



**MEETING** : DEVELOPMENT MANAGEMENT COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 4 DECEMBER 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 S Watson (Chair)

Councillors R Buckmaster, V Burt, R Carter, S Copley, I Devonshire,  
J Dunlop, Y Estop, G Hill, A Holt, S Marlow and T Stowe

### **Substitutes**

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

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

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A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:

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

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Visit <https://www.eastherts.gov.uk/article/35542/Political-Structure> for details.

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## AGENDA

### 1. Apologies

To receive apologies for absence.

### 2. Chair's Announcements

### 3. Declarations of Interest

To receive any Members' declarations of interest.

### 4. Minutes - 13 November 2024 - 'to follow'

To confirm the Minutes of the meeting of the Committee held on Wednesday 13 November 2024 – 'to follow'

### 5. Planning Applications for Consideration by the Committee (Pages 6 - 8)

(A) 3/23/2062/FUL - Partial change of use from Class E use into Sui Generis to allow for Live entertainment with the sale of alcohol and Hot Food. Installation of air source heat pump, erection of rear canopy, screen fence, external flue, and external seating area at 28 Knight Street, Sawbridgeworth, Hertfordshire, CM21 9AT.  
(Pages 9 - 36)

Recommended for Approval

(B) 3/23/2185/LBC - Insertion of partition walls, flooring, kitchen/prep area, stage, bar, external flue and food storage area. Alterations to first floor WC/s to include removal of bath, relocation of sinks and insertion of toilets. Installation of 3 external signage, new screen fence, acoustic works including the installation of secondary glazing and noise absorption and erection of rear canopy at 28 Knight Street, Sawbridgeworth, Hertfordshire, CM21 9AT  
(Pages 37 - 51)

Recommended for Approval

(C) 3/23/1641/FUL - The demolition of existing buildings and erection of Barn 1: Office accommodation, and 6 units of overnight accommodation (with 14 beds in total) for staff, volunteers and students working on the farm site (class E(g)); Barn 2: 12 self-contained holiday lodges, outbuilding for shower and laundry facilities (class C3 but occupation restricted to short stays only); Barn 3: 3 retail/workshops (class E(a) / E(g)); Barn 4 - learning and meeting/events space with kitchen and two offices at first floor (Class F.1(a) / F.2(b) and Class E(g)); erection of 6 dwellings (class C3); widening of access and footpath and associated car parking provision at Church Farm, Moor Green Road, Ardeley, Stevenage Hertfordshire, SG2 7AH\_(Pages 52 - 91)

Recommended for Approval

6. Items for Reporting and Noting (Pages 92 - 146)

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

(B) Planning Appeals Lodged.

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

(D) Planning Statistics.

7. Urgent Business

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

# Agenda Item 5

## East Herts Council Report

### Development Management Committee

**Date of Meeting:** 4 December 2024

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

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

**Ward(s) affected:** All

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### Summary

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

### RECOMMENDATIONS FOR DEVELOPMENT MANAGEMENT COMMITTEE:

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

#### 1.0 Proposal(s)

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

#### 2.0 Background

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

#### 3.0 Reason(s)

3.1 No.

## **4.0 Options**

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

## **5.0 Risks**

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

## **6.0 Implications/Consultations**

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

### **Community Safety**

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

### **Data Protection**

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

### **Equalities**

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

### **Environmental Sustainability**

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

### **Financial**

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

### **Health and Safety**

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

### **Human Resources**

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

### **Human Rights**

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

### **Legal**

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

## **Specific Wards**

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

### **7.0 Background papers, appendices and other relevant material**

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

#### 7.2 Display of Plans

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

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

**Contact Member** Councillor Vicky Glover-Ward, Executive Member for Planning and Growth  
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## DEVELOPMENT MANAGEMENT COMMITTEE – 4 DECEMBER 2024

|                           |                                                                                                                                                                                                                                                       |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Number</b> | 3/23/2062/FUL                                                                                                                                                                                                                                         |
| <b>Proposal</b>           | Partial change of use from Class E use into Sui Generis to allow for Live entertainment with the sale of alcohol and Hot Food. Installation of air source heat pump, erection of rear canopy, screen fence, external flue, and external seating area. |
| <b>Location</b>           | 28 Knight Street, Sawbridgeworth, Hertfordshire, CM21 9AU                                                                                                                                                                                             |
| <b>Parish</b>             | Sawbridgeworth Town Council                                                                                                                                                                                                                           |
| <b>Ward</b>               | Sawbridgeworth                                                                                                                                                                                                                                        |

|                                            |                                                                                                                                                                                                                                                          |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Date of Registration of Application</b> | 30 October 2023                                                                                                                                                                                                                                          |
| <b>Reason for Committee Report</b>         | Application has been called in by councillor Eric Buckmaster as the application has generated a huge interest in Sawbridgeworth. Residents are concerned as to the impact on their amenity, noise, congestion, and obstruction of pavements by vehicles. |
| <b>Case Officer</b>                        | Ellen Neumann                                                                                                                                                                                                                                            |

### **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 partial change of use from Class E into Sui Generis to allow for live entertainment, with the sale of alcohol and hot food. Permission is also sought for the installation of an air source heat pump, external flue, screen fence, erection of rear canopy and associated external seating area.
- 1.2 The application has been amended from that originally submitted. Various plans and supporting documents were amended/received during the determination period of the application. This has been done to address concerns raised by various consultees. Third parties have been re-consulted and comments are summarised later in this report.
- 1.3 This application is running concurrently with a listed building consent application under local planning authority reference 3/23/2185/LBC.

1.4 The main considerations for the proposal are:

- Principle of Development
- Design, Layout, and Impact on Heritage Assets
- Neighbour amenity including noise impacts
- Highways and Parking
- Waste Storage/Handling
- Archaeology
- Other matters

1.5 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 and the National Planning Policy Framework.

1.6 The application is supported by the following plans:

0263-001  
0263-002 Rev B  
0263-003 Rev A  
0263-004 Rev C  
0263-005  
0263-006  
0263-007 Rev A  
0263-008  
0263-009  
0263-010  
0263-011  
0263-013 Rev C  
1263-1000  
2048-AF-00001-05 (Noise Impact Assessment)

1.7 All of the plans and documents submitted with the application have been considered in the preparation of this committee report.

## **2.0 Site Description**

2.1 The application site is occupied by a Grade II Listed Building known as 28 Knight Street. The site is situated approx. 10 metres to the north of the Sawbridgeworth Town Centre Boundary. Knight Street features a mix of residential and commercial properties. Directly to the north of the site is the 'Queens Head' pub, while Fawburt & Barnard Infants' School is located across the street. Other nearby businesses include

'Peking Place', a Chinese restaurant, and 'Beau Bells', a hairdresser, both situated to the south-west along Knight Street. The site is within the Sawbridgeworth Conservation Area and is surrounded by other Listed Buildings, situated along the western side of Knight Street. The building, previously occupied by Barclays Bank, is currently unoccupied. The site is part of the designated Sawbridgeworth Neighbourhood Plan and lies within an Area of Archaeological Significance.

### **3.0 Planning History**

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

| Application Number | Proposal                                                                                         | Decision                       | Date       |
|--------------------|--------------------------------------------------------------------------------------------------|--------------------------------|------------|
| 3/99/0924/AD       | FASCIA DISPLAY SIGN FOR ATM CASH DISPENSER                                                       | Approved subject to conditions | 10.04.2000 |
| 3/99/0925/FP       | REPLACEMENT OF 1 NO ATM CASH DISPENSER WITH A NEW MACHINE                                        | Approved subject to conditions | 10.04.2000 |
| 3/99/1072/LB       | THE REPLACEMENT OF 1NO ATM CASH DISPENSER WITH A NEW MACHINE                                     | Approved subject to conditions | 10.04.2000 |
| 3/00/1331/AD       | TO UPDATE AND REPLACE EXISTING EXTERNAL SIGNAGE WITH 400MM NON-ILLUMINATED INDIVIDUAL LETTERING. | Approved subject to conditions | 12.01.2001 |
| 3/00/1332/LB       | TO UPDATE AND REPLACE EXISTING EXTERNAL SIGNAGE WITH 400MM NON-ILLUMINATED INDIVIDUAL LETTERING  | Approved subject to conditions | 12.01.2001 |
| 3/00/2076/LB       | INTERNAL ALTERATIONS TO BUILDING                                                                 | Approved subject to conditions | 14.06.2001 |
| 3/00/2077/FP       | CREATE NEW                                                                                       | Application                    | 27.06.2001 |

|              |                                                                                                                                                                                                                                                    |                                                |            |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|------------|
|              | ENTRANCEWAY-<br>REMOVE WINDOW<br>AND BRICKWORK<br>AND CREATE NEW<br>DOORWAY                                                                                                                                                                        | withdrawn by<br>Applicant/Agent                |            |
| 3/01/0292/FP | CREATE NEW<br>ENTRANCEWAY.<br>REMOVE WINDOW &<br>BRICKWORK, CREATE<br>NEW DOORWAY.                                                                                                                                                                 | Application<br>withdrawn by<br>Applicant/Agent | 21.03.2001 |
| 3/01/0293/LB | DISABLED ACCESS,<br>REMOVE WINDOW<br>AND BREAK OUT<br>BRICKWORK TO<br>PROVIDE NEW<br>ENTRANCE. NEW<br>WINDOWS & NEW<br>GLAZED SCREEN<br>WITH POWER<br>ASSISTED DOOR - TO<br>FORM NEW<br>ENTRANCE LOBBY<br>(TO COMPLY WITH<br>DDA<br>REQUIREMENTS). | Application<br>withdrawn by<br>Applicant/Agent | 27.06.2001 |
| 3/01/0888/LB | PROJECTING GLOBE<br>SIGN                                                                                                                                                                                                                           | Approved<br>subject to<br>conditions           | 25.09.2001 |
| 3/03/1102/LB | REPLACEMENT OF<br>ATM TO MEET DDA<br>REQUIREMENTS.                                                                                                                                                                                                 | Approved<br>subject to<br>conditions           | 30.07.2003 |
| 3/03/1464/AD | REPLACEMENT ATM<br>MACHINE.                                                                                                                                                                                                                        | Approved<br>subject to<br>conditions           | 15.09.2003 |
| 3/05/0488/FP | Remove step at main<br>entrance. Replace<br>existing door with<br>timber door. External<br>push pad to front<br>elevation. Relocate<br>handrails                                                                                                   | Approved<br>subject to<br>conditions           | 29.04.2005 |
| 3/05/0489/LB | Remove step at main<br>entrance. Replace                                                                                                                                                                                                           | Approved<br>subject to                         | 05.05.2005 |

|               |                                                                                                                                                                                                                                                                                                                |                                |            |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|------------|
|               | existing door with new timber door. Extend frame. Relocate existing handrails and make good areas affected. Lower lobby floor and install internal chair lift. External push pad adjacent to door.                                                                                                             | conditions                     |            |
| 3/13/0990/AD  | 2no. non-illuminated fascia signs and 1no non illuminated projecting sign                                                                                                                                                                                                                                      | Approved subject to conditions | 05.08.2013 |
| 3/13/1128/LB  | 2no Non-illuminated fascia signs , 1no Non-illuminated Projecting Sign, 1no. ATM Surround ,1no Branch Nameplate. 2no replacement security fire exit doors. Dusted crystal vinyl to inner face of glazing to interview room. Replace 9no hammered glass panes to interview room window. Internal refurbishment. | Approved subject to conditions | 20.08.2013 |
| 3/14/1850/LB  | Replacement of external ATM                                                                                                                                                                                                                                                                                    | Approved subject to conditions | 04.12.2014 |
| 3/18/1899/LBC | Removal of ATM and install new window. Removal of cameras and walls made good. Removal of signage and walls made good and the removal of night safe and installation of steel                                                                                                                                  | Approved subject to conditions | 22.10.2018 |

|               |                                                                                                                        |                                |            |
|---------------|------------------------------------------------------------------------------------------------------------------------|--------------------------------|------------|
|               | plate. Internal alterations to include - Removal of counters and non-load bearing partitions                           |                                |            |
| 3/24/0142/FUL | Repair works to the flat roof over First floor level and exposure of chimney at ground floor level only to north wall. | Approved subject to conditions | 03.04.2024 |
| 3/24/0143/LBC | Repair works to the flat roof over First floor level and exposure of chimney at ground floor level only to north wall. | Approved subject to conditions | 03.04.2024 |

#### 4.0 **Main Policy Issues**

4.1 The following policies in the National Planning Policy Framework (NPPF) and the adopted East Herts District Plan 2018 (DP) are considered relevant.

| <b>Main Issue</b>        | <b>NPPF</b> | <b>DP policy</b>         |
|--------------------------|-------------|--------------------------|
| Character and Appearance | Section 12  | DES4                     |
| Neighbour amenity        | Section 12  | DES4                     |
| Noise Implications       | Section 15  | EQ2                      |
| Heritage Implications    | Section 16  | HA1<br>HA3<br>HA4<br>HA7 |
| Highways Implications    | Section 9   | TRA2<br>TRA3             |

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

#### 5.0 **Summary of Consultee Responses**

- 5.1 HCC Historic Environment Unit: were consulted and concluded the development would be unlikely to have a significant impact on heritage assets of archaeological or architectural interest.
- 5.2 EHDC Conservation and Urban Design: were consulted and previously objected to elements of the scheme, including concerns about the choice of materials for acoustic works and proposed partitions. Following receipt of amendments, the Conservation and Urban Design Officer is satisfied and raises no objections subject to conditions.
- 5.3 EHDC Environmental Health Officer: were consulted. The EHO previously objected to the submitted noise impact assessment, but following receipt of amendments, the EHO is satisfied and raises no objections subject to conditions.
- 5.4 HCC Highway Authority: were consulted and raised no objections.
- 5.5 (Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

## **6.0 Sawbridgeworth Town Council Representations**

- 6.1 Objection: Object to the proposed development. 28 Knight Street is outside of the Town Centre Boundary, and as such the proposal should be assessed against Policy RTC1 and RTC4. As it fails to comply with these policies, it should be refused. The site also lies within the Secondary Shop Frontages in Sawbridgeworth. The change of use would fall contrary to District Plan Policy DES4 (c), as it would result in detrimental impact to neighbouring properties. There are gaps and misgivings in the submitted noise assessments and a lack of details on opening hours. There is a lack of information how waste will be collected. There is a lack of parking.

## **7.0 Summary of Other Representations**

- 7.1 The application has been advertised by neighbour consultation with letters sent to adjacent residents. A press notice and site notice were also issued.
- 7.2 There have been 99 representations received across both rounds of consultation – 80 in objection, 16 in support. The majority of objections are from adjacent neighbours whereas the supporters are from a wider

area. The main reasons for objections across all rounds of consultation are summarised below:

- Will cause additional problems with noise and disruption for neighbours
- Will encourage anti-social behaviour
- Lack of parking
- Out of character for the town
- Venue will compete with other nearby venues for food and entertainment
- Concerns about waste collection, delivery, and servicing
- Too close to a school
- Conversion would impact the integrity and character of the Grade II Listed Building
- Access into the car park and waste area is not suitable
- Another drinking facility is not needed
- Significant increase in traffic
- The applicant has failed to provide a noise and parking survey
- No opening hours have been proposed
- Signage is not in keeping with the building
- Kitchen extract is not clear how it will impact neighbours
- Noise impact assessment is fundamentally flawed
- Noise assessment does not assess the outdoor seating area
- Noise report does not consider all receptors or assess the proposed air source heat pump
- Opening until 1:00 hours is unacceptable
- Proposed mitigations in the noise report are unlikely to be practical
- Toilets will be a significant light source
- No compensation process for those who's properties will be reduced in value due to this change of use
- Application has been inadequately publicised
- 28 Knight Street has a restrictive covenant that restricts any act or thing that shall or become a nuisance
- The proposal fall contrary to District Plan Policy RTC1 and RTC4

7.3 The comments made in support of the proposed development can be summarised as follows:

- Great asset to Sawbridgeworth
- Will provide a social space for many members of the community
- Will provide job opportunities
- Will bring a decaying listed building back into use



**All of the above representations have been taken into account and considered in the preparation of this report.**

**8.0 Consideration of Issues**

**Principle of Development**

- 8.1 The application site lies within the built-up area of Sawbridgeworth and as such there is no objection in principle to development in the form of the change of use of existing buildings, providing it is in accordance with the relevant policies of the East Herts District Plan 2018.
- 8.2 The planning history indicates that the building's authorised use was previously classified as a bank under Use Class A2, which has now been reclassified as Use Class E under the amended Use Classes Order introduced in 2020. Although the proposed development would introduce a commercial use different from its former use as a bank, the site benefits from the broader scope of activities permitted under Class E (without requiring planning permission for these uses). These permitted uses include restaurant or café uses, which are broadly comparable in nature to the proposed use.
- 8.3 The proposed development seeks to expand on the typical functions allowed within Class E by incorporating a dining element, a bar, and an area for live music, effectively combining the characteristics of a restaurant, bar, and live music venue. This expanded use ensures the retention of a commercial premises within the town, contributing positively to the local economy while enhancing the variety of dining, cultural, and entertainment options available to residents.
- 8.4 Given the site's edge-of-town-centre location, the proposed use is considered suitable, provided it complies with the relevant policies set out in the East Herts District Plan.
- 8.5 It should also be noted that the application site is situated within Sawbridgeworth Conservation Area and as such there is a statutory duty under section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to ensure that development proposals preserve or enhance its character or appearance.

**Design, Layout, and Impact on Heritage Assets**

- 8.6 Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that the local planning authority shall have "special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." The specific historic environment policies within the NPPF are contained within paragraphs 195-214. Section 72 of the Planning (Listed Buildings as Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 8.7 Paragraph 205 of the Framework outlines that: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 8.8 Paragraph 206 states that: "Any harm to, or loss of, the significance of a designated heritage asset (from its alterations or destruction, or from development within its setting, should require clear and convincing justification."
- 8.9 Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, Paragraph 207 states that local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 8.10 Paragraph 202 follow this and states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal".
- 8.11 Policy HA1 of the East Herts District Plan states that development proposals should preserve and where appropriate enhance the historic environment. Furthermore, Policy HA7 of the District Plan states that proposals will only be permitted where they would (a) not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and (b) respects the scale, design, materials and finishes of the existing building(s) and preserves its historic fabric. Conservation Area Policy HA4 of the District

Plan states that new development, extensions, and alterations to existing buildings in Conservation Areas will be permitted provided that they preserve or enhance the special interest, character and appearance of the area. Neighbour representations have raised concerns about the impact of the proposed conversion on the integrity and character of the listed building.

- 8.12 28 Knight Street holds architectural significance, particularly through its impressive street-facing façade that enhances the character and appearance of the Conservation Area.
- 8.13 The proposed works for the change of use include external alterations such as the installation of an air source heat pump, screen fence, external flue, and a rear canopy with an associated seating area. The internal alterations and works to the listed building are assessed with regards to their impact on the listed building, as part of the Listed Building Consent report. This report focuses on the development works listed in this paragraph.
- 8.14 The proposed canopy for the external seating area would be positioned along the building's north-facing flank wall, an elevation of lower architectural significance. Its location would reduce visibility from the surrounding Conservation Area, making its placement appropriate. Plans indicate that the canopy frame would be timber, though the specific covering material has yet to be confirmed. The Conservation Team has therefore recommended a condition to ensure appropriate materials, which is considered reasonable.
- 8.15 An external flue is also proposed on the rear elevation of the building. The flue would be implemented within the kitchen, extending out to the exterior of the building. Although the flue would lead to a visual interruption of the rear elevation, given this elevation contributes limited value to the overall significance of the Listed Building and is heavily screened from the surrounding Conservation Area, it is considered acceptable. Its addition would also result in a small loss of fabric; however, the Conservation Officer considers the impacts to be negligible, and outweighed by the facilitation of the long-term sustainable use of the building.
- 8.16 An air source heat pump (ASHP) is also proposed at the rear of the site, adjacent to the bin store, replacing the existing Heating, Ventilation and Air Conditioning unit (HVAC). The ASHP would be modest in size, with a neutral impact on both the Listed Building's setting and the

Conservation Area's character. Therefore, no objection is raised by the Conservation Officer to this element of the proposal.

- 8.17 A new external fence is proposed to screen the bin store and ASHP, consisting of brick and close board fencing up to 1.8 meters high. The new boundary would replicate the existing wall and fence. It is not anticipated that the new boundary would appear prominently in key views of the Listed Building. Officers find this component of the proposal acceptable, as it would have a neutral impact on the building's setting and the Conservation Area.
- 8.18 To facilitate the building's conversion, several internal alterations are proposed, such as inserting partition walls, flooring, kitchen/prep area, stage bar, and food storage area. Modifications to the first-floor WCs include removing a bath, relocating sinks, and adding toilets. Acoustic works, such as secondary glazing and noise absorption, are also proposed. Where applicable, the detailed works outlined in this application are subject to assessment under the Listed Building Consent officer report.
- 8.19 The Conservation Team has noted that extensive external modifications over time have altered the internal room proportions, reducing their original significance. This allows some flexibility for internal layout changes within reason.
- 8.20 Wherever possible, the proposed works aim to avoid impacting historic fabric, intending to reveal and repair features where feasible, which is welcomed by the Conservation Team. The bathroom modifications are acceptable, as this area has been heavily modernised, resulting in neutral impact on the building's significance. Alterations to partitions are also considered acceptable, primarily affecting modern materials. A new kitchen is planned where historic fabric remains, but the Conservation Team has recommended a condition to prevent cuts to historic timber frames, which is reasonable and will be attached onto the listed building consent should permission be forthcoming.
- 8.21 A small section of historic fabric on the ground floor front of the building is proposed for removal to enhance symmetry and cohesion. The Conservation Team supports this change, finding the heritage benefits, repairs, and sustainable use for the Listed Building to outweigh the impact. For acoustic works, secondary glazing is proposed on ground floor windows at the front and south-facing flank, with no objections, as this approach respects the Listed Building's character.

However, details of the secondary glazing will be required by condition prior to the commencement of any works to ensure that the details of the secondary glazing ensure they will not be visible externally and will respect the significance of the listed building. These will be attached onto the listed building consent, should permission be forthcoming. Additionally, hemp fibreboard and Thermafleece Cosywool insulation, chosen for breathability, would be used on ground floor internal walls, which is considered suitable by the Conservation Team.

- 8.22 Considering the above, the external alterations which form a part of the proposed development would have a neutral impact on the Sawbridgeworth Conservation Area and setting of nearby listed buildings and would therefore not cause any harm to these heritage assets. The proposed development would result in less than substantial harm to the listed building as a result of the small loss of original fabric and the minor works. However, it is considered that the significant public benefit of bringing a listed building back into a commercial use which will be visited by the public will support the long-term preservation of the heritage asset. Therefore, this would outweigh the identified harm to the significance of the heritage asset. As such, it is considered the proposed development would comply with District Plan Policies HA1, HA4, HA7 and DES4 and the NPPF.
- 8.23 This report demonstrates how the Local Planning Authority has exercised the statutory duty to give 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 in accord with Sections 16 and 66 of the Listed Buildings and Conservation Areas Act; in addition to paying special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in accord with the Planning (Listed Buildings as Conservation Areas) Act 1990, Section 72.

### **Neighbour amenity including noise impacts**

- 8.24 Policy DES4 of the District Plan seeks that proposals do not result in detrimental impacts to the amenity of future occupiers or neighbouring residents. Policy EQ2 of the District Plan also states that development should be designed and operated in a way that minimises the direct and cumulative impact of noise on the surrounding environment and that particular consideration should be given to the proximity of noise sensitive uses, and in particular, the potential impact of development on human health. As noted above, representations have been received

from occupiers in neighbouring properties which raise concerns with the impact of the proposed development on their living conditions. Those representations have been considered carefully.

- 8.25 As highlighted earlier in the report, the application site is located along a mixed-use street on the edge of the town centre. Consequently, it is in close proximity to several residential properties, including Knights Court, an elderly persons' residential complex situated to the northwest of the site. The proposed development does not seek to increase the size of the building or create any new window openings. While Officers note the scheme proposes to erect a canopy and screen fence, due the scale and location of these works in relation to neighbouring properties, it is not considered these elements would give rise to material adverse impact on the occupiers of adjoining properties by reason of loss of light, overshadowing, overlooking or overbearing impacts.
- 8.26 The main consideration regarding neighbour amenity is the potential impact of noise and odour from the proposed development. Noise could be generated as a result of the external ductwork/ASHP, people coming and going from the premises throughout the day and noise from amplified sound. As the proposal includes live entertainment (such as live music performances), assessing noise impacts is necessary in order to determine whether the impacts can be appropriately mitigated in order to minimise potential for disturbances. A noise impact assessment, prepared by AF Acoustics Ltd, was submitted during the application's review period and was revised multiple times to address concerns from the Environmental Health Officer. The most recent noise assessment (received on 1<sup>st</sup> July 2024), details various acoustic measures and includes a Noise and Vibration Management Plan. As previously mentioned, secondary glazing is proposed for ground-floor windows on the front and south-facing elevations, and hemp fibreboard and Thermafleece CosyWool insulation will be added to internal walls on the ground floor to improve sound insulation. The Noise and Vibration Management Plan also specifies several steps to control noise levels. The Environmental Health Officer reviewed the amended report and had no objections, provided all noise mitigation measures outlined in the report are implemented before the site is first used for live or recorded music. A condition outlining the noise management measures contained within the report shall be followed at all times has also been requested by the EHO. These conditions are deemed reasonable, enforceable, and necessary.

- 8.27 Neighbours have expressed concerns that the noise impact assessment has not accounted for the location of the proposed ASHP and flue. The applicant provided some details of an ASHP; however, no specification was selected. As such, the Council's Environmental Health Officer has recommended a condition requiring a noise impact assessment for all external fixed plant machinery and equipment to be submitted before it becomes operational. This condition is considered a necessary, enforceable, reasonable and practical measure to protect local amenity.
- 8.28 Officers acknowledge that the proposed external seating area located at the rear of the site has the potential to generate additional noise, particularly from customers gathering and socialising. While this is noted, the size of the external seating area is limited, which effectively restricts the number of customers who can occupy the space at any given time. This smaller scale helps mitigate the potential for excessive noise disruption. Furthermore, the seating area is situated between the flank wall of the building and the northern boundary wall, creating a degree of separation and providing a suitable distance from the neighbouring properties to the south, west, and north-west. This positioning helps to ensure that the external seating area is not in direct proximity to residential areas or more sensitive land uses.
- 8.29 In addition to these spatial considerations, Officers have taken into account the mixed-use nature of the surrounding area, which includes both commercial and residential properties and is within walking distance of the main commercial uses within the town centre. Notably, the neighbouring building, occupied by the public house "Queens Head," also has a small external amenity area where customers congregate.
- 8.30 While Officers recognise that the proposed external seating area could potentially increase the overall noise levels in the area, especially during busier times, the application site benefits from Class E use (which permits a range of commercial, town centre and employment based public uses) and is located just outside of the town centre. These are important factors in the assessment as it is the officers view that the proposed use is compatible and consistent with the mixed character of the area. Given the above, it is not considered that the noise generated by the external seating area would result in significant or detrimental harm to the amenity of neighbouring properties. Notwithstanding this, Officers consider it reasonable to impose a condition limiting the hours of use for the external seating area, ensuring all customers vacate the outdoor area within specified hours

to minimise noise disturbances to occupiers within neighbouring properties.

- 8.31 With regard to the opening hours, Officers note that the submitted application form did not specify any proposed hours of operation. As a result, Officers requested that the applicant provide the proposed opening hours. After further discussions between the Officers and the applicant, it was agreed that the proposed opening hours shall be from 08:00hrs to 23:00hrs Sunday to Thursday and Bank Holidays, and from 08:00hrs to 00:00hrs on Fridays and Saturdays. While Officers acknowledge that these proposed opening hours would be earlier than those of the neighbouring establishment, 'The Queen's Head,' the closing time of 00:00hrs on Fridays and Saturdays are consistent with the closing time of this neighbouring venue. Therefore, Officers consider that the proposed hours of operation are reasonable and acceptable in this context.
- 8.32 In considering the potential disturbance from the operation of the use, particularly due to live entertainment and the associated comings and goings of customers, it is important to consider that the site is located close to the town centre, on a street that already features a mix of commercial and residential uses. As such, a certain level of activity and disturbance is to be expected in this area. Given these factors, along with the proposed operating hours and other specified controls secured by conditions, it is unlikely that the change of use would result in a significant or unreasonable impact on the amenity of nearby properties. The town-centre setting naturally accommodates higher levels of activity, and the proposed hours align with those typically found in similar locations. Therefore, it is not anticipated that the proposal would cause undue harm to the residential amenity of neighbouring properties.
- 8.33 That being said, in order to mitigate any potential adverse effects and safeguard the amenity of nearby residents, Officers consider it reasonable to impose a condition that limits the hours of operation to would ensure that any potential noise and disturbance generated by the venue remains within acceptable levels.
- 8.34 Regarding the potential odour impacts associated with the proposed development, it is noted that a flue will be installed within the kitchen area, extending to the building's exterior. The Council's Environmental Health Team has been consulted on the proposal. Following their review, they have raised no objections to the installation of the flue,



provided a condition is imposed to require detailed specifications on the installation, operation, and ongoing maintenance of the odour abatement equipment and extract system. This condition will help ensure that the equipment operates effectively over time, maintaining odour control standards and reducing the likelihood of odour-related issues affecting nearby residents or businesses. This approach is viewed as a reasonable and practical measure to safeguard the local amenity.

- 8.35 Neighbour representations have also expressed concerns about the toilets being a significant source of light pollution. While Officers acknowledge the lighting from the toilets may cause some light spill visible from neighbouring properties to the south of the application site, such as The Old Malt House, Wheelgate and 30 Knight Street, it is not considered that the level of light within the premises generated would be substantial enough to justify refusal of the application.
- 8.36 The Council's Environmental Health Officer has recommended a number of other conditions which relate to construction hours, dust emissions, waste management, and notification to neighbours of building works. However, these conditions are not considered reasonable on a development of this scale and can be controlled through the relevant Environmental Health and Building Regulation legislation.

