proposal	Replacement of window to front and rear elevations with wood effect UPVC sash casement windows.
Appeal Decision	Allowed

Application Number	3/22/1935/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Elbow Lane FarmElbow LaneHertford HeathHertford SG13 7QA
Appellant	Mrs Teresa Walker
Proposal	Demolition of stable block and partial demolition of equestrian block and the development of the remaining equestrian block to include 4, 4 bedrooomed dwellings and 2, 3 bedrooomed dwellings, including associated landscaping.
Appeal Decision	Dismissed

Application Number	3/22/2155/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Grudds FarmGreen TyeMuch Hadham SG10 6JP
Appellant	Mr Sam Prior
Proposal	Change of use of land from agriculture to residential. Erection of outbuilding to provide garage and ancillary accommodation
Appeal Decision	Allowed

Application Number	3/22/2459/VAR
Decsn	Refused
Level of Decision	Delegated
Address	Paddock LodgeChaldean FarmBromley LaneMuch Hadham SG10 6HU
Appellant	Chaldean Estates Ltd
Proposal	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').
Appeal Decision	Dismissed



Appeal Decision

Site visit made on 7 November 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2023

Appeal Ref: APP/J1915/D/23/3314914

1 Bury Lane, Datchworth SG3 6ST

- 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 Olek Keenan against the decision of East Hertfordshire District Council.
- The application Ref 3/21/1440/HH, dated 28 May 2021, was refused by notice dated 27 October 2022.
- The development proposed was originally described as 'Ground floor extensions and alterations. Ground floor orangery style extension with tall windows and rooflight above. New link between main house and 'gym' area. New roof over gym. Wall to gym raised and amended. Existing stair within existing house to be replaced with new. First floor extension. Internal remodelling. New windows and doors. Removal of existing chimney. New spiral staircase externally as per drawings'.

Decision

1. The appeal is allowed and planning permission is granted for 'Ground floor extensions and alterations. Ground floor orangery style extension with tall windows and rooflight above. New link between main house and 'gym' area. New roof over gym. Wall to gym raised and amended. Existing stair within existing house to be replaced with new. First floor extension. Internal remodelling. New windows and doors. Removal of existing chimney' at 1 Bury Lane, Datchworth SG3 6ST, in accordance with the terms of the application, Ref 3/21/1440/HH, dated 28 May 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 000 rev P2, 001 rev P5, 002 rev P5, 003 rev P5, 004 rev P5, 005 rev P7, 006 rev P6, 008 rev P1, and 011 rev P1.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) No demolition or development shall take place other than in accordance with the written scheme of investigation for a programme of archaeological monitoring, prepared by Pre-construct Archaeology, and dated October 2022.

Preliminary Matters

2. The Procedural Guide: Planning Appeals – England advises that if an appeal is made, the appeal process should not be used to evolve a scheme, and it is

important that what is considered by the Inspector is essentially what was considered by the Council and interested parties at the application stage.

3. Prior to the Council's determination of the application, an amended proposed plan was submitted, omitting an external spiral staircase. Drawing number 005 P6 subsequently formed one of the plans on which the application was determined. Although no external spiral staircase is shown on this plan, it contains an annotation making reference to it. Both main parties agree that the proposed development does not include an external spiral staircase, and an amended drawing reference 005 P7 has been submitted as part of this appeal, on which reference to the spiral staircase has been omitted.
4. The appellant has requested that other amended plans also be considered as part of this appeal. I am satisfied the proposed changes to the exterior of the building - which include alterations to the positions and design of glazing and doors - are not significant, and would not fundamentally change the proposal. However, I cannot be certain that no parties would be prejudiced were I to take these amendments into account. Therefore, and with the exception of drawing reference 005 P7, this appeal has been determined based on the plans submitted in support of the application, and upon which the Council's decision was made. I have had regard to the degree of engagement for all parties in coming to this view.

Main Issues

5. The main issues are;
 - whether the extensions and alterations would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies, and, if so, the effect of the development on the openness of the Green Belt; and,
 - if the proposals would be inappropriate development, whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Whether the development would be inappropriate development

6. The appeal site, which is within the Green Belt, contains a relatively large detached dwellinghouse. It has accommodation arranged over 2 storeys, and much of the house has pitched roofs above the first-floor accommodation.
7. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Framework paragraph 149 goes on to say that the construction of new buildings in the Green Belt should be regarded as inappropriate, unless one of a number of exceptions are met. An exception, at paragraph 149 c), is the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.
8. Part I of policy GBR1 of the East Herts Council East Herts District Plan – October 2018 (the district plan), indicates that planning applications within the Green Belt will be considered in line with the provisions of the Framework. As

such, part I of this policy conforms with the Framework in respect of Green Belt matters.

9. What is disproportionate in the context of extensions to buildings in the Green Belt, is not defined in either the Framework or policy GBR1. Therefore, the assessment of whether the proposal would amount to a disproportionate addition over and above the size of the original building, is a matter of planning judgment.
10. The house has been subject of previous extensions. In combination with the development proposals subject of this appeal, the evidence indicates that there would be a cumulative increase in the floorspace of the original buildings of 50.2%. While such an increase would be significant, it is reasonable to also consider size and scale when assessing whether a proposal would amount to a disproportionate addition.
11. The ground floor extensions would increase the overall footprint of the dwelling, but only by a little. Furthermore, and while parts of the walls of the link and gym would be taller than the existing link, these parts of the scheme, and the orangery, would be single-storey and have flat roofs. Moreover, their heights would be significantly lower than the majority of the original buildings.
12. Much of the proposed first-floor side extension would be constructed above an existing single-storey part of the building and set back from the existing building lines. It would also have a hipped roof and be lower in height than the adjacent 2-storey original part of the building. This part of the scheme would not therefore be dominant in either size or scale when compared with the original buildings.
13. For the reasons given above, and when considered together and in combination with previous additions, the proposals would be both limited in extent and subservient to the original buildings. Therefore, and notwithstanding the increase in floorspace proposed, the proposals would not constitute disproportionate additions to the original building. As such the development would not be inappropriate development in the Green Belt. Instead, it would comply with policy GBR1 of the district plan as well as the relevant provisions of the Framework. Consequently, there is no need to consider the effect of the development on the openness of the Green Belt, or for it to be demonstrated that very special circumstances exist.

Conditions

14. The Council have suggested a number of conditions, the wording of one of which has been amended for the purposes of clarity and to meet the six tests within paragraph 56 of the Framework.
15. The statutory condition which specifies the time-period for the implementation of the permission is imposed. For certainty, a plans condition is also included. A materials condition is necessary to ensure that the development does not cause harm to the character and appearance of the area.
16. A written scheme of investigation for a programme of archaeological monitoring prepared by Pre-construct Archaeology, was submitted in support of the application. It is necessary to impose a condition requiring that the development be undertaken in accordance with the measures identified within this programme. This is because the site is within an area of archaeological

significance, and the development has the potential to disturb archaeological remains. Such a condition will ensure no unacceptable harm would be caused in respect of archaeological remains within the site.

Conclusion

17. For the reasons given above, and having regard to the development plan as a whole and any material considerations, I conclude that this appeal should be allowed.

V Simpson

INSPECTOR



Appeal Decision

Site visit made on 24 October 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th November 2023

Appeal Ref: APP/J1915/W/22/3310920

Fox Cottage, 81 Long Lane, Aston, Hertfordshire SG2 7HE

- 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 A Moreham against the decision of East Herts District Council.
 - The application Ref 3/22/0218/FUL, dated 1 February 2022, was refused by notice dated 13 May 2022.
 - The development proposed is described on the application form as 'Erection of detached four bedroom dwelling on land adjacent Fox Cottage. Demolition of mainly disused outbuildings, access provided via existing access from Long Lane.'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed development relates to the setting of a listed building. Accordingly, I have had special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it may possess, as required under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are:
 - whether the proposed development is inappropriate development in the Green Belt;
 - whether the site is a suitable location for housing having particular regard to the accessibility of services and facilities;
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposal would preserve the Grade II listed building, Fox Cottage, or its setting;
 - the effect of the proposed development on the living conditions of future occupiers, with particular regard to overlooking; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

4. The appeal site comprises a parcel of land to the south of Long Lane. It is formed of a series of single-storey buildings, areas of hardstanding and grassland. Although not included within the site location plan's red line, the site is associated with nearby Fox Cottage, a private dwelling. The site is within the Green Belt.
5. National Green Belt policy in the National Planning Policy Framework (the Framework) sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development. There are, however, certain exceptions. One of those, at paragraph 149, is the limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt. Policy GBR1 of the East Herts District Plan (LP, 2018) conforms to the general thrust of national Green Belt policy, setting out that planning applications will be considered in line with the provisions of the Framework.
6. Given the nature of the site, specifically the permanence of some existing structures and areas of hardstanding, I acknowledge that the site may be characterised as previously developed land, in line with the definition in the Framework. I also note that the proposed development would result in the removal of several existing structures and the consolidation of built form across the site. I also saw how intervening features in the landscape and its topography mean there is fairly limited visibility of much of the site from the surrounding area.
7. Nevertheless, the openness of the Green Belt has a spatial as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm. The proposed development would introduce development of a greater height than the existing structures, at two-storeys high. This would be compared with the low-lying and traditional nature of the existing buildings across the site. There would also, in all likelihood, be domestic paraphernalia linked to the additional dwelling, including access and parking areas, parked vehicles, additional boundary features, amenity areas and bin storage. This would add to the effect on openness beyond a simplistic reliance on amount of ground covered or the volume of built form. At present the site retains an essentially open, rural character.
8. Overall, I conclude that the proposed development would fail to preserve openness. It would be inappropriate development in the Green Belt, rather than an exception permissible under Framework paragraph 149. However, in the light of the mitigating factors explained above, adverse effects to openness would reasonably be described as moderate. The proposed development would be contrary to the relevant provisions of LP Policy GBR1, which in summary seeks to protect the Green Belt from inappropriate development and to protect its openness.

