



Appeal Decisions

Inquiry held on 24 & 25 November 2009

Site visit on 25 November 2009

by Stephen Brown MA(Cantab) DipArch
RIBA

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
3 February 2010

Appeal A refs: APP/J1915/C/09/2103165 & 2103166 **South Barn at Tharbie's Farm, Rook End, High Wych,** **Sawbridgeworth CM21 0LL**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is by Barry & Sandra Humphrey against an enforcement notice issued by East Hertfordshire District Council.
- The Council's reference is E/08/0021/A.
- The notices were issued on 8 April 2009.
- The breach of planning control alleged in the notices is without planning permission the erection of an industrial style building as an extension to a Grade II listed building, as shown edged in green on the plan attached to the notice.
- The requirements of the notice are to remove the unauthorised industrial style building and remove the resultant materials from the land.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since the case is exempt from the prescribed fees, the applications for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.

Summary of Decision: the appeals are dismissed and the enforcement notices upheld with a variation.

Appeal B ref: APP/J1915/C/09/2103167 **Land at Tharbie's Farm, Rook End, High Wych, Sawbridgeworth CM21 0LL**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is by Barry Humphrey against an enforcement notice issued by East Hertfordshire District Council.
- The Council's reference is E/08/0021/A.
- The notice was issued on 8 April 2009.
- The breach of planning control alleged in the notice is without planning permission the change of use of the site from agriculture to a cricket school, a D2 use, as edged red on the plan attached to the notice.
- The requirements of the notice are to cease the unauthorised use.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since the case is exempt from the prescribed fees, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.

Summary of Decision: the appeal is dismissed and the enforcement notice upheld with variations.

Appeal C ref: APP/J1915/F/09/2103164

South Barn at Tharbie's Farm, Rook End, High Wych, Sawbridgeworth CM21 0LL

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is by Barry Humphrey against a listed building enforcement notice issued by East Hertfordshire District Council.
- The Council's reference is E/08/0021/A.
- The notice was issued on 8 April 2009.
- The contravention of listed building control alleged in the notice is without listed building consent the unauthorised extension of the Grade II listed barn by the attachment of an industrial style building, as indicated edged green on the plan attached to the notice.
- The requirements of the notice are to remove the unauthorised industrial style link building, remove the resultant materials from the land and make a weathertight repair to the Grade II listed building with materials that shall be previously approved by the Local Planning Authority.
- The period for compliance with the requirements is 6 months.
- The appeal is made on the grounds set out in section 39(1)(e) and (i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Summary of Decision: the listed building enforcement notice is quashed.

Appeal D ref: APP/J1915/A/09/2100347

Tharbie's Barns, Rook End, High Wych, Sawbridgeworth CM21 0LL

- 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 by Barry Humphrey against the decision of East Hertfordshire District Council.
- The application ref. 3/08/2151/FP dated 31 December 2008 was refused by notice dated 25 February 2009.
- The development proposed is the adaptation, alteration and extension of redundant agricultural buildings for use as an indoor cricket school.

Summary of Decision: the appeal is dismissed.

Appeal E ref: APP/J1915/E/09/2100348

Tharbie's Barns, Rook End, High Wych, Sawbridgeworth CM21 0LL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is by Barry Humphrey against the decision of East Hertfordshire District Council.
- The application ref. 3/08/2152/LB, dated 31 December 2008, was refused by notice dated 25 February 2009.
- The works proposed are the adaptation, alteration and extension of redundant agricultural buildings for use as an indoor cricket school.

Summary of Decision: the appeal is dismissed.

Preliminary matters

1. The South Barn is a Grade II listed building, I have therefore paid special regard to the desirability of preserving its special architectural or historic interest and its setting; as required by Sections 16(2) and 66(1) of the

Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the Listed Building Act).

The planning enforcement notice in Appeal B

2. The plan attached to the notice in Appeal B shows the appeal site to include the appellants' entire holding – the group of buildings to the south of the site, together with the two large agricultural fields to the north. The Council accept that this indicates that the alleged change of use has taken place over a wider area than is the case, and they put in an amended plan showing the appeal site boundary drawn closely around the group of buildings. It appears to me that this properly represents the area against which the Council intended to act. I do not consider that either party would be prejudiced by varying the plan in this way, and that is what I intend to do.
3. In Appeal B the alleged change of use is described as '*a cricket school*'. It appears to me that this is not an entirely accurate description, and that it would be more properly described as '*an indoor cricket school*', as it is in the listed building and planning applications. Again I do not consider either party would be prejudiced by varying the notice in this respect, and for the purposes of clarity that is what I intend to do.