#### Summary of neighbouring amenity

- 8.37 Overall, for the reasons outlined above, the proposed development is not considered to cause any significant unacceptable impact to the amenity of neighbouring occupiers within nearby properties. Officers consider that the proposed development would not conflict with Policies DES4 and EQ2 of the East Herts District Plan 2018.

#### **Impact on Highways and Parking**

- 8.38 Policy TRA2 of the District Plan outlines that proposals should ensure that safe and suitable access can be achieved for all users. In addition, Policy TRA3 of the District Plan state that vehicle parking provision associated with development proposals *will be assessed on a site-specific basis* and *should take into account* the provisions of the District Council's currently adopted Supplementary Planning Document (SPD) 'Vehicle Parking Provision at New Development'. Neighbour letters have expressed concerns about the lack of on-site parking and the potential for significant increase in traffic associated with the change of use.

Additional concerns include the absence of a parking survey submitted with the application and the suitability of the access to the car park and servicing.

- 8.39 The site includes a car park located at the rear of the building, accessible from an existing access off Knight Street via Rowan Walk, which runs alongside the building's southern elevation. The Highway Authority were consulted the scheme and did not object to the use of the existing access and servicing setup. Although they noted that specific servicing details have not been provided, they indicated that a Goods Vehicle loading bay in front of 24 Knight Street could be used to service the site.
- 8.40 With regard to parking, there are no standards that are specific to the proposed land use as it is for a sui generis use. The proposed use comprises elements of Class E (restaurant/café), sui generis (bar and music venue). Officers consider the proposed uses most relevant standards for this proposal to be D2 (a) "*places of entertainment/leisure parks, when individual land uses are known*" and D2(b) for "*places of entertainment/leisure parks, when individual land uses are not known,*" or Class A3 (a) "*restaurants/cafes*" and/or (b) "*Public Houses and Bars*". Standard D2(b) stipulates a requirement of one parking space per 15 sqm of gross floor area, while Standards D2(a) allows parking provision to be determine on a case-by-case basis when the specific land use components are known. Standard A3(a) specifies one parking space per 5 sqm of dining floor area, in addition to three spaces per four employees. Similarly, standards A3(b) requires one parking space per 3 sqm of bar floor area, plus three spaces per four employees.
- 8.41 Based on the building's gross floor area, by applying guidance standard D2(b) as outlined in the SPD, the proposals would require approximately 16 spaces (for staff and visitors). The Standard for an A3 (a) Restaurant and Café use would suggest a total of 36 parking spaces would be required to accommodate both staff and visitors. In addition, Standard A3(b) (for a Public House & Bar) would require a total of 10 parking spaces. The existing rear car park accommodates six spaces, which comprises an under-provision of up-to 30 spaces (depending on the standard(s) applied).
- 8.42 Shortly after submitting the application, the applicant responded to concerns from neighbours regarding parking by proposing that the six available spaces would be reserved for staff, with customers directed to

park at the Bell Street Car Park, located approximately 230 metres southwest of the site. The applicant further proposed a ticketed shuttle service using a "Tut Tut" vehicle to transport customers from Bell Street Car Park and Sawbridgeworth train station to the venue. While Officers acknowledge the applicant's efforts to mitigate on-street parking impact, it would not be able to monitor, control, or enforce the proposed shuttle service through a condition. Consequently, Officers requested that the applicant conducted a parking survey to provide objective data supporting the proposal and further justify the parking shortfall against Standards set out in A3(a), A3(b) and/or D2(b).

- 8.43 Although the applicant did not provide a parking survey, they indicated that double yellow lines may soon be introduced along Knight Street, potentially limiting parking options and reducing overspill issues. Additionally, the applicant suggested offering a refund on any Bell Street Car Park fees if customers provided a valid ticket. While Officers appreciate these considerations, they cannot rely on the installation of double yellow lines, as this may not occur. Moreover, Officers would not be able to enforce the applicant's proposal to refund parking tickets as an incentive. Therefore, Officers must consider the potential impact of parking overflow into nearby streets and the potential this may have on highways conditions within the area.
- 8.44 Officers consider that the proposed change of use could increase on-street parking demand in the area, particularly as certain sections of Knight Street and surrounding roads lack parking restrictions. This increase in on-street parking may decrease the availability of spaces in the area. However, Officers also recognise that public parking options are available nearby. The Bell Street Car Park, located approximately 230 meters from the site, could serve customers which is considered to be sufficiently close to the site to provide a viable parking option for visitors. The proximity of the site to Sawbridgeworth town centre location provides easy access by public transport, with many residents able to walk to the premises. A site visit has been conducted, during which officers observed the general availability of parking in the area. It is concluded that adequate parking spaces are likely to remain available, particularly as the venue is unlikely to operate at full capacity throughout the day. The anticipated traffic volume generated by the proposal is not considered significant enough to cause parking stress in the area.
- 8.45 Therefore, given these factors, including the site's proximity to a public car park and its accessible location (in regards to the proximity to the

town centre), officers consider that the level of parking is acceptable and any shortfall against the standards would comprise an insufficient ground for refusal in this case, noting the standards for entertainment uses where the land use components are known can be set on a case-by-case basis.

- 8.46 Additionally, it should be noted that the Highway Authority at Hertfordshire has raised no objections to the traffic associated with the change of use, outlining they do not anticipate a significant increase in traffic compared to the building's former use as a bank. Therefore, it is considered that the proposed development would not have a negative impact on highway conditions.
- 8.47 Notwithstanding the above, the current authorised land use falls within Class E which would permit a restaurant/café use without planning permission. This use is likely to generate a level of car parking comparable with what is proposed as part of this application. Therefore, officers consider the site benefits from a realistic fall-back provision (given Class E permits restaurant use) which parking effects are anticipated to be similar to that of the proposed use.
- 8.48 In light of the Highway Authority's lack of objections and the factors outlined above, it is considered that the provision of 6 x off-street parking spaces is justified. In coming to a view officers note the adopted parking standards in the SPD allow for car parking for entertainment venues to be determined on a case-by-case basis where the uses are known. In addition, the applicant could reasonably benefit from a fall-back position (under permitted development) given the wider Class E Use facilitates restaurant use which would generate a similar demand for car parking as the proposed use. It would therefore be unreasonable to refuse planning permission on the basis of any shortfall against the parking standards. The proposal is therefore in accordance with Policies TRA2 and TRA3 of the East Herts District Plan 2018.

### **Impacts of Waste (Storage and Handling)**

- 8.49 Policy DES4 of the District Plan outlines that proposals will be expected to make provision for the storage of bins. Neighbour letters have raised concerns over the waste collection for the proposed use.
- 8.50 The submitted plans indicate that bin storage will remain in the same location as it was for the building's previous use, situated at the rear of

the site and screened by a proposed fence. Officers have found no evidence suggesting that this arrangement would be insufficient or cause issues in its current form. As a result, the continued use of this designated area for waste storage is considered appropriate and acceptable for the proposed development.

### **Impact on Heritage Assets of Archaeological Interest**

- 8.51 Policy HA3 of the District Plan outlines where development is permitted on site containing archaeological remains, planning permission will be subject to conditions requiring appropriate excavation and recording in advance of development and the subsequent storage and display of material.
- 8.52 As noted earlier in this report, the application site lies an Area of Archaeological Significance. The Historic Environment Unit at Hertfordshire County Council were consulted on the matter and confirmed that the development is unlikely to have had a significant impact on heritage assets of archaeological interest. As a result, the proposal complies with District Plan Policy HA3.

### **Other Matters**

- 8.53 Sawbridgeworth Town Council and neighbouring residents have raised concerns that the proposed development may conflict with District Plan Policy RTC1 and RTC4. While Officers acknowledge these comments, Policy RTC1 applies only to developments exceeding 500 sq.m Since the proposed change of use totals approximately 247 sq.m, Policy RTC1 does not apply to this development. In addition, Policy RTC4 is not relevant to this scheme, as the site is not a Secondary Shopping Frontage.
- 8.54 Concern has also been raised within neighbour letters about a restrictive covenant on 28 Knight Street and the impact of the proposed change of use on nearby house prices. While these are noted, these are not material planning considerations and have therefore not formed part of the above assessment.
- 8.55 Further concern was raised from neighbouring properties about the nature of the use and the proximity of the site in relation to similar uses. While this is noted, as highlighted above, the location of the use is considered acceptable and compliant with policy, and the use is

capable of operating in accordance with the recommended planning conditions which seek to regulate the environmental impacts.

- 8.56 Concern has also been raised within neighbour letters over the proposed signage, outlining it is not in keeping with the listed building. It should be noted that this has not been assessed under this application, as any signage would require a separate application for advertisement consent. An informative will be attached onto the decision notice informing the applicant of this should planning permission be forthcoming.
- 8.57 Neighbour representations and Sawbridgeworth Town Council have expressed concerns, arguing that the noise impact assessment submitted with the application is fundamentally flawed. While these concerns have been carefully considered, the Council's Environmental Health Officer was consulted as part of the application process. After reviewing the noise report, the Environmental Health Officer has concluded that the submitted assessment is acceptable and does not raise any significant issues regarding noise impact. The Officer's expert opinion supports the conclusion that the report is adequately addressed for the purposes of this application. Therefore, despite the concerns raised, the Environmental Health Officer's review provides assurance that the noise impact is sufficient and does not warrant further revision.

## **9.0 Planning Balance and Conclusion**

- 9.1 The site is within a built-up mixed-use area, close to the town centre of Sawbridgeworth and in principle, is an acceptable form of development.
- 9.2 The proposed development would result in less than substantial harm to the listed building, however, it is considered that the significant public benefit of bringing a listed building back into use, supporting the long-term preservation of the heritage asset and economic benefits to arise out of the commercial use and the positive impact on supporting a vibrant and mixed-use area would outweigh any harm to significance of the heritage asset. The proposed development would have a neutral impact on the Sawbridgeworth Conservation Area and nearby listed buildings and would therefore not cause any harm to these heritage assets. This is attributed to the proposal's suitable location, design, and scale.
- 9.3 There are not considered to be any significant unacceptable impacts on neighbouring amenity from overbearing impacts, loss of outlook,

overshadowing, or loss of privacy. Furthermore, the proposal is not considered to result in significant unacceptable concerns with regards to the noise or odour impact of the development, subject to conditions.

- 9.4 It is considered that any shortfall in parking would not be substantial enough to justify refusal of the application given there is a nearby public car park, and the site is within an accessible location. Furthermore, the current use enables a fall-back position to exist (under permitted development) if the site is used as a restaurant (which would not require planning permission) and this would be likely to create similar demand for car parking as the proposed uses.
- 9.5 Accordingly, it is considered that the proposal accords with the relevant policies and sections of the East Herts District Plan 2018 (as noted in this report) and the NPPF. No material planning considerations are presented which indicate that planning permission should be refused, and it is therefore recommended that conditional planning permission be granted.

## **RECOMMENDATION**

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

### **Conditions**

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

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

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

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

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

**Reason:** In the interests of good design and ensure the historic and architectural character of the building is properly maintained, in accordance with Policy DES4 and HA7 of the East Herts District Plan 2018.

4. Prior to the first use of the site for the provision of live or recorded music, all noise mitigation measures as shown in drawing no. 0263-004 Rev C and prescribed in AF Acoustics report ref. 2048-AF-00002-01 dated 12 June 2024 shall be implemented and thereafter be permanently retained.

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

5. Prior to first use of the kitchen for hot food preparation at the development hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority of the installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet, in accordance with the EMAQ+ document 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. Approved details shall be implemented prior to the use of the development and thereafter be permanently retained.

**Reason:** In order to ensure an adequate level of amenity for occupiers in the vicinity of the proposed development in accordance with Policy EQ4 Air Quality of the adopted East Herts District Plan 2018.

6. Prior to operation of external plant at the development hereby approved, a noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the rating level of noise emitted from all external fixed plant and equipment at the development hereby approved shall not exceed 5dB below the background noise level when measured or calculated at 1 metre from the façade of the nearest noise sensitive property. The measurements and assessment shall be made according to BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' at the nearest and / or most affected noise sensitive premises, with all plant / equipment operating together at maximum capacity and inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics.



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

7. Prior to the first use of the development hereby approved, details of all boundary walls, fences or other means of enclosure to be erected shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be implemented in accordance with the approved details.

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

8. The noise management measures outlined in AF Acoustics report ref. 2048-AF-00002-01 dated 12 June 2024 shall be followed at all times.

**Reason:** In order to ensure an adequate level of amenity for the residential and commercial occupiers of surrounding properties / units of the proposed development in accordance with Policy EQ2 Noise Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018.

9. The use of the premises hereby approved shall be restricted to the hours 8:00 to 23:00 Sunday to Thursday including Bank and Public Holidays, and 8:00 to 00:00 on Friday and Saturdays, except for the rear seating area which shall cease to be used after 23:00 on any day.

**Reason:** In the interests of the amenities of the occupants of nearby properties and in accordance with Policies DES4 and EQ2 of the East Herts District Plan 2018.

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

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

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

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

### **Informatives**

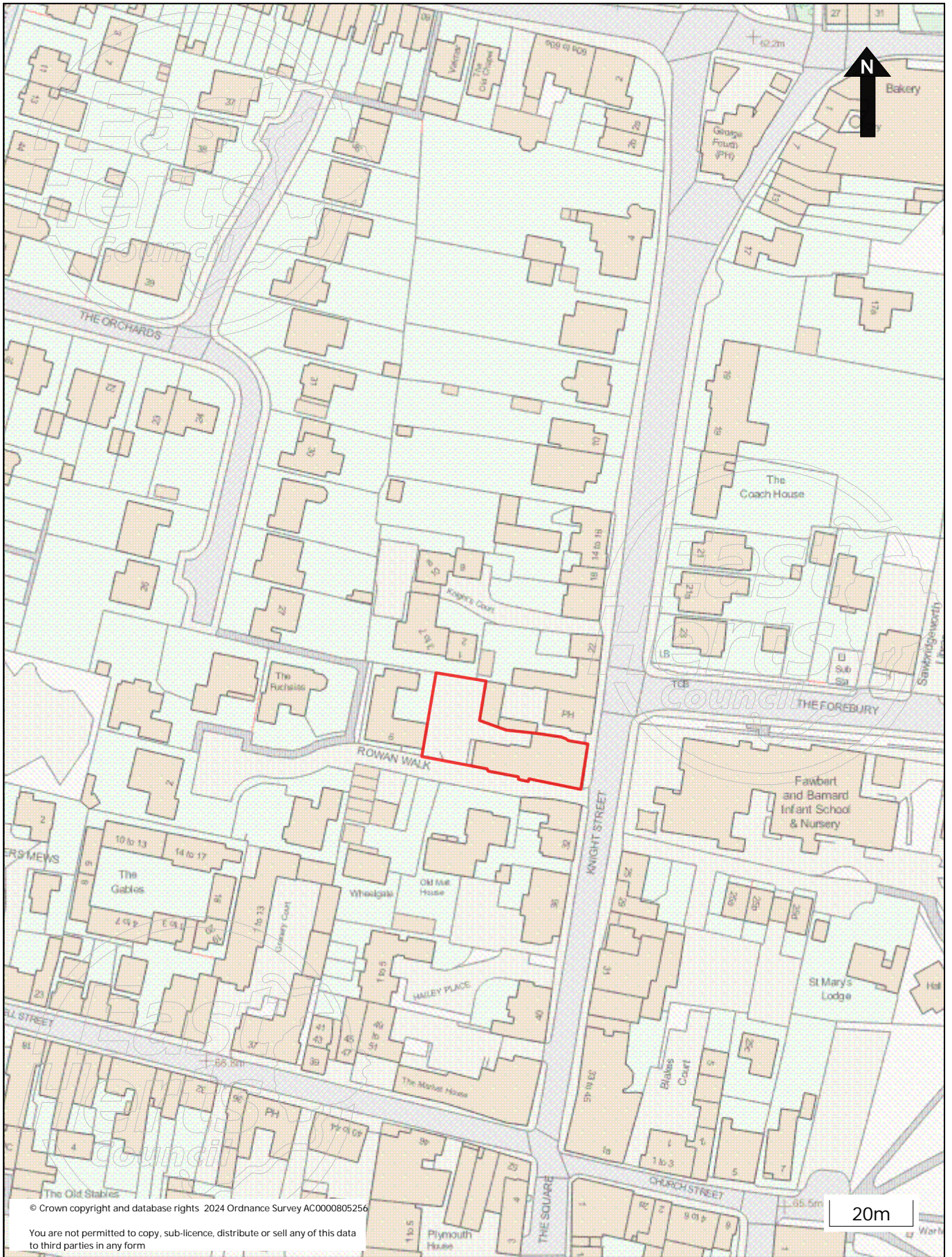
1. East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan and any relevant material considerations. The balance of the considerations is that permission should be granted.
2. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.
3. This permission does not convey any consent which may be required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

### **Plans for approval**

| <b>Plan Ref</b> | <b>Version</b> | <b>Received</b>                 |
|-----------------|----------------|---------------------------------|
| 0263-001        |                | 16 <sup>th</sup> November 2023  |
| 0263-002        | Rev B          | 10 <sup>th</sup> September 2024 |
| 0263-003        | Rev A          | 30 <sup>th</sup> January 2024   |
| 0263-004        | Rev C          | 10 <sup>th</sup> September 2024 |

|                  |       |                                |
|------------------|-------|--------------------------------|
| 0263-005         |       | 15 <sup>th</sup> November 2023 |
| 0263-006         |       | 15 <sup>th</sup> November 2023 |
| 0263-007         | Rev A | 1 <sup>st</sup> February 2024  |
| 0263-008         |       | 15 <sup>th</sup> November 2023 |
| 0263-009         |       | 15 <sup>th</sup> November 2023 |
| 0263-010         |       | 15 <sup>th</sup> November 2023 |
| 0263-011         |       | 15 <sup>th</sup> November 2023 |
| 0263-013         | Rev C | 6 <sup>th</sup> November 2024  |
| 1263-1000        |       | 1 <sup>st</sup> July 2024      |
| 2048-AF-00001-05 |       | 1 <sup>st</sup> July 2024      |





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Tel: 01279 655261

ADDRESS  
28 Knight Street  
Sawbridgeworth  
CM21 9AU

|               |                                 |
|---------------|---------------------------------|
| PLAN TITLE    |                                 |
| PROJECT REF   | 3/23/2062/FUL and 3/23/2185/LBC |
| SITE AREA     |                                 |
| DATE OF PRINT | 20 November 2024                |
| SCALE         | 1:1250@A4                       |



## DEVELOPMENT MANAGEMENT COMMITTEE – 4 DECEMBER 2024

|                           |                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Number</b> | 3/23/2185/LBC                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Proposal</b>           | Insertion of partition walls, flooring, kitchen/prep area, stage, bar, external flue and food storage area. Alterations to first floor WC/s to include removal of bath, relocation of sinks and insertion of toilets. Installation of 3 external signage, new screen fence, acoustic works including the installation of secondary glazing and noise absorption and erection of rear canopy. |
| <b>Location</b>           | 28 Knight Street, Sawbridgeworth, Hertfordshire, CM21 9AT                                                                                                                                                                                                                                                                                                                                    |
| <b>Parish</b>             | Sawbridgeworth Town Council                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Ward</b>               | Sawbridgeworth                                                                                                                                                                                                                                                                                                                                                                               |

|                                            |                                                                                                                                                                                                                                                                                          |
|--------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Date of Registration of Application</b> | 16 November 2023                                                                                                                                                                                                                                                                         |
| <b>Reason for Committee Report</b>         | The corresponding Full Planning Application has been called in by councillor Eric Buckmaster as the application has generated a huge interest in Sawbridgeworth. Residents are concerned as to the impact on their amenity, noise, congestion, and obstruction of pavements by vehicles. |
| <b>Case Officer</b>                        | Ellen Neumann                                                                                                                                                                                                                                                                            |

### **RECOMMENDATION**

That listed building consent 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 is for the carrying out of internal and external works to 28 Knight Street, which is a Grade II Listed Building, falling within Sawbridgeworth Ward.
- 1.2 This application is running concurrently with a full planning application under local planning authority reference 3/23/2062/FUL.
- 1.3 The proposal consists of the insertion of partition walls, flooring, kitchen/prep area, stage, bar, external flue, and food storage area. Alterations to first floor WC/s to include removal of bath, relocation of sinks and insertion of toilets. Installation of 3 external signage, new

screen fence, acoustic works including the installation of secondary glazing and noise absorption and erection of rear canopy.

- 1.4 The application has been amended from that originally submitted. Various plans and supporting documents were amended/received during the determination period of the application. This has been done to address concerns raised by various consultees.
- 1.5 It should be noted that the description of development was amended during the applications determination period to remove the change of use, as this does not require listed building consent and is being addressed in the full application running alongside this one.

## **2.0 Site Description**

2.0 The building is Grade II Listed, and lies within Sawbridgeworth Conservation Area and the built up area of Sawbridgeworth. The building, previously occupied by Barclays Bank, is currently unoccupied.

2.1 The list description for the 28 Knight Street states:

*"KNIGHT STREET 1. 5253 (West Side) No 28 (Barclay's Bank) TL 4839 1491:3/52 6.6.52 II GV 2. Circa 1730 show front added to older building, altered and extended in last century. Plastered N gable and steep old tile roof probably C17 timber- framed with external gable chimney on S: 2 storey parapeted red brick front and possibly N flank wall of front block c.1730. Extensive red brick, tiled roof rear wing probably c.1900 and later. 5 window front of red brick with lighter rubbed and moulded brick dressings. Giant order pilasters at each end with moulded base and cap, returned architrave, frieze, cornice and projecting panel in parapet over. Cornice alone runs across the elevation breaking forward at each pilaster. Moulded brick band at floor level returned before pilaster. Plain projecting plinth. Gauged segmental arches to all windows. Relief rustication to central window over door. Slightly recessed sash windows with 6/6 panes and segmental heads to frame and upper sash. Windows renewed on Gd floor with horns, square heads to frames and projecting wooden cills. Broad wooden doorcase. Rusticated Doric pilasters, full entablature, and flat moulded hood with small ogee hipped metal roof over. This facade is a sophisticated architectural composition and a tour de force in brick craftsmanship. Illustrated by Nathaniel Lloyd in his A History of English*

*Brickwork (1928) 234. Compare the contemporary facades at 40 Knight Street, 11 Bell Street, and White Lion PH in London Road."*

### **3.0 Planning History**

| Application Number | Proposal                                                                                         | Decision                                 | Date       |
|--------------------|--------------------------------------------------------------------------------------------------|------------------------------------------|------------|
| 3/99/0924/AD       | FASCIA DISPLAY SIGN FOR ATM CASH DISPENSER                                                       | Approved subject to conditions           | 10.04.2000 |
| 3/99/0925/FP       | REPLACEMENT OF 1 NO ATM CASH DISPENSER WITH A NEW MACHINE                                        | Approved subject to conditions           | 10.04.2000 |
| 3/99/1072/LB       | THE REPLACEMENT OF 1NO ATM CASH DISPENSER WITH A NEW MACHINE                                     | Approved subject to conditions           | 10.04.2000 |
| 3/00/1331/AD       | TO UPDATE AND REPLACE EXISTING EXTERNAL SIGNAGE WITH 400MM NON-ILLUMINATED INDIVIDUAL LETTERING. | Approved subject to conditions           | 12.01.2001 |
| 3/00/1332/LB       | TO UPDATE AND REPLACE EXISTING EXTERNAL SIGNAGE WITH 400MM NON-ILLUMINATED INDIVIDUAL LETTERING  | Approved subject to conditions           | 12.01.2001 |
| 3/00/2076/LB       | INTERNAL ALTERATIONS TO BUILDING                                                                 | Approved subject to conditions           | 14.06.2001 |
| 3/00/2077/FP       | CREATE NEW ENTRANCEWAY- REMOVE WINDOW AND BRICKWORK AND CREATE NEW DOORWAY                       | Application withdrawn by Applicant/Agent | 27.06.2001 |

|              |                                                                                                                                                                                                          |                                          |            |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|------------|
| 3/01/0292/FP | CREATE NEW ENTRANCEWAY. REMOVE WINDOW & BRICKWORK, CREATE NEW DOORWAY.                                                                                                                                   | Application withdrawn by Applicant/Agent | 21.03.2001 |
| 3/01/0293/LB | DISABLED ACCESS, REMOVE WINDOW AND BREAK OUT BRICKWORK TO PROVIDE NEW ENTRANCE. NEW WINDOWS & NEW GLAZED SCREEN WITH POWER ASSISTED DOOR - TO FORM NEW ENTRANCE LOBBY (TO COMPLY WITH DDA REQUIREMENTS). | Application withdrawn by Applicant/Agent | 27.06.2001 |
| 3/01/0888/LB | PROJECTING GLOBE SIGN                                                                                                                                                                                    | Approved subject to conditions           | 25.09.2001 |
| 3/03/1102/LB | REPLACEMENT OF ATM TO MEET DDA REQUIREMENTS.                                                                                                                                                             | Approved subject to conditions           | 30.07.2003 |
| 3/03/1464/AD | REPLACEMENT ATM MACHINE.                                                                                                                                                                                 | Approved subject to conditions           | 15.09.2003 |
| 3/05/0488/FP | Remove step at main entrance. Replace existing door with timber door. External push pad to front elevation. Relocate handrails                                                                           | Approved subject to conditions           | 29.04.2005 |
| 3/05/0489/LB | Remove step at main entrance. Replace existing door with new timber door. Extend frame. Relocate existing handrails and                                                                                  | Approved subject to conditions           | 05.05.2005 |



|               |                                                                                                                                                                                                                                                                                                                |                                |            |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|------------|
|               | make good areas affected. Lower lobby floor and install internal chair lift. External push pad adjacent to door.                                                                                                                                                                                               |                                |            |
| 3/13/0990/AD  | 2no. non-illuminated fascia signs and 1no non illuminated projecting sign                                                                                                                                                                                                                                      | Approved subject to conditions | 05.08.2013 |
| 3/13/1128/LB  | 2no Non-illuminated fascia signs , 1no Non-illuminated Projecting Sign, 1no. ATM Surround ,1no Branch Nameplate. 2no replacement security fire exit doors. Dusted crystal vinyl to inner face of glazing to interview room. Replace 9no hammered glass panes to interview room window. Internal refurbishment. | Approved subject to conditions | 20.08.2013 |
| 3/14/1850/LB  | Replacement of external ATM                                                                                                                                                                                                                                                                                    | Approved subject to conditions | 04.12.2014 |
| 3/18/1899/LBC | Removal of ATM and install new window. Removal of cameras and walls made good. Removal of signage and walls made good and the removal of night safe and installation of steel plate. Internal alterations to include - Removal of counters                                                                     | Approved subject to conditions | 22.10.2018 |

|               |                                                                                                                        |                                |            |
|---------------|------------------------------------------------------------------------------------------------------------------------|--------------------------------|------------|
|               | and non-load bearing partitions                                                                                        |                                |            |
| 3/24/0142/FUL | Repair works to the flat roof over First floor level and exposure of chimney at ground floor level only to north wall. | Approved subject to conditions | 03.04.2024 |
| 3/24/0143/LBC | Repair works to the flat roof over First floor level and exposure of chimney at ground floor level only to north wall. | Approved subject to conditions | 03.04.2024 |

#### **4.0 Main Policy Issues**

- 4.1 The main policy issues relate to the relevant planning policies in the East Herts District Plan 2018 and the National Planning Policy Framework 2023 (NPPF) as set out below.

| <b>Key Issue</b>                                                  | <b>NPPF</b> | <b>District Plan</b> |
|-------------------------------------------------------------------|-------------|----------------------|
| Whether the impact on the designated Heritage Asset is acceptable | Chapter 16  | HA1, HA7             |

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

#### **5.0 Summary of Consultee Responses**

- 5.1 EHDC Conservation and Urban Design: were consulted. The Conservation Officer previously objected to elements to the scheme and raised concerns about the choice of materials for acoustic works and proposed partitions. Following receipt of amendments, the Conservation Officer is satisfied that the revisions address the comments raised and raise no objections subject to conditions.

5.2 HCC Historic Environment Unit: were consulted and concluded the development would unlikely have a significant impact on heritage assets of archaeological or architectural interest.

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

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

6.1 Sawbridgeworth Town Council made no objection to the proposal and have referred to their comments on the full application.

## **8.0 Summary of Other Representations**

8.1 There have been 46 representations received with regards to the proposed development across both rounds of consultation – 42 in objection, 4 in support. The main reasons for objections across all rounds of consultation are summarised in the Officer report accompanying the planning application as the issues principally relate to development works in connection with the planning application and not the alterations applied for within the listed building consent.

## **9.0 Consideration of Issues**

9.1 Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act states that the local planning authority shall have "special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." The specific historic environment policies within the NPPF are contained within paragraphs 195-214 (in Section 16).

9.2 Paragraph 205 of the Framework outlines that: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

9.3 Paragraph 206 states that: "Any harm to, or loss of, the significance of a designated heritage asset (from its alterations or destruction, or from

development within its setting, should require clear and convincing justification."

- 9.4 Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, Paragraph 207 states that local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 9.5 Paragraph 202 follows this and states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal".
- 9.6 Policy HA1 of the East Herts District Plan states that development proposals should preserve and where appropriate enhance the historic environment. Furthermore, Policy HA7 of the District Plan states that proposals will only be permitted where they would (a) not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and (b) respects the scale, design, materials and finishes of the existing building(s) and preserves its historic fabric.
- 9.7 28 Knight Street holds architectural significance, particularly through its impressive street-facing façade that enhances the character and appearance of the Conservation Area. Inside, it preserves historic construction methods like lath and plaster, along with original architectural features and materials. However, following its conversion into a bank, the building saw numerous unsympathetic internal alterations, including suspended ceilings, plasterboard, concrete, and coverings over original elements like fireplaces. Much of the internal compartmentalisation appears to be modern, with few historic partitions remaining, while some areas retain historic fabric.
- 9.8 The building was previously used as a cannabis farm and seized by the police, leaving damage such as holes in floors, ceilings, and walls from an improvised ventilation system, which affected its historic fabric. It has since remained vacant.
- 9.9 The proposed works for the change of use include external and internal alterations that require listed building consent. The external works

comprise installing a screen fence, and erecting an external flue, and a rear canopy.