Appropriateness of location

9. The appeal site is located outside of any defined settlement boundary, and therefore within the open countryside. Notwithstanding this, as the site is

located near to established residential properties, it cannot reasonably be described as 'isolated' within the terms of Framework paragraph 80.

10. Aston End contains very limited services, including a public house. Further services and facilities are provided in Stevenage. However, these are located a reasonably long distance away from the site, and would require future residents of the development, if travelling by foot or cycle, to proceed along Long Lane, which is narrow with no dedicated footway/cycleway or wide verge and is unlit. This journey would also require residents to cross the road at least once. The journey would be particularly undesirable in winter months, after dusk or during inclement weather conditions.
11. Paragraph 105 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural locations. However, in this location, the occupants of the proposed dwellings would be highly reliant on the use of private vehicles to access most services and facilities, irrespective of the precise distance, due to a lack of satisfactory walking routes and a lack of public transport facilities within a reasonable distance of the site.
12. My attention has been drawn to a development at Hazel Park. Whilst I do not have the full details of that case before me, including its specific context and planning history, I note that it relates to a significant number of dwellings. As a result, the considerations that applied there, and the planning balance, are not directly comparable. Moreover, there is no substantive evidence before me to demonstrate that the presence of that site would improve the sustainability of the appeal site. Ultimately, the existence of that scheme does not lead me to an alternative conclusion on this main issue.
13. For the above reasons, I conclude that the appeal site would form an inappropriate location for the proposed development, contrary to the relevant provisions of LP Policies DPS2, VILL2 and TRA1. These policies, in summary, seek to ensure development is located in the most sustainable locations. This is in a similar vein to the objectives of paragraph 104(c) of the Framework, which says that transport issues should be considered from the earliest stages of plan making and development proposals so that opportunities to promote sustainable transport are identified and pursued.

Character and appearance

14. As reasoned above, views into the appeal site are relatively limited by reason of the position of public vantage points and intervening landscaping and levels. Despite this, parts of the site can be glimpsed from Long Lane. Clearer views are obtained from within adjoining privately owned land. From those vantage points, the site, including the existing buildings, retains a rural character that does not appear out of place here. This is consistent with the wider landscape. The existing arrangement of buildings is such that the appeal site does not appear as a separate entity to the Fox Cottage, with no strong visual boundaries between the site and dwelling.
15. The proposed development, irrespective of its precise footprint, would introduce a harmful domestic character to the site, and the building would have a more prominent presence than the existing low-key outbuildings, particularly as the proposed dwelling would reach two storeys high. The development would erode the contribution that the site makes to the open and rural nature

of the surrounding area, intensifying its use from rural to almost suburban in appearance. Consequently, the proposed development would have a harmful effect on the site and on the open rural character of Long Lane.

16. Overall, I conclude that the proposed development would have a harmful effect on the character and appearance of the area, contrary to the relevant provisions of LP Policies DES2 and DES4. These policies, when taken as a whole, seek to ensure that development in the countryside is appropriate for its location and does not harm the special characteristics of landscape character. This is in a similar vein to the objectives of the Framework insofar as good design and the protection of landscape character is concerned.

Heritage - special interest and significance

17. Fox Cottage is positioned to the north-east of the appeal site. It is a Grade II listed building¹, dating from the sixteenth century, with later elements. It is faced in brick and roughcast render. A later, prominent twentieth century addition exists to the rear.
18. Based on the evidence before me, the special interest and significance of the listed building is largely derived from its architectural and historic interest. Important contributors in these regards, which are pertinent to the appeal, are its illustration as a vernacular hall house and the use of traditional building materials and techniques.
19. Pertinent to the appeal, in relation to the settings of the listed buildings and the contribution they make to the special interest and significance of assets, I have had regard to the definition of setting within the National Planning Policy Framework (the Framework).
20. To my mind, the closely associated grounds of the main house, including the adjacent outbuildings, driveway and gardens, have an historic, visual and functional connection with the heritage asset. These grounds form the asset's immediate setting and it is from here that the asset is best appreciated. This immediate setting contributes somewhat to the asset's special interest and significance.

Heritage – appeal proposal and effects

21. There is no doubt that the proposed development would change the appearance of the appeal site. However, the proposal, by reason of its nature, position and overall scale, would not harmfully disturb the identified historic, visual and functional relationship between the heritage asset and the appeal site, which forms part of its immediate setting and which contributes to the asset's significance. The listed building would remain legible, and the asset's historic and architectural interest would remain unaffected. The retention of a considerable separation distance and intervening landscaping features would reinforce this.
22. Overall, I conclude that the proposed development would preserve the Grade II listed building, Fox Cottage, and its setting. Consequently, it would not harm the significance of this designated heritage asset. In doing so, it would satisfy the requirements of Section 66(1) of the Act. The proposal would also accord with the relevant provisions of LP Policies HA1 and HA7, which in summary

¹ List Entry Number: 1101437

seek to protect heritage assets and their settings. This is in a similar vein to the National Planning Policy Framework (the Framework) insofar as the protection of heritage assets is concerned.

Living conditions

23. The proposed dwelling would lie to the south west of the existing dwelling, Fox Cottage. This would introduce habitable windows in a location where this is not currently the case, including at first floor level.
24. The orientation of the proposed dwelling relative to Fox Cottage, together with the separation distance between the two properties, is such that there would be no harmful loss of privacy to the occupiers of that property.
25. Consequently, I conclude that the proposed development would have an acceptable effect on the living conditions of neighbouring properties, in accordance with the relevant provisions of LP Policy DES4, which in summary seeks to protect living conditions.

Other considerations

26. The proposal would result in the removal of a number of existing buildings that are in a poor state of repair. The appellant considers these to be unsightly and that this would be a benefit. However, the removal of existing buildings, and general enhancement of the site, could happen without the redevelopment of the site. Moreover, I note that some of the buildings identified for demolition do not lie within the appeal site, illustrated as being outside the red line. I therefore afford this matter no weight.
27. I also note that the proposed development would meet some other planning objectives, including in respect of biodiversity. However, the absence of harm in those respects is essentially neutral in my determination of the appeal. I therefore give these considerations limited weight.
28. A letter of support has been received. However, that is not a benefit and has not led me to an alternative conclusion on the main issues. I afford this matter no weight.
29. My attention is drawn to a nearby site at Hazel Park. As discussed above, the circumstances at that site are not directly comparable with the appeal site. In any event, I have assessed the appeal based on the evidence before me and the site's individual circumstances. I therefore give these considerations limited weight.

Green Belt Balance and conclusion

30. The proposed development would be inappropriate development in the terms set out by the Framework and would result in a harmful loss of openness to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt.
31. Cumulatively, I attach no more than limited weight to the benefits of the proposed development which make up the other considerations. As such, the other considerations do not clearly outweigh the harm to the Green Belt and the very special circumstances necessary to justify the development do not exist.

32. From the evidence before me, the Council is unable to demonstrate a five-year housing supply. This means that the policies which are most important for determining the proposal are out of date in accordance with paragraph 11.d of the Framework. However, bullet (i) of paragraph 11.d clarifies that permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance, including Green Belt, provide a clear reason for refusing the proposed development. In this case, I have found that there would be harm to the Green Belt. Therefore, the proposal would not benefit from the presumption in favour of sustainable development in this instance.