The listed building enforcement notice

4. The listed building enforcement notice includes the requirement that the weathertight repair to the listed building should be made with materials previously approved by the Local Planning Authority.
5. Section 38(2)(b) of the Listed Building Act sets out that if the Local Planning Authority consider the restoration of a building to its former state would not be reasonably practicable they may specify such further works as they consider necessary to alleviate the effect of the unauthorised works. It appears to me that this is what the notice purports to do.
6. Removal of the industrial building would leave the northern side of South Barn exposed to the weather. The cart opening in the middle of this side has been infilled at some time with a Fletton brick wall up to the height of the middle framing rail, above which the posts and studwork continue, and are clad with a mixture of weatherboard and modern composite timber boards. Furthermore, at the junction of the industrial building to the flank and roof of the barn there is a somewhat crude flashing detail. Also at the base of the Fletton brickwork is a plinth of uncertain masonry construction.
7. In order to make the newly exposed side of the barn weathertight it would be necessary to replace some of the cladding and repair other parts. It would probably be unwise to leave the Fletton brickwork and plinth unprotected, since their weather-tightness cannot be presumed. It appears to me that the repair required by the notice would be a complex piece of work, possibly amounting to a restoration of the northern elevation. Such works would almost certainly affect the special interest of the historic building, and therefore require listed building consent.

8. I can well see that the Council might expect to approve such works. However, the inevitable consequence is that the appellant could not be certain what would be required of him in order to comply with the notice. Indeed, it was apparent from questions I put at the inquiry that neither main party could readily identify what the works would comprise. In the decision in the case of *Payne v NAW and Caerphilly CBC* the judge concluded that a notice that is uncertain should be regarded as a nullity. In this case it appears to me that the nature of the uncertainty is such that it would not be possible to correct the requirement without causing significant prejudice to the appellant, or by prejudicing the Council's ability to determine whether listed building consent should be granted for the necessary works. In the light of this I consider the notice is void for uncertainty, and must be considered a nullity. In the circumstances I consider the notice should be quashed.
9. However, this does not limit the Council's power to issue a further notice. I appreciate that there is a difficulty in formulating a requirement for executing further works to alleviate the alleged harm, that are as yet undefined, but I believe this could reasonably be overcome by the appellant and Council agreeing a scheme of works before issue of any further listed building enforcement notice.
10. In the light of the foregoing I shall not give further consideration to the listed building enforcement notice appeal.

Main issues

11. The Council did not pursue their objection to the development on grounds of highway safety, and I have not considered this matter further.
12. From my inspection of the appeal site and its surroundings, and from the representations made at the Inquiry and in writing I consider the first main issue in the enforcement notice appeals on ground (a), and in the planning appeal, and the only main issue in the listed building appeal is:

- The effect of the development upon the special interest and setting of the listed building.

I consider the second main issue in the enforcement appeals on ground (a), and in the planning appeal is:

- The effect of the development on the character and appearance of the appeal site and its countryside surroundings; and the third main issue,
- Whether the development is appropriate within the Metropolitan Green Belt, and if not whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Development plan policy

13. Development plan policy is from the East Hertfordshire Local Plan Second Review of 2007. I consider that policy of particular relevance to these appeals is as follows. Policies GBC1 and GBC9 seek to restrict development in the Green Belt, and set out the purposes for which new buildings will not be inappropriate, as well as criteria for the adaptation and re-use of rural buildings in the Green Belt. These policies closely reflect the advice of Planning Policy Guidance: '*Green Belts*' (PPG2). Policy ENV1 sets out aims for high standards of design and layout, in particular to ensure that new development relates well to the massing and height of adjacent buildings.
14. Policies BH10, BH11 and BH12 seek to protect listed buildings from harmful extension or alteration; ensure that conversion or change of use will not harm their special interest, and that development will not affect their settings.

The listed building issue

15. The listed South Barn is part of a complex of buildings that was previously a working farmyard. There is another traditional timber barn of similar dimensions standing some 47 metres to its north, which is not listed. There is a range of relatively modern agricultural buildings to the east, some of which are in dilapidated state.
16. Before construction of the industrial type building that is the subject of these appeals there were animal sheds attached to the northern side of the south barn and the southern side of the north barn, between which was a gap some 6 metres wide leading through to the yard beyond. These sheds were constructed of steel stanchions with lattice trusses. They had brick cladding on the western elevation, and corrugated asbestos-cement roofs. The sheds were open on the eastern side, where the cattle pens faced the yard.
17. The sheds were demolished, and there is now a single shed filling the space between the timber barns, roughly 47 metres long by 19 metres wide. It is a utilitarian portal-framed shed with corrugated metal sheet cladding. It is used to house an indoor cricket school, the entrance to which is through the north barn, which contains a reception and refreshment area, a shop for the sale of cricket kit and related items, and an administration area. Within the new shed at the northern end are block built changing rooms and an area for video equipment. However, it is predominantly a single open space with a resilient sports floor, and is in use as an indoor cricket pitch, or as practice nets.
18. I understand the ridge of the new building is at approximately the same height as the ridge of the former animal sheds. However, the roof form of these sheds was such that the central longitudinal bay had a relatively steep pitch, which slackened over 'aisles' to either side. The result was that the eaves height of the sheds was at a considerably lower level than that of the new building – I estimate from photographs that the difference was probably about a metre. Although it may be that the overall outline of the new building seen in silhouette is much the same as that of the sheds, the difference in bulk is very considerable. Furthermore, it is apparent that the pronounced change in

the roof pitch, the gap between the north and the south sheds, the various openings in the flank walls, and the variety of constructional materials all served to break up the buildings into