- 9.10 The proposed canopy for the external seating area would be positioned along the building's north-facing flank wall, which is of lower architectural significance, making its placement acceptable. Plans indicate that the canopy frame would be timber, though the specific covering material is yet to be confirmed. The Conservation Team has therefore recommended a condition to ensure appropriate materials, which is considered reasonable.
- 9.11 An external flue is also proposed on the building's rear elevation. The flue would serve the kitchen and extend to the building's exterior. Although the flue would introduce a visual interruption to the rear elevation, this elevation contributes limited value to the overall significance of the listed building, making it acceptable. While its addition would cause minor loss of historic fabric, the Conservation Officer considers this impact negligible and believes it is outweighed by the benefit of facilitating the building's long-term sustainable use. Officers also acknowledge the potential contribution to the local economy to arise out of the building being brought back into use which comprises a further public benefit.
- 9.12 A new external fence is proposed to screen the bin store, comprising brick and close board fencing up to 1.8 meters high. The new boundary would replicate the existing wall and fence, and it is not expected to appear prominently in key views of the listed building. Officers therefore find this component of the proposal acceptable, as it would have a neutral impact on the building's setting.
- 9.13 New signage and associated lights are proposed to be installed on the front elevation of the building. The Conservation Team welcome the lighting as it would externally illuminate the signage and consider the chosen colours are acceptable. A condition has been recommended to ensure the lettering is made of metal rather than acrylic in order to be sympathetic to the character and special interest of the listed building by the use of traditional materials.
- 9.14 To enable the building's conversion, several internal alterations are also proposed. These include partition walls, flooring, kitchen/prep area, stage bar, and food storage area. Modifications to the first-floor WCs include removing a bath, relocating sinks, and adding toilets.

measures, such as secondary glazing and noise absorption, are also proposed.

- 9.15 The Conservation Team has noted that extensive external modifications over time have altered the internal room proportions, reducing their original significance. This allows for greater flexibility with reasonable internal layout changes.
- 9.16 The proposed works prioritise protecting the historic fabric by uncovering and repairing features where possible, an approach supported by the Conservation Team. Bathroom alterations are acceptable, as this area has been heavily modernised, resulting in minimal impact on the building's significance. Adjustments to partitions are also acceptable, as they primarily involve modern materials. In the kitchen area, where some historic fabric remains, a condition has been recommended by the Conservation Team to prevent cuts to historic timber frames, which is considered appropriate.
- 9.17 A small section of historic fabric at the front of the ground floor is proposed for removal to enhance symmetry and cohesion. The Conservation Team supports this change, viewing the heritage benefits, repairs, and sustainable use of the listed building as outweighing the impact. For acoustic upgrades, secondary glazing is proposed on the ground floor windows at the front and south-facing side. There are no objections, as this respects the character of the listed building. However, specific details of the secondary glazing will be required as a condition before work begins to ensure it remains invisible externally and respects the building's significance. Additionally, breathable hemp fibreboard and Thermafleece CosyWool insulation is proposed for the ground floor internal walls, which the Conservation Team considers appropriate.
- 9.18 To ensure that works are carried out in a suitable fashion, a "making good" condition is recommended. This condition is deemed reasonable and is set out in the conditions schedule below.
- 9.19 In summary, while the proposed works would result in less than substantial harm to the listed building (at the lower end of the sliding scale), it is considered that there will be a significant public benefit of bringing a listed building back into use, supporting the long-term preservation of the heritage asset. This public benefit, along with the potential contribution to the local economy as a result of bringing a

building back into use would outweigh the (less than substantial) harm to the significance of the heritage asset. Therefore, subject to conditions, the proposal is considered to comply with Policies HA1, HA7 of the District Plan and Section 16 of the NPPF.

- 9.20 This report also sets out how the LPA has demonstrated its statutory duty in giving special regard to the desirability of preserving the building, its setting and its features of special architectural or historic interest which it possesses in accord with Sections 16 and 66 of the Listed Buildings and Conservation Areas Act 1990.

### **Other matters**

- 9.21 The objections received within neighbour letters have been acknowledged and have been addressed in the full application which runs alongside this listed building consent.
- 9.22 Neighbour representations have raised concerns about incorrect publicity for the application. It should be noted that a press notice and site notice were issued for the listed building consent application. Neighbour consultations are not required for listed building consent applications under current legislation. However, all adjacent neighbours received notification letters for the full application.

### **10.0 Planning Balance/Conclusion**

- 10.1 The proposed works would result in less than substantial harm to the listed building, however, it is considered that the significant public benefit of bringing a listed building back into use which would support the local economy and support the long-term preservation of the heritage asset would outweigh any harm to significance of the heritage asset. As such, it is recommended that Listed Building Consent should be granted, subject to conditions.

### **Conditions**

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

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

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

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

- 3 Prior to any building works being first commenced, details of the new secondary glazing, including material, colour, and dimensions of the frame, shall be submitted to, and approved in writing by the Local Planning Authority and thereafter the development shall be implemented in accordance with the approved details.

**Reason:** To ensure the historic and architectural character of the building is properly maintained, in accordance with Policy HA7 of the East Herts District Plan 2018.

- 4 Notwithstanding the consent hereby granted, the internal wall insulation, as shown in drawing no. 0262-002 Rev B, shall be installed using breathable hemp fibreboard and Thermafleece CosyWool.

**Reason:** To ensure the historic and architectural character of the building is properly maintained, in accordance with Policy HA7 of the East Herts District Plan 2018.

- 5 Notwithstanding the consent hereby granted, the proposed signage, as shown in drawing no. 0263-012 and 0263-011, shall be constructed of metal.

**Reason:** To ensure the historic and architectural character of the building is properly maintained, in accordance with Policy HA7 of the East Herts District Plan 2018.

- 6 Notwithstanding the consent hereby granted, none of the timbers forming the structural frame of the building shall be cut, removed or otherwise altered without the prior consent in writing of the Local Planning Authority.

**Reason:** To ensure the historic and architectural character of the building is properly maintained, in accordance with Policy HA7 of the East Herts District Plan 2018.

- 7 Following completion of the building operations for which consent is



hereby granted, all 'making good' of the existing building shall be carried out in materials which closely match those used in the existing building to the satisfaction of the Local Planning Authority.

**Reason:** To ensure the historic and architectural character of the building is properly maintained, in accordance with Policy HA7 of the East Herts District Plan 2018.

### Informatives

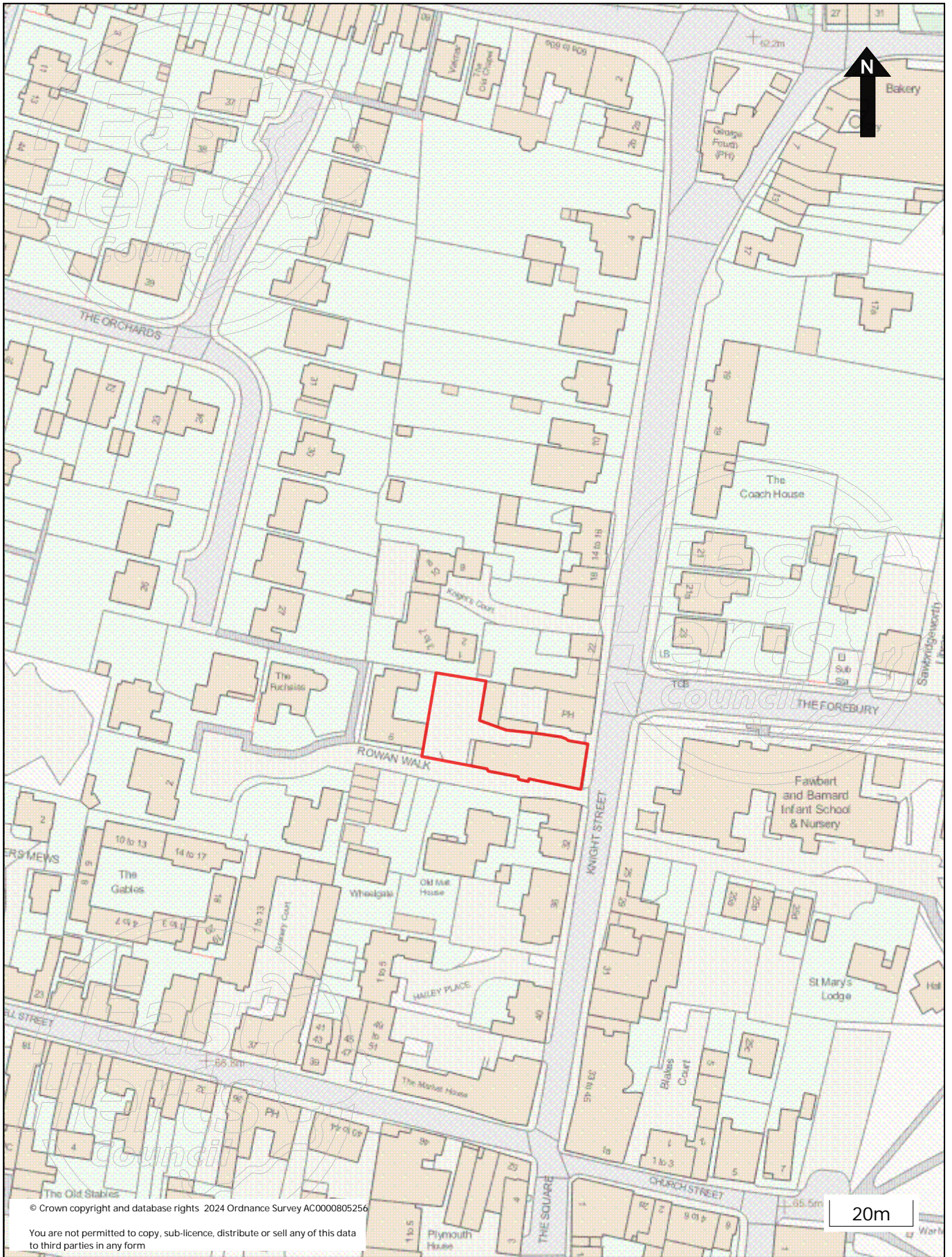
- 1 This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and 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 consent should be granted.
- 3 This permission does not convey any consent which may be required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

### **Plans for Approval**

| <b>Plan Ref</b> | <b>Version</b> | <b>Received</b>                 |
|-----------------|----------------|---------------------------------|
| 0263-001        |                | 16 <sup>th</sup> November 2023  |
| 0263-002        | Rev B          | 10 <sup>th</sup> September 2024 |
| 0263-003        | Rev A          | 30 <sup>th</sup> January 2024   |
| 0263-004        | Rev C          | 10 <sup>th</sup> September 2024 |
| 0263-005        |                | 16 <sup>th</sup> November 2023  |
| 0263-006        |                | 16 <sup>th</sup> November 2023  |
| 0263-007        | Rev A          | 1 <sup>st</sup> February 2024   |

|           |       |                                |
|-----------|-------|--------------------------------|
| 0263-008  |       | 16 <sup>th</sup> November 2023 |
| 0263-009  |       | 16 <sup>th</sup> November 2023 |
| 0263-010  |       | 16 <sup>th</sup> November 2023 |
| 0263-011  |       | 16 <sup>th</sup> November 2023 |
| 0263-012  |       | 16 <sup>th</sup> November 2023 |
| 0263-013  | Rev C | 6 <sup>th</sup> November 2024  |
| 1263-1000 |       | 1 <sup>st</sup> July 2024      |





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20m



East Herts Council  
Wallfields  
Pegs Lane  
Hertford  
SG13 8EQ

Tel: 01279 655261

ADDRESS  
28 Knight Street  
Sawbridgeworth  
CM21 9AU

PLAN TITLE

PROJECT REF

3/23/2062/FUL and 3/23/2185/LBC

SITE AREA

DATE OF PRINT

20 November 2024

SCALE

1:1250



# Agenda Item 5c

## DEVELOPMENT MANAGEMENT COMMITTEE – 4 DECEMBER 2024

|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Number</b> | 3/23/1641/FUL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Proposal</b>           | The demolition of existing buildings and erection of:<br>Barn 1: Office accommodation, and 6 units of overnight accommodation (with 14 beds in total) for staff, volunteers and students working on the farm site (class E(g));<br>Barn 2: 12 self-contained holiday lodges, outbuilding for shower and laundry facilities (class C3 but occupation restricted to short stays only);<br>Barn 3: 3 retail/workshops (class E(a) / E(g));<br>Barn 4 - learning and meeting/events space with kitchen and two offices at first floor (Class F.1(a) / F.2(b) and Class E(g));<br>erection of 6 dwellings (class C3); widening of access and footpath and associated car parking provision |
| <b>Location</b>           | Church Farm, Moor Green Road, Ardeley, Stevenage Hertfordshire, SG2 7AH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Parish</b>             | Ardeley                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Ward</b>               | The Mundens                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

|                                            |                                 |
|--------------------------------------------|---------------------------------|
| <b>Date of Registration of Application</b> | 27 <sup>th</sup> September 2023 |
| <b>Target Determination Date</b>           | 27 <sup>th</sup> December 2023  |
| <b>Reason for Committee Report</b>         | Major application               |
| <b>Case Officer</b>                        | Steve Fraser-Lim                |

### **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 This report considers an application for Full Planning Permission for demolition of existing buildings and the erection of four new barn style buildings comprising a mix of uses, 6 x new residential dwellings and 84 car parking spaces.
- 1.2 The application proposals seek to redevelop and enhance the existing Farm/Businesses on the site to accommodate a further mix of uses and to accommodate existing businesses on site. The Applicant has submitted the proposals with a view to supporting the farm's charitable

and community ambitions in the longer term and provide uses that are accessible to the local community. 6x residential dwellings are proposed as an enabling form of development which enables the deliverability of less profitable educational and community type uses proposed on the site.

1.3 The proposed buildings / uses and their size are set out below:

| Building                   | Use                                                                                                                                                   | Floorspace          |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| Barn 1 (north)             | Ground Floor: Main reception area; staff room; toilets and 2 x staff/student rooms<br><br>First Floor: 2 x self-contained staff/student rooms         | 319sq.m/ 3434sq.ft  |
| Barn 1 (south)             | Ground Floor: Offices for Rural Care, MotivAction and community use<br><br>First Floor: 2 x staff/student units<br>Roofspace: 4 x staff/student units | 593sqm/ 6383sq.ft   |
| Barn 2                     | Holiday accommodation: 12 x self-contained holiday lets                                                                                               | 744sq.m/ 8008sq.ft  |
| Barn 2 Toilet/Shower Block | Showers/toilets and laundry/washing up facilities for campers; linen storage above for Holiday lets                                                   | 139sq.m/ 1479sq.ft  |
| Barn 3                     | 3x retail / workshops                                                                                                                                 | 204sq.m/ 2196sq.ft  |
| Barn 4                     | Ground Floor: Rural Care, Education, Meeting Room and Learning Centre<br><br>First Floor: Classroom/Office/Meeting room and toilets                   | 411 sq.m/ 4424sq,ft |

|               |                           |                   |
|---------------|---------------------------|-------------------|
| Buildings 1-6 | 6 x 2/3-bed family houses | 768sqm (6x128sqm) |
|               | Total new floorspace      | 3178sqm           |

- 1.4 The application is similar to a previously approved application (see planning history section). The only difference between this application and the previously approved application is that the number of proposed residential units has been increased from 3 to 6.
- 1.5 The application comprises the following plans for approval: NWA\_19-025\_SURV\_revA; NWA\_19\_025\_LOC\_E\_RevB; NWA\_19\_025\_1\_revF; NWA\_19\_025\_2\_revA NWA\_19\_025\_3; NWA\_19\_025\_4\_revA; NWA\_19\_025\_5\_revB; NWA\_19\_025\_6; NWA\_19\_025\_7\_revA; NWA\_19\_025\_8; NWA\_19\_025\_9\_revA; NWA\_19\_025\_10\_revA; NWA\_19\_025\_11\_revA; 4149\_Ardeley\_Price\_TPP.
- 1.6 The following statements have been submitted in support of the application: Arboricultural Implications Assessment by Andrew Belson; Arboricultural Implications Plan (4149\_Ardeley\_Church Farm\_AIP); 9x concept drawings of the development; Covering letter by Alison Young Planning Associates dated; Ecological Impact Assessment by AGB Environmental; Flood Risk Assessment by AGB Environmental; Phase 1 Geo-environmental Desk Study by AGB Environmental; Preliminary Ecological Appraisal by AGB Environmental; Rural Care Supporting Statement; Surface Water Drainage Strategy RevC by EAS; Sustainability Checklist; Sustainable Construction Statement by Alison Young Planning Associates; Transport Assessment by EAS; Air Quality Assessment by Noise Air; Landscape Visual Impact Assessment by Roland Brown; Planning Design and Access Statement by Alison Young Planning Associates.
- 1.7 The main issues are considered in section 4 of this report.

## **2.0 Site and Surroundings**

- 2.1 The farmyard area which comprises the application site is located within the village of Ardeley, which is located in the rural area beyond the green belt within the Esat Herts District Plan 2018. The wider farm area (not included within the application red line area) is 170 acres in size, and is operated by a not for profit, community interest company and is accessible to members of the public. Livestock is accommodated in a large field, with other fields used for fruit and vegetable growing, and with pond and wild seeded areas to support biodiversity.

- 2.2 The main entrance to the farm comprises a vehicle access with adjacent farm shop and café with outdoor seating area (the shop and café are excluded from the red line area and will not be changed by the application proposals). The hard surfaced farmyard area within the application area accommodates several single storey buildings (3314sqm in floorspace), used for a range of office and commercial uses, and associated car parking. Some of buildings accommodate MotivAction (an events management company) and Rural Care (which provides training and work-related experience for people with learning disabilities and/or mental health issues in a rural / countryside environment).
- 2.3 The site is bounded to the north by Moor Green Road, onto which is the main vehicle access, and to the south by a bridleway.
- 2.4 The site is adjoined the south by the agricultural fields of the farm. A crescent of two storey dwellings is located on the opposite side of the Bridleway to the southwest. In addition, the southern part of the site adjoins an area of open space with a play area to the west.
- 2.5 Two storey dwellings and gardens adjoin the northern part of the site to the east and west. The Jolly Waggoner Public House is situated on the opposite side of the Ardeley Road to the north.
- 2.6 A public bridleway runs along the southern boundary of the site across the farm to the south. The site is partially visible in longer views from this Bridleway to the south of the site as well as School Lane to the west.
- 2.7 The site is outside of, but directly adjoins the Ardeley Conservation Area to the north and west. The house adjoining to the northwest, known as the 'The Grange' (formerly an Aisled Barn within the farm) and a Forge, as well as the Jolly Waggoner Public House are grade II listed. The site is within an Area of Archaeological Significance. The conservation area appraisal states that *"The miscellaneous enterprises to the frontage at Church Farm are part of a wider complex which is disruptive and unattractive. Here in the excluded area are miscellaneous poor-quality buildings of no architectural or historic interest"*.

### **3.0 Planning History**

The following planning history is of relevance to this proposal:

| Application Number | Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Decision | Date          |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|---------------|
| 3/21/0498/FUL      | Demolition of existing buildings and erection of: Barn 1 - office accommodation, and 6 units of overnight accommodation (with 14 beds in total) for staff, volunteers and students working on the farm site (class E(g); Barn 2 - 12 self-contained holiday lodges, outbuilding for shower and laundry facilities (class C3 but occupation restricted to short stays only); Barn 3 - 3 retail/workshops (class E(a) / E(g)); Barn 4 - learning and meeting/events space with kitchen and two offices at first floor (Class F.1(a) / F.2(b) and Class E(g)); erection of 3 dwellings (class C3); widening of access and footpath and associated car parking provision. | Granted  | February 2023 |
| 3/20/0980/AGPN     | Prior approval for erection of new roof over livestock area; new surface to existing farm track; upgrading of rainwater drainage.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Refused  | June 2020     |
| 3/17/0979/CLE      | 5 static caravans/mobile                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Granted  | June 2017     |



|                               |                                                                                                                                                                                                            |         |              |
|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|--------------|
|                               | homes permanently located at the property and used for residential purposes                                                                                                                                |         |              |
| 3/17/0500/FUL                 | Retrospective change of use of portacabin from B1a (office) to sui generis, for use as a beauty parlour including the sale of beauty products.                                                             | Granted | May 2017     |
| 3/11/0064/FP                  | Change of use from staff canteen to a mixed use as a cafe/restaurant (Use Class A3) and staff canteen. Retention of two detached buildings for a mixed use as a staff canteen/A3 facility (retrospective). | Granted | June 2011    |
| 3/10/0147/FP                  | Change of use from existing office building to form a farm shop with access steps                                                                                                                          | Granted | March 2010   |
| 3/06/1944/FP                  | Removal of old portacabin to be replaced with new larger one                                                                                                                                               | Granted | October 2006 |
| 3/01/0672/FP                  | New Office accommodation                                                                                                                                                                                   | Granted | August 2004  |
| 3/88/2157/LB,<br>3/88/2146/FP | Conversion of farm buildings to three dwellings no demolition. enlargement of existing tractor house to form double garage                                                                                 | Granted | March 1989   |

#### 4.0 **Main Policy Issues**

- 4.1 The main issues of the application relate to the acceptability of the proposed changes to the number of residential units and implications of these changes to the design and layout of the development, in comparison with the previously approved development (ref: 3/21/0498/FUL, see history section). The relevant policies in the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG), the adopted East Herts District Plan 2018 (DP), are referenced in the table below.

| <b>Main Issue</b>                                                         | <b>NPPF</b>            | <b>East Herts District Plan</b>                                                    |
|---------------------------------------------------------------------------|------------------------|------------------------------------------------------------------------------------|
| Principle of Development (housing, employment, community, education uses) | Chapter 2, 5, 6, and 8 | INT1, DPS1, DPS2, DPS3, GBR2, VILL3, HOU3, HOU5, ED1, ED2, ED5, ED6, CFLR7, CFLR8, |
| Sustainability, Climate Change, water management                          | Chapter 2, 14          | CC1, CC2 NE4, WAT1, WAT3, WAT4, WAT5, WAT6,                                        |
| Good Design, Landscape Character                                          | Chapter 12, 15         | DES2, DES3, DES4, DES5, CFLR9                                                      |
| Heritage Assets                                                           | Chapter 16             | HA1, HA2, HA3, HA4, HA7                                                            |
| Ecology and Biodiversity                                                  | Chapter 15             | NE2, NE3, NE4                                                                      |
| Amenity (existing and proposed occupiers)                                 | Chapter 4, 12          | DES2, DES3, DES4, DES5, CFLR1, EQ2, EQ3, EQ4                                       |
| Pollution                                                                 | Chapter 1, 15          | EQ1, EQ2, EQ3, EQ4,                                                                |
| Transport                                                                 | Chapter 9              | TRA1, TRA2, TRA3, CFLR3,                                                           |

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 No objection subject to the following conditions: existing access to the highway to be resurfaced; resurfacing / provision of footway and bollards to vehicle section of BOAT4; details of EV charging points; design details of footway to main site access; no occupation until vehicle parking / circulation areas provided; details of cycling parking; construction management plan;
- 5.2 EHDC Conservation and Urban Design Advisor. There is a previously approved application (ref 3/21/0498/FUL) for the application site, the design for which includes a very similar scheme, the only change from the previous permitted scheme is that the current proposal incorporates the provision of 6 smaller dwellings on the site, rather than the 3 larger properties previously approved. Other than this change, the scheme in the current application has the same character as that in the approved application. We have reviewed the current scheme from a C&UD perspective and it is considered that the additional 3 dwellings do not result in any adverse design concerns. The setting of these houses results in all 6 dwellings forming a cul-de-sac with parking to the frontage similar to the previously approved scheme. The resultant urban grain and density although higher than the approved scheme, is not dissimilar to that of the existing context around it. No objections are raised in relation to the proposals.
- 5.3 Lead Local Flood Authority No objection subject to conditions regarding: detailed drawings of surface water drainage system; construction phase surface water management plan; details of maintenance and management; survey and verification report.
- 5.4 HCC Fire and rescue Recommend condition with regard to provision of fire hydrants.
- 5.5 HCC Herts Historic Environment advise that the proposed development should be regarded as likely to have an impact on heritage assets of archaeological interest and a condition to secure an Archaeology Written Scheme of Investigation is required.
- 5.6 EHDC Waste management Recommend conditions with regards to: the details of the on-site storage facilities for waste and recycling, including walk distances for residents and kerbside collection arrangements; and details of the circulation route for refuse collection vehicles including swept path drawings.

- 5.7 Thames Water Would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
- 5.8 With regard to surface water drainage Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
- 5.9 Thames Water would advise that with regard to waste water network and sewage treatment works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.
- 5.10 HCC Growth and Infrastructure Unit is not seeking any financial contributions from the development as less than 10 residential units are proposed.
- 5.11 Hertfordshire and Middlesex Wildlife Trust recommend a condition is attached requiring 16 integrated Swift bricks, 5 Swallow cups and 5 integrated Bat boxes. Such features shall be fully installed prior to occupation and retained thereafter.
- 5.12 British Horse Society The proposed development at Church Farm will result in an increase in traffic along the local roads such as the road from Cromer to Ardeley, Blind Lane and Moor Green Road. None of these roads have pavements for walkers or alternative routes for cyclists, horse riders and horse drawn carriage drivers. Horse riders and Horse Drawn Carriage Drivers (Equestrians) are classified as 'Vulnerable Road Users' and as such if the local authority is mindful of permitting this development, then request that provision is made for all vulnerable road users as follows: 1. A path of Restricted Byway status from Cromer to Ardeley or a 20 m.p.h speed limit along the road with speed enforcement cameras and horse warning signs; 2. A path of Restricted Byway status from Ardeley to Wood End or a 20 m.p.h speed limit along the road with speed enforcement cameras and horse warning signs; 3. A

path of Restricted Byway status along Blind Lane from the Cromer Windmill to Ardeley or a 20 m.p.h speed limit along the road with speed enforcement cameras and horse warning signs; 4. That Ardeley Bridleway 009 is upgraded to Restricted Byway Status so that carriage drivers may use it; 5. In addition construction traffic must not be allowed to use School Lane, Blind Lane, the road from Ardeley to Wood End and the Health and Safety Audit for the development should include advice for construction traffic on how to deal with the Equestrians using the local roads and the Public Rights of Way while the development is taking place.

- 5.13 Sawbridgeworth Swift Group: This site is suitable for integrated Swift bricks within the fabric of the new buildings. The existing grant of planning permission for the site has a requirement for a LEMP to include the location of bat and bird box structures and compliance with the mitigation measures of the Preliminary Ecological Assessment.
- 5.14 The PEA and Ecological Impact Assessment are both now two and a half years old and recommend the installation of either 5 or 10 House Sparrow Terraces depending on which is relied upon. These are unnecessary and should be replaced with integrated Swift bricks. The reason for this is that a limited number of species use Sparrow Terraces, whereas Swift bricks conform to BS42021:2022 which makes them essentially universal as nest cavities. They provide for a wide range of birds including four red-listed species of conservation concern: Swift, House Martin, House Sparrow and Starling. Bearing in mind the scale of the development, would suggest that a minimum of 16 Swift bricks are required for this development, along with the 5 Swallow cups and 5 integrated Bat boxes also proposed.
- 5.15 (Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

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

- 6.1 Ardeley Parish Council Considered the application and takes a neutral stance to this application and makes the following comments: The proposal is well thought out and will meet the need for village amenities, and offer improved facilities; The existing site is unsightly and the visual impact of Church Farm will be enhanced; Rural Care will benefit from the site improvements; Residents who live close by are concerned about the possible change to the character of the village; There are concerns over traffic and tourism.

## **7.0 Summary of Other Representations**

7.1 18 responses have been received with 11 of these in support, 5 in objection, and 2 comments. The issues raised are summarised below:

### Support

- The proposals are positive for the village and the wider community and should be supported by the council.
- The shortage of housing is acute and unless development is viable it will not be able to deliver new homes
- Makes total sense to encourage affordable housing for young families in the village.
- Six dwellings would be more appealing for social reasons. The proposals would support the activities of church farm which are very positive.
- Proposals are good for local employment and help to keep pub, shop and cafe viable.
- It made no sense to remove 3 houses in the final stages of the previous application. Removing 3 houses left 3 houses on larger plots, allowing for extensions, porches, conservatories, etc to be added over time, resulting in 3 larger houses rather than 6 smaller houses. Overwhelming support was for 6 smaller houses not 3 larger houses.
- The site is previously developed land and in accordance with government guidelines such land should be used efficiently reducing the need to build houses in the countryside.

### Objection

- There needs to be a good reason to increase the number of houses from 3 to 6, which is not clear from the application.
- Two thirds of residents in the village opposed the previous application.
- There are a number of unauthorised / unrecognised activities which take place at the site some of which result in large numbers of visitors which are not included within the application.
- There is insufficient car parking proposed, particularly taking into account the additional housing.
- Ardeley is a category 3 village where new housing is inappropriate
- There should be a condition that housing is only sold once the rest of the development is completed.
- Proposals will increase vehicle movements and increase unsafe / antisocial car parking on nearby verges.