33. Accordingly, I conclude that the appeal should be dismissed.

A Price

INSPECTOR



Costs Decision

Site visit made on 2 November 2023

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2023

Costs application in relation to Appeal Ref: APP/J1915/D/22/3310824 The Stables, London Road, Hertford, Hertfordshire, SG13 7NS

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Chris Abbiss for a full award of costs against East Hertfordshire District Council.
 - The appeal was against the refusal of planning permission for "Conversion and alterations to garage/store/office to create residential annexe to include raising of roof, insertion of rooflights, doors and windows".
-

Decision

1. The application for an award of costs is partially allowed, in the terms set out below.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded where:
 - a party has behaved unreasonably; and
 - the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The PPG clarifies that unreasonable behaviour may either be procedural or substantive. Although an application for costs may relate to events before the appeal, the PPG states that costs unrelated to the appeal are not eligible for an award.
4. The application for costs by the appellant is based on substantive grounds in that it alleges the Council acted unreasonably in persisting with objections to a scheme that an Inspector previously indicated to be acceptable at appeal¹ ('the previous appeal').
5. In accordance with section 38(6) of the 2004 Act² and section 70(2) of the 1990 Act³, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The starting point of decision-making is therefore plan-led.

¹ Planning appeal APP/J1915/W/15/3023008, decision date 24 December 2015.

² Planning and Compulsory Purchase Act 2004

³ Town and Country Planning Act 1990 (as amended)

6. It will be seen from the appeal decision that I disagree with the grounds upon which the Council refused the application, namely; (1) that the development would result in the creation of a separate unit of residential accommodation in an inappropriate location; and (2) that the proposal would be inappropriate development in the Green Belt.
7. However, I am nonetheless satisfied that it was not unreasonable of the Council to have formed the conclusions it did in respect of the main issues relating to;
 - whether it would be inappropriate development in the Green Belt, on the basis that the scheme proposed an increase in height of the building, whereas the development allowed at the previous appeal did not⁴;
 - whether the scheme would be tantamount to the creation of a separate unit of residential accommodation in an unsustainable location, on the basis that the proposed annexe had 2 bedrooms and more floorspace than that allowed at the previous appeal which only contained 1.
8. I do nonetheless agree with the appellant that the Council did behave unreasonably in not placing sufficient weight on the conclusions of the Inspector at the previous appeal who found that the scheme's position outside the small curtilage associated with the Stables did not have a direct bearing on the functional relationship that existed between the two buildings and that there was therefore no basis to suggest that the annexe could not function in the manner proposed by the appellant.
9. Although the Council afforded minimal weight to the previous appeal scheme on the basis that it had lapsed, this did not mean that the Inspector's reasoning for their decision was no longer significant.
10. I recognise that a new District Plan was subsequently adopted after the previous appeal decision, but the wording of its main policy on the matter of residential annexes (Policy HOU13) does not refer to specific numerical figures in setting the maximum distance an annexe can be from the main dwelling; - it merely requires it to be 'close to and well related to and have a clear functional link to the main dwelling'. To my mind, these issues were considered by the Inspector at the previous appeal, who deemed the physical layout and existing functional relationship to be acceptable and capable of functioning as an annexe.
11. The wording of Policy HOU13 therefore retains flexibility in terms of the maximum separation distance between the main dwelling and annexe, necessitating a planning judgement by the decision-maker having regard to the evidence before them and their on-the-ground assessment. In the case before me, the Council did not demonstrate how the assessment of the scheme against Policy HOU13 differed from the policy applied to the previous appeal or how the circumstances on-the-ground had changed in the intervening period.
12. The above deficiency was further compounded by insufficient regard being given to a recent Council decision to issue a certificate of lawfulness which concluded that the annexe building in question already had a lawful residential

⁴ Paragraph 12 of the decision letter.

use in association with the main dwelling⁵, which indicated a clear functional relationship already existed between the two.

13. In view of this, I consider it unreasonable of the Council to have introduced the matter of siting into its first reason for refusal. The application for costs on this substantive ground therefore succeeds.

Conclusion

14. In view of the above, I find that unreasonable behaviour by the Council resulting in unnecessary and wasted expense has been demonstrated. I therefore conclude that a partial award of costs, to cover the expense incurred by the appellant in addressing the matter relating to the siting of the annexe in the first reason for refusal is justified.

Costs Order

15. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that East Hertfordshire District Council shall pay to Mr Chris Abbiss the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in addressing the siting of the annexe in the first reason for refusal.
16. The applicant is now invited to submit to East Hertfordshire District Council, to whose agents a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Robert Fallon

INSPECTOR

⁵ Certificate of Lawful Use or Development Ref 3/21/0293/CLXU dated 10 June 2021.



Appeal Decision

Hearing held on 24 October 2023

Site visit made on 24 October 2023

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th November 2023

Appeal Ref: APP/J1915/W/23/3319942

Paddock Lodge, New Barns Lane, Much Hadham, Hertfordshire SG10 6HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 for the siting of a mobile home an agricultural worker's dwelling for which a previous planning permission was granted for a limited period.
 - The appeal is made by Chaldean Estates Ltd against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/2459/VAR is dated 24 November 2022.
 - The application sought planning permission for the siting of a mobile home for an agricultural worker's dwelling granted planning permission for a limited period Ref 3/19/2616/FUL, dated 3 April 2020.
 - The permission is subject to a condition requiring the cessation of the use on or before 3 April 2023.
 - The reason given for the condition is: The development is a temporary expedient only having regard to amenity of the surrounding area.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Two documents were submitted during the Hearing which set out the vineyard's 5 year budget for operations (2023 – 2027); and a breakdown of capital expenditure. Given that they do not fundamentally alter the proposal and were of relevance to the discussions between all parties at the Hearing, I have taken them into consideration in my decision.

Main Issues

3. The main issues are a) whether or not there is an essential need for a mobile home to accommodate a rural worker; and b) the effects of the proposed development on the character and appearance of the area.

Reasons

Essential Need

Background

4. Planning permission was granted in April 2020 to use the appeal site for the temporary siting of a mobile home. The need for the mobile home was predicated on the basis of the Chaldean Estate's (the Estate) plans for diversification and in particular establishing an alpaca farm. The permission

was for a 3-year period and was subject to a standard agricultural occupancy condition. The permission was not tied to the alpaca enterprise. The diversification into alpacas was not subsequently pursued although the mobile home was placed on site and occupied.

5. In 2019, the Estate had already begun to diversify from its main activities, into growing grapes. Vines were planted in a part of the overall landholding just a few minutes' drive from the appeal site. That site is approximately 4 hectares (10 acres) in size and is now producing grapes which are supplied to a winery. It was explained at the Hearing that in 2022 the decision was taken to extend the grape growing activities and in May 2023, new vines were planted in a field of approximately 5.6 hectares (14 acres). This field is adjacent to the appeal site.
6. The application to extend the temporary permission for the siting of the mobile home was submitted after the decision to extend the vineyard but before the vines could be planted. The application did not explain that the alpaca farm had not come to fruition. Furthermore, no details or information of the vineyard were provided to support the need for the mobile home. Thus, without any supporting evidence the application was refused by the Council.
7. The Council is now aware of what has transpired in the intervening period and that a mobile home is said to be needed to house workers for the vineyard. Nevertheless, the Council maintains its assertions that an essential need for the mobile home has not been demonstrated.

Policy Context

8. The site lies within the rural area beyond the Green Belt. The Council's spatial strategy is to direct development to specified locations which can generally benefit from sustainable transport options and which in turn helps to protect the rural area beyond the Green Belt as a valued countryside resource. Thus, in locations such as the appeal site there is a general restriction on development. This approach is broadly consistent with the National Planning Policy Framework (the Framework).
9. Some specified forms of development are however permitted by the East Herts District Plan 2018 (EHDP) in the rural areas beyond the Green Belt. Aside from those specified in Policy GBR2, Policy HOU5 also establishes criteria against which dwellings for rural workers will be permitted. The general approach of HOU5 is not dissimilar to Paragraph 80 of the Framework, which specifically seeks to avoid isolated homes in the countryside unless specific circumstances apply, including the essential need for a rural worker.
10. At the Hearing the appellant favoured the wording of Paragraph 80 over that of HOU5, as it refers to 'homes', thereby encompassing a range of accommodation types, including mobile homes. However, given the size of the site and nature of the mobile home previously approved, there would be little practical difference between it being referred to as a 'dwelling' or a 'home'.
11. There was further discussion in relation to Policy HOU5, as it refers specifically to 'permanent dwellings', which was said to lessen its relevance to the proposal. However, Paragraph 80(a) also refers to rural workers living permanently (my emphasis) at or near their place of work in the countryside. In my opinion, the use of the word 'permanent' does not necessarily mean that

neither the EHDP nor the Framework would be applicable in this instance. Whilst the proposal would be time limited, it would nonetheless be present on site at all times, rather than for example seasonally, or just for specific events/operations. In that sense, it would be permanently located at the appeal site until April 2026.

12. The criteria set out in Policy HOU5 includes providing evidence of an essential need for the accommodation; that the enterprise has been established for at least three years; is financially viable; and there is no other suitable accommodation locally. Whilst the Framework does not contain any definition of 'essential need', HOU5 indicates it to mean that one or more workers need to be available at most times. The Framework provides a basis within which Councils can produce their own distinctive plans and policies, and there is nothing to prevent them from 'fleshing out' such terms.
13. No financial test is referenced in the Framework. However, it is legitimate to consider that there should be evidence that the business has a reasonable prospect of success and will endure for the life of the permission sought. Otherwise, it would be difficult to conclude that there was an 'essential need' for an enterprise with no such prospect. Consequently, I do not see those financial considerations as incompatible with the Framework, within the overall context of 'essential need'. Indeed, the appellants provided information at the Hearing in relation to expenditure and income/costs/profit, which also implies an acceptance of its pertinence.
14. Furthermore, the Planning Practice Guidance (PPG) at Paragraph: 010 Reference ID: 67-010-20190722, sets out considerations that may be relevant in assessing essential need. While the PPG is guidance rather than policy, it nevertheless provides clear direction that financial considerations can be relevant.
15. In view of the above, I am satisfied that Policy HOU5 is not out of step with the Framework and provides an appropriate basis for establishing whether or not there is an essential need for this proposal.
16. Although the Council's assessment relied in large part on Planning Policy Statement 7 (PPS7) it has been supplanted by the Framework, which is supported by the advice of the PPG. Therefore, as it is no longer Government policy, I attach no weight to PPS7 in relation to this appeal.

Operational Activities

17. The appellant set out various activities that need to be undertaken in relation to growing grapes and which are said to demonstrate that an on-site presence is essential. Of these, the one cited as most important is the need to be available to respond quickly to frost, which generally occurs late at night or in the early hours of the morning. Frost is a particular risk factor for grapes, and if action is not taken quickly, it can reduce yields and set back the productivity of the vines.
18. However, cold weather and frosts are, to a certain degree, limited to particular times of the year. Furthermore, they can generally be forecast, enabling precautionary measures such as lighting frost candles to be undertaken in advance of the frost arriving, thereby ensuring the air temperature in and around the plants stays above freezing. Indeed, it seems to me that given the

size of the vineyards and in order for this work to be effective, it would need to be undertaken in advance of the frost actually occurring and thus monitoring of the weather and pre-planning would be a crucial part of the operations.

19. I acknowledge that workers being housed on the site would avoid any additional journeys to/from the Estate at these times of the day and would generally be more convenient to all involved. However, many employment roles require people to start work early, or indeed work unsocial hours.
20. A temporary additional presence on or close to the vines to deal with frosts may be justifiable on occasion or a seasonal basis. However, it is unlikely that such a presence would be required constantly during the likely affected periods to deal with the threat of frost, or for the rest of the year. Accordingly, I do not find that the suggested benefits of someone being on site to deal with frost protection equates to an essential need to live on site through to April 2026.
21. Other routine activities associated with the operations were highlighted, such as pruning, leaf stripping, picking, spraying the vines, maintaining the trellis, weeding, etc. However, there is nothing to suggest that such activities cannot be carried out in the daytime or that they require a presence around the clock. Again, I appreciate that having someone on site to undertake this work offers flexibility and if necessary, could allow personnel to assist with the appellant's other activities such as the forestry operations, if weather or other events dictate. However, it does not in itself demonstrate an essential need for someone to be living at the appeal site.
22. Similarly, security was also cited as a concern and a contributory factor for having a mobile home on site. I acknowledge that a presence on site may act as a deterrent to potential theft or anti-social behaviour and offer an additional watching eye for residents in the immediate vicinity. However, I noted that the vines are secured by high fencing and there was no substantive evidence to suggest that additional fencing, alarms or CCTV would not represent a reasonable security response or provide a sufficient deterrent.
23. Whilst I do not doubt that security is a very real concern and that there have been incidents in the past, the appellants were unable to provide any definitive statistics or substantive evidence relating to what crimes the site is currently or was previously subject to. Based on the information before me, it has not been demonstrated that a residential presence at the site is the only viable or practical option for providing security at the site.

Viability

24. There is no reason to suggest that the financial details presented at the Hearing are unreasonable or unreliable. The figures themselves indicate that the operation would, after a small projected loss in 2024, return to profit in 2025. This profit although initially small, would be expected to grow over subsequent years. In these circumstances, it appears that the business has a financial plan with seemingly good prospects of remaining economically sustainable over the longer term. These certainly provide grounds to believe that it would be operating for the lifetime of the permission that is sought.

Alternative Accommodation

25. It was stated at the Hearing that the appellant's longer-term ambitions are to convert the storage barn close to the Estate's office building, which has prior

approval for a change of use to 5 dwellings. The building is within the Estate compound and so is likely to be developed as rental properties for those working within the Estate.

26. However, the barn is currently being used for storage and funding for the conversion has yet to be secured. Furthermore, the approval can be implemented up until August 2025. In such circumstances, these houses are likely to be a more medium-term solution. In the shorter term, if the appeal is dismissed, there may be a period of time when the mobile home is no longer on site and the barn has yet to be converted.
27. There was no dispute between the main parties that the cost of rental properties in Much Hadham is high, and beyond the scope of rural workers. Thus, they would be forced to travel greater distances to work on the Estate. However, it was clear from my site visit that Bishop's Stortford is approximately 6 miles from the appeal site. It was also evident that there are other nearby settlements. I was not provided with details of the cost of renting in these other locations nor any indication on the availability of accommodation.
28. Given the current difficulties with the number of people available to work in agriculture and rural enterprises, having the accommodation on site clearly makes it easier to attract and retain staff. However, the evidence before me does not entirely rule out the possibility of other accommodation options being available in the short term, and which are both within a reasonable distance of the site and affordable for a rural worker.

Conclusion

29. From the appellant's point of view there are clearly operational benefits in being able to house workers on the appeal site. The longer-term financial viability of the vineyards do not seem to be in doubt and indeed there was a suggestion that in time, further fields could be given over to growing grapes.
30. As such, the proposal accords with certain aspects of Policy HOU5. However, it has not been shown that there needs to be a constant presence or availability of personnel on site at all times to deal with the vineyard's operations and activities. This leads me to conclude on this main issue that an essential need for a mobile home at the appeal site has not been clearly demonstrated.
31. Therefore, in this regard the development conflicts with Policy HOU5 of the EHDP which, amongst other things, requires an essential need to be demonstrated for a rural worker to live on site.
32. In doing so, the proposal would also conflict with the associated provisions of the Framework which seek to avoid isolated homes in the countryside.

Character and Appearance

33. There was no dispute between the main parties that the design of the mobile home was in keeping with its rural surroundings. It was also evident from the site visit that outside of the confines of the Estate, the mobile home is only really visible from a position to the north-west, where a public footpath that crosses through the Estate meets Bromley Lane. In comparison to the farm buildings immediately around it, the mobile home is small. It is also set against a backdrop of taller, mature trees which make it less conspicuous. Therefore,

the intrinsic harm associated with locating a mobile home for a temporary period in this countryside location is small.

34. However, I have found that an essential need for a rural worker to live at the appeal site has not been demonstrated. Therefore, even the small amount of harm to the character and appearance of the area that I have identified would not be offset or justified and thus a conflict would arise with Policies GBR2 and DPS2 of the EHDP. These policies, amongst other things, establish a spatial strategy that generally direct development away from rural areas, which in doing so also protects the character and appearance of the countryside.

Other Matters

35. Were a worker to be housed on site, a daily commute would be avoided, as would out-of-hours journeys to the site for say frost protection work. Nevertheless, the location would be likely to necessitate other journeys by car to access a reasonable range of shops, services and facilities. The limited range of shops and facilities in Much Hadham would be unlikely to meet the full range of needs a person might have. Furthermore, although Much Hadham might be cyclable from the site there are no public transport options and walking is unlikely to be attractive to many people. However, even if I were to conclude that the development had a neutral effect in terms of overall travel requirements, it would not alter or outweigh the harms I have identified above.
36. The listed buildings to the northeast of the appeal site (Carldane Court and Fig Tree Cottage) were confirmed at the Hearing as being Grade II. From my observations, insofar as they relate to this scheme, the setting of these heritage assets is the area immediately surrounding them, with the significance arising from their age and architectural features. I have undertaken my statutory duty pursuant to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed buildings or their setting, or any features of architectural or historic interest which they possess. In view of the topography, intervening mature planting and separation distances involved, I find that the proposal would have a neutral effect on the setting of these heritage assets.
37. The Council has raised concerns regarding various works around the mobile home, such as fencing and a pergola, which are said to be unauthorised. I indicated at the Hearing that these were not matters relating to the variation of condition and so were beyond the remit of this appeal. I have not therefore included other references to these works within my decision.

Conclusion

38. The proposed development conflicts with the development plan as a whole and there are no material considerations, including the Framework, either individually or in combination, that suggest a decision should be made other than in accordance with the development plan.
39. Therefore, for the reasons given, the appeal is dismissed.