- Insufficient consideration has been given to the impact of the proposals upon the Public Rights of Way Network, in particular BOAT4, including S106 contributions to secure improvements.
- Bridleways Ardeley 009 and 038 should be improved /upgraded as they will benefit vulnerable road users.
- remain concerned about the increased noise impact resulting from visitors who book to stay and remain on site after hours (ie. post 5pm) using the facilities, eg. woodland play area.
- The proximity of the holiday accommodation on the western development boundary will inevitably also result in increased visitor noise should outdoor facilities be provided. If garden/outdoor seating areas are added to the rear of the holiday lodges this would also go beyond the planning boundary, and could result in noise disturbance.
- Conditions should be attached to control hours of outside working
- suitable hedges and screening are required to protect the amenity of residents of properties to the Eastern boundary.
- The proposals are ruining the village

## **8.0 Consideration of Issues**

### **Principle of Development**

- 8.1 The overall development strategy within the East Herts District Plan as summarised within Policy DPS1 identifies the potential for only limited development within the rural area of the district, due to its value as an open, undeveloped countryside resource, which is less well served by services and public transport. However, Policy GBR2 states that some development is supported, where compatible with the character and appearance of the rural area. This includes: a) buildings for agriculture and forestry; b) facilities for outdoor sport and recreation; c) sustainably located employment uses which support the rural economy; d) replacement extension or alteration of buildings where they are appropriate to the site; e) limited infilling or redevelopment of brownfield land whether redundant or in continuing use.
- 8.2 The development proposals include a mix of uses including offices, education, retail / workshops, staff and visitor accommodation and conventional housing. This development is intended to accommodate the range of business / community and education uses which have developed at the site over time. The amount of non-residential floorspace / visitor accommodation remains the same as the previously approved application (ref: 3/21/0498/FUL). This mix and diversification

of uses supports the longer-term viability of the farm as a not for profit, Community Interest Company using sustainable farming techniques which benefit the community and enhance biodiversity.

- 8.3 It is also apparent from the planning history that the use of the farmyard has changed over time from a purely agricultural use to a accommodate a mix of uses including offices, storages, workshops and retail. As such the site can be considered to be previously developed or 'brownfield' land on which policy GBR2 is supportive of limited infilling.
- 8.4 Given the above factors, the proposals are considered to be broadly in accordance with parts (a), (b), (c) and (e) of policy GBR2. However, a more detailed assessment of the principle of each of the proposed uses is provided below.
- 8.5 Office / employment use: Policy GBR2 states that employment uses to meet rural needs are supported. Policy ED2 provides further clarification around these uses and states that *"In order to support sustainable economic growth in rural areas and to prevent the loss of vital sources of rural employment, proposals that create new employment generating uses or support the sustainable growth and expansion of existing businesses in the rural area will be supported in principle where they are appropriately and sustainably located and do not conflict with other policies within this Plan"*.
- 8.6 Office and employment uses are provided within the ground floor of barns 1 and 4 and remain unchanged from the previously approved proposals (application ref: 3/21/0498/FUL). The proposed floorspace is smaller in size than existing floorspace on site but will comprise consolidated fit for purpose accommodation. This space is designed to meet the needs of existing businesses and organisations at the site (MotivAction and Rural Care). Some space will also be available as co-working space / meeting rooms by the local community. Provision for flexible working is broadly supported by policy ED4.
- 8.7 The proposed employment uses are intended for use by existing businesses and will replace existing poor-quality, energy inefficient buildings. As such the proposed employment floorspace is considered to support the rural economy, is appropriately located to meet the needs of existing businesses and would not be unduly large in relation the character of the farm and wider area. As such this aspect of the proposals would be in accordance with the requirements of policy GBR2



and ED2. The educational and community use elements of the proposed use are also in accordance with policies ED6, CFLR6 and CFLR10.

- 8.8 Staff and student accommodation: Policy HOU5 states that *"the Council will only permit permanent dwellings for agriculture, forestry and other rural businesses where: (a) It can be demonstrated that the dwelling is essential to the needs of the business (i.e. there is a need for one or more workers to be available at most times); (b) It can be demonstrated that the enterprise has been established for at least three years and is, and should remain financially viable; (c) There is no other accommodation within the site/holding or in the locality which is currently suitable and available, or could be made available"*.
- 8.9 There is currently around 358sqm of staff and student accommodation provided on site, in a number of static caravans, which have become lawful during the passage of time (see planning history). The proposed staff and student accommodation at first floor level in buildings 1 and 4 would be of similar size to this existing provision, but within fit for purpose sustainably constructed buildings, which would provide a better standard of accommodation than existing. Given that there is already existing accommodation on site, there is a clear need for such provision to support the farm and businesses on site, and this element of the proposals would be in accordance with HOU5.
- 8.10 Visitor accommodation: Policy ED5 states that *"new tourism enterprises and extensions to existing tourism enterprises will be supported in principle where the facility meets identified needs which are not met by existing facilities, are appropriately located and do not conflict with other policies within this Plan"*.
- 8.11 Church Farm is currently an established visitor attraction which draws in both day visitors and some camping overnight stays (the issue of unauthorised use of areas of the site for camping is addressed in later sections of the report). The 12 self-catering holiday let units are proposed within barn 2. The proposed accommodation would be supportive of the existing tourism activities at the site and allow visitors to experience the farm for longer periods and at different times of the year than existing. The proposed toilet / shower block would also support day / overnight visitors the farm. The overall scale of visitor accommodation is still considered to be relatively small and a supporting activity in comparison to the wider uses on the farm. Additional visitor stays would also support nearby shops and services.

- 8.12 As such this element of the proposals is considered to be broadly in accordance with policy ED5. Concerns are noted with regard to potential for increased activity, noise and disturbance from the proposed visitor accommodation, and this is considered further in following sections of the report.
- 8.13 Retail: Policy RTC1 seeks a sequential approach to retail development, with new retail floorspace to be located firstly in designated centres. 3x retail workshop units (204sqm floorspace) are proposed within barn 3.
- 8.14 The proposed retail units would not be located within a designated retail centre. However, they are small in scale and would be of benefit to the local community. In addition, an element of retail currently takes place at the site, and the proposals could accommodate these existing activities. As such the proposed retail / workshop units would not have any adverse retail impacts in accordance with policy RTC1.
- 8.15 Residential: Policy DPS2 of the District Plan seeks to focus most housing development within or adjacent to the main urban areas, with only limited development in villages. In addition, Ardeley is identified as a category 3 village which are generally considered to have a poor range of services. Policy VILL3 considers that only limited infill development identified in a Neighbourhood Plan will be acceptable. In addition, policy GBR2 supports *"limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings) in sustainable locations, where appropriate to the character, appearance and setting of the site and/or surrounding area"*.
- 8.16 As noted above the site was formerly a farmyard before a range of other uses were introduced with benefit of planning permission or have become lawful over time. The site can therefore be considered as previously developed land within the Ardeley village area.
- 8.17 It is noted that proposals have been revised with the proposed number of dwellings increased from 3 as part of application 3/21/0498/FUL to 6 as part of the current application. Officers had previously requested that no more than 3 dwellings were proposed at the site, as part of application 3/21/0498/FUL, to ensure that the residential element of the proposals would be clearly small in scale in comparison to overall size of the site and therefore be considered as limited infilling within the terms of policy VILL3 and GBR2. However, the applicants are concerned that the re-development proposals for the site would not be viable with only

3 dwellings, and have therefore submitted this application to increase the number to 6.

- 8.18 It is accepted that this increase in proposed dwellings would depart from the earlier officer advice with regard to the former scheme. In addition, whilst the applicant's rationale for submission of this revised quantum is noted, officers have not attached significant weight to the justification as it is not substantiated by any supporting viability appraisal information. As such officers have reassessed the increased number of proposed dwellings against the relevant policies.
- 8.19 The 6 proposed detached dwellings have the same size and internal layout as those previously approved, but are accommodated closer together on smaller plots than the previously approved layout. The proposed 6 dwellings would comprise around 24% of the overall proposed floorspace as part of the development. The dwellings are located on brownfield land and would replace a number of existing unsightly building structures.
- 8.20 The proposed layout for the residential area of the site would be marginally denser than the previously approved development. However, the proposed layout would still be similar in density and character to the pattern of development in the surrounding area, in particular School Lane which comprises a mix of semi-detached and terraced dwellings.
- 8.21 As such whilst the proposed residential element of the proposals would be larger than previously approved, and notwithstanding previous non-binding/without prejudice officer advice the proposals are still considered to be infill development in accordance with policy VILL3 and GBR2.
- 8.22 In addition, it should be noted that at the time of the original application proposals at the site the Council was able to demonstrate a 5 year Housing Land Supply (5YHLS). However, as noted in the recent appeal decision in relation to land to the east of the A10, the Council can only demonstrate a 4.2-to-4.49-year housing land supply. As such the 'tilted balance' within NPPF paragraph 11d is engaged. This requires that a balancing exercise is undertaken to weigh any adverse impacts against the benefits of housing delivery which are given greater weight in decision making. The provision of 3 additional dwellings in comparison to the approved development would make a small contribution towards meeting the Councils 5YHLS and this should be attributed some positive weight in the assessment of the application.

## **Good design / Landscape character**

- 8.23 Policy DES2 states that *"development proposals must demonstrate how they conserve, enhance or strengthen the character and distinctive features of the district's landscape"*. Policy DES4 requires development to be of a *"high standard of design and layout to reflect and promote local distinctiveness"* and should amongst other criteria *"respect or improving upon the character of the site and the surrounding area, in terms of its scale, height, massing (volume, shape), orientation, siting, layout, density, building materials (colour, texture), landscaping, environmental assets, and design features"*.
- 8.24 The site has previously been developed in a piecemeal fashion and features a range of buildings and structures of generally poor quality. The site is comprised entirely of buildings, storage structures, bare or hard surfaced areas for servicing with no green or open space. The Ardeley Conservation Area appraisal of the site notes that it is *"disruptive and unattractive"* in relation to the wider area.
- 8.25 The application proposals have been designed to consolidate the existing poor-quality buildings into a series of larger 1 or 2 storey barn buildings. This design approach means that the development occupies less built footprint than existing. This has allowed a more welcoming arrival experience into the site from the main access to the north, as the proposed barns and site reception are arranged around a landscaped courtyard area. Further landscaped frontages are provided to barn 2 and the proposed residential dwellings.
- 8.26 The architectural appearance of the proposed buildings draws of traditional agricultural building references. The scale of the proposed buildings is similar to large agricultural buildings and buildings feature pitched roofs, weatherboarding and exposed timber frames, but with some more contemporary references such as larger areas of glazing and dormer windows.
- 8.27 The proposed buildings are situated some distance from the main vehicle access to the north. As such visibility of the proposals is limited in these views. Glimpsed views of barns 1, 3 and 4 will be possible from the corner of Moor Green Road and School Lane. The 6 proposed dwellings will also be visible from the west from School Lane across the existing park and play area. However, the appearance of the development in these views would not be harmful given the sites village setting, with existing buildings currently present on site. Longer distance views of the

site from bridleways across the farm to the south will be predominantly obscured by woodland planting which has taken place on the farm.

- 8.28 It is noted that the residential element of the proposals would be greater in density than the previously approved application 3/21/0498/FUL, following the increase in dwelling numbers from 3 to 6. However, the residential element would remain in keeping with the pattern of residential development within the wider area of School Lane and is not considered to be harmful to the appearance of the wider area.
- 8.29 In overall terms, the design approach of the proposals is considered to constitute a significant enhancement over the existing appearance of the site. The scale and massing of the proposals in views from around the site are appropriate for a farmyard / mixed use site at the periphery of the village. Proposed buildings are also commensurate with the scale, character and appearance of wider area.
- 8.30 The reduction in building footprint in comparison to existing structures on site, as well as introduction of soft landscaped areas have all further enhanced the appearance of the development. As such the proposals are considered to represent good quality design, which enhances the appearance of the site, adjacent village, and wider landscape, in accordance with policies DES2 and DES4.

### **Heritage assets**

- 8.31 Conservation areas and listed buildings: Section 66 and 72 of the Listed Buildings and Conservation Areas Act 1990 require that the Local Planning Authority have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. This is reiterated within policy HA1 which states that "*Development proposals should preserve and where appropriate enhance the historic environment of East Herts... less than substantial harm should be weighed against the public benefits of the proposal*".
- 8.32 The site was previously omitted from the boundary of the Ardeley Conservation area due to its harmful appearance. The previously approved application proposals were considered to represent a significant enhancement to the appearance of the site which would improve the setting of the adjacent conservation area. In addition, the proposed buildings were a sufficient distance from the nearest listed buildings, that they would not result in any harm the setting of these heritage assets.

- 8.33 The increase in dwellings from 3 to 6 as proposed as part of this application is not considered to significantly change the overall appearance of the development or its impact upon heritage assets. As such the proposals are considered to preserve and enhance the historic environment in accordance with policy HA1.
- 8.34 Archaeology: The site is located within an area of archaeological significance and County Archaeology advisers have recommended that a condition is attached to secure a Written Scheme of Investigation of the site, the assess and record archaeology. This is included within the recommended conditions.

### **Transport**

- 8.35 District Plan Policy TRA1 aims to promote developments are accessible and conducive to travel by sustainable transport modes. Policy TRA2 states that *"development proposals should ensure that safe and suitable access can be achieved for all users. Site layouts, access proposals and any measures designed to mitigate trip generation produced by the development should: (a) Be acceptable in highway safety terms; (b) Not result in any severe residual cumulative impact; and (c) Not have a significant detrimental effect on the character of the local environment"*.
- 8.36 In terms of site accessibility, it is noted that the site is located in the rural area, within a category 3 village which is usually considered to have poor services and public transport connections. However, in this case Ardeley does benefit from a number of services including the Church Farm shop, primary school, and pub, as well as the existing businesses on the site. As such the site location is considered acceptable for the proposed uses.
- 8.37 In addition, the applicants have submitted a Transport Assessment which considers the transport impacts of the proposals. The assessment considers that due to a reduction in the amount of commercial floorspace at the site, the total number of servicing trips, including HGV trips will decrease. It is estimated that the existing site generates circa 23 and 25 vehicular trips in the AM and PM peak hours, with 253 trips over the day. The proposed use of the site is expected to generate circa 16 and 23 trips in the peak hours, with 144 over the day. As such the proposals will result in a reduction in the total volume of vehicular trip generation in the peak hours which would improve traffic flow on the local road network.

- 8.38 The transport impacts of the proposals are therefore very similar to the previously approved application 3/21/0498/FUL. The Transport Assessment has been reviewed by County Highways officers, who consider the highway impacts of the proposals to be acceptable and have not objected to the proposals, subject to attachment of a number of conditions. It should be noted that recommended conditions include a number of improvements to the public bridleway along the southern boundary of the site (BOAT4). As such, it is considered that the proposals are unlikely to have an adverse impact on highway safety, and will respect / enhance existing Public Rights of Way for vulnerable users.
- 8.39 Cycle / car parking: District Plan Policy TRA3 states that developments should provide sufficient cycle and vehicle cycle parking to meet required standards. When considering the proposed uses on the site, a total of 81 spaces is required to meet the needs of the business and residential uses proposed. 72 spaces are proposed for the business uses and 12 spaces (2 per dwelling) are proposed for the residential). This includes 40 Electric Vehicle Charging Points, including 1 point per dwelling, and 6 disabled spaces. This car parking provision exceeds the requirements of District Plan.
- 8.40 Concerns from residents are noted that the proposals could result in overspill car parking into surrounding streets and driveways. However, officers consider that the proposed provision will be sufficient to ensure that this is not likely to happen. This because the policy requirements have been exceeded and the uses are likely to experience peak car parking demand at different times. For instance, offices during the day on weekdays, the farm shop and café at weekends, and holiday accommodation during the evening. The proposed properly marked spaces are likely to be easier to use than the existing informal arrangement.
- 8.41 Cycle parking comprises designated cycle parking areas with Sheffield type stands although it is not clear from the submitted information if these are secure / covered and lit storage spaces. Subject to conditions requiring submission of further details on cycle parking, the proposals are considered to accord with policy TRA3.

### **Sustainability**

- 8.42 Policies CC1 and CC2 of the District Plan state that all proposals must demonstrate how the design, materials, construction, and operation of

the development would minimise overheating, reduce the need for heating, integrate green infrastructure and minimise carbon dioxide emissions. Policy WAT4 of the District Plan states that development must minimise the use of mains water through water saving measures, the recycling of grey water, and reducing mains water consumption.

- 8.43 The applicants have stated that the development will incorporate energy efficient construction techniques, high levels of insulation and double glazing. Energy efficient lighting, services and controls are also proposed in order to reduce energy demand for space heating, cooling ventilation and lighting. Natural ventilation is proposed to all buildings and air source heat pumps will heat the properties. In terms of water efficiency rainwater butts will be incorporated for garden and landscape irrigation, fed from the roof down pipes and fittings/appliances and water consumption within the new dwellings will meet or exceed the target consumption rate of 110 litres per person per day.
- 8.44 In addition, an updated energy strategy for the proposed dwellings has also been submitted in comparison to the previously approved application, which states that through a combination of improvements to building fabric and efficient heating / cooling through Air Source Heat Pumps a carbon reduction of 64% in comparison to a Building Regulations Part L 2021 compliant development. As such the proposals are considered to accord with policies CC1 and CC2.

### **Water Management**

- 8.45 Policy WAT1 of the District Plan states that development proposals should neither increase the likelihood or intensity of any form of flooding, nor increase the risk to people or property on site and to neighbouring land or further downstream. Policy WAT3 of the District Plan states that development proposals will be required to preserve or enhance the water environment. Policies WAT4 and WAT5 require efficient use of water and Sustainable Drainage Systems, which aim to collect and retain water within the site, reducing runoff to green field rates.
- 8.46 A revised Surface Water Drainage Strategy has been submitted to address initial comments from the LLFA. This comprises permeable paving without infiltration. Porous pipes beneath the base layer of the paving would collect water and discharge to a nearby watercourse within land owned by the applicant. These measures are calculated to reduce runoff rates to acceptable levels (3.7L per second). The LLFA have now



confirmed that these revised proposals are acceptable, subject to conditions securing full details of the drainage scheme and its maintenance.

- 8.47 As such subject to conditions regarding drainage, and water / energy efficiency measures to proposals are in accordance with policy DES1, WAT4 and WAT5 regarding sustainability and water management.

### **Trees, Ecology and Biodiversity**

- 8.48 The application was submitted prior to the legal requirement to achieve a minimum of 10% Biodiversity Net Gain (BNG) but the proposals still need to accord with District Plan Policy NE2 which states that *"All proposals should achieve a net gain in biodiversity where it is feasible and proportionate to do so, as measured by using and taking into account a locally approved Biodiversity Metric, and avoid harm to, or the loss of features that contribute to the local and wider ecological network"*.
- 8.49 Policy NE3 states that *"Development should always seek to enhance biodiversity and to create opportunities for wildlife...with evidence provided in the form of up-to-date ecological surveys"*. Part II-VIII of the policy also state that harm to trees and hedgerows will be resisted, and that bird and bat boxes will sought on new development bordering open space.
- 8.50 The applicants have submitted an Ecology Survey which considers the development can proceed subject to several mitigation measures, including presence and absence surveys of bats and newts, control of lighting and no site clearance during bird nesting season. In addition, several enhancements are recommended including hedgerow planting to east and west boundaries, native species planting and bird, bat boxes insect and hedgehog houses to be incorporated within the development. The County Ecology officer has not responded to this current application but responded to the previously approved application that the information and conclusions of the ecology report were accepted, subject to securing proposed the mitigation and enhancement measures by condition.
- 8.51 In addition, an Arboricultural Impact Assessment has been submitted which considers that the proposed buildings would not result in any significant conflict with existing trees. The effects of the retained trees on the liveability in the dwellings is acceptable and the proposals would

have a positive impact on an adjacent Oak to the west due to the removal of buildings and hardstanding within its rootzone. As such subject to conditions regarding tree protection the proposals are considered acceptable regarding tree impacts. Landscape conditions are also proposed to secure a scheme of landscaping across the site, including some new tree and hedgerow planting, and incorporation of native species.

### **Amenity / pollution**

- 8.52 Daylight / sunlight / overlooking existing occupiers: Some of the proposed buildings are a sufficient distance from neighbouring houses that they will not result in undue loss of daylight sunlight or sense of enclosure (for instance Barn2 is around 40m from the nearest dwelling to the north). Other buildings such as Barn4 are closer to adjacent dwellings but replace existing largescale buildings on site and would not therefore result in any increased loss of daylight in comparison to the existing situation. The rear and side elevations of barns 1, 3 and 4 have blank facades (apart from high-level roof lights) which prevent overlooking views towards the nearest dwellings to the west.
- 8.53 Amenity for proposed occupiers: In addition, the proposed dwellings are well sized with adequately sized internal space to meet Nationally Described Space Standards. Dwellings also benefit from front and rear gardens. There are ample separation distances from neighbouring houses to prevent overlooking views (the nearest dwellings in School Lane are around 28m to the north west of dwelling 6). As such future occupiers of the dwellings will benefit from good standard of amenity.
- 8.54 Noise: Concerns have been raised that the proposed full height openable windows within the east elevation of barn 2 could encourage outdoor activity and associated noise near to the gardens of dwellings to the east. However, the level of separation of around 18m from this building to neighbouring gardens is sufficient to ensure that noise / activity would not have an adverse impact upon residential amenity. Noise impact from holiday accommodation is also not considered to be unduly intrusive, in comparison to the existing use of the site as a farmyard. In addition space surrounding the holiday let accommodation is likely to be managed or used for farm activities which will to prevent excessive spill out and noise disturbance from the holiday accommodation.
- 8.55 Concerns that the increase in overnight accommodation at the farm will result in increased noise and activity in the village are also noted.

However, the proposed accommodation is located some way from the farm entrance (around 100m). The overall farm environment will be managed and will not be attractive for late night activity. As such the proposed accommodation is not considered to be likely to result in undue impact upon residential amenity in the wider Ardeley Village.

- 8.56 Ground contamination: A Ground contamination report has also been submitted which considers ground conditions at the site. The report considers there is potential for made ground to be present as a result of historical development, some material containing asbestos, and potential for herbicides and pesticides within the ground. As such further ground investigation works and ground remediation (if necessary) are identified as necessary.
- 8.57 The Councils environmental health officers have reviewed the report and accept these recommendations, and this further work is required by condition.

### **Other Matters**

- 8.58 Comments are noted with regard to the carrying out of unauthorised activities at the site such as camping within fields within the wider Church Farm site, and outside of the application site boundary. These matters are currently being investigated by the Councils enforcement team. However, no camping is proposed as part of this current application and it may be necessary for the applicants to submit separate future planning applications if they wish to continue facilitating camping at Church Farm.
- 8.59 It is acknowledged that some elements of the application proposals such as the toilet / shower block may be of use to facilitate camping at the site which does not benefit from planning permission. However, these facilities would also be of benefit to other day visitors to the farm, as well as business occupiers of some of the other proposed buildings. As such officers do not consider that it is unacceptable for these elements to be included within the application proposals.

## **9.0 Planning Balance and Conclusion**

- 9.1 The proposals will support the rural economy by allowing existing businesses and charitable organisations at the site to continue and expand their work in new fit for purpose accommodation. Provision of new uses at the site such as visitor accommodation and 6 residential

units would be appropriate to support the use of the farm and as a form of infilling within the village, in addition to contributing towards the Councils 5YHLS.

- 9.2 In addition, regard needs to be given to the 'titled balance' and 'the presumption in favour of sustainable development', which is currently engaged in the decision-making process, as the Council are currently unable to demonstrate a five-year housing land supply. Paragraph 11(d) of the NPPF states that for decision taking this means: (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.3 As part of the planning balance assessment officers have attributed significant positive weight to the provision of enhanced business floorspace and visitor accommodation to support the businesses and charities at the site as well as the wider rural economy. Moderate positive weight is attributed to the provision new facilities which are capable of use by the local community. Limited positive weight is attributed to the proposed improvements to the appearance of the site. Limited positive weight is attributed to the provision of 6 dwellings to meet housing needs and contribution towards the Councils 5YHLS. Limited positive weight is also attributed to the proposed biodiversity enhancements to the site.
- 9.4 No harmful impacts have been identified, and any other matters not identified above are considered to be neutral. As such given the above assessment officers consider that the balance of considerations weights in favour of the proposals.
- 9.5 In summary therefore the proposals would result in an enhancement to the appearance of the site and would not result in harm to landscape or identified heritage assets. The proposals would also not have an adverse impact on highway conditions, or amenity of the area. Appropriate mitigations for potential impacts around biodiversity / sustainability and water management can be secured by condition. As such the proposals are considered to accord with all relevant District Local Plan policies and the NPPF.

## **RECOMMENDATION**

Grant planning permission subject to following conditions:

### **Conditions**

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

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

2. The development hereby approved shall be carried out in accordance with the following approved plans: NWA\_19-025\_SURV\_revA; NWA\_19\_025\_LOC\_E\_RevB; NWA\_19\_025\_1\_revF; NWA\_19\_025\_2\_revA; NWA\_19\_025\_3; NWA\_19\_025\_4\_revA; NWA\_19\_025\_5\_revB; NWA\_19\_025\_6; NWA\_19\_025\_7\_revA; NWA\_19\_025\_8; NWA\_19\_025\_9\_revA; NWA\_19\_025\_10\_revA; NWA\_19\_025\_11\_revA; 4149\_Ardeley\_Price\_TPP.

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

### **Pre commencement Conditions**

3. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:
  - a). programme of works,
  - b). construction vehicle numbers, type, routing,
  - c). access arrangements to the site;
  - d). traffic management requirements,
  - e). construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas),
  - f). siting and details of wheel washing facilities, cleaning of site entrances, site tracks and the adjacent public highway,
  - g). timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times,
  - h). provision of sufficient on-site parking prior to commencement of construction activities,

- i). where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

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

4. No development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work and in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. This condition will only be considered to be discharged when the planning authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to publication has been made. Reason The programme is required to be undertaken prior to the commencement of the development to secure the protection of and proper provision for any archaeological remains in accordance with Policy HA3 of the East Herts District Plan 2018 and the National Planning Policy Framework.
5. Prior to the commencement of the development hereby approved a scheme to deal with contamination of land and/or groundwater shall be submitted to and approved by the Local Planning Authority and the development should be implemented in accordance with the approved scheme. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:
  1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The requirements of the Local Planning Authority shall be fully established before the desktop study is commenced and it shall conform to any such requirements. Copies of the desk-top study shall be submitted to the Local Planning Authority without delay upon completion.
  2. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until (i) A desk-top study has been completed satisfying the requirements of paragraph (1)above; (ii) The requirements

of the Local Planning Authority for site investigations have been fully established; and (iii) The extent and methodology have been agreed in writing with the Local Planning Authority. Copies of a report on the completed site investigation shall be submitted to the Local Planning Authority without delay on completion.

3. A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

**Reason:** Details are required prior to the commencement of the development to minimise and prevent pollution of the land and the water environment in accordance with Policy EQ1 of the East Herts District Plan 2018.

6. Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy (Surface Water Drainage Strategy, EAS, REF: SuDS/2450/2021 Rev C, 03 April 2024) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Planning Authority.

**Reason:** To ensure that the development achieves a high standard of sustainability and to comply with the NPPF and policies of East Hertfordshire District Council. Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority.

7. A method statement for interim and temporary drainage measures during the demolition and construction phases shall be submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris

and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement unless alternative measures have been subsequently approved by the Local Planning Authority.

**Reason:** To ensure that the construction of the site does not result in any flooding and pollution both on and off site and that all surface water drainage features are adequately protected.

8. Prior to commencement of above ground works, details of sustainability measures to be incorporated with the development including energy efficient construction techniques, energy efficient lighting, services and controls, efficient energy supply, water efficiency measures, shall be submitted for approval to the local planning authority. The development, hereby permitted, shall be implemented and thereafter maintained in full accordance with these details.

**Reason:** In the interests of reducing carbon dioxide emissions and promoting the principles of sustainable construction (East Herts Sustainability SPD 2021).

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

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

Prior to occupation Conditions

10. The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to



inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

1. a timetable for its implementation.
2. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
3. details of how access to the watercourse will be maintained for flood management inspection and maintenance by both vehicular and pedestrian access.
4. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

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

11. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to Condition 6. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

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

12. Development shall not be occupied / use commenced until a LEMP has been submitted to and approved in writing by the local planning

authority to achieve a net gain in biodiversity and include the following:

- a) Description and evaluation of features to be managed
- b) Aims and objectives of management
- c) Appropriate management options for achieving target condition for habitats as described in the approved metric
- d) Prescriptions for management actions, only definitive measures are acceptable
- f) Details of the body or organisation responsible for implementation of the plan
- g) Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met
- h) Details of species and mixes selected to achieve target habitat conditions as identified in approved metric
- i) Location of bat and bird boxes/structures
- j) Compliance with the mitigation measures set out in Section 5 of the Ecological Appraisal
- k) Contingency measures should the monitoring reveal that habitat condition targets are not being met

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

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

13. Prior to occupation / use of any building on site, details of any external lighting, shall be submitted to and approved in writing. The development shall be implemented in accordance with the approved details.

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

14. The occupation of the development authorised by this permission shall not begin until the details of the siting, type and specification of Electric vehicle charging points (EVCPs), the energy sources and the strategy/management plan for supply and maintenance of the EVCPs have been submitted to and approved in writing by the Local Planning

Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of each of the units and permanently maintained and retained.

**Reason:** To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018)

15. The occupation of the development authorised by this permission shall not begin until the design details of the new kerbed pedestrian footway along the primary access from the public highway have been submitted and approved by the Local Planning Authority. The new path should be widened to 3m where possible and provide pedestrian priority to connect with the "existing walkway through" The approved works shall be fully implemented before the development is occupied or brought into use and thereafter retained for this purpose.

**Reason:** In the interest of highway safety and to avoid inconvenience to highway users.

16. The occupation of the development authorised by this permission shall not begin until all on site vehicular areas have been made accessible, surfaced and marked in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

**Reason:** In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

17. The occupation of the development authorised by this permission shall not begin until a scheme for long stay and short stay parking of cycles including details of the design, level and siting of the proposed parking has been submitted to and approved in writing by the Local Planning Authority. Long stay cycle parking shall be provided in a fully secure and lockable store. The approved scheme shall be fully implemented before the development is occupied or brought into use and thereafter retained for this purpose.