Stewart Glassar

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Neil Davis	Director, Davis Planning
Alan Granger	Estate Manager, Chaldean Estates Limited
Michael Pettifer	Investment Director, Chaldean Estates Limited

FOR THE LOCAL PLANNING AUTHORITY:

Rachel Collard	Team Leader, East Herts District Council
Janna Hon	Planning Officer, East Herts District Council

DOCUMENTS submitted at the Hearing:

Vineyards 5 Year Budget
Capital Expenditure on Vineyards



Appeal Decision

Site visit made on 2 November 2023

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2023

Appeal Ref: APP/J1915/D/22/3311097

46 Pepper Hill, Great Amwell, Ware, Hertfordshire, SG12 9RZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Jacey Thompson against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/0711/VAR dated 8 April 2022, was refused by notice dated 22 August 2022.
 - The application sought planning permission for the erection of a new first floor with alterations to the ground floor of the existing dwelling house and a new detached garage with workshop/storage over without complying with a condition attached to planning permission 3/11/0306/FP dated 17 May 2011.
 - The condition in dispute is No 2 which states that:
The development hereby approved shall be carried out in accordance with the following approved plans: 1231, 1231/4, 1231/SK/4 and 1231/SK/5 received on the 23rd March 2011 and Plan 1, 1231/1, 1231/2 and 1231/3 received on the 24th February 2011.
 - The reason given for the condition is:
To ensure the development is carried out in accordance with the approved plans, drawings and specifications.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a new first floor with alterations to the ground floor of the existing dwelling house and a new detached garage with workshop/storage over at 46 Pepper Hill, Great Amwell, Ware, Hertfordshire, SG12 9RZ, in accordance with application Ref 3/22/0711/VAR dated 8 April 2022, without compliance with condition number 2 previously imposed on planning permission 3/11/0306/FP dated 17 May 2011 and subject to the conditions set out in the attached schedule.

Procedural matter

2. The revised National Planning Policy Framework ('the Framework') was published on 5 September 2023. Having reviewed this document, I am satisfied that the policy applicable to the scheme before me remains unchanged from the previous Framework¹. As a consequence, I did not consider there to be a need to reconsult the parties and have determined the appeal in light of the new Framework document, which is a material consideration that should be taken into account.

¹ National Planning Policy Framework, Ministry of Housing, Communities and Local Government, 20 July 2021.

Main issues

3. The main issues are:

- whether varying condition No 2 to permit an amended scheme would be inappropriate development in the Green Belt, and if so, the effect of the development on the openness of the Green Belt;
- 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

Appeal site context and background issues

4. The appeal site falls within the Green Belt and previously contained a detached bungalow set well back from the Pepper Hill vehicular highway. Pepper Hill is a busy classified road (A1170), the western side being characterised by detached & semi-detached dwellings of varying age, scale and architectural design, and the eastern flank by open paddocks/fields.
5. At the time of my site inspection, a significant amount of construction work had taken place to create a new first floor above the bungalow, although this had yet to be completed. A detached garage had also been erected at the front of the site. As a consequence of these works, both parties hold the view that the previous planning permission² remains capable of being fully implemented.
6. The appellant proposes that condition No 2 be varied so that a full gable roof can be constructed above the new first floor, as opposed to the previously approved half-hipped roof. The appellant states that this is necessary to address a building regulations requirement for the bedrooms to be fitted with fire escape windows, necessitating a change in their height and position on the wall plate.

Whether varying condition No 2 to permit an amended scheme would be inappropriate development in the Green Belt

7. Policy GBR1 of the District Plan³ states that planning applications within the Green Belt will be considered in line with the provisions of the Framework. Paragraph 149 of this document states that a local authority should regard the construction of new buildings as inappropriate in the Green Belt, aside from a number of exceptions which include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
8. The evidence before me reveals that the original bungalow had not been subject to any previous extensions. Although the Council and appellant have both arrived at different figures in respect of the scheme's resultant increase in cubic volume, it is important to note that Paragraph 149 does not refer to specific numerical figures. The Framework therefore retains flexibility in the case of extensions and does not set an upper numerical limit.

² Planning Permission 3/11/0306/FP dated 17 May 2011.

³ East Herts District Plan, October 2018, East Herts Council.

9. I recognise that the roof extension would represent a significant addition to the building, but when taken cumulatively with the modest size of the detached garage and the absence of any other previous extensions, it is my view that the overall development falls within the upper limits of what I would consider proportionate to the original bungalow. As a consequence, I find that the scheme would not be a disproportionate addition to the original building, which means that it does not constitute inappropriate development in the Green Belt.
10. In view of the above, I conclude that the proposal to vary condition No 2 to permit an amended scheme would comply with Policy GBR1 of the District Plan which seeks, amongst other things, to ensure that Green Belt planning applications are considered in line with the provisions of the Framework. For the same reason, I also find that it would accord with Paragraph 149 of the Framework.

Conditions

11. The Planning Practice Guidance makes it clear that decision notices for a grant of planning permission under section 73 should repeat the relevant conditions from the original planning permission, unless they have already been discharged.
12. I have considered the conditions imposed on the original planning permission and those suggested by the Council. The Council's request for a materials condition is not necessary as this was not on the original planning permission and in any event, these details are specified on the approved plans. Condition No 2 has been updated with the new plan numbers and the remaining obscure glazing condition (No 3) remains as originally imposed.

Conclusion

13. In view of the above, having had regard to all other matters raised, I conclude that the appeal should be allowed and that condition 2 should be varied.

Robert Fallon

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 details:- The submitted location plan and drawing nos. 1231 (site plan); 1231/SK/4 (existing elevations); 1231/SK/5 (existing floor plans); 1231/3 (detached garage); 1231/4 (roof plans, but only insofar as it relates to the detached garage); 023.1 (existing plans & elevations, site & location plan); and 023.5 (proposed plans & elevations, site & location plan).
- 3) The first-floor north-facing bathroom window openings shall be fitted with obscured glass and fixed closed, other than a single top-hung fanlight to each window for ventilation purposes, and shall be permanently retained in that condition unless otherwise agreed in writing with the Local Planning Authority.

End of Schedule



Appeal Decision

Site visit made on 31 October 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2023

Appeal Ref: APP/J1915/W/23/3320814

Jesmond Cottage, 2 Cross Road, Epping Green, Hertfordshire SG13 8NG

- 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 Frank Banner against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/1309/FUL, dated 21 June 2022, was refused by notice dated 4 January 2023.
 - The development proposed is described as "Full Planning Permission for the conversion of existing stable building to provide a new single residential unit and associated parking and amenity space".
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of stable building to provide a single residential unit and associated parking and amenity space at Jesmond Cottage, 2 Cross Road, Epping Green, Hertfordshire SG13 8NG in accordance with the terms of the application, Ref 3/22/1309/FUL, dated 21 June 2022, and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

Preliminary Matters

2. I have amended the description in my decision above for clarity and to remove words not describing acts of development.

Main Issue

3. Whether the proposed development would be in a suitable location in respect to local services and facilities.

Reasons

4. The appeal site comprises a stable building within the grounds of Jesmond Cottage, a dwelling in the small rural village of Epping Green.
5. Policy DPS2 of the East Herts District Plan 2018 (EHDS) establishes a hierarchy for the location of new housing in the District. At the bottom of this hierarchy is limited development in the villages. Epping Green is not identified in the EHDS as a 'Group 1' or 'Group 2 Village', so is considered a 'Group 3 Village'. This category of village is described in the EHDS as having a poor range of services and facilities, such that it is often necessary for residents to travel outside the village for most of their daily needs.
6. The EHDS's overall development strategy prioritises Group 1 Villages for additional housing over villages in Groups 2 or 3. Nevertheless, the reference to "the villages" within the hierarchy in Policy DPS2 does not preclude

development in Group 3 Villages. Policy VILL3 of the EHDS supports limited infill development identified in an adopted Neighbourhood Plan within Group 3 Villages. In addition, part III of the policy sets out criteria to be met by all development in Group 3 villages, such as location, connectivity and scale in relation to the village.

7. I understand Epping Green does not fall within an area covered by an adopted Neighbourhood Plan. However, the proposal is for conversion of an existing building rather than the infilling of a gap in development. The building is near other dwellings in Epping Green so the new home would not be isolated. The Council has not suggested the proposal would fail any of the criteria under part III of Policy VILL3. On the evidence before me, I see no reason to disagree. Therefore, on balance, I find the proposal would not conflict with Policy VILL3 of the EHDS.
8. Policy TRA1 of the EHDS requires development proposals to be primarily located in places which enable sustainable journeys to be made to key services and facilities, prioritising modes of transport other than the car where feasible.
9. Epping Green has few services and facilities so the proposal would be likely to generate some additional car use. Nonetheless, the larger village of Little Berkhamsted is close enough to be within easy walking or cycling distance, particularly during daylight hours. Epping Green is also served by two bus routes to larger settlements, with onward connections by bus and train. Another mainline railway station is a short drive away. Therefore, the proposed dwelling would have reasonable access to local services and facilities, with a choice of transport modes comparable to that found in some other rural areas. Overall, future occupants' use of services and facilities in nearby settlements would support the vitality of the wider rural community, which would outweigh the limited harm from a modest increase in car use.
10. For the above reasons, I conclude the proposed development would be in a suitable location in respect to local services and facilities. Accordingly, I find no conflict with Policies DPS2, VILL3 and TRA1 of the EHDS. I also find no conflict with Policy INT1 of the EHDS, which sets out the principle of sustainable development. I also find no conflict with the National Planning Policy Framework (the Framework) where it supports housing in rural areas that will enhance or maintain the vitality of rural communities; acknowledges that development in one village may support services in a village nearby; and seeks a genuine choice of transport modes bearing in mind the opportunities to maximise this in rural areas.

Other Matters

11. I note the recent decisions relating to use of the appeal site as a residential annexe to Jesmond Cottage. However, I have considered the appeal proposal on its merits.

Conditions

12. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.

13. Conditions 3 and 4 in the schedule below are necessary to protect retained trees and hedges during construction and secure appropriate replacements if they die. Condition 5 is necessary to minimise the use of mains water in the new dwelling in accordance with Policy WAT4 of the EHDS. Condition 6 is necessary to mitigate harm to air quality from the development in accordance with Policy EQ4 of the EHDS. Condition 7 is necessary to safeguard the character and appearance of the appeal site and surrounding area.

Conclusion

14. I have found the proposal accords with the development plan, read as a whole. Material considerations, including the Framework, do not indicate that a decision should be taken otherwise than in accordance with it. I therefore conclude the appeal should be allowed.

C Carpenter

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: SP01-JC2CR/A Site Plan; EX01-JC2CR/A Existing Layout; PROP01-JC2CR/B Proposed Layouts; VAP01-JC2CR/C Vehicle Access Plan.
- 3) All retained trees and hedges shall be protected from damage during construction in accordance with British Standard BS5837, including by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details and shall be maintained during the course of works on site. Nothing shall be stored or placed within any fenced area. There shall be no unauthorised access within any fenced area.

In this condition "retained tree" and "retained hedge" mean an existing tree or hedge which is to be retained in accordance with the approved plans and particulars.

- 4) If any retained tree or hedge is cut down, uprooted or destroyed or dies within five years of completion of the development another tree or hedge shall be planted at the same place and that tree or hedge shall be of such size and species and shall be planted at such time as may be specified in writing by the local planning authority.

In this condition "retained tree" and "retained hedge" mean an existing tree or hedge which is to be retained in accordance with the approved plans and particulars.

- 5) The dwelling hereby permitted shall achieve a maximum mains water consumption target of 110 litres per head per day.

- 6) The dwelling hereby permitted shall not be occupied until details of one electric vehicle charging point have been submitted to and approved in writing by the local planning authority. The approved charging point shall be provided prior to first occupation and shall be retained thereafter.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no works or development as described in Schedule 2, Part 1, Class E or Schedule 2, Part 2, Class A of the Order shall be undertaken other than those expressly authorised by this permission.



Appeal Decision

Site visit made on 14 November 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th November 2023

Appeal Ref: APP/J1915/W/23/3320970

59A Fore Street, Hertford, Hertfordshire SG14 1AL

- 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 S Muriel against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/1706/FUL, dated 10 August 2022, was refused by notice dated 16 January 2023.
 - The development proposed is wood effect Upvc sash casement windows.
-

Decision

1. The appeal is allowed and planning permission is granted for wood effect Upvc sash casement windows at 59A Fore Street, Hertford, Hertfordshire SG14 1AL in accordance with the terms of the application, Ref 3/22/1706/FUL, dated 10 August 2022, and the plans submitted with it, 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 approved drawing No 20375-P002 Plans and Elevations as Proposed.
 - 3) The exterior of the development hereby permitted shall be constructed in the materials specified on the submitted application form and drawing No 20375-P002 Plans and Elevations as Proposed.

Preliminary Matter

2. The Council's decision notice refers to plan 20375-P001 however it is clear that the plan submitted to and considered by the Council was 20375-P002. The Council accept this was an admin error and so for clarification the appeal was considered based on plan 20375-P002.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host building and Hertford Conservation Area.

Reasons

4. The appeal building is a mid-terraced three storey building located within the town centre. The ground floor is commercial with the other floors being in residential use. The front of the building is rendered white and contains timber framed sash windows painted black. The four eastern most windows are twelve paned with the remaining windows being four paned. The rear of the building is

brick and contains sash windows as well as some smaller windows, two of which are UPVC. The appeal building is located within the Hertford Conservation Area.

5. The special interest of the Hertford Conservation Area relates to its historical development and layout, including the design and arrangement of buildings within it. In considering proposals for planning permission, the duty imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
6. The appellant suggests that the existing windows are not energy efficient and the reason for replacing them is to meet the minimum energy efficiency standards.
7. The design of the replacement windows seek to replicate the design of the existing windows. In particular, the windows on the front elevation would be twelve pane sash windows which would result in uniformity, improving the overall appearance of the host building.
8. I acknowledge the Council's aims in seeking to preserve the character and appearance of Conservation Areas and note that in some cases uPVC windows can be harmful. However, while the windows proposed are uPVC they are wood effect and are designed to mirror the style of the existing windows. In this regard, they would be indistinguishable in appearance and therefore would not alter the character and appearance of the host building. The proposal would therefore have a neutral effect on the Hertford Conservation Area.
9. I conclude that the proposal would not harm the character and appearance of the host building or Hertford Conservation Area. I find no conflict with policies HA4 and HOU11 of the East Herts District Plan October 2018. Amongst other things, these seek to ensure development preserves or enhance the special interest, character and appearance of the area.

Conditions

10. I have considered the Council's suggested conditions in the event I were to allow the appeal. Where necessary, and in the interests of clarity and precision, I have slightly altered them to more closely reflect the advice in the National Planning Policy Framework and the Planning Practice Guidance.
11. In addition to the standard condition which relates to the commencement of development, I have specified the approved plans for the avoidance of doubt. A condition relating to materials is also necessary to ensure that the appearance of the proposal would be satisfactory in the street scene.

Conclusion

12. For the reasons set out above and having regard to the development plan as a whole and all other material considerations, I conclude the appeal should be allowed.

D Wilson

INSPECTOR



Appeal Decision

Site visit made on 24 October 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th November 2023

Appeal Ref: APP/J1915/W/23/3320083

Elbow Lane Farm, Elbow Lane, Hertford Heath SG13 7QA

- 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 Teresa Walker against the decision of East Herts District Council.
- The application Ref 3/22/1935/FUL, dated 12 September 2022, was refused by notice dated 2 December 2022.
- The development proposed is the demolition of stable block and partial demolition of equestrian block and the development of the remaining equestrian block to include 4, 4 bedroomed dwellings and 2, 3 bedroomed dwellings, including associated landscaping.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the Council's description of development as this more concisely describes the development proposed.
3. The site lies within the Green Belt. There is no dispute between the Council and appellant in that regard, or in respect of design. I have no reason to disagree with those findings. I therefore deal below with the matters in dispute.

Main Issues

4. The main issues are:
 - whether the site is a suitable location for housing having particular regard to the accessibility of services and facilities;
 - the effect of the proposed development on the living conditions of the occupants of neighbouring properties, with particular regard to overlooking; and
 - whether appropriate measures to mitigate against overheating and carbon dioxide emissions are proposed.

Reasons

Site and location

5. The appeal site is located outside of any defined settlement boundary, and therefore within the open countryside. Notwithstanding this, as the site is located within a complex of established residential properties, it cannot in my view be reasonably described as 'isolated' within the terms of National Planning Policy Framework paragraph 80 (the Framework).

6. Policy DPS2 of the East Herts District Plan (DP, 2018) directs development to sustainable brownfield sites, sites within urban areas, urban extensions and limited development in villages. DP Policy TRA1 seeks to promote sustainable transport by directing development in locations where sustainable journeys can be made to key services and facilities.
7. Some key services including a school, public houses and local shop exist within Hertford Heath, to the north of the site. A greater variety of services and facilities exist at Hoddesdon, further afield. I accept that the distance between the proposed dwellings and those settlements would be similar to that of those adjacent. Nevertheless, to reach those settlements by foot or cycle, individuals would need to proceed along the access drives of the site, and then along a rural lane, either Elbow Lane or Mangrove Lane. Both of these routes are narrow, unlit and do not have dedicated footways, cycle paths or wide verges. Irrespective of the precise distance, these routes are unsatisfactory and would be particularly undesirable in winter months, outside daylight hours or during inclement weather conditions.
8. I also acknowledge that there are public rights of way in the area, including near to the appeal site, which could in part be used to reach services and facilities. However, these routes, whatever the precise distance, are not sufficient to rely on, particularly as they are unlit and of an uneven terrain. They would unlikely provide a realistic or attractive alternative for most people to access shopping facilities, schools or day-to-day needs. Furthermore, there is no evidence before me to demonstrate the distance between the site and the nearest bus stops. I note a bus route serves Hertford Heath, but this requires access via the same unsatisfactory routes discussed above.
9. Paragraph 105 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural locations. However, in this location, the occupants of the proposed dwellings would be highly reliant on the use of private vehicles to access most services and facilities due to a lack of satisfactory walking routes and a lack of public transport facilities within a reasonable distance of the site.
10. I accept that the former commercial use of the site, initially a research facility and later an equestrian centre, was likely intensive. However, there is no substantive evidence before me, such as a transport assessment, to demonstrate the number of vehicle movements then compared with those now likely. In any case, as the appellant has set out, those former commercial uses ceased some time ago and cannot be relied on in perpetuity to make comparisons in favour of inappropriate development. I also appreciate that the scheme has been amended since a previously refused planning application for a larger scheme. Nevertheless, those matters do not lead me to an alternative conclusion.
11. The appellant sets out that no objection was received from the highway authority in respect of this, or some previous, schemes¹ at Elbow Lane Farm. However, planning officers are not bound to take the advice of specialist officers in making decisions. Even where there is no dispute in respect of highway safety, matters of sustainable travel must still be taken into account.