**Reason:** To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance

with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

18. Prior to first occupation of the development hereby approved, facilities for the storage and removal of waste / recycling from the site shall be provided, in accordance with details having been submitted to and approved in writing by the Local Planning Authority, which shall include purchase of residential waste storage receptacles from the Council. The development shall thereafter be implemented in accordance with the approved details.

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

19. Details of Biodiversity enhancements which shall include a minimum of 16 Swift bricks, 5 Swallow cups and 5 integrated Bat boxes, provision for invertebrates and hedgehogs shall be submitted to and approved in writing by the local planning authority, prior to the first occupation of each building or part of a building or use hereby approved. Details shall include the recommendations within the details of box numbers, specification and their location. The approved details shall have been fully implemented prior to first occupation of the relevant part of the development.

**Reason:** To conserve and enhance ecological interests, in accordance with East Herts District Plan 2018 policy NE2.

#### Compliance conditions

20. Prior to the first use of the temporary access hereby approved, a visibility splay shall be provided fully in accordance with the details indicated on the approved drawings. The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway during the construction phase.

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

21. All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and

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

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

22. The occupation of the development authorised by this permission shall not begin until the existing primary access to the public highway has been resurfaced with suitable drainage to prevent extraneous material transfer and water run off onto the public highway. The approved works shall be fully implemented before the development is occupied or brought into use and thereafter retained for this purpose. Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).
23. The occupation of the development authorised by this permission shall not begin until:
  - i. the vehicular section of BOAT 4, from the existing tarmac turning circle to the secondary access gate, has been resurfaced with asphalt to 4.0m width, OR to HCC highways specification;
  - ii. a 2m wide asphalt footway constructed and surfaced alongside the above, with grass verge 1m wide between the carriageway of School Lane and footway;
  - iii. Stout wooden bollards placed at 1.5m intervals from the secondary access gate to the turning circle in School Lane in the grass verge alongside the new footway, to HCC specification; The approved works shall be fully implemented before the development is occupied or

brought into use and thereafter retained for this purpose.

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

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), or any amending Order, no further windows, doors or openings shall be inserted in the north or west elevations of barns 1, 3 and 4 of the development hereby permitted.

**Reason:** In the interests of neighbour amenity in accordance with Policy DES4 of the East Herts District Plan 2018.

25. The hereby approved staff / student accommodation within Barn 1 shall be limited to occupation by persons working, volunteering or studying in the agricultural and associated rural enterprises on the application site.

**Reason:** The proposed dwelling is situated in a location where the Local Planning Authority would not normally grant permission for such a development and this permission is granted solely in order to fulfill an essential agricultural need, in accordance Policy HOU5 of the East Herts District Plan 2018.

26. Barn 2 shall be used only for short-let accommodation and for no other purpose, including any other purpose within Class C3, Part C of the Schedule to the Town and Country Planning (Use Classes) Order, as amended. The accommodation shall not be let to any person(s) for more than 28 days in any calendar year, unless otherwise agreed in writing by the Local Planning Authority. Written records of lettings shall be kept available for inspection at the request of the Local Planning Authority at all reasonable times.

**Reason:** To enable the Local Planning Authority to effect proper control over the provision of housing and tourist accommodation within the countryside having regard to Policies ED2 and ED5 of the East Herts District Plan 2018.

27. The use of barn 3 hereby approved shall be restricted to the hours of 0800 - 1900 Monday to Saturday and 0800 - 1900 on Sundays and Bank Holidays.

**Reason:** In the interests of the amenities of the occupants of nearby properties and in accordance with Policies DES4 and EQ2 of the East Herts District Plan 2018

28. All dwellings within the development (except those completed to M4(3) requirements) hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4(2) 'accessible and adaptable dwellings' (or any subsequent replacement) prior to first occupation and shall be retained as such thereafter.

**Reason:** To ensure that the proposed development is adequately accessible for future occupiers.

29. The development shall be undertaken in full accordance with Section 5 of the Ecological Impact Assessment by AGB (ref: P3429.2.1, dated Feb 2021). Reason: To preserve and enhance ecological interests.

30. Notwithstanding Section 55 of the Town and Country Planning Act 1990 (as amended) and the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re - enacting that Order with or without modification), Barn 1 hereby approved shall only be used within Class E(g) and for no other purposes whatsoever.

**Reason:** In order to safeguard the amenity of the area and prevent introduction of inappropriate uses to the site.

31. Notwithstanding Section 55 of the Town and Country Planning Act 1990 (as amended) and the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re - enacting that Order with or without modification), Barn 4 hereby approved shall only be used within Classes E(g), F.1(a) and F.2(b) only and for no other purposes whatsoever.

**Reason:** In order to safeguard the amenity of the area and prevent introduction of inappropriate uses to the site.

32. The noise levels in rooms of the residential dwellings at the development hereby approved shall meet the standards in accordance with the criteria of BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' for internal rooms and external amenity areas.

**Reason:** In order to ensure an adequate level of amenity for future

occupiers of the proposed development in accordance with Policy EQ2 Noise Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018.

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

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

### **Informatives**

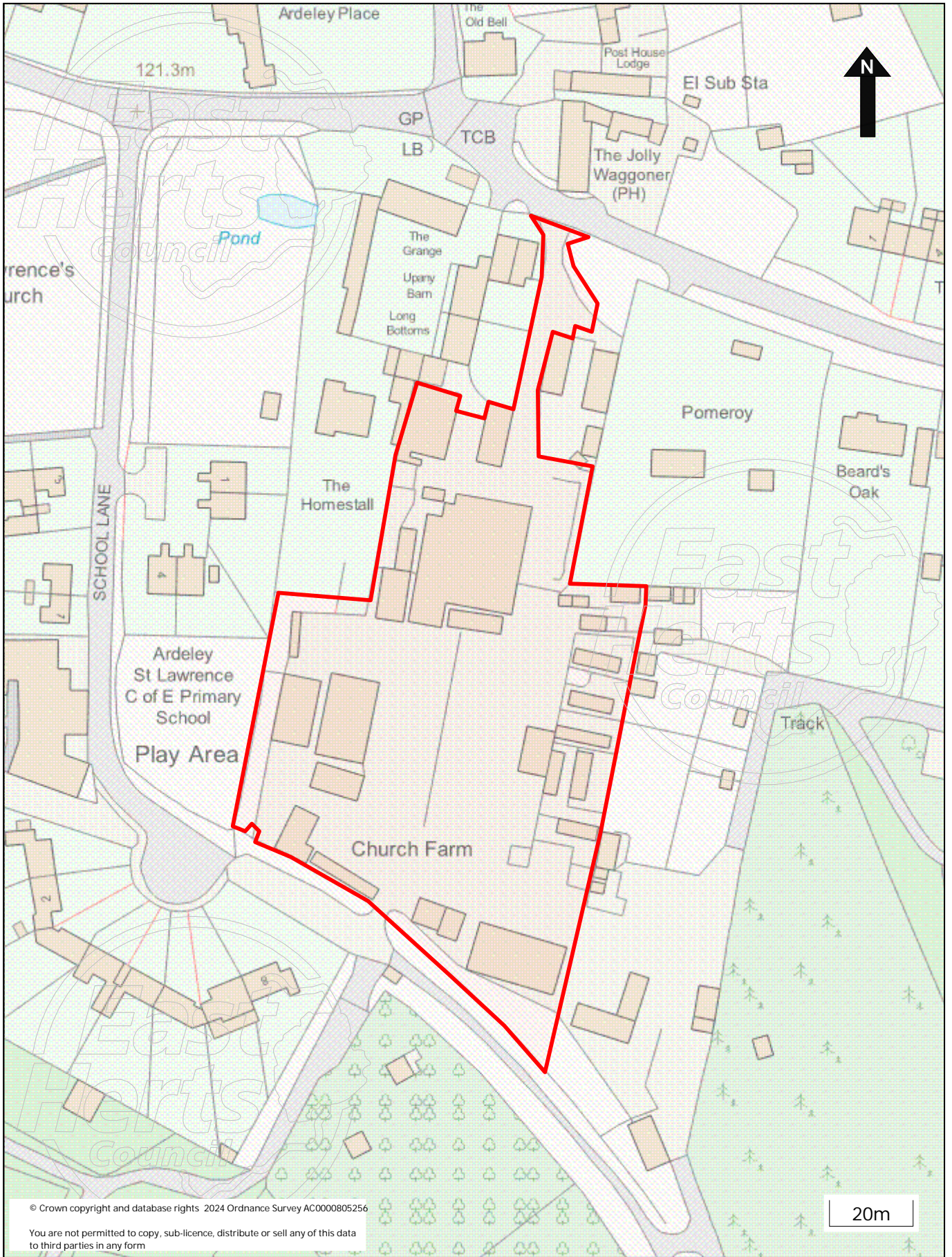
1. Other legislation
2. Archaeological interest
3. Public Rights of Way
4. No use of cranes or tall equipment
5. Bats
6. Justification to grant
7. Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is Hertfordshire Lead Local Flood Authority and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage.
8. AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>.



9. AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>.
10. AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
11. AN4) Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated highway improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
12. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect

the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk) Please refer to the Wholesale; Business customers; Groundwater discharges section.





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

ADDRESS  
 Church Farm, Moor Green Road, Ardeley,  
 Stevenage, Hertfordshire, SG2 7AH

|               |                  |
|---------------|------------------|
| PLAN TITLE    |                  |
| PROJECT REF   | 3/23/1641/FUL    |
| SITE AREA     |                  |
| DATE OF PRINT | 21 November 2024 |
| SCALE         | 1:1250           |



# Agenda Item 6

**EAST HERTS COUNCIL**  
**DEVELOPMENT MANAGEMENT COMMITTEE**  
**ITEMS FOR REPORT AND NOTING**  
**OCTOBER 2024**

|                           |                                                                                                                                                                                                                 |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Number</b> | 3/21/0633/FUL                                                                                                                                                                                                   |
| <b>Decsn</b>              | Refused                                                                                                                                                                                                         |
| <b>Level of Decision</b>  | Delegated                                                                                                                                                                                                       |
| <b>Address</b>            | 138 Fore StreetHertfordHertfordshireSG14 1AJ                                                                                                                                                                    |
| <b>Appellant</b>          | Mr G Martorana                                                                                                                                                                                                  |
| <b>Proposal</b>           | Demolition of the existing building and erection of a new mixed use development, comprising a retail/commercial unit on the ground floor; 7no. two bedroom flats; 6no. one-bed flats and associated car parking |
| <b>Appeal Decision</b>    | Dismissed                                                                                                                                                                                                       |

|                           |                                                                                                                                                                                                                   |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Number</b> | 3/22/2156/FUL                                                                                                                                                                                                     |
| <b>Decsn</b>              | Refused                                                                                                                                                                                                           |
| <b>Level of Decision</b>  | Delegated                                                                                                                                                                                                         |
| <b>Address</b>            | Land At Church LaneHunsdonHertfordshire                                                                                                                                                                           |
| <b>Appellant</b>          | Mr And Mrs Page                                                                                                                                                                                                   |
| <b>Proposal</b>           | Erection of one, four bedroom detached self-build dwelling with detached garage/car port; installation of air source heat pump and solar panels; creation of new vehicular access way and associated landscaping. |
| <b>Appeal Decision</b>    | Dismissed                                                                                                                                                                                                         |

|                           |                                                                                                                                                                                                                                                                           |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Number</b> | 3/23/0239/FUL                                                                                                                                                                                                                                                             |
| <b>Decsn</b>              | Refused                                                                                                                                                                                                                                                                   |
| <b>Level of Decision</b>  | Delegated                                                                                                                                                                                                                                                                 |
| <b>Address</b>            | 38 North StreetBishops StortfordHertfordshireCM23 2LW                                                                                                                                                                                                                     |
| <b>Appellant</b>          | Mr Paul                                                                                                                                                                                                                                                                   |
| <b>Proposal</b>           | Roof extension & alterations to create a second floor comprising 2 x one bedroom flats, part change of use of ground and first floor from class E (shop) to C3 (residential), two storey rear extension including new bin store and new entrance door to south elevation. |
| <b>Appeal Decision</b>    | Dismissed                                                                                                                                                                                                                                                                 |

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|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Number</b> | 3/23/1149/FUL                                                                                                                                                                                                                                                           |
| <b>Decsn</b>              | Refused                                                                                                                                                                                                                                                                 |
| <b>Level of Decision</b>  | Delegated                                                                                                                                                                                                                                                               |
| <b>Address</b>            | Waterfront House Station RoadBishops StortfordHertfordshireCM23 3BL                                                                                                                                                                                                     |
| <b>Appellant</b>          | Mr W Thomas                                                                                                                                                                                                                                                             |
| <b>Proposal</b>           | Demolition of two storey office building and erection of a new four storey residential block consisting of 4 one bedroom flats, 4 two bedroom flats and 1 three bedroom flat, incorporating first floor and second floor rear facing balconies and third floor terrace. |
| <b>Appeal Decision</b>    | Dismissed                                                                                                                                                                                                                                                               |

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|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Number</b> | 3/23/1919/FUL                                                                                                                                                                                                   |
| <b>Decsn</b>              | Refused                                                                                                                                                                                                         |
| <b>Level of Decision</b>  | Delegated                                                                                                                                                                                                       |
| <b>Address</b>            | Land To The South-east Of The BuryBury GreenLittle HadhamSG11 2HE                                                                                                                                               |
| <b>Appellant</b>          | Mr and Mrs Simmonds                                                                                                                                                                                             |
| <b>Proposal</b>           | 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. |
| <b>Appeal Decision</b>    | Dismissed                                                                                                                                                                                                       |

|                           |                                                                                                                                                                                           |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Number</b> | 3/23/2242/FUL                                                                                                                                                                             |
| <b>Decsn</b>              | Refused                                                                                                                                                                                   |
| <b>Level of Decision</b>  | Delegated                                                                                                                                                                                 |
| <b>Address</b>            | Land Adjacent To 5 Highfield RoadHertfordHertfordshireSG13 8BH                                                                                                                            |
| <b>Appellant</b>          | Mr T Infantino                                                                                                                                                                            |
| <b>Proposal</b>           | Demolition of garage; erection of detached two-storey, four bedroom dwelling; installation of solar panels and air source heat pump and creation of new vehicular access way and parking. |

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|------------------------|-----------|
| <b>Appeal Decision</b> | Dismissed |
|------------------------|-----------|

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|---------------------------|-------------------------------------------------------------------------------------------------|
| <b>Application Number</b> | 3/23/2283/OUT                                                                                   |
| <b>Decsn</b>              | Refused                                                                                         |
| <b>Level of Decision</b>  | Delegated                                                                                       |
| <b>Address</b>            | Land South Of Levenage LanePriory FarmHigh StreetWidfordHertfordshireSG12 8RA                   |
| <b>Appellant</b>          |                                                                                                 |
| <b>Proposal</b>           | Outline planning with all matters reserved except for access for the erection of four dwellings |
| <b>Appeal Decision</b>    | Allowed                                                                                         |

|                           |                                                                                                                                                                                                                                                                  |
|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Number</b> | 3/24/0377/HH                                                                                                                                                                                                                                                     |
| <b>Decsn</b>              | Refused                                                                                                                                                                                                                                                          |
| <b>Level of Decision</b>  | Delegated                                                                                                                                                                                                                                                        |
| <b>Address</b>            | 29 Bishops RoadTewin WoodTewinHertfordshireAL6 0NP                                                                                                                                                                                                               |
| <b>Appellant</b>          | Mr Simon Edan                                                                                                                                                                                                                                                    |
| <b>Proposal</b>           | Erection of rear ground floor extension and first floor extension over existing ground floor area. Front extension to form double gable. Demolition of detached garage to form integral garage, Alterations to roof and installation of two rear dormer windows. |
| <b>Appeal Decision</b>    | Dismissed                                                                                                                                                                                                                                                        |



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# Appeal Decision

Site visit made on 8 October 2024

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

an Inspector appointed by the Secretary of State

**Decision date: 29 October 2024**

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**Appeal Ref: APP/J1915/W/24/3337946**

**138 Fore Street, Hertford SG14 1AJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr G. Martorana (Martorana Properties) against the decision of East Hertfordshire District Council.
  - The application Ref is 3/21/0633/FUL.
  - The development proposed is Demolition of the existing building and erection of a new mixed-use development, comprising a retail/commercial unit on the ground floor; seven two-bedroom flats; six one-bed flats and associated car parking.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matters

2. Prior to the determination of the planning application, revised plans were submitted to the Council. However, the Council has stated that the plans were not the subject of consultation. Although these were submitted before a decision was made, they amount to significant amendments that interested parties should have the opportunity to comment upon. In consequence, it would cause prejudice to have regard to these revisions.
3. A viability assessment was also submitted. I have considered this document as it has been received by the Council, is referenced in the Appellant's Statement of Case and does not change the physical scheme.
4. Notwithstanding the description used on the application form; the Council's decision notice; and the appeal form, it is apparent that following the submission of amended plans, the scheme was changed to include four two-bedroom flats and nine one-bedroom flats. This is confirmed in the Appellant's Statement of Case. Therefore, whilst I have utilised the formal description of the development above; I have determined the appeal with reference to the plans formally considered by the Council.

## Main Issues

5. The main issues relevant to this appeal are:
  - the effect of the development upon the character and appearance of the area;
  - the effect of the development upon the character and appearance of the Hertford Conservation Area; and

- whether appropriate living conditions would be provided for the future occupiers of the development.

## Reasons

### *Character and appearance*

6. The site is between Fore Street and Gascoyne Way and near to the junction between Fore Street and South Street. A unifying trend in the surrounding area is that buildings are typically constructed to traditional designs, with pitched roofs. However, there are a few exceptions to this as there are a limited number of nearby modern buildings including a supermarket, takeaway and a multi-storey car park.
7. Although the proposed building would have a height comparable to some of the existing, older, buildings in Fore Street, it would have a divergent design. In particular, the new building would have a large footprint that would stretch from the front to rear boundaries of the site. In addition, the building would have a flat roof, with few variations in height. These characteristics would create a building that is significantly bulkier than those nearby. The scheme would include some balconies, but these would be sited on a single elevation, which would not result in a lower level of massing. The bulky design would also be exacerbated by the fenestration pattern on the eastern elevation, which means that there would be limited architectural detailing to break up the massing of the building. This means that the proposed building would not assimilate to its surroundings.
8. A notable feature of existing buildings in Fore Street is that windows on the upper storeys are smaller than those that serve rooms on lower floors and are consistently spaced. In contrast, the proposed development features a uniform window size on the upper floors. Furthermore, a few of the windows on the western elevation feature irregular spacing. Although located behind a takeaway building, the front wall of the proposal would feature a section lacking in windows. Therefore, a blank wall would be readily viewable and would create a bleak building in contrast to its surroundings. Therefore, these factors create a building that would be notably discordant. Although the proposal would replace the existing buildings, these are much smaller than the proposal would be and, in result, these structures do not give rise to the same adverse effects that the proposal would.
9. The adverse effects would be experienced from several locations, which including Fore Street itself. Given the town centre location, there is a notable likelihood that there would be many people and traffic passing the appeal site. Furthermore, the front elevation of the development would be visible from South Street and the junction between South Street and Railway Street. Although the adjacent supermarket would provide some screening, the relatively greater height of the new buildings means that its bulky form would be readily experienced from the eastern part of Fore Street. The development would also be viewable from the multi-storey car park. In consequence, the bulk of the development would be readily experienced along with the contrasting roof shape.
10. Due to the scale of the building, there is limited room for soft landscaping. However, the surrounding area generally features soft landscaping in relatively small amounts. Furthermore, the existing buildings occupy a relatively large

proportion of the site, which when combined with the existing areas of hard standing means that the development would not result in a notable loss of existing planting. Accordingly, the absence of notable landscaped areas means there would not be an adverse effect upon the character. Moreover, the presence of existing areas of hardstanding would mean that the development would not be car dominated. A further softening of the development would arise from the proposed 'green wall' that would be present to the rear of the building.

11. Although detectable from Gascoyne Way, the scheme would be viewed alongside the multi-storey car park and a modern office building. These are constructed to functional styles of architecture and from this vantage point, the development would not appear incongruous. Furthermore, the pedestrian walkway is screened from the site by landscaping and a wall. As passersby are likely to be travelling, these factors mean that views of the development are likely to be of a glimpsed nature and would not erode the character of Gascoyne Way. However, this would not overcome the previously identified adverse effects.
12. The Council have referred to Policy DES3 of the East Hertfordshire District Plan (2018) (the District Plan). This policy refers to the need to retain, protect and enhance existing landscape facilities; and where seek replacements where losses are unavoidable. Owing to the nature and scope of the proposals and condition of the existing site, this policy is not applicable to this scheme.
13. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with the requirements of Policy DES4 of the District Plan. Amongst other matters, this requires that all development proposals must be of a high standard of design and layout.

#### *Effect on the Conservation Area*

14. Although the Council's Decision Notice refers to the setting of the Hertford Conservation Area (the CA), the provided map of the CA shows that the appeal site is within it. This is confirmed by the appellant's Statement of Case. For the purposes of this appeal, the significance of the CA is, in part, derived from its importance in highlighting the original town centre and the contrast between the town centre and the more modern development in the wider area. Therefore, the CA has historical significance. Furthermore, buildings are typically located in a linear form and encompass the full width of plots. In result, the CA provides evidential value regarding historic building patterns and designs, irrespective that some alterations have taken place elsewhere.
15. Whilst the surrounding area features buildings that are constructed to differing designs, a unifying trend is the presence of architectural features, such as pitched roofs, consistent fenestration patterns and materials. Although the proposal might feature traditional building materials, the development would have several elements not reflected in the surrounding area. These include the roof and fenestration pattern. Furthermore, the building would include under-croft car parking, which is a feature not readily perceptible elsewhere in the vicinity. In result, the proposed development's modern design would conflict with the prevailing traditional architecture that is a feature of the CA. As such, the historical significance of the CA would be compromised by the development.



16. Although the site appears to be in the appellant's ownership, it currently contains a mixture of buildings that are relatively small in scale. Therefore, the site reflects the character of the CA in that buildings typically have smaller footprints and are arranged in a broadly linear manner. In contrast, the development would extend rearwards from the front boundary and behind the existing neighbouring takeaway. In consequence, the proposed development would erode the characteristic of a linear pattern of buildings by reason of its depth. Furthermore, the building would have the appearance of occupying multiple plots due to its width.
17. While the proposal might have a comparable footprint to the existing buildings, its greater bulk and mass means that it would be more perceptible. Whilst there are some relatively long buildings nearby, including a supermarket, these are much smaller and less prominent than the appeal scheme would be. Therefore, they do not give rise to the same adverse effects and, in consequence, do not allow me to forego the preceding concerns. Accordingly, the proposal would erode the evidential value of the CA.
18. I therefore conclude that the development would have an adverse effect upon the character and appearance of the CA. The development, in this regard, would conflict with the requirements of Policy HA4 of the District Plan. Amongst other matters, this states that new development in Conservation Areas will be permitted if they preserve or enhance the special interest, character, and appearance of the area.

#### *Living conditions*

19. The site is in the town centre, with several commercial businesses nearby. These can be expected to be open during the late evening or night-time periods. Furthermore, the site is near to roads that appear to be relatively highly used and a multi storey car park, which is also of a large scale. Owing to the pattern of development elsewhere in the surrounding area, most of the windows that would serve the development would be located on the front elevation facing Fore Street and a side wall.
20. It is likely that some noise would be generated in neighbouring properties, which may be more notable during periods when residents of the development would expect greater degrees of peace and quiet. Nonetheless, the appellant submitted, with the planning application, a noise assessment. Although this demonstrates that there are notable sources of noise in the surrounding area, the assessment also demonstrates that it would be possible, through the construction methods of the building, to mitigate any adverse effects arising from this. Furthermore, the assessment also indicates that these noise levels can be achieved irrespective of whether the windows are closed.
21. If windows were to be open, it is likely that noises in the surrounding area would be audible inside the proposed flats, however, the noise assessment also demonstrates that mechanical ventilation would also be installed. This would mean that should a resident prefer not to open their windows; they would have access to a source of fresh air and be able to regulate temperature in the home. Moreover, most of the flats feature balconies, which would provide an additional facility for some residents to access fresh air.
22. Although some of the flats would feature windows on a single elevation, the appellant has indicated that details regarding overheating would be addressed

under the relevant Building Regulations. The Council has not submitted any compelling evidence that challenges this position. Furthermore, most of the windows would face a westerly direction. Consequently, it is unlikely that significantly large amounts of sunlight would be directed into the rooms of the proposed homes for large portions of the day. Irrespective of this, the proposal would feature opening windows and mechanical ventilation, which means that residents would have an opportunity to adequately ventilate their homes. This means that the development would not be overheated.

23. Balconies would provide outdoor space for most of the occupiers allowing for some outdoors recreation. It has also been demonstrated that the scheme would not currently be viable for a financial contribution to be made. Furthermore, the appellant's Statement of Case confirms that the flats would comply with the National Described Space Standards. This, when combined with the number of bedrooms that each home would have, means that future occupiers would have sufficient room for the storage of household items and placing of furniture whilst allowing for sufficient circulation space.
24. Existing buildings would be located a relatively large distance from the proposed building's elevations. Moreover, existing buildings are arranged in a linear form that runs perpendicular to both Fore Street and Gascoyne Way or of lower heights. In result, the windows of the development would have a generally open aspect that would ensure an appropriate level of outlook. Furthermore, the balconies feature room for some planting. Although this would be of small scale, there are no adopted planning policies that specify a minimum provision. In consequence, the planting would serve to soften views of the more engineered surroundings. These measures, when combined, are sufficient to ensure that occupiers have an appropriate level of outlook.
25. The ground floor of the building features a room that could be utilised for the storage of refuse and materials for recycling. This would be conveniently located and would ensure that such items are appropriately, and tidily, stored whilst awaiting collection. Had I allowed this appeal, a condition that would have ensured the provision and retention of this storage throughout the life of the development, could have been imposed. Additionally, the size of the proposed homes indicates that they would not be occupied by large households. This means that some refuse could be readily stored within each home, pending collection. Moreover, the site features sufficient room to allow for the refuse to be collected.
26. I therefore conclude that the proposed development would provide appropriate living conditions for its future occupiers. The development, in this regard, would comply with the requirements of District Plan Policies CC1, DES4 and EQ1; the Hertfordshire Waste Local Plan; and the East Hertfordshire Open Space, Sport and Recreation Supplementary Planning Document. Amongst other matters, these seek to ensure that proposals demonstrate that the design, materials, construction, and operation of the development would minimise overheating in summer; make provision for the storage of bins; and that noise sensitive development should be located away from existing noise generating sources.

### **Other Matters**

27. The site is near to Listed Buildings. However, as the appeal is being dismissed, the proposal would not have an adverse effect upon their setting.

28. The development would result in the retention of a pedestrian route and would not have an adverse effect upon air quality and flood risk. Whilst these are matters of note, they are unrelated from the main issues and therefore do not lead me to a different conclusion.

### **Heritage Balance**

29. The harm to the character and appearance of the CA would not be severe and therefore it would be 'less than substantial' within the meaning of the National Planning Policy Framework (the Framework). Paragraph 208 of the Framework requires that such harm to be weighed against the public benefits of the proposal.
30. In this instance, the proposal would result in an increase in the overall housing supply in the area in an accessible location. However, although a previous appeal decision has been submitted which assessed the housing land supply position, the Council have confirmed, in their Statement of Case, that there is now a five-year housing land supply. This position has been acknowledged by the appellant in their Final Comments. Accordingly, the Council is currently significantly boosting the supply of homes. Therefore, given the number of new homes that would be generated in the proposal, the increase in the overall local housing supply carries a limited amount of weight.
31. The Council's Committee report indicates that the development would deliver some on-site affordable housing. If this were to be the case, there is no completed legal agreement before me. This means that there is no certainty that the affordable housing would be delivered. Even if I were minded to agree with the findings of the submitted viability assessment, the completed development would not come forward if a proportion of the development was made available for occupation on affordable tenures. In consequence, the potential delivery of affordable housing is a matter that carries limited weight, for I do not have certainty that it can be delivered.
32. The development would result in the reuse of previously developed land. However, I do not have any evidence regarding attempts to market the property for redevelopment and whether other uses or schemes are not feasible. In consequence, it has not been demonstrated that the appeal scheme is the only means by which the site might be developed. In consequence, the reuse of the site carries limited weight.
33. The construction and occupation of the development would generate some economic benefits. However, any such economic benefits arising from the construction process are likely to be time-limited in duration. In addition, the size of the homes is such that they are unlikely to be accommodated by large sized households. Therefore, there is unlikely to be significant amounts of patronage of local businesses and services. In addition, there is no evidence before me that is indicative that existing businesses are struggling for custom. Furthermore, the development would include a new commercial unit. However, it has not been demonstrated that the existing unit is not desirable for a modern occupier. Therefore, the economic benefits can also be given a limited amount of weight.
34. The development would result in some improvements to biodiversity. However, it is unclear as to how the ongoing maintenance of this would be secured throughout the life of the development. Moreover, such improvements

would not be, in quantitative terms, of a large amount, meaning this matter also can be attributed a limited amount of weight.

35. Therefore, when giving great weight to the special attention I must pay to the desirability of preserving or enhancing the character and appearance of the CA, I find that the harm that would arise from the proposal would not be outweighed by its limited public benefits. Accordingly, there would be a conflict with Paragraph 206 of the Framework as harm to designated heritage assets would not have clear and convincing justification.

### **Conclusion**

36. The scheme would conflict with the Development Plan taken as a whole. There are no other material considerations that would indicate that the decision should be made other than in accordance with the Development Plan. Accordingly, for the preceding reasons, the appeal should be dismissed.

*Benjamin Clarke*

INSPECTOR



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# Appeal Decision

Site visit made on 7 May 2024

**by R Norman BA(Hons), MA, MRTPI**

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

**Decision date: 14 October 2024**

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**Appeal Ref: APP/J1915/W/23/3325171**

**Land at Church Lane, Hunsdon, Hertfordshire SG12 8PW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Richard Page against the decision of East Hertfordshire District Council.
- The application Ref is 3/22/2156/FUL.
- The development proposed is a self-build dwelling and associated garage and access.