¹ Refs 3/19/1597/FUL; 3/19/1696/VAR; 3/20/1440/FUL

12. For the above reasons, I conclude that the appeal site would form an inappropriate location for the proposed development, contrary to the relevant provisions of DP Policies DPS2 and TRA1. These policies, in summary, seek to ensure development is located in the most sustainable locations. This is in a similar vein to the objectives of paragraph 104(c) of the Framework, which says that transport issues should be considered from the earliest stages of plan making and development proposals so that opportunities to promote sustainable transport are identified and pursued.

Living conditions - neighbouring occupiers

13. The proposed dwellings would be positioned to the north of established dwellings, including 9 Beaufort Park. No 9 is not currently overlooked from the north or west by reason of the lack of residential development in those directions at present. The nearest proposed dwellings would be south facing and would feature ground and first floor windows in their front elevations. Those windows are illustrated on the submitted plans as being angled.
14. Whilst the windows of the nearest proposed dwelling would be angled away from No 9, the windows of the proposed other south facing dwellings would be angled directly towards it, including its private amenity space. Due to the position of the proposed dwellings relative to the established No 9, together with the relatively short separation distance, future occupiers would be able to overlook, from an elevated position, the rear windows of No 9 and its amenity space. Consequently, the proposed development would have a harmful effect on the privacy of those occupiers.
15. That this was not a reason for refusal on a previous planning decision² for an alternative scheme does not change my conclusion. I am assessing the scheme based on the plans before me.
16. Overall, I conclude that the proposed development would have a harmful effect on the living conditions of the occupiers of neighbouring properties, contrary to the relevant provisions of DP Policy DES4, which taken as a whole seeks to ensure adequate amenity for residents.

Overheating and carbon dioxide emissions

17. DP Policies CC1 and CC2 require all new development proposals to demonstrate how the design, materials, construction and operation of the development would minimise overheating in summer and reduce the need for heating in winter, and demonstrate how carbon dioxide emissions would be minimised across the development site.
18. I note the appellant's argument in respect of the building being designed to align with modern standards, including through the use of air source heat pumps and installation of insulation. However, I have no details of those proposed measures, or substantive evidence before me, that demonstrates that the proposed development could realistically achieve those policy objectives.
19. Nevertheless, I note that the Council has suggested a number of conditions should the appeal be allowed, including one in relation to overheating and the reduction of energy demand. Under a previous appeal³ at the site, the

² 3/21/1326/FUL

³ APP/J1915/W/22/3304110

Inspector in that case considered this an appropriate and reasonable approach. I have no reason to disagree with those findings.

20. Consequently, whilst I have found that there is insufficient evidence to demonstrate that the proposal would have an acceptable effect in respect of overheating and carbon dioxide emissions, such matters could be satisfactorily dealt with by condition. Therefore, subject to condition, the proposed development would be in accordance with the relevant provisions of DP Policies CC1 and CC2. These policies, in summary, seek to ensure that development proposals avoid overheating in homes and minimise carbon dioxide emissions.

Other Matters

21. My attention is drawn to appeal reference APP/J1915/W/22/3298432. Although I acknowledge that that appeal dealt with similar issues, the proposal was for a single dwelling and not on the same site. For these reasons, the two cases are not directly comparable. In a similar vein, I do not consider that referenced appeal APP/J1915/W/15/3141323 is directly comparable to the scheme before me as this relates to a proposal under prior approval. In that appeal decision, it is clearly stated that there was, under the relevant legislation, no test in respect of sustainability of location. Ultimately, those decisions do not lead me to an alternative conclusion under the main issues.
22. No substantive information in relation to cited cases 3/18/1806/VAR or 3/20/0242/FUL are before me and, as such, I cannot make direct comparisons between them and the case before me. Nevertheless, each case is considered on its own individual circumstances and the existence of those previous permissions has not led me to an alternative conclusion under the main issues.

Planning Balance

23. The submitted evidence indicates that the Council cannot demonstrate a five-year housing land supply. As such, and noting the Government's objective of significantly boosting the supply of homes, the provisions of Framework, paragraph 11(d) are engaged. This states that in such a situation where development plan policies are deemed out-of-date, planning permission should be granted unless one of two criteria apply. One of these, and which is pertinent to the appeal scheme before me, is if any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
24. The appeal scheme would represent a net addition of six dwellings to the district's housing supply. This is a clear benefit. There would also be some economic benefits during the construction of the dwellings and the bringing about of extra trade to services and facilities in the wider area once occupied. However, these benefits, including the supply of housing, would inevitably be limited due to the relatively small scale and nature of the development proposed.
25. The improvement of the wider grounds, in respect of open space and amenity space, for the benefit of existing residents and biodiversity, as contended by the appellant, is not inherently dependant on the scheme before me. This matter does not weigh in favour of the appeal.
26. Against those matters is the significant and long-lasting harm I have identified in respect of a lack of access to services by a sustainable choice of travel. On

balance, I find that the adverse effects of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

Conclusion

27. For the reasons above, having regard to the development plan as a whole and to all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR



Appeal Decision

Site visit made on 7 November 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2023

Appeal Ref: APP/J1915/W/23/3320214

Grudds Farm, Unclassified Road U42 North East from Stanstead Hill to Great Hadham Road, Green Tye, Hertfordshire SG10 6JP

- 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 Sam Prior against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/2155/FUL, dated 11 October 2022, was refused by notice dated 17 February 2023.
 - The development proposed is the change of use of land from agriculture to residential use, and erection of outbuilding to provide garage and ancillary accommodation.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of land from agriculture to residential use, and erection of outbuilding to provide garage and ancillary accommodation, at Grudds Farm, Unclassified Road U42 North East from Stanstead Hill to Great Hadham Road, Green Tye, Hertfordshire SG10 6JP, in accordance with the terms of the application, Ref 3/22/2155/FUL, dated 11 October 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: Site Block & Location Plans PRI110, Proposed Elevations – drawing No.1, Proposed Floor Plan – drawing No.2, and Street Scene – Drawing No.3.
 - 3) Prior to any above-ground construction works being commenced, details of the external materials to be used in the construction of the outbuilding hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.
 - 4) If any contamination is found during the course of the construction of the outbuilding hereby permitted, development on the part of the site so affected shall be suspended. A risk assessment shall then be carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. The approved schemes shall be carried out before the development is resumed or continued.
 - 5) The development hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as Grudds Farm.

Preliminary Matters

2. Notwithstanding the content of the delegated officer report, the Council has subsequently confirmed that the site is not within a Conservation Area.

Main Issue

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

Reasons

4. The appeal site contains a house and its associated residential curtilage, as well as an adjoining area of land, currently laid to grass.
5. Policy GBR2 of the East Herts Council East Herts District Plan dated October 2018 (the district plan) seeks to ensure that rural areas beyond the Green Belt are maintained as a valued countryside resource. Although the proposals subject of this appeal do not comprise forms of development that are specifically supported by policy GBR2, the policy is permissive and does not preclude other forms of development.
6. Subject to a series of criteria being met, policy HOU12 of the district plan provides support for the change of use of land to residential garden. Amongst other things, the policy requires the development to; be unlikely to have an adverse effect on the character and appearance of the surrounding area and landscape; be well related to other residential land; and, to not result in harmful incursions into the countryside.
7. There is no physical demarcation between the existing residential curtilage and the area of land subject of the proposed change of use. Even if the parts of the site beyond the residential curtilage were formally used for the grazing of animals, from the evidence and my observations on site, it is no longer in use for such purpose.
8. A mix of trees, hedgerows, and dense undergrowth separate the rear portions of the appeal site from the countryside beyond. Albeit within a rural area, the garden extension would occupy land which is both between the house on the appeal site and a neighbouring residential property, and which is adjacent to a series of agricultural and commercial buildings. The character and appearance of the whole of the well-enclosed appeal site is therefore, more closely aligned with that of the neighbouring buildings and gardens, than that of the open countryside beyond.
9. Although the garden extension would project further back than the garden at Marigolds, the boundaries to the rear section of the extended curtilage would follow the existing tree and hedge lines that enclose the site. There is no proposal to remove this boundary treatment. Furthermore, intervening buildings would prevent the extended curtilage from being readily visible from the road. Therefore, and even if residential paraphernalia were subsequently to be located within the extended curtilage, this would not be harmful to the established character or appearance of the area.
10. Albeit large, and taller than the buildings on the land between the road and the appeal site, the proposed outbuilding would be generally aligned between the host dwelling and the house at Marigolds. It would also be subservient in terms

of its size, scale, and mass, to the host dwelling. Therefore, and given the high degree of enclosure of the site, the proposed outbuilding would not be visually prominent when viewed from the road, the nearby countryside, or Marigolds. Furthermore, those parts of the building that would be visible from such locations, would be viewed in the context of the nearby buildings and development, rather than as a harmful incursion into the countryside.

11. Even if hardstanding were to be formed to the front of the proposed garaging, it would not be readily visible from outside of the site, and it would not have a harmful urbanising effect on the area.
12. For the reasons given, the proposed development would not be harmful to the character and appearance of the area. Consequently, and in respect of the main issue, it would comply with policy HOU12 of the district plan, and it would not conflict with policy GBR2 of the same document. It would also comply with the parts of the National Planning Policy Framework (the Framework) that seek to ensure that development; is sympathetic to local character and landscape setting; maintains a strong sense of place; and which would conserve the natural environment.

Other Matters

13. The appeal site is located close to Grudds farmhouse and the barn at Grudds farmhouse. Both of which are grade II listed.
14. I have a duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the [listed] building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 199 of the Framework guides that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the asset's conservation.
15. The barn is a thatched and tiled timber frame building, which the evidence suggests is partly in a wet moat. The official listing record indicates that sections of the farmhouse date back to the 16th century, and that it also contains the remains of a wet moat. The significance of these heritage assets therefore stems from their historic fabric and use. The setting of the assets is, in part, informed by the nearby outbuildings and agricultural fields.
16. The taller host dwelling and other intervening buildings would separate the proposed outbuilding from the listed buildings. Furthermore, the hedgerows and historic field boundaries would be unchanged by the proposals. For these reasons, the proposals would preserve the setting of the heritage assets, and they would not cause harm to the assets or their significance. That being the case, the requirements at paragraphs 200 and 201 of the Framework are not engaged.

Conditions

17. The Council has suggested a number of conditions, the wording of which has been amended where appropriate. This is for the purposes of clarity and to meet the six tests within paragraph 56 of the Framework.
18. The statutory condition which specifies the time-period for the implementation of the permission is imposed. For clarity, a plans condition is also imposed.

19. A materials condition is necessary to ensure that the development does not cause harm to the character and appearance of the area.
20. Extracts of maps and images dated between 1879 and 2000, indicate that the part of the site upon which the building would be constructed, has historically been undeveloped. That being the case, I am not persuaded that this part of the site has previously hosted an agricultural building. Nevertheless, given the historic agricultural use of the land and the proximity of other farm and former farm buildings, contamination of the site cannot be entirely ruled out. That being the case, and even if no contamination condition was imposed on the permission granted for the host dwelling, it is appropriate to take a precautionary approach in respect of this matter. A contamination condition is therefore found to be necessary. If contamination is encountered during the implementation of the development proposals, the condition requires further actions to be undertaken. This is to ensure that the development would not cause unacceptable harm to either human health or the land and water environments.
21. A condition preventing the use of the building other than for purposes ancillary to the residential use of Grudds Farm is imposed. If the development were not to be used in accordance with the terms of the planning permission, or if there was to be a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required.

Conclusion

22. For the reasons given above and having regard to the development plan as a whole and any other relevant material considerations, I conclude that this appeal should be allowed.

V Simpson

INSPECTOR

NEW PLANNING APPEALS LODGED NOVEMBER 2023
Head of Planning and Building Control

Refval	Proposal	Address	Decsn	Daplstart	Appealproc
3/22/1107/FUL	Increase the amount of classes allowed and the maximum amount of people per class - Maximum of 6 clients at any one time, up to 5 days a week.	170 Stortford Hall ParkBishops Stortford CM23 5AR	Refused Delegated	16/11/2023	Written Representation
3/22/1237/FUL	Erection of 1 detached dwelling house and construction of vehicular access.	Land Between 14 Willow Corner And The Old VicarageWell RowBayford SG13 8PW	Grant Delegated	06/11/2023	Written Representation
3/22/1264/FUL	Retention of: Rearrangement of builders merchant yard including additional external racking units up to maximum height of 4 metres	33-35 Baldock StreetWare SG12 9DH	Refused Delegated	06/11/2023	Written Representation
3/22/2143/HH	Creation of two single storey rear extensions, porch to the main elevation and creation of sunken terrace	Meesden Corner CottageClassified Road C10 North From B1038 To Mill LaneBrent PelhamBuntingford SG9 0AR	Refused Delegated	16/11/2023	Written Representation
3/22/2144/LBC	Creation of two single storey rear extensions, porch to the main elevation and sunken terrace along with minor internal arrangement alterations	Meesden Corner CottageClassified Road C10 North From B1038 To Mill LaneBrent Pelham SG9 0AR	Refused Delegated	16/11/2023	Written Representation
3/22/2613/FUL	Demolition of outbuilding. Erection of annex and garden store/workshop and associated change of use of the land to residential	Greens FarmEast EndFurneux PelhamBuntingford SG9 0JU	Refused Delegated	22/11/2023	Written Representation
3/22/2635/FUL	Erection of a rural worker's dwelling to replace existing mobile home.	The PiggeriesBenington RoadWalkern SG2 7HX	Refused Delegated	23/11/2023	Hearing
3/22/2704/PIP	Erection of a single storey detached dwelling	Land At Half AcresStortford RoadStandon SG11 1LY	Refused Delegated	24/11/2023	Written Representation
3/23/0288/FUL	Construction of a detached dwelling with detached garage/car port, new vehicular access and bridge. Installation of air-source heat pump.	Land Adjacent To Hornead CottageGreat HorneadBuntingford SG9 0NR	Refused Delegated	08/11/2023	Written Representation
3/23/0430/TEL	The installation of a 30 metre high ground based lattice tower fixed on concrete supporting 6 antenna, 2 transmission dishes, 1 node, 2 cabinets and ancillary development to include 1.8 metre high fencing and a 1m pedestrian access gate	Land East Of London RoadBishop's StortfordCM23 3HE	Refused Delegated	07/11/2023	Written Representation
3/23/0494/FUL	Erection of a new house and the conversion of a curtilage listed outbuilding including inserting new windows and doors, attaching solar panels and a single storey link to new house. Creation of new driveway.	Land To The South-East Of The BuryBury GreenLittle Hadham SG11 2HE	Refused Delegated	20/11/2023	Written Representation
3/23/0676/FUL	Rearrangement of builders merchant yard including additional external racking units	33 - 35 Baldock StreetWare SG12 9DH	Refused Delegated	27/11/2023	Written Representation
3/23/0716/CLPO	Erection of single-storey side and rear extensions; creation of basement and erection of single-storey detached outbuilding.	Sandpit LodgeBedwell AvenueEssendonHatfield AL9 6HN	Refused Delegated	09/11/2023	Written Representation
3/23/1036/FUL	Erection of a detached four-bedroom dwelling and associated access, parking area, residential garden, and hard and soft landscaping	Home Farm76 Bramfield RoadDatchworth SG3 6RZ	Refused Delegated	14/11/2023	Written Representation
3/23/1180/HH	Removal of chimney, garage and detached outbuilding. Construction of two storey and part single storey side and rear extension (to provide accommodation for elderly relatives). Addition to rear garden wall, new fence, retaining wall and external steps.	128 Ware RoadHertford SG13 7HR	Refused Delegated	23/11/2023	Fast Track

Background Papers

None

Contact Officers

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

Public Inquiry and Hearing Dates
All Hertford Council Chamber unless specified

Application	Case Officer	Address	Proposal	Appeal Status	Procedure Type	Appeal Date
3/22/2835/FUL	Maya Cullen	The Piggeries Benington RoadWalkern SG2 7HX	Erection of a rural worker's dwelling to replace existing mobile home.	LODGED	Hearing	21/02/2024
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		
Total Applications Received	160	340	519	689	839	983	1165	1335						
Percentage achieved against Local and National Targets	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	National Designation Targets (set by Government)	
Major %	100%	80%	67%	78%	75%	70%	73%	75%					Major %	60%
Minor and Other %	84%	83%	85%	86%	85%	84%	84%	87%					Minor %	70%
	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	9						
Number Allowed against our refusal (Monthly)	5	2	1	3	4	3	2	6						
	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 (Cumulative)	10	16	21	31	43	53	59	68						
Number Allowed against our refusal (Cumulative)	5	7	8	11	15	18	20	26						

AGENDA ITEM NO. 6D