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The appeal site is in proximity to a number of listed buildings, namely Grade I Hunsdon House to East of Parish Church (hereafter referred to as Hunsdon House)<sup>1</sup>; Grade I Parish Church of St Dunstan (Church of England) ¾ Mile South of Village (hereafter referred to as Parish Church of St Dunstan)<sup>2</sup>; and Grade II Hunsdon House Lodge 280 metres North of Church (hereafter referred to as Hunsdon House Lodge)<sup>3</sup>.
3. With regard to these designated heritage assets, the Council's decision notice only cites perceived effects to Hunsdon House and its setting. Nonetheless, mindful of my statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the buildings or their settings or any features of special architectural or historic interest which they possess. I am also aware of the representations by interested parties on this matter. On this basis I have included them as part of the main issue concerning heritage matters. Given that both parties have referred to these listed buildings and their settings in their representations, I am satisfied that their interests would not be prejudiced by my approach.
4. Since the appeal was submitted, the Council have published an updated housing land supply position<sup>4</sup>. The Appellant provided comments on the updated housing land supply position<sup>5</sup>. I will return to this later on.
5. In July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and the National

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<sup>1</sup> List Entry 1347687

<sup>2</sup> List Entry 1101973

<sup>3</sup> List Entry 1176041

<sup>4</sup> East Herts Five Year Land Supply Position Statement Addendum – April 2024

<sup>5</sup> DLA Town Planning Letter dated 22 May 2024

Planning Policy Framework: draft text for consultation. The proposed reforms are draft and therefore may be subject to change before the final document is published however the parties have been given the opportunity to provide comments, which I have taken into account in my consideration of this appeal.

6. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
7. The original planning refusal included reason 4 relating to insufficient information having been provided to determine the presence of bat roosts. The Council, in their statement of case<sup>6</sup>, have confirmed that following the submission of a climbing survey<sup>7</sup> it has been confirmed that there are no signs of potential bat habitats or bats present, and no sign of birds nesting. Therefore, reason for refusal 4 has been addressed and I have little before me that would lead me to conclude otherwise.

### **Main Issues**

8. The main issues are:
  - Whether the development would be in a suitable location with particular regard to access to services and facilities;
  - The effect of the development on the character and appearance of the area and the countryside;
  - Whether the proposal would preserve the settings of the Grade I listed buildings, Hunsdon House and Parish Church of St Dunstan, and the Grade II listed building Hunsdon House Lodge; and
  - the effect of the development on the non-designated heritage assets of the surviving WWII structures and Hunsdonbury Historic Park<sup>8</sup>.

### **Reasons**

#### *Location*

9. The appeal site comprises a parcel of land accessed off Church Lane. It is bounded by hedging, trees and post and wire fencing and there is a gate across the existing access point. The site extends back from Church Lane and forms an irregular shape and is grassed.
10. The main settlement of Hunsdon is located to the north of the appeal site. The appeal site sits within a small hamlet of properties known as Hunsdonbury, which is relatively detached from the main village. Immediately outside of the appeal site there are no footpaths along the road.
11. Policy DPS2 of the East Herts District Plan (2018) (District Plan) outlines the settlement hierarchy and identifies that the third strand of the hierarchy would

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<sup>6</sup> Paragraphs 19 and 20

<sup>7</sup> Appendix B Appellant's Statement of Case

<sup>8</sup> Also referred to as Locally Important Hunsdonbury Historic Park and Garden on the Neighbourhood Plan Policies Map Figure 11

- be limited development in the villages. The appeal site falls outside of the village of Hunsdon.
12. The appeal site also falls within the Rural Area Beyond the Green Belt. Policy GBR2 of the District Plan lists the types of development that would be permitted within these areas, provided they are compatible with the character and appearance of the rural area. In relation to new housing, the policy allows for limited infilling or the partial or complete development of previously developed sites in sustainable locations and rural exception housing, amongst other things.
  13. There are a number of facilities within walking distance of the appeal site, including a village hall, school, post office and church<sup>9</sup>, however the suitability of the walk as well as the distance needs to be considered. The proposal would provide a new stretch of footpath from the driveway to the north eastern corner of the appeal site, which would be closer to the main village than the main vehicular access. However the remaining route along Church Lane is poorly lit, with blind bends and high verges which would make it difficult for drivers to see pedestrians. Furthermore, the roadway is reasonably narrow leaving little room for two cars to pass if a pedestrian or cyclist was in the road.
  14. There are footpaths which cross through the countryside and Footpath Number 4 runs through the appeal site which could provide alternatives to walking along the main road for the entirety of the journey. However, Footpath Number 4 is not a direct route, coming out along Hunsdonbury, and would still require some parts of that road which are unlit and without footpaths, to be traversed before reaching the nearest footpaths.
  15. There is an existing hourly bus service to Hertford and Bishops Stortford as well as rail connections. The nearest bus stop is within Hunsdon, and the nearest stations are in Harlow Town and Stansteads Abbots. Whilst the bus stop is within walking distance from the appeal site and the stations are within a reasonable cycling distance, the suitability of the routes would be likely to discourage pedestrians and cyclists for the above reasons. As such, whilst these facilities are available, I do not consider that they are suitably accessible for pedestrians and cyclists and would likely result in a reliance on the use of private vehicles in the first instance.
  16. The Appellant considers the appeal site forms previously developed land. The Framework, in the Glossary, defines previously developed land as being land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. It also identifies a list of exclusions to this definition, comprising land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape amongst other things. The appeal site was occupied by WWII shelters and mess buildings, and three small buildings remain on site. Markings remain on the ground where other WWII buildings were once sited.
  17. The Council do not dispute that the appeal site may constitute previously developed land however state that the proposed dwelling and garage would not be sited on an area which is currently occupied by an existing structure. Nevertheless, I consider that, notwithstanding the location of the proposed

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<sup>9</sup> Table 1 of Appellant's Statement of Case



dwelling, there is evidence of the previous development on the wider appeal site as a whole and based on the historic plan<sup>10</sup> of the site it would be reasonable to conclude the dwelling would be within the curtilage of the previous structures. As such, I find that the appeal site does constitute previously developed land in this instance.

18. Given the site's distance from the main settlement and notwithstanding the provision of an additional area of footpath within the appeal site, the pedestrian access into the village would be poorly lit, narrow and unlikely to provide an attractive route for pedestrians from the appeal site. Whilst one dwelling would not generate significant levels of additional vehicle movement, the development would conflict with policies DPS2, GBR2 and TRA1 of the District Plan and Policy HT1 of the Hunsdon Neighbourhood Plan 2019 – 2033 (Neighbourhood Plan). These seek to maintain the Rural Area Beyond the Green Belt as a valued countryside resource and deliver sustainable development in accordance with the settlement hierarchy, amongst other things.

#### *Character and Appearance and the Countryside*

19. The appeal site is located within an area characterised by a small cluster of properties forming the hamlet of Hunsdonbury, set within the wider rural landscape and countryside. Most of the properties sit along the opposite side of Church Lane to the appeal site.
20. The appeal site is located within the Rural Area Beyond the Green Belt for the purposes of Policy GBR2(e). This policy indicates that certain types of development in these areas would be permitted provided that they are limited infilling or the partial or complete development of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings) in sustainable locations, where appropriate to the character, appearance and setting of the site and/or surrounding areas.
21. The appeal site also falls within Area 81 of the Landscape Character Assessment Supplementary Planning Document. The Character Assessment seeks to ensure proposed development is only permitted where it will enhance local landscape character, amongst other things.
22. The appeal site is currently occupied by trees, hedging and grassland. Markings of buildings and small existing structures remain. The introduction of a dwelling into the appeal site would reflect the general form in the immediate locality of individual properties set within substantial, spacious and verdant curtilages. However, the existing properties are located on the other side of Church Lane. Therefore, the property would introduce a built form into an area which, aside from the small structures within the site itself, and the existing development located along Hunsdonbury to the north, is rural, undeveloped countryside.
23. The proposed dwelling would be sited centrally within the narrower part of the appeal site. It would be a two-storey property comprising a contemporary Huf-Haus style, post and beam house with asymmetrical roofing. It would be constructed of timber with large areas of glazing. It would have an open plan arrangement. The proposal would also include a detached garage with flat roof

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<sup>10</sup> Figure 9 Appellant's Statement of Case



and a new vehicular access and pedestrian access. The detached garage block would be located along the southern side boundary.

24. The dwelling would be constructed using highly sustainable principles including a generous roof overhang to keep the property cool during summer, the use of timber and glazing, external blinds, triple-glazed windows, the installation of PV panels and underfloor heating. There would also be a charging point for electric bikes and an air source heat pump. This would reduce overall energy uses and the carbon footprint of the property and would mean there would be no need for gas or oil pipelines. This would be a consideration in favour of the proposal.
25. There are existing established trees and hedging around and within the appeal site and the proposed dwelling would nestle within the trees and be set back from Church Lane. There may be the removal of a frontage tree to facilitate the access point. Whilst the proposal would introduce a built form into this side of Church Lane, the proposed design, scale, siting, orientation and materials of the dwelling would assist in minimising the overall visual impact of the property and would result in a degree of assimilation into the rural landscape. Nevertheless, despite the overall design minimising the overall impact, the appeal site sits within an undeveloped area, therefore the introduction of a property along the western side of Church Lane would be at odds with the prevailing character of the immediate area. Whilst the site is previously developed land and there are the surviving WWII structures on the site, these are very modest in scale and are heavily assimilated into the landscape.
26. As such, the proposal would be in conflict with Policies DES2, DES4 and GBR2 of the District Plan and HHD6 of the Neighbourhood Plan. Collectively, these seek to ensure that development conserves, enhances or strengthens the character and distinctive features of the district's landscape, promotes local distinctiveness, and where the land is previously developed (brownfield land), be appropriate to the character and setting of the site and/or surrounding area, amongst other things.

#### *Listed Buildings*

##### *Hunsdon House*

27. The appeal site is close to Hunsdon House which is a mid-15<sup>th</sup> century moated country house and, being Grade I listed, a designated heritage asset of the highest significance. It is set adjacent to the Parish Church of St Dunstan and is visible from Church Lane. The property is set back from the Church and faces towards the main road. It comprises a wide frontage with red brick and is of a substantial scale. The property has undergone some extensions and alterations throughout the years including for the occupation of Henry VIII and subsequent occupiers. It has formal laid out gardens which are reasonably extensive, stretching out behind the Church and churchyard. Its driveway is bounded by elaborate and highly detailed wrought iron gates.
28. Its special interest and significance mainly lies in it remaining one of the most important medieval houses in the country, and it has been described by Pevsner (1977) as a house of the greatest historical interest.
29. Pertinent to the appeal, Hunsdon House's proximate landscaped gardens, as well as its wider parkland surroundings also add in a meaningful way to the building's heritage merit. This is due to not only the surrounding land's physical

and visual relationships with the listed building, but also its historic functional associations with the House, arising from its use as a deer park and for pastimes such as hunting by the Tudor monarchs.

The open, undeveloped and verdant character of the listed building's wider setting, which includes the appeal site, adds to the authenticity of experiencing Hunsdon House and the appreciation of its significance. As such, the listed building's wider setting, including the appeal site, contributes in a positive way to its special interest and significance.

#### Parish Church of St Dunstan

30. Adjacent to Hunsdon House is the Grade I Listed Parish Church of St Dunstan, also a designated heritage asset of the highest significance. It dates from the early 14<sup>th</sup> century, part of which was constructed at the same time as Hunsdon House. It is constructed of flint rubble with stone detailing and a tiled roof and the tower fronts onto Church Lane with a narrow, tiled spire rising from the tower parapet. It sits within a modest, landscaped churchyard and is bounded to Church Lane by a red brick wall and iron gates.
31. Its special interest and significance largely stems from it being a fine example of a late medieval parish church and its timber porch is reported to be the oldest example of such in the country. Collectively, as a result of its construction, materials and internal and external detailing it holds outstanding interest and forms a highly important landmark building, highlighted by its location in relation to Church Lane and the surrounding public realm. Due to its proximity to Hunsdon House and its location nestled within the wider grounds of the listed property, it forms an important and picturesque historic group with Hunsdon House and therefore their significance is historically intertwined.
32. Relevant to the appeal, this listed building's special interest and significance are also derived in part from its setting. The relationship of the Parish Church of St Dunstan with Hunsdon House and its subsequent associations with the partly open, partly wooded parkland surroundings, add in a positive way to appreciate the Church's heritage merit.
33. Therefore, the Parish Church of St Dunstan's wider setting, including the appeal site, contributes in a positive way to its special interest and significance.

#### Hunsdon House Lodge

34. Hunsdon House Lodge is a Grade II listed building located opposite the appeal site. It is a one and a half storey Gothic former gate lodge of brick and tile construction. It is set adjacent to an ample driveway and within a large, landscaped curtilage.
35. The special interest and significance of Hunsdon House Lodge is largely appreciated through its example of a Gothic lodge that would have originally been related to Hunsdon House. It retains historic Gothic detailing and these intrinsic architectural qualities, coupled with the use of local materials, provide an eye-catching and striking example of a mid-19<sup>th</sup> century property.
36. Pertinent to the appeal, the special interest and significance of this asset also stems in part from its setting with strong historic and functional associations of the Lodge with Hunsdon House and this with the surrounding parkland. The rural, open and undeveloped character of this listed building's wider setting

allows Hunsdon House Lodge to be experienced and its significance appreciated in an authentic and legible way. As such, the listed building's wider setting, which includes the appeal site opposite, contributes in a positive way to its special interest and significance.

#### *Non designated heritage assets*

##### Surviving WWII Structures

37. Within the appeal site itself are a series of historic structures comprising two Stantons and a mess building, dating from World War II. These are associated with the wider RAF Hunsdon site which is a Scheduled Monument (List Entry 1020748) however do not themselves form part of the scheduling. In addition, there are markings of the other former huts visible on the ground.
38. The non-designated heritage assets within the appeal site, mainly derive their significance as well-preserved examples of historic war structures. They relate in part to the wider historical significance of the network of military sites including the airfield at RAF Hunsdon and other related wartime remains and provide an understanding of the airfield and how it was historically laid out and functioned. These shelters remain in reasonably good condition, with access retained, and the original concrete panel with an earth covering above. The mess building still has evidence of the internal room layouts and fittings and appears also to remain in a reasonable condition.
39. Their significance is also gained in part from their immediate and wider surroundings. The open and undeveloped nature of the appeal site enables their associations with each other and to the wider RAF Hunsdon Site to be understood and appreciated. As such, the structures' immediate setting contributes in a positive and tangible way to their significance.

##### Hunsdonbury Historic Park

40. Hunsdonbury Historic Park is identified as a non-designated heritage asset in the Hunsdon Area Neighbourhood Plan (Policy HHC2). The appeal site abuts the northern boundary of this asset. The appeal site allows for partial views across Hunsdonbury Historic Park through the existing vegetation.
41. The significance of this Historic Park is derived from its contribution to the historic Deer Park established by Henry VIII. It formed part of the wider estate, strongly associated with the nearby listed buildings, and remains connected, allowing the undeveloped and rural character of the land surrounding the asset and its significance to be appreciated. Thus, the asset's setting which includes the appeal site, positively contributes to its significance.

#### *Effects of the proposal*

##### Listed Buildings

42. The appeal proposal would be located within the centre of the appeal site with the proposed garage set further forward towards the road. In relation to the Grade I listed group consisting of Hunsdon House and the Parish Church of St Dunstan the appeal site is located some distance from these and in visual terms would be unlikely to have an unduly harmful effect. However, the setting of listed buildings is not restricted to just a visual and physical component and the wider historic network is also required to be considered. The historic

significance of the wider Hunsdon House Lodge and associated parkland is tied to Hunsdon House and the Parish Church of St Dunstan which would have been historically linked. Whilst the intervisibility of the appeal site and Hunsdon House and the Parish Church of St Dunstan is limited by intervening vegetation and the road, the significance of the wider historic parkland is still appreciated.

43. Notwithstanding the degree of physical separation between the appeal site and the Grade I listed buildings themselves, the proposal would result in the introduction of built form comprising both the dwelling and garage, and including extensive hard landscaping for the driveway and access and formal landscaping within the wider setting. This would result in the erosion of the open quality of the site and would adversely affect the characteristics of the wider setting. This would, in turn, dilute the ability to appreciate the historic relationship between the listed buildings and the surrounding landscape.
44. Hunsdon House Lodge is located on the opposite side of the road to the appeal site but is nevertheless seen in the context of the site. The set back of the dwelling and the overall design and screening would reduce the visual impact between the properties somewhat, however Hunsdon House Lodge forms part of the wider former Hunsdon House Estate which includes the surrounding parkland.
45. The proposed development would appear as an intrusion into the undeveloped and verdant site which currently makes a positive contribution to the setting of the listed buildings. This would therefore alter the character and appearance of this area and the relationship between the designated heritage assets and their legibility.
46. The proposal would therefore undermine the authenticity of experiencing the assets and would affect the ability to appreciate their significance. As a result, it would fail to preserve the assets' setting and thus would harm their significance.

#### Non-designated Heritage Assets

47. All of the surviving WWII structures would remain in situ and intact as part of the proposal. At present, the structures within the site are modest and successfully assimilated into the landscape. They are sited so as to be partially hidden which reflect the intentions of locating them in a discrete manner in the first place. To introduce a property into the appeal site would bring with it ancillary domestic structures and areas of hardstanding. Furthermore, the proposed garage would sit close to the front air raid shelter building, with a driveway and access running alongside. The proximity of the garage and hardstanding to this historic building would be overbearing and distract from the historical legibility of the wartime structures.
48. The appeal site adjoins the Hunsdonbury Historic Park and Garden. The introduction of a dwelling into the appeal site would result in a degree of disruption to the open rural character associated with the parkland setting. This, in turn would result in a change in the historic character of the connected sites and introduce an alien and out of character structure into this wider setting. As such, the proposal would diminish the contribution that the setting of this parkland landscape makes to the historic understanding and experience of the area and would erode its significance.

49. Accordingly, I conclude that the proposal would fail to preserve the settings of the Grade I listed buildings, Hunsdon House and Parish Church of St Dunstan, and the Grade II listed building Hunsdon House Lodge, and would harm the significance of these designated heritage assets. The proposal would therefore conflict with the statutory presumption of section 66(1) of the Act. Based on the scale and nature of the proposed development, the level of harm individually and cumulatively would be less than substantial in this instance but nevertheless be of considerable importance and weight.
50. Furthermore, the development would result in harm to significance of the non-designated heritage assets of the surviving WWII structures and Hunsdonbury Historic Park.
51. The proposal would also fail to comply with Policies HA1, HA2 and HA7 of the District Plan and Policies HHC1 and HHC2 of the Neighbourhood Plan. These require development to preserve and enhance the significance of the assets and their settings in the Area, and where non-designated heritage assets are affected, a balanced judgement should be made having regard to the scale of any harm of loss and any less than substantial harm should be weighed against the public benefits of the proposal, amongst other things.

### **Other Matters**

52. The proposal would be a self-build dwelling and the Council acknowledge that there is currently a shortfall in the provision of self-build plots within the District. The provision of a self-build plot would therefore be a benefit, albeit it would only make a limited contribution to the shortfall.
53. The Council published their Five-Year Land Supply Position Statement Addendum – April 2024 which identified that they could now demonstrate a 5.95 year housing land supply position. The Appellant has raised some doubts about the delivery assumptions and windfall allowances however state that the changes are unlikely to be sufficient to undermine the overall five-year supply. As such, the Council's ability to demonstrate a five-year supply is not disputed and therefore the tilted balance referred to in the Framework is not engaged in this case.
54. Letters of objection have been received from the Hunsdon Parish Council and a local resident in relation to the appeal. However, given my overall findings on the case it is not necessary for me to address these further.

### **Heritage Balance**

55. The Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). I have identified that less than substantial harm would arise to the designated heritage assets through development within their settings. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes securing the optimum viable use of the heritage asset.
56. Paragraph 209 of the Framework identifies that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and a balanced judgement will be

required having regard to the scale of any harm of loss and the significance of the heritage asset. I have found that the proposal would result in some harm to the significance of the non-designated heritage assets from development within their setting.

57. Benefits would arise from the provision of a property towards the Council's custom and self-build requirements, as well as the use of previously developed land and the high environmental and sustainability standards that the property would be constructed to. There would also be a heritage benefit arising as a result of the retention of the surviving WWII structures within the appeal site. The proposal would also give the opportunity for someone to occupy the appeal site and therefore attend to the ongoing maintenance of these historic structures. However, whilst this is a likely benefit, there is no formal mechanism put forwards for this to be secured.
58. Taking into consideration the public benefits that would arise from the appeal proposal, I consider that these would not be sufficient to outweigh the considerable importance and weight I attach to the less than substantial harm to the significance of the designated heritage assets arising for the above reasons.
59. Furthermore, in undertaking a balanced judgement, the proposal would have a harmful effect on the significance of the non-designated heritage assets within and adjacent to the appeal site.

### **Overall Planning Balance**

60. In addition to the less than substantial harm in relation to the designated heritage assets and the harm I have identified in relation to the non-designated heritage assets, for the above reasons I have found conflict with Policies DPS2, GBR2, TRA1 DES2, DES4 and GBR2 of the District Plan and HT1 and HHD6 of the Neighbourhood Plan in relation to the location of the appeal site and the impact on the form and character of this part of Church Lane. Although there would be a conflict with the development plan in relation to the location of the appeal site in relation to services and facilities, the amount of traffic generation from one property would be limited. However, the proposal would be harmful also to the character of the area given the lack of nearby development along the western side of Church Lane.
61. Taking all of the above into the overall planning balance, the proposed development would conflict with the development plan as a whole. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan.

### **Conclusion**

62. For the reasons given above, and having had regard to all matters raised, the appeal should be dismissed.

*R Norman*

INSPECTOR





## Appeal Decision

Site visit made on 23 September 2024

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 October 2024

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**Appeal Ref: APP/J1915/D/24/3346206**

**29 Bishops Road, Tewin, Hertfordshire AL6 0NP**

- 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 Simon Eden against the decision of East Hertfordshire District Council.
  - The application reference is 3/24/0377/HH.
  - The development proposed is rear ground floor extension and first floor extension over existing ground floor area; front extension to form double gable; demolition of detached garage to form integral garage; alterations to roof and installation of two rear dormer windows.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are whether the proposal would amount to inappropriate development within the Green Belt; whether there would be any other harm to the Green Belt; the effect on the character and appearance of the area; 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 necessary to justify the development.

### Reasons

3. The proposal represents an extension to a dwelling within the Green Belt. It therefore falls to be considered with regard to policy GBR1 of the East Herts District Plan 2018 (LP). This advises that such applications will be considered in line with the provisions of the National Planning Policy Framework.

#### *Whether inappropriate development*

4. The *National Planning Policy Framework 2023* advises that the construction of new buildings should be considered as inappropriate in the Green Belt. It sets out exceptions to this position in paragraph 154c which accepts that the extension or alteration of a building would not be inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.
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5. The appellant and local residents have referred to a 50% increase in both floor space and volume with regard to what constitutes a disproportionate addition. The *Framework* does not specify a figure as to what represents disproportionate additions or how it should be calculated. I have found no basis for the 50% figure within any provided adopted local policy. This figure cannot therefore be afforded any weight.
6. The *Framework* defines original building as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. Very little definitive evidence has been provided but it has been suggested that the property was built in 1960.
7. The council calculate that the original building had a floor area of 142m<sup>2</sup> whilst the proposal would have a floor area of 173m<sup>2</sup>, an increase of 121.7%. The appellant advises that the existing property has a ground floor area of 108.48m<sup>2</sup> with the garage being a further 15.49m<sup>2</sup>, giving a total of 123.97m<sup>2</sup>; and the proposed ground floor extension would have a floor area of 53.77m<sup>2</sup>. The appellant suggests that the council's figures are wrongly based on a conclusion that the rear ground floor element was not original to the property.
8. Neighbouring residents suggest that the property was extended to the rear in 1976 and make reference to planning application 3/76/0455. The appellant suggests that this application related to a side extension that was not built. The council's report simply refers to that application as an extension. No other information is provided. From my visit, it appeared that the brickwork of the rear element is an exact match with the main part of the house. It does have a straight brickwork joint in the south facing side elevation where it meets the two storey element, suggesting that it was built separately. However, the evidence is inconclusive.
9. The proposal includes considerable alterations to both the first floor and the roof form of the property. In these circumstances, it is not appropriate to rely only on ground floor footprint comparisons. Reliance on overall footprint calculations, as suggest by the council, would also represent a limited approach to the necessary assessment. In the absence of any local policy guidance and given the nature of the changes proposed, it is important to consider the impact on openness with regard to the overall change in scale of development. Whilst overall floor area calculations are of some assistance, comparative volume calculations would perhaps have been more instructive, in these particular circumstances.
10. It is however clear that the roof form of the dwelling would be substantially increased both in terms of the width of the highest part of the roof and its overall depth. The second, full height, front gable would add to this increase in scale as would the first floor additions to the rear and side. The new single storey rear extension would add a further substantial addition. Overall, the original form of the dwelling would be lost and subsumed into a substantially greater scale of building. These changes, even if the flat roof element were considered to be original, would result in disproportionate additions over and above the size of the original building.



11. The proposal would therefore reduce the openness of the Green Belt and represent inappropriate development. The *Framework* is clear that substantial weight should be given to any harm to the Green Belt.

*Character and appearance*

12. The existing property has a distinctive appearance and sits comfortably within its existing setting. The space around it, is important in this low density environment. The increase in scale, particularly the substantially increased bulk and width of the upper elements, would result in the building being more dominant and strident in appearance; and relatively cramped in its setting.
13. The existing house has a distinctive roof form and pleasing proportions which are complemented by the single front gable, overhanging eaves and chimneys. The proposed design of the frontage would be particularly weak with the positive design features lost and the new built elements and fenestration, offering little design quality or unity. The proposal would not represent a high standard of design and would detract from the character and appearance of the area.
14. The proposal would conflict with LP policies HOU11 and DES4(I) as it would not be of a size, scale, mass, form or design that would be appropriate to the character, appearance and setting of the existing dwelling; it would not appear as a subservient addition to the dwelling; and it would not be of a high standard of design that would reflect and promote local distinctiveness.

*Other considerations and conclusions*

15. The *Framework* is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
16. The appellant has made reference to other considerations. These generally relate to the view that openness and the objectives of the Green Belt would not be harmed and that the proposal would have a satisfactory appearance. Whilst I disagree with this assessment, I am satisfied that the proposal would have only a limited impact on neighbouring residents with regard to privacy and outlook. It would also result in considerable investment with improvements to living conditions and the quality of the building fabric. Other improvements to landscaping and biodiversity could also be required by conditions.
17. In conclusion, having considered the matters put forward, I am not satisfied that the harm to the Green Belt by reason of inappropriateness, would be clearly outweighed by other considerations. Very special circumstances do not therefore exist to justify the proposal. The quality of the design and the harm to the character and appearance of the area add to this concern. I therefore dismiss the appeal.

*Peter Eggleton*  
**INSPECTOR**



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## Appeal Decision

Site visit made on 10 September 2024

**By Terrence Kemmann-Lane JP DipTP FRTPI MCMi**

an Inspector appointed by the Secretary of State

Decision date: 3 October 2024

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**Appeal Ref: APP/J1915/W/24/3336977**

**38 North Street, Bishop's Stortford, CM23 2LW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Leslie Paul against the decision of East Hertfordshire District Council.
  - The application Ref is 3/23/0239/FUL.
  - The development proposed is roof extension & alterations to create a second floor comprising 2 x one bedroom flats, part change of use of ground and first floor from class E (shop) to C3 (residential), two storey rear extension including new bin store and new entrance door to south elevation.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this case are: i) the effect of the proposed roof extension on the character and appearance of the existing building, streetscene and the Bishop's Stortford Conservation Area; and ii) the standard of amenity for the future occupiers of the proposed residential units.

### Reasons

3. The site is occupied by a part one, part two storey building on the corner of North Street and Water Lane within the town centre and the Bishop's Stortford Conservation Area. It is also located in a Primary Shopping area and the Secondary Shopping Frontage, and falls within the Neighbourhood Plan Area for Silverleys and Meads Wards.

The effect on the character and appearance of the existing building, streetscene and the Bishop's Stortford Conservation Area

4. Since the site is situated within the Bishop's Stortford Conservation Area, there is a statutory duty under section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to ensure that development proposals preserve or enhance the character or appearance of the conservation area. The appeal building is referred to in the Bishop's Stortford Conservation Area Appraisal, wherein it states "*No. 38 North Street, Edwards Interiors. 19th century single storey shop of painted brickwork, pilasters with decorative capitals supporting parapet. It is important that such architectural detailing is preserved and retained. Formal protection is provided by existing planning controls.*"

5. The policies of East Herts District Plan that are of particular relevance are HA2 'Non-Designated Heritage Assets' and HA4 'Conservation Areas'. Policy HA2 essentially requires preservation and enhancement of the historic environment and that proposals that lead to harm to a designated heritage asset will not be permitted unless public benefits outweigh the harm. Policy HA4 states that *"New development, extensions and alterations to existing buildings in Conservation Areas will be permitted provided that they preserve or enhance the special interest, character and appearance of the area"*, subject to certain expectations.
6. A material consideration of importance is the National Planning Policy Framework (NPPF), the latest edition of which was published in December 2023. Paragraphs 205 – 214 are relevant, particularly paragraphs 205 – 209. The last of these states: *"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset"*.
7. The appeal building, No.38 North Street, is a non-designated heritage asset (NDHA), occupying a prominent position within the conservation area. Whilst unlisted, it contains a good deal of architectural detail. The front is single storey, the style is C19 commercial neoclassical and the structure wraps around the corner with Water Lane. The construction is in brick, and each bay of the frontage to North Road is framed by stucco dressings – a panelled plinth, fluted composite pilasters and an entablature above, with cornice, blocking course and coping. The large plate glass windows are vertically proportioned, with a large pane below and three tall windows above the horizontal transom. Above that are the hipped roofs in slate, with terracotta ridge tiles.
8. The single storey elevation to North Street, and the chamfered corner to Water Lane, together with the 2-storey remaining element of the site on Water Lane, would remain largely unaltered below their parapets. Behind these parapets, these 2 elements of the building currently have separate hipped slated roofs, little of which is seen from ground level. The principle visual change in the appeal proposal is the replacement of the 2 hipped roofs with single 'mansard' roof.
9. This roof would have, on the 2 street frontages, sloping sides topped for the majority of its area by a flat roof. The sloping elements on the west and south elevations would be covered in natural slates reclaimed from the existing roof. There would be a new lead dormer with painted timber windows set above the junction of the single and 2-storey elements on Water Lane, and a slightly higher mansard/hip-roof element, a little to the east, running back from the Water Lane frontage.
10. The other elevations, the returns to the north from Water Lane and the return from North Street, would be hidden from the public domain by adjoining buildings. These would be the least satisfactory parts of the design, incorporating uPVC windows and dormers. But since they would be hidden from view, and since this is not a listed building, I consider that they would have a neutral effect on the character or appearance of the conservation area.

11. At the present time the 2 roof elements of the appeal property play a very minor part in the appearance of the building, unlike the 2 chimneys, particularly the northern one that is such a feature. That would not be the case with the proposed development. The top of the mansard along the front would be noticeably higher and would wrap around the corner almost to the top of the southern chimney. This would mean that the proposed roof would be more prominent, especially from the west on North Street and in the diagonal view from the south-west across the entry to Water Lane.
12. Whilst North Street is dominated by 2 and 3 storey buildings, and the neighbour of the appeal building to the north is of 2-storeys by virtue of the falling ground levels, the attractive and seemingly unaltered façade of the appeal property is very much that of a single storey building with its parapet and low hipped roof behind. The proposed changes to the appearance on North Street and as the building turns the corner into Water Lane, would be visually intrusive, and damaging to the character and appearance of this part of the conservation area. Whilst No.38 is a NDHA, without having the importance of a listed building, I consider that it is of considerable visual significance at the northern entrance to North Street, as it rises from Hadham Road. There would also be an impact on the setting of the listed building at Nos.31-34 North Street.
13. I therefore conclude that proposal would be harmful to the significance of the NDHA and the conservation area. In reaching this conclusion I have noted the reference by the appellant to the grant of planning permission by the council for extensions and alterations to create additional residential flats at No.42 North Street, just a short distance to the north. I have viewed the 'Existing' and 'Proposed' plans, and therefore am able to judge the changes to that building. I have also noted the further reference to a proposal at No.40a North Street. As far as No.42 is concerned, it appears to me that there are considerable differences between that development and the appeal proposal. I do not regard the permission that the council has given as any justification for coming to a different conclusion to the one that I have reached in this case.

The standard of amenity for the future occupiers of the proposed residential units

14. The objection by the council under this issue relates to the floorspace of proposed flat 2. Policy DES4(f) of the District Plan requires that all new residential units have rooms that are of appropriate size and dimensions. The Technical Housing Standards (Nationally Described Space Standards) (2015) set out the minimum space standards for new residential properties.
15. The standards require that one bedroom properties provided over one floor should measure at least 50 m<sup>2</sup> in internal floor area when having a double room/twin bedroom, with that bedroom having a floor area of at least 11.5m<sup>2</sup>. Because the submitted plans (drawing No. 001-09 Rev E) showed Flat 2 as having a floor area of 44 m<sup>2</sup> and a bedroom of 12.7 m<sup>2</sup>, it counted as a 2 person double bedroom. Therefore the 'at least 50 m<sup>2</sup> in internal floor area' was not met. The appeal documents included a drawing No. 001-09 Rev F which showed Flat 2 having a floor area of 44 m<sup>2</sup> and bedroom of 11.3 m<sup>2</sup>, thereby meeting the floor space requirements.

16. However, the council's refusal notice did not list drawing No. 001-09 Rev F, and this was not an application plan. Whilst the Rev. F drawing appears to show a satisfactory scheme in respect of issue 2, the application drawing did not show a scheme that met the standards. Nevertheless, had I found the proposal acceptable on the first issue, it could have asked the council for its views and then it might have been possible to take the Rev F drawing into account.
17. In the circumstances of this case, I must find that the application fails on the second issue. The proposed development would therefore fail to comply with policy DES4 of the District Plan which seeks to ensure that all internal rooms are of an appropriate size and dimension so that the intended function of each room can be satisfactorily achieved.

### **Conclusions**

18. I have taken account of all the matters raised and carefully read the submitted Heritage Impact Assessment. Whilst there is much in that document that I can agree with, it will be clear that I have reached a different conclusion on the first issue. That conclusion is that the proposed changes to the appearance on North Street and as the building turns the corner into Water Lane, would be visually intrusive, and damaging to the character and appearance of the existing building, streetscene and the Bishop's Stortford Conservation Area. I judge this harm to the heritage assets concerned as being less than substantial.
19. Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (NPPF paragraph 208). The public benefits of the proposal are the creation of 2 flats, and although it has not been raised, possibly securing a viable optimal use. The matter of the 5 year housing land supply has been mentioned, but that is not convincing in bringing into effect the balance required in NPPF paragraph 11 d). Even if the generality of 11 d) were in play, 2 additional small dwellings would not outweigh "*the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*" which include the policies relating to designated heritage assets. In this case, the harm outweighs the public benefits.
20. The proposal is therefore contrary to Policies DES4, HA2 and HA4 of the East Herts District Plan 2018 and those of the NPPF that have been referred to.
21. In addition, on the basis of the drawings supporting the appeal proposal at application stage, I find that the proposed development would fail to comply with policy DES4 in that all internal rooms would not be of an appropriate size and dimension, as required by that policy.
22. For these reasons the appeal will be dismissed.

*Terrence Kemmann-Lane*

INSPECTOR



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# Appeal Decision

Site visit made on 25 September 2024

**by N Teasdale BA (Hons) DipTP MRTPI**

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

**Decision date: 28 October 2024**

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**Appeal Ref: APP/J1915/W/24/3336444**

**Waterfront House, Station Road, Bishops Stortford, Hertfordshire CM23 3BL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
  - The appeal is made by Mr W Thomas against the decision of East Hertfordshire District Council.
  - The application Ref is 3/23/1149/FUL.
  - The development proposed is demolition of existing two storey office building and erection of a new four storey residential block consisting of 4 one bedroom flats, 4 two bedroom flats and 1 three bedroom flat - resubmission.
- 

## Decision

1. The appeal is dismissed.

## Applications for costs

2. An application for costs was made by Mr W Thomas against East Hertfordshire District Council. This application is the subject of a separate decision.

## Procedural Matters

3. The description of development in the above banner heading has been taken from the original application form. The decision notice does however include first floor and second floor rear facing balconies and third floor terrace. I have determined the appeal accordingly.
4. The Council has confirmed that following the determination of the application, a new five-year housing land supply position statement has been published which confirms that the Council is able to demonstrate a housing land supply in excess of five years. On this basis and without any compelling evidence to the contrary, paragraph 11 d) of the National Planning Policy Framework (the Framework) is not engaged in the determination of the current appeal.

## Main Issues

5. The main issues are:
  - The effect of the proposed development on the character and appearance of the site and surrounding area, including whether it would preserve or enhance the character or appearance of the Bishop's Stortford Conservation Area (CA); and
  - Whether the proposed development would be suitably located having regard to its location to the river and the risk of flooding.



## Reasons

### *Character and appearance*

6. The appeal site relates to an existing two storey office building which sits next to the river Stort. It is located behind the retail units which front onto Station Road with access provided via the narrow passage to the rear of the retail units. Although the site is within a back-land position with no road frontage, it is prominently located by being clearly visible from the bridge on Station Road to the north and from the river path which runs alongside the site to the east.
7. The site lies within the CA and I have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. I have had regard to paragraph 205 of the Framework which explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
8. The CA is noted for its large prosperous market town which continues to evolve but at the same time maintains its medieval heritage. The Bishops' Stortford Conservation Area Appraisal and Management Plan, 2014 (CAAMP) explains that the CA generally has a diverse and high-quality built environment with substantial numbers of worthy buildings. However, there are several sites that detract and one of these which is particularly disruptive is the Mill site whose tall buildings and silos dominate many views and much of the town. It is recognised that the setting of the site and the immediate vicinity within the Conservation Area could do with some improvements.
9. The proposed development seeks planning consent for the demolition of an existing two storey office building, and for the erection of nine flats contained in a four-storey building on this site.
10. The site is set down at a lower level than Station Road and the shop units to the immediate north of the site are two storeys, but because of the change in levels they are only single storey fronting the highway. The buildings either side of the access are two storeys in height on Station Road. To the south is Nicholls Lodge a flatted scheme which ranges from two to four storeys although the two storey elements are adjacent to the appeal site. On the other side of the river are a number of taller buildings with a number of other larger buildings evident within the wider area. Based on my observations onsite, the existing building is however read alongside those immediately to the north and south of the site.
11. The proposed development would replace the existing building with a four storey building almost entirely spanning the width of the site being close to the two-storey shops on Station Road. The overall height despite the top floor being setback on all sides from the footprint of the main building along with its overall scale would dominate the modestly sized shops appearing as an unsympathetic addition to its surroundings. It would dominate the view from the River Stort and adjoining path, and views looking south from the bridge at Station Road. The flat roof design and elevational details would further emphasise its impact by failing to complement the character of the area which would be overbearing when read alongside its adjoining buildings to the north and south. The footprint of built development would increase to the extent of

appearing cramped, with very little space retained to the side boundaries in particular with limited scope to undertake any meaningful soft landscaping as part of the development.

12. I acknowledge the appellants' claims regarding the site's context lying within an area that the CAAMP describes as being particularly in need of some improvements. This would not however alter my findings as the proposed development would still be out of context in this particular location and would not improve the built environment. A lack of objection from the Town Council would also not mean that the development would not be harmful and thus would not alter my findings.
13. For the reasons given above, I conclude that the development would unacceptably harm the character and appearance of the site and surrounding area and thus would fail to preserve the character or appearance of the CA. Given the nature of the proposals, the harm is localised and is therefore less than substantial within the meaning of the Framework. Paragraph 208 of the Framework explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
14. The benefits associated with the scheme include the provision of nine dwellings added to the local housing stock in a highly sustainable location. There would be employment created during the construction of the building, along with the likely purchasing of building materials locally. Given the relatively small-scale nature of the proposals, the extent to which these matters are beneficial are limited and are insufficient to outweigh the less than substantial harm to the CA that I have identified which I have attached great weight given the CA's conservation advised by the Framework.
15. The proposed development would therefore be contrary to Policies HA1, HA4, DES2, DES4, and HOU2 of the East Herts District Plan, 2018 (EHDP) and Policies HDP1, and HDP2 of the Bishop's Stortford Town Council Neighbourhood Plan for All Saints, Central, South and part of Thorley 1<sup>st</sup> Revision 2021-2033 (BSNP). These policies taken together, amongst other matters, explain that all development proposals, including extensions to existing buildings, must be of a high standard of design and layout to reflect and promote local distinctiveness. Development proposals should also preserve and where appropriate enhance the historic environment of East Herts.
16. For the same reasons, the proposed development would also be contrary to guidance contained in the Framework relating to conserving and enhancing the historic environment.

#### *Flood risk*

17. The appeal site is located in flood zone 2 with a very small section of the site being within zone 3 although I note the appellants claims that this element appears to remain within the banks of the River Stort and does not encroach into the site. Nonetheless, the Planning Practice Guidance (PPG) explains that for areas at risk of river and sea flooding, this is principally land within flood zones 2 and 3.



18. Paragraph 165 of the Framework sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. The PPG requires a sequential test for major and non-major development if any proposed building, access and escape route, land-raising or other vulnerable element will be in flood zone 2 or 3. It goes further to explain that a development is not exempt from the sequential test just because a Flood Risk Assessment shows it can be made safe throughout its lifetime without increasing risk elsewhere. A Flood Risk Assessment and SuDS Report has been prepared for the site which also confirms that because of its location, a sequential test will be required, and this approach is also required by Policy WAT1 of the EHDP.
19. Details about the sequential test and if necessary, exceptions test are included in the PPG. It should show that there are no reasonably available, lower-risk sites that are suitable for the proposed development. Based on the evidence before me, no such exercise has been undertaken and thus the proposed development fails to demonstrate that other sites at lower risk of flooding are not reasonably available to accommodate the development. The development would therefore be contrary to national and local policy.
20. I am aware of the planning history associated with the site and the previous reasons for refusal. However, it still remains the case that the requirement for a sequential test is clearly set out and the previous reason for refusal would not mean that a sequential test is not required particularly as the previous reason for refusal was on flood risk grounds referring to Policy WAT1 of the EHDP. This Policy specifically states that the sequential test will be used. The Council also set out that the absence of a sequential test was highlighted by consultees in considering the previous proposal. Even if this consultee did not specifically request a sequential test, it does confirm that this was indeed highlighted as being absent. Based on the evidence before me, I am sufficiently satisfied that the appellant was aware of the requirement in local and national planning policy for a sequential test as part of the appeal application which has not been undertaken.
21. Moreover, the proposed development involves works within 8 metres of a main river and flood defence. It is understood that the Environment Agency require an 8-metre undeveloped buffer zone to allow sufficient access for heavy machinery and vehicular access to allow work to be able to be carried out. This is reflected in Policies WAT1 and WAT3 of the EHDP. The Environment Agency has therefore confirmed that they would unlikely grant a flood risk activity permit for the proposed works due to the lack of access for emergency works. The Environment Agency also highlight that the building may interfere with natural geomorphological processes and could be placed at risk of damage arising from channel migration/erosion.
22. Whilst I note the claims made that the new building would be over the footprint of the existing building and moved away from the river bank and thus would not worsen the existing situation, the proposed development would still be within 8 metres of the main river and flood defence comprising of an increase in built footprint and additional storeys which would increase the load almost directly atop the river bank. The evidence before me does not demonstrate that load bearing / foundations will not compromise the bank

stability which is critical for maintaining an effective flood defence. If the flood defence structure were to fail, this could increase flood risk both on and offsite. There may have been a lack of objection from the Lead Local Flood Authority albeit with recommended conditions although they do still explain that the proposal has the potential for significant flood risk and advice from the Environment Agency should be sought.

23. For the above reasons, I conclude that the proposed development would not be suitably located having regard to its location to the river and the risk of flooding. The lack of a sequential test and if necessary, exceptions test means there can be no confidence that other sites at lower risk of flooding are not reasonably available to accommodate the development. The proposed development would therefore conflict with Policies WAT1 and WAT3 of the EHDP and Policy GIP8 of the BSNP which together, amongst other matters, requires development proposals to neither increase the likelihood or intensity of any form of flooding, nor increase the risk to people, property, crops or livestock from such events, both on site and to neighbouring land or further downstream. For the same reasons, the proposed development would also be contrary to guidance contained in the Framework relating to meeting the challenge of climate change, flooding, and coastal change.

### **Other Matters**

24. I note the changes made to the scheme and that the appellant may have overcome a number of the other issues identified. However, I have determined the current appeal based on its own merits and thus such matters would not affect my findings on the above main issues.
25. The building is not listed and is located in the urban area already accommodating built form. The property may also not lend itself to modern business requirements remaining vastly unutilised with no real prospect for future occupation. To this end, measures have been taken to explore employment use without success. Such matters however would also not alter my findings on the above main issues nor be sufficient to weigh in favour of the appeal. The appellant has referred to Class O permitted development rights as constituting a fall-back position although details are very limited on this to explore it further as to whether reliance could be placed on such permitted development rights as a fall-back position. I cannot therefore attribute this any material weight.

### **Conclusion**

26. The proposed development conflicts with the development plan when considered as a whole. There are no material considerations, either individually or in combination including the provisions of the Framework, that would outweigh the identified harm and associated plan conflict. I conclude that the appeal should therefore be dismissed.

*N Teasdale*

INSPECTOR



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# Appeal Decision

Site visit made on 24 September 2024

**by Elaine Moulton BA (Hons) BPI MRTPI**

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

**Decision date: 16<sup>th</sup> October 2024**

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**Appeal Ref: APP/J1915/W/24/3336676**

**Land to the south-east of The Bury, Bury Green, Little Hadham SG11 2HE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Simmonds against the decision of East Hertfordshire District Council.
  - The application Ref is 3/23/1919/FUL.
  - The development proposed is 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.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is whether the appeal site is suitable for the proposed development, having regard to local and national policy.

## Reasons

3. Policy DPS2 of the District Plan (DP) sets out a development strategy. It seeks to deliver sustainable development in accordance with a hierarchy that directs development to sustainable brownfield sites in the first instance, followed by urban areas, then urban extensions and, lastly, infilling in villages.
4. In support of the development strategy, DP Policies VILL1-VILL3 places villages into three groups. As the appeal site lies in Bury Green, it falls within the definition of a Group 3 Village or settlement as set out in Policy VILL3. Limited infill development is permitted by Policy VILL3 in Group 3 Villages, but only if identified in an adopted Neighbourhood Plan (NP). I have not been directed to any adopted NP and therefore the proposal is not supported by this policy.
5. Bury Green is designated in the DP as a rural area beyond the Green Belt. In such areas, DP Policy GBR2 permits limited infill or the partial or complete redevelopment of previously developed land in sustainable locations, where these forms of development are appropriate to the character, appearance and setting of the site and/or surrounding area and the development is comparable with the character and appearance of the area.
6. The nearest settlements, Bishop's Stortford and Little Hadham, are some distance away from the appeal site and would be accessed, for much of the route, along narrow, unlit rural roads with no footway. The pedestrian and cycle isochrone provided by the appellant shows that the services and facilities in Bishop's Stortford and Little Hadham and the nearest bus stops are all within

walking and cycling distance from the appeal site. Nonetheless, the routes along such rural roads are not attractive particularly during times of darkness or inclement weather, even when taking into consideration the low speed and volume of traffic.

7. The appellant highlights that the local network of public footpaths and bridleways provide routes to the bus stops and both settlements that largely avoid roads. However, I consider that such routes would only be a reasonable option to get to services and facilities during daylight hours and good weather. Furthermore, whilst several bus services stop at the bus stops on Hadham Road and in Little Hadham, there is no evidence before me of their frequency to demonstrate that they would provide a realistic alternative mode of transport. Consequently, it is likely that the future occupants of the dwelling would be reliant upon private vehicle use to meet their basic daily needs.
8. The proposal would not be isolated for the purposes of paragraph 84 of the National Planning Policy Framework (the Framework). Nonetheless, the Framework highlights, at paragraph 83, that to promote sustainable development in rural areas, housing should be located where it will enhance and maintain the vitality of rural communities. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nevertheless, it sets out, at paragraph 109, that the planning system should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. In view of the accessibility concerns I have identified, the benefits of the proposal, due to the support it would give to services in a nearby settlement, would be limited. In addition, given the small scale of the proposal it would not promote sustainable transport, or walking and cycling.
9. There is no dispute between the parties that the site comprises previously developed land and the Council does not raise concerns that the proposal would adversely affect the character, appearance or setting of the site or surrounding area. Based on the evidence before me, I have no reason to disagree with such conclusions. Even so, for the reasons given above, the development is not in a sustainable location. As such the proposal conflicts with DP Policy GBR2.
10. The appellant has drawn my attention to several appeal and planning decisions. The Inspector in the Epping Green case found that the occupants of the proposed dwelling would have reasonable access to local services and facilities. In the case of no. 1 Sacombe Green Farm, the Inspector considered that the proposed development would support services in a village nearby. In the absence of the full circumstances of the Fryars Farm Cottage case, I cannot be certain that the journeys to access the nearest service and facilities for the occupants of that proposal would not be shorter, or more attractive, than in respect of the case before me. As such, because the circumstances are seemingly different, none of these decisions suggest that I should allow the proposal before me.
11. Accordingly, I find that the appeal site is not a suitable location for the proposed development. The proposal would therefore conflict with DP Policies DPS2, VILL3, and GBR2 as well as the Framework. It would also conflict with DP Policy TRA1 as a range of sustainable transport options would not be available to the occupants of the proposed development.

## Other Matters

12. The appeal site is located within the Bury Green Conservation Area (CA) and there are Grade II listed buildings, The Bury, Barn and Stable at the Bury, and the Croft, nearby. The appeal site is separated from the listed buildings by dense tree planting which would ensure that, even in winter when the deciduous trees are without leaf, the appeal proposal would, at most, only be glimpsed from the listed buildings. Such substantial screen planting, together with the distance between the appeal proposal and the listed buildings, would ensure that it would not materially affect the way that each listed building is experienced. For the same reasons the proposal would not be prominent in views from within the CA and its character and appearance would be preserved.
13. The proposal involves the conversion of a curtilage listed building, a stable block. The Council has not raised concerns regarding the proposed works to the listed building and has confirmed that listed building consent has been granted for such works. Based on the evidence before me I have no reason to disagree with the Council and conclude that the proposal would not preserve the listed building.
14. The appellant contends that, if the appeal is dismissed, this curtilage listed building will fall into disrepair. However, from external inspection and the internal photographs provided, it appears to be in relatively good condition, and there is no detailed survey to indicate otherwise. Consequently, whilst the Planning Practice Guidance confirms that reducing or removing risks to a heritage asset constitutes a public benefit, there is no evidence of a pressing need to secure a new use for the building.
15. The Council states that it now has a five-year housing land supply (5YHLS), which is not disputed by the appellant, demonstrating that current policy is providing enough housing to meet the housing requirements for the area. Therefore, although appreciating that the Framework seeks to boost the supply of housing, I attach limited weight to the provision of a single dwelling as proposed. Benefits to the local economy would also be limited due to the small scale of the scheme.
16. I have had regard to the planning permission granted at Furneux Pelham that the appellant has referred to. However, as the decision was made at a time when the Council could not demonstrate a 5YHLS, the presumption in favour of sustainable development set out at paragraph 11(d) of the Framework applied. As such, the circumstances of that case were markedly different to the one before me, and it therefore carries limited weight in favour of the proposal.
17. There are advantages to the appellant living on the same site as where a poultry hobby is operated, thereby avoiding the need to travel to care for them on a twice daily basis. Nevertheless, this is tempered by the use of the private car for most day-to-day needs of the occupants of this additional dwelling in the rural area. I acknowledge the willingness of the appellant to reduce the number of car parking spaces in the appeal scheme, however there is no evidence before me that demonstrates that this would lead to a material reduction in the number of overall trips to and from the appeal site. Furthermore, whilst provision for electric vehicle charging points could be secured for all parking spaces, it would be impossible to control, by condition,

the type of vehicles that would be used by the occupiers or visitors to the dwelling at this time. Accordingly, I attach limited weight to these benefits.

18. The location of the proposed dwelling would enable care to be given to the appellants parents as they become older and should their health decline. However, no information has been provided to suggest that they currently have any specific medical needs that requires care, or that the appellant could not be accommodated within the existing dwelling to provide such care on-site. Therefore, whilst I am sympathetic to these personal circumstances, and having due regard to the Public Sector Equality Duty, I only attach limited weight to such a benefit.
19. Overall, the benefits of the proposal would not justify development on a site that I find not to be suitable for the proposal, and in conflict with local and national policies.

### **Conclusion**

20. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
21. Accordingly, I conclude that the appeal should be dismissed.

*Elaine Moulton*

INSPECTOR



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## Appeal Decision

Site visit made on 10 September 2024

**By Terrence Kemmann-Lane JP DipTP FRTPI MCMi**

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

**Decision date: 3 October 2024**

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### **Appeal Ref: APP/J1915/W/24/3340311**

### **5 Highfield Road, Hertford, SG13 8BH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr T Infantino against the decision of East Hertfordshire District Council.
  - The application Ref is 3/23/2242/FUL.
  - The development proposed is the demolition of garage; erection of detached two-storey, five bedroom dwelling; installation of solar panels and air source heat pump and creation of new vehicular access way and parking.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary matter**

2. The application form for planning permission described the proposed development as 'Detached dwelling'. This was subsequently altered, as shown on the appeal form, to the description used in the banner heading above. This description includes 'five bedroom dwelling'. However, the relevant plan, drawing No.810\_321\_B, shows 4 bedrooms. A 5 bedroom house could not be built on the basis of approved plans showing just 4 bedrooms, and this anomaly between the description of the development and the plans would be best avoided.
3. I consider that any planning permission on the basis of the submitted plans would require that the description of the development be amended from 'five bedroom' to 'four bedroom'. I assess the appeal proposal on the basis of the plans.

### **Main Issues**

4. The main issues in this case are: i) the effect of the proposed house on the character and appearance of the Hertford Conservation Area; ii) the effect of noise from the proposed Air Source Heat Pump on the amenity of neighbours; and iii) the extent to which the proposal would meet sustainability objectives.

### **Reasons**

The effect of the proposed house on the character and appearance of the Hertford Conservation Area



5. The appeal site lies within a residential area of Hertford, characterised by large 2-storey detached houses within large plots, although there are one or two examples of smaller houses. This eastern end of Highfield Road, especially on the appeal site side, benefits from mature trees and hedges along the frontages.
6. The existing house is set back from the road behind railings set in front of landscaping and the plot contains several mature trees. The neighbouring building to the north-east, on the other side of the appeal site, is a substantial pair of semi-detached houses. The house that is adjacent to the appeal site has a single-storey side extension, alongside which is a wide gravelled drive which lends some additional space alongside the proposed development.
7. The site is within the Hertford Conservation Area, and therefore there is a statutory duty under Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 to ensure that development proposals preserve or enhance the character or appearance of the conservation area. This is echoed by Policy HA4 'Conservation Areas' of the East Herts District Plan 2018. Other local plan policies of particular relevance are DES4 'Design of Development, HA1 'Designated Heritage Assets', and HA2 'Non-Designated Heritage Assets'. Since these policies are well known to the parties, I need not set out their provisions here. Number 5 Highfield Road is identified as a non-designated heritage asset (NDHA).
8. The proposed dwelling would be set on the site so that its main axis would be at right-angles to the road. The front elevation would feature a 2-storey forward projection under a gable with, in the set-back, a porch under a mono-pitch roof. Above this would be the main 'crown' roof with steep pitches on all sides. The design follows from an analysis of the local materials palette and architectural features in the area. From this analysis there has been a successful combination of features that relate well to dwellings in the immediate locality. These include red brick walls, brown clay plain tiles, and decorative tile hanging in the forward projecting gable. It would remain a modern design, but sufficiently in accord with the local palette.
9. However, the narrow front elevation, due to its orientation being north-south, rather than the established pattern of an east-west layout, would be out of character with the houses in the road. Whilst its footprint would not be small, it would present as a narrow house, somewhat squeezed into the site, and too close to the host dwelling. This would also mean that the view of the important trees and vegetation currently viewed alongside the existing garage and beyond, which are of significance to the local character, would be lost.
10. For these reasons the proposed house would not preserve or enhance the character or appearance of the Hertford Conservation Area, and it would be harmful to the setting of the host dwelling as a NDHA. This would amount to less than substantial harm.
11. As paragraph 208 of the National Planning Policy Framework (NPPF) explains "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset (in this case the conservation area), this harm should be weighed against the public benefits of the proposal ... ". The public benefits of the scheme would be the provision of an additional dwelling.



12. The officer's report stated that the council could not demonstrate a 5-year housing land supply – which would lead to consideration of paragraph 11 d) of the NPPF. However, the council's appeal statement asserts that it can now demonstrate a supply of 5.95 years. Accepting this at face value, the situation is that, even if there was a shortfall, a single dwelling would not outweigh the harm to the conservation area and the setting of the NDHA.

The effect of noise from the proposed Air Source Heat Pump on the amenity of neighbours

13. The officer's report simply reports that the air source heat pump (ASHP) exceeds the council's criteria. I have viewed the material referred to in the council's appeal statement. I have not found it useful: I cannot be expected to undertake calculations and have not the data to do so. If a refusal reason is given, it is to be expected that the authority will be able to back it with evidence.
14. The application does not specify the heat pump proposed. If a planning permission were to be given it would be necessary to condition a particular pump or the criteria that defines its performance. I am told that the pump referred to at the time of the application had a sound level of 53dB(A). If this is a maximum figure, it is a reasonably quiet ASHP. Subsequently a Daikin Altherma 3 H HT pump has been put forward, which operates at a noise level of 38 dB(A). I have been provided with a copy of the brochure for this model which I see this has the 'Quietmark', but I also see that it appears to have a maximum sound level (when working at coldest times of the year) of 54dB(A). This is still a quiet pump, as shown by the Quietmark. Without calculations and details of any necessary baffle/visual screen, I cannot be satisfied about the acceptability of this unit (or any other that might be considered) in terms of the amenity of neighbours.

The extent to which the proposal would meet sustainability objectives

15. The appeal application was dated 24 November 2023, but the Energy Statement is dated 9 August 2023. I also note that the previous application for a similar proposal was refused on 6 October 2023. It therefore appears that this statement is not applicable to the appeal proposal. The council also points out that the statement recorded a 'fail' for Criterion 1 of the general compliance requirements in relation to carbon dioxide emissions rate and dwelling fabric energy efficiency. Furthermore, there is no commentary to assist in a full understanding of the findings of the Energy Statement. I also see that on page 8 it is stated at item i) that "This is a refurbishment and extension project and therefore the carbon reductions beyond Approved Document L will be limited due to the reuse of the existing structure". This does not reflect the new build nature of the appeal proposal.
16. In the light of the above, I cannot rely on the submitted Energy Statement to demonstrate the extent to which the proposal would meet sustainability objectives.

## Conclusions

17. In light of my reasoning in paragraphs 9 to 12, I conclude that the appeal proposal would not preserve or enhance the character or appearance of the

Hertford Conservation Area, and it would be harmful to the setting of the host dwelling as a NDHA, amounting to less than substantial harm. Furthermore, whilst the council claims that it can now demonstrate a 5 year housing land supply, assuming this is so, a single dwelling would not outweigh the harm to the conservation area and the setting of the NDHA.

18. In respect of the second issue, without calculations of sound levels, the nearest sensitive point, any attenuation through distance etc, and details of any necessary baffle/visual screen, I cannot make a judgement about the acceptability of this unit (or any other that might be considered) in terms of the amenity of neighbours, and therefore this is an additional reason for refusing the grant of planning permission.
19. In respect of meeting sustainability objectives, the documentation provided is not persuasive, and I am not convinced that the proposal would meet sustainability objectives.
20. For these reasons the appeal will be dismissed.

*Terrence Kemmann-Lane*

INSPECTOR



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## Appeal Decision

Site visit made on 10 September 2024

**By Terrence Kemmann-Lane JP DipTP FRTPI MCMi**

an Inspector appointed by the Secretary of State

Decision date: 3 October 2024

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### **Appeal Ref: APP/J1915/W/24/3340086**

### **Priory Farm, Levenage Lane, Widford, SG12 8RA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by A S Clark & Sons against the decision of East Hertfordshire District Council.
  - The application Ref is 3/23/2283/OUT.
  - The development proposed is the erection of four dwellings and associated landscaping.
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### **Decision**

1. The appeal is allowed and planning permission is granted for the erection of four dwellings and associated landscaping at Priory Farm, Levenage Lane, Widford, SG12 8RA in accordance with the terms of the application, Ref 3/23/2283/OUT, subject to the conditions set out in the schedule at the end of this decision.

### **Application for costs**

2. An application for costs was made by A S Clark & Sons against East Hertfordshire District Council and this is the subject of a separate Decision.

### **Preliminary matter**

3. The application was in outline with all matters to be considered later except for access, the details of which are shown on the application plans. There is also an illustrative possible layout shown, to be treated as purely indicative of how the development might take place, other than the access. Matters of appearance, landscaping, layout and scale are reserved for future determination.

### **Main Issues**

4. The main issues in this case are: i) the effect of the proposed development on the character of the site and the rural countryside; and ii) the impact of the proposal on highway safety.

### **Reasons**

5. The site is to the south-east of the village of Widford, located just outside the village boundary within land designated as the Rural Area Beyond the Green Belt. The village of Widford is a category Group 2 Village. The site is occupied by a piece of open countryside/agricultural land located to the south of

Levenage Lane. Levenage Lane is a private track with a public bridleway (Widford 004) to the north of the development site. The appeal site includes part of the access track off of the B180 and this part of the site is located within the Widford Conservation Area. The main part of the site is just beyond the conservation area boundary. In addition, the site is located within an Area of Archaeological Significance.

6. To the north of the appeal site are 3 dwellings fronting Levenage Lane and to the west by the rear gardens of 5 dwellings along the B180/Hunsdon Road and the existing gravel track that runs to the rear of them.

The effect of the proposed development on the character of the site and the rural countryside

7. Policy DPS2 sets a hierarchy for the delivery of sustainable development starting with sustainable brownfield sites, then sites within the urban areas of large settlements such as Bishops Stortford & Hertford, followed by urban extensions and lastly limited development in the villages.
8. Policy GBR2 states that in order to maintain the Rural Area Beyond the Green Belt as a valued countryside resource, certain types of development will be permitted, provided that they are compatible with the character and appearance of the rural area. This includes limited infilling in villages or the partial or complete redevelopment of previously developed land in sustainable locations where they are appropriate to the character and appearance of the rural area.
9. The proposed development would be located on agricultural land. Infill development is not defined in the District Plan or in the National Planning Policy Framework (NPPF) and requires a judgement on the characteristics of the site in each case. However, a common and often used interpretation of infilling is the development of a small gap in an otherwise built-up frontage. Whilst the proposed new dwellings would be located to the south and east of existing properties, they would not infill a gap between buildings, and as such the proposed development is contrary to Policy GBR2 of the District Plan.
10. The planning officer's report notes that the site is located just outside the village boundary but would be within walking distance to the village school, the village hall, a bus stop providing a regular bus service to Bishop's Stortford, Ware and Hertford, Monday - Saturday. It also states that, whilst Widford does not have many key facilities such as a village shop or doctors' surgery, these could be reached by public transport. Whilst the site is located within the Rural area Beyond the Green Belt, where Policy GBR2 applies, it is considered to be sustainably located in accordance with Policy DPS2 and TRA1 of the District Plan.
11. In addition, I note that the centre of the village of Hunsdon is about 1 mile away to the south of the site. Hunsdon is identified as a Group 1 Village in Policy Vill1. The Local Plan at paragraph 10.3.2 recognises that "*Group 1 Villages are the most sustainable villages in the District. In these villages development for housing, employment, leisure, recreation and community facilities will be permitted. Growth in these areas will help to sustain existing shops, services and facilities, deliver affordable housing, provide local job opportunities and deliver community benefits.*" Hunsdon has a number of

- services and facilities which include Hunsdon J M I School, The Crown pub, The Fox & Hounds restaurant and pub, village convenience store & post office and Saint Francis Chapel.
12. Since the site is within a reasonably sustainable location, paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. This is all the more relevant in this case since the appellant seeks support from sub-paragraph d). NPPF paragraph 11 d) is well known to both parties, so that I need not set out the text in any detail. However, I will mention that 11 d) i. refers to situations where areas or assets of particular importance provide a clear reason for refusal. I have noted that the main part of the site is just outside the Widford Conservation Area boundary (paragraph 5 above). Conservation areas are a designated heritage asset: in this case I do not consider that the appeal proposal would have anything higher than a neutral effect on the conservation area.
  13. The officer's report on the appeal application notes that a recent appeal decision concluded that the council cannot currently demonstrate a five year supply of deliverable housing sites (5YHLS). The consequence of not having a 5YHLS is that paragraph 11(d) of the NPPF is engaged in the decision-making process. However, in the officer's report conclusion, the benefits of the scheme were considered, but it was judged that the harm identified of an urbanising impact of encroachment into the rural countryside would significantly and demonstrably outweigh the benefits of the proposed 4 new residential units.
  14. Subsequently, in the council's statement of case, reference is made to the Council's East Herts Five Year Land Supply Position Statement March 2024 which sets out its latest position on the Five-Year Housing Land Supply. It explains the Council's five-year housing land supply requirement and identifies the sites that form the land supply. On the basis of the information and evidence included within this document, it is stated that the council is able to demonstrate a land supply position of 5.57 years against the housing requirement of 5,560 dwellings across the five-year period 2023-2028.
  15. A Position Statement Addendum was then published in April 2024, in consequence of the Government publishing new affordability ratios on the 25 March 2024. It is stated that this addendum establishes that the housing requirement is for 5,205 dwellings across the five-year period 2023-2028. The identified supply of deliverable housing sites is 6,189 dwellings demonstrating a five-year land supply position of 5.95 years against the housing requirement.
  16. Challenging the council's position, the appellant has supplied a recent appeal decision reference APP/J1915/W/24/3340497 concerning land east of the A10, Buntingford, in this district. The decision is dated 22 August and followed an inquiry held on 16-18, 23-24 and 30 July 2024. The housing requirement and deliverable land supply was a main issue in the inquiry. The Inspector's conclusion on this issue included the following: "*The Council has a 4.20 – 4.49 year housing land supply. Whether using the approach favoured by the Council or that favoured by the appellant, the Council cannot demonstrate a 5 year housing land supply and so the NPPF deems the policies which are most important for determining the planning application to be out of date*".
  17. A written representations appeal is not an appropriate forum to determine matters that require evidence to be subject of close scrutiny through cross

examination. The dates of this appeal inquiry postdate the publication of the council's East Herts Five Year Land Supply Position Statement March 2024 and Position Statement Addendum referred to in paragraph 14 and 15 above. It is therefore reasonable to assume that these documents and their contents were thoroughly examined and taken into account by that Inspector. On this basis I am satisfied that the council cannot demonstrate a 5-year housing land supply, and therefore the provisions of NPPF paragraph 11 d) are engaged.

18. Drawing together the various matters discussed above, it is clear that the appeal site is outside the village boundary of Widford and therefore there is conflict with Policies DPS2, and GBR2. My site visit enabled me to see that it would extend the adjacent development onto land that is clearly agricultural and countryside landscape. These matters weigh against the proposal, and justify refusal unless material considerations indicate otherwise. However, the harm to the countryside is limited, since the appeal site is just outside the village boundary and is located behind and next to existing housing development; further, it is acknowledged that the site is a sustainable location. Thus I regard the harm as limited.
19. An important material consideration is the policies of the NPPF, and in particular, paragraph 11, and its sub-paragraph d) which is engaged by the council's lack of a Five Year Land Supply. In the present circumstances, planning permission should be granted unless the adverse impacts I have identified would significantly outweigh the benefits when assessed against the policies of the NPPF taken as a whole.
20. There are a number of benefits that can be identified, beginning with a modest number of market houses. These houses have a social benefit, and would additionally bring short term economic benefit through the construction process. In addition, the location of the site is particularly favourable to support the aim of NPPF paragraph 83. This states: *"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services Where there are groups of smaller settlements, development in one village may support services in a village nearby"*.
21. It seems to me that the penultimate sentence above, whilst referring to identifying sites in planning policies, it can be applicable to decisions on planning applications. In this case the site is adjacent to Widford, a Group 2 village and under a mile from Hunsdon which is identified as a Group 1 Village. Between them they offer a number of services and facilities. In my experience service providers and community facilities in villages such as these not infrequently struggle to attract enough custom or participation to prosper.
22. In addition there would be an environmental benefit from the proposed landscaping, which I am told goes beyond what is required by statutory Biodiversity Net Gain requirements.
23. I have found that the harm arising from the appeal development would be limited. That harm would not significantly and demonstrably outweigh the benefits of the proposal which are of moderate weight. The NPPF therefore supports the grant of planning permission.



The impact of the proposal on highway safety.

24. The Highway Authority objected to the proposed development for the reasons set out in the officer's report. The refusal reason given was that insufficient information was submitted within the application to fully assess the impact of the proposed development on highway safety, contrary to Policy TRA2 of the East Herts District Plan 2018.
25. The appellant has submitted a Transport Statement (TS), dated February 2024, as part of its appeal documentation, as well as an amended plan reference 223390-PR-001 revision C. The TS and the plan sought to respond to the concerns of the highway authority, and thus make good the shortcomings of the application in this regard. It appears to be agreed by the council that the TS and the revised plan meet the highways concerns in respect of a set back of the access road by 10m from the bridleway; swept path drawings for the access junction with the bridleway and surface materials; and that it has been demonstrated that the appellant has vehicular access rights over the bridleway. At least, the council's appeal statement does not rebut the content of the TS or, in respect of the highway issue, criticise the revised drawing.
26. Nevertheless, the council objects to the revised plan and the TS on the basis that they amount to significant changes to the scheme which were not considered as part of the assessment on the application, and I should not consider them in reaching my decision on the appeal. The basis of this objection is that the amendments are significant changes in that four carports have been removed from the scheme and two of the dwellings would now be detached. In making this objection, the council notes that the appellant has sent letters to all of the consultees on the original application and neighbours to ensure that their views and comments on the revisions may be made, and notifying them of the appeal.
27. Since the application was in outline with matters of appearance, landscaping, layout and scale reserved for future determination, and the proposed development was for the erection of four dwellings and associated landscaping, with out any specification as to the form of dwelling, and no mention of car ports, the changes on the revised plan in these respects are purely indicative, and would not form the substance of any planning permission.
28. Furthermore, the changes that have been made, which relate to highway matters, are technical and, although the parish council raised an objection that included concern that the junction with the B180 would be dangerous with inadequate sight lines to ensure public safety, this again is a technical matter. It is also difficult to see how an appellant can seek to rebut a refusal such as that given in the second reason, without submitting material demonstrating that a scheme can be shown to be safe following minor changes. In this case the change is mainly moving the internal access road away from the bridleway by 10m, and thus further from its junction with the bridleway, so that emerging vehicles would approach at right-angles, providing better vision onto this public right of way.

29. Consideration of the acceptability of changes to a scheme at appeal stage must have regard to the Wheatcroft Principles<sup>1</sup>. In this case the revision did not make the scheme "in substance not that which was applied for"; there was a reasonable amount of consultation by the appellant, and I cannot see that third party's rights have been overridden. I have therefore taken the revised plan, drawing No. 223390-PR-001 revision C, and the TS into account in reaching my decision.
30. In the light of this, I am satisfied that the additional documentation in the form of the TS and the revised plan have overcome the second reason for refusal: there is sufficient information before me to fully assess the impact of the proposed development on highway safety. The appeal proposal conforms to Policy TRA2 of the East Herts District Plan 2018.

### **Conclusions**

31. Having considered all the matters raised, for the reasons that I have set out above, the appeal will be allowed, subject to the conditions that I deal with below.

### **Conditions**

32. The council has suggested a number of conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the text.
33. The standard conditions 1, 2 and 3 are required defining the remaining reserved matters to be approved and requiring their submission and approval; a time limit for that submission; and a time limit for the commencement of the development. Condition 4 requiring the development to be carried out in accordance with the approved plans is necessary for the avoidance of doubt as to the development permitted. Condition 5 is necessary to ensure that the development is properly related to the levels of adjoining development in the interests of neighbour amenity and good design.
34. Condition 6 is required to preserve heritage asserts of archaeological significance. Condition 7 is to minimise and prevent pollution of the land and the water environment and in order to protect human health and the environment more generally. Condition 8 is in the interests of the management of surface water flows, for the avoidance of flooding. Condition 9 is to assist with the adaptation to climate change, reduce carbon emissions and for the efficient use water resources. Conditions 10 and 11 are in the interests of amenity and good design. Condition 12 is to improve the biodiversity value of the site and surrounding environment and to achieve a biodiversity net-gain.
35. Conditions 13 and 14 are in the interests of highway safety. Condition 15 is to ensure personal safety and satisfactory appearance. Condition 16 is in the interests of amenity and good design and for the avoidance of wasting resources. Conditions 17, 18 and 19 are to promote the use of sustainable

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<sup>1</sup> Bernard Wheatcroft Ltd. v Secretary of State for the Environment and. Another Queen's Bench Division. 24 October 1980. (1982) 43 P. & C.R. 233.



transport modes and the efficient use of water. Condition 20 is in order to ensure the optional requirement of the Building Regulations applies so that new homes are readily accessible and adaptable to meet the changing needs of occupants.

36. Condition 21 is in order to ensure an adequate level of air quality for residents of the new dwellings. Conditions 22 and 23 are to ensure the provision, establishment and maintenance of a good standard of landscaping in the interests of providing a satisfactory residential environment. Condition 24 is to protect the residential amenity of occupants of nearby properties from noise disturbance during the construction. Condition 25 is in the interests of amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period in the interests of highway safety. Condition 26 is in the interest of preserving the character of the rural area.

37. Conditions 6 and 7 are pre-commencement conditions. Condition 6 is necessarily in that form because the investigation and any scheme of archaeological work must be done before disturbance of the ground. Condition 7 is necessary as again contamination needs to be investigated and any remedial work undertaken before disturbance of that contamination.

38. In accordance with Section 100ZA(5) of the Town and Country Planning Act 1990, if the Inspector is minded to grant planning permission subject to pre-commencement condition(s) he/she may only do so with the written agreement of the appellant to the terms of the condition(s). In this case the appellant's agent has clearly stated on the appellant's behalf that the conditions are acceptable.

*Terrence Kemmann-Lane*

INSPECTOR

### **Schedule of Conditions**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing No. 223390-PR-001 revision C.
- 5) The details to be submitted at reserved matters stage shall include detailed plans showing the existing and proposed ground levels of the site relative to adjoining land, together with the slab levels and ridge heights of the proposed buildings. The development shall be carried out in accordance with the approved details.
- 6) No development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. This condition will only be considered to be discharged when the planning authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to publication has been made.
- 7) The development hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:
  1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice.
  2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
  3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A

clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.

4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.

5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted to and approved by the Local Planning Authority prior to first occupation of the development/the development being brought into use. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

- 8) Prior to any above ground works commencing a detailed scheme for the on-site storage and regulated discharge of surface water run-off and a scheme for the disposal of foul water shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details before the development is first occupied.
- 9) Prior to the erection of above ground superstructure details of the design, materials and construction of the dwelling to demonstrate how the design, materials and operation of the development minimises overheating in summer and reduces the need for heating in winter to reduce energy demand and reduces water demand. The development shall thereafter be implemented in accordance with the approved details.
- 10) Prior to any above ground construction works being commenced, the external materials of construction for the development hereby permitted shall submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be implemented in accordance with the approved details.
- 11) Details of all boundary walls, fences or other means of enclosure to be erected shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be implemented in accordance with the approved details prior to the first occupation of the development hereby approved.
- 12) The dwelling hereby approved shall not progress beyond foundation stage until details of habitat boxes/structures to include 1 no. integrated swift brick and one pair of house martin cups per dwelling and other biodiversity enhancement measures to be installed have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to the first occupation of the dwellings and maintained throughout the lifetime of the development, unless otherwise agreed in writing with the Local Planning Authority.
- 13) The dwellings hereby permitted shall not be occupied until the parking spaces and vehicle manoeuvring areas clear of the public highway illustrated on the approved plans have been constructed and made available for use.

- 14) The dwelling shall not be occupied until the visibility splay has been provided in accordance with the approved plans. The splay shall thereafter be maintained free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway/bridleway.
- 15) The hard surfaced areas of the development, including roads, pavements, driveways and car parking areas shall be surfaced in accordance with details submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be implemented in accordance with the approved details prior to first occupation or use of the development hereby approved.
- 16) Facilities for the storage and removal of refuse and materials for recycling from the site shall be provided, in accordance with details having been submitted to and approved in writing by the Local Planning Authority and thereafter the development should be implemented in accordance with the approved details prior to first occupation of the development hereby approved.
- 17) One electric vehicle charging point per dwelling (dwelling with dedicated parking) shall be provided prior to the first occupation of each dwelling.
- 18) Details of any cycle parking facilities proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development should be implemented in accordance with the approved details prior to the first occupation of the development hereby approved.
- 19) Prior to the first occupation of the development measures shall be incorporated within the development to ensure that a water efficiency standard of 110 litres (or less) per person per day is achieved.
- 20) The dwellings shall be constructed so that the requirements of paragraph M4 (2)1 of schedule 1 to the Building Regulations 2010 (category 2 - accessible and adaptable dwellings) are satisfied.
- 21) Any gas-fired boiler shall meet a minimum standard of <40 mgNO<sub>x</sub>/kWh.
- 22) No development above slab level shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 23) All planting, seeding or turving comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 24) The hours of operation for construction and/or demolition works shall be restricted to 08:00-18:00 Monday to Friday and 08:00-13:00 on a Saturday. No work to take place on Sundays or Public Holidays without the prior written agreement of the Local Planning Authority.

- 25) Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway, in particular (but without prejudice to the foregoing) this shall include efficient means for cleaning the wheels of all lorries leaving the site which shall be maintained and employed at all times during construction.
- 26) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), or any amending Order, the enlargement, improvement or other alteration of the dwellinghouse as described in Schedule 2, Part 1, Classes A,B,C,D and E of the Order shall not be undertaken within the curtilage of the dwellinghouses hereby permitted without the prior written permission of the Local Planning Authority.

End of Schedule



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## Costs Decision

Site visit made on 10 September 2024

**by Terrence Kemmann-Lane JP DipTP FRTPI MCMi**

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

**Decision date: 3 October 2024**

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### **Costs application in relation to Appeal Ref: APP/J1915/W/24/3340086 Priory Farm, Levenage Lane, Widford, SG12 8RA**

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by A S Clark & Sons for a partial award of costs against East Hertfordshire District Council.
  - The appeal was against the refusal of planning permission for the erection of four dwellings and associated landscaping.
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### **Decision**

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

### **Reasons**

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

### *The Application*

3. The Planning Officer (PO) refused to accept a revised Site Plan and amended Transport Statement to address Hertfordshire County Council Highways holding objection. This is contrary to Paragraph 38 in the National Planning Policy Framework (NPPF) which states "*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible*".
4. The Appellant is seeking an award of costs in respect of the refusal to accept additional documentation that may have negated one of the refusal reasons.
5. The Planning Practice Guidance (PPG) details examples of unreasonable behaviour which may result in an award of costs, this includes of relevance 'lack of co-operation with the other party'. Paragraph: 047 Reference ID: 16-047-201403066

### *The Rebuttal*

6. On 21 December 2023, the agent advised that they would be submitting further highways information in light of the comments made by The Highway

Authority. The PO advised that the application as a whole was still being assessed and could not confirm whether amendments would be acceptable/appropriate. The agent agreed to this. On the 25 January 2024, the PO emailed that there was an in-principal objection, the recommendation was for refusal and the proposed amendments would not reverse this.

7. The determination of the application was due on 30 January 2024, and an extension of time was not suggested. The highway authority would also have needed to be re-consulted on the scheme with no certainty that the amendments would be acceptable. The council corresponded with the agent throughout and advised them of the recommendation. The applicant chose to produce amended plans and documents without an invitation or discussion.
8. Deciding to proceed with a decision does not amount to unreasonable behaviour. The applicant should have ensured sufficient information prior to submission. A second fee-free application could have been made in an attempt to overcome the highways refusal reason, but no application was submitted. The appellant has not incurred any unnecessary or wasted expense as the appellant would always have received the in-principal refusal with the resultant need to appeal. As such, the council did not act unreasonably.

### *Conclusions*

9. The basis that the council refused to accept these documents was that the application was to be refused on the policy objection dealt with in the first refusal reason, and that the revised plan and Transport Statement would have no effect on that.
10. The applicant points to the advice in paragraph 38 of the NPPF, and the reference in the PPG to a lack of co-operation as an example of unreasonable behaviour. But it appears that there was a degree of dialogue between the parties. The council suggests that a free second application could have been made, using the revised plan and Transport Statement. There would be every prospect that a second application would be decided rather more quickly than an appeal. It appears that a second application would have resulted in a refusal, based on the policy reason, so that a subsequent appeal would seem inevitable, albeit perhaps dealing with just one refusal reason.
11. I note that the work of providing a revised plan and the Transport Statement had already been done, and the costs of that incurred. There was thus little in the way of extra costs to make the appeal.
12. My conclusion is that there was no unreasonable behaviour by the council in refusing to accept the new documentation at the stage that it was offered. Therefore the appellant was not put to unnecessary or wasted costs as a result of unreasonable behaviour.
13. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

*Terrence Kemmann-Lane*

INSPECTOR



NEW PLANNING APPEALS LODGED OCTOBER 2024  
Head of Planning and Building Control

| Application Number | Proposal                                                                                                                                                                                                                                                                                                                                                                                   | Address                                                                                            | Decision             | Appeal Start Date | Appeal Procedure       |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|----------------------|-------------------|------------------------|
| 3/23/2094/FUL      | Retrospective erection of a workshop and change of use of land to residential land.                                                                                                                                                                                                                                                                                                        | Little Croft Ermine Street<br>Colliers End SG11 1EH                                                | Refused<br>Delegated | 29/10/2024        | Written Representation |
| 3/24/0084/FUL      | New general purpose agricultural building                                                                                                                                                                                                                                                                                                                                                  | Waterhall Farm<br>Lower Hatfield Road<br>Little Berkhamsted                                        | Refused<br>Delegated | 21/10/2024        | Written Representation |
| 3/24/0096/FUL      | Demolition of existing barn with the erection of a replacement 2 bedroom dwelling in new position with associated parking and soft landscaping.                                                                                                                                                                                                                                            | Springle House<br>Springle Lane<br>Hailey SG13 7NZ                                                 | Refused<br>Delegated | 08/10/2024        | Written Representation |
| 3/24/0192/FUL      | Erection of 4 detached dwellings, together with garages, driveways and associated landscaping works.                                                                                                                                                                                                                                                                                       | Land To The East Of Thorley Wash Grange<br>Thorley Street<br>Thorley Bishops<br>Stortford CM23 4AT | Refused<br>Delegated | 24/10/2024        | Written Representation |
| 3/24/0239/FUL      | Erection of 1 residential dwelling incorporating solar PV panels. Creation of driveway and parking provisions, waste and cycle storage areas, installation of ground source heat pump and associated landscaping.                                                                                                                                                                          | Land Adjacent To The River Beane And Woodville Place<br>Estate<br>Hertford                         | Refused<br>Delegated | 22/10/2024        | Written Representation |
| 3/24/0265/FUL      | Erection of a detached dwelling, together with construction of a detached garage and creation of a new access.                                                                                                                                                                                                                                                                             | Land Adjacent To Church End<br>Stocking Pelham SG9 0HT                                             | Refused<br>Delegated | 29/10/2024        | Written Representation |
| 3/24/0711/FUL      | Erection of 1 attached dwelling with Air Source Heat Pump and solar panels. Erection of front porch, part single storey part two storey rear extension to existing dwelling.                                                                                                                                                                                                               | 15 Benningfield Road<br>Widford SG12 8RD                                                           | Refused<br>Delegated | 18/10/2024        | Written Representation |
| 3/24/0798/FUL      | Change of use and conversion of stables to provide one new dwelling, with associated access, parking, bin store and amenity space                                                                                                                                                                                                                                                          | Mill Farm 224 Hertingfordbury Road<br>Hertford SG14 2LB                                            | Refused<br>Delegated | 29/10/2024        | Written Representation |
| 3/24/1012/HH       | Rear conservatory style extension                                                                                                                                                                                                                                                                                                                                                          | 58 Ermine Street<br>Thundridge SG12 0SY                                                            | Refused<br>Delegated | 10/10/2024        | Fast Track             |
| 3/24/1135/VAR      | Variation of Condition 11 (holiday and short term let accommodation for no more than 3 months in any 12 month period) pursuant to planning permission 3/06/2003/FP dated 27.11.2006 (For: Conversion of barn to provide 3 holiday/short term letting apartments). To amend the condition to allow the units to be rented for a period of up to 6 months, rather than the current 3 months. | High Trees Farm Beggarmans Lane<br>Old Hall Green SG11 1HB                                         | Refused<br>Delegated | 09/10/2024        | Written Representation |
| 3/24/1291/HH       | Erection of three bay oak framed detached car port with external staircase to provide access to the roof space and three proposed dormer windows.                                                                                                                                                                                                                                          | Beauchamps Cottage<br>Wyddial SG9 0EP                                                              | Refused<br>Delegated | 02/10/2024        | Fast Track             |
| 3/24/1321/HH       | Demolition of single storey rear projection. Erection of single storey rear extension with a roof lantern window, front porch and first floor side extension (above the garage). New side door and ground floor side window. Solar panels added to rear facing roof.                                                                                                                       | 4 Warboys Close<br>Buntingford SG9 9GA                                                             | Refused<br>Delegated | 22/10/2024        | Fast Track             |



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

| Application   | Case Officer | Address                                                             | Proposal                                                                                                                                                                                                                                                 | Appeal Status | Procedure Type | Appeal Date |
|---------------|--------------|---------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------|-------------|
| 3/21/1014/FUL | Diane Verona | Field Farm<br>Levens Green<br>Old Hall<br>Green<br>Hertfordshire    | Change of use of land to extend Gypsy and Traveller caravan site, to provide a total of 12 pitches (an increase of 6), including construction of access road, laying of hardstanding, demolition of existing barn and erection of 6no. utility buildings | LODGED        | Public Enquiry |             |
| 3/23/1390/FUL | David Lamb   | Land Off London Road And Owles Lane<br>Buntingford<br>Hertfordshire | Demolition of no. 16 London Road and alterations to no. 18, including demolition of garage and amendment to parking arrangements and access. Erection of 68 dwellings with associated parking, landscaping, refuse and ancillary works.                  | LODGED        | Public Enquiry |             |

# DEVELOPMENT CONTROL

## Major, Minor and Other Planning Applications

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

|                                                               | Apr-24 | May-24 | Jun-24 | Jul-24 | Aug-24 | Sep-24 | Oct-24 | Nov-24 | Dec-24 | Jan-25 | Feb-25 | Mar-25 |                                                         |            |
|---------------------------------------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------------------------------------------------------|------------|
| <i>Total Applications Received</i>                            | 181    | 324    | 496    | 661    | 817    | 979    | 1129   |        |        |        |        |        |                                                         |            |
| <i>Percentage achieved against Local and National Targets</i> | Apr-24 | May-24 | Jun-24 | Jul-24 | Aug-24 | Sep-24 | Oct-24 | Nov-24 | Dec-24 | Jan-25 | Feb-25 | Mar-25 | <b>National Designation Targets (set by Government)</b> |            |
| <b>Major %</b>                                                | 100%   | 75%    | 80%    | 80%    | 83%    | 83%    | 87%    |        |        |        |        |        | <i>Major %</i>                                          | <b>60%</b> |
| <b>Minor and Other %</b>                                      | 88%    | 90%    | 91%    | 91%    | 91%    | 91%    | 91%    |        |        |        |        |        | <i>Minor %</i>                                          | <b>70%</b> |
|                                                               | Apr-24 | May-24 | Jun-24 | Jul-24 | Aug-24 | Sep-24 | Oct-24 | Nov-24 | Dec-24 | Jan-25 | Feb-25 | Mar-25 |                                                         |            |
| Total number of appeal decisions (Monthly)                    | 6      | 5      | 15     | 13     | 11     | 16     | 8      |        |        |        |        |        |                                                         |            |
| Number Allowed against our refusal (Monthly)                  | 2      | 1      | 2      | 1      | 4      | 7      | 1      |        |        |        |        |        |                                                         |            |
|                                                               |        |        |        |        |        |        |        |        |        |        |        |        |                                                         |            |
| Total number of appeal decisions (Cumulative)                 | 6      | 11     | 26     | 39     | 50     | 66     | 74     |        |        |        |        |        |                                                         |            |
| Number Allowed against our refusal (Cumulative)               | 2      | 3      | 5      | 6      | 10     | 17     | 18     |        |        |        |        |        |                                                         |            |

**AGENDA ITEM NO. 6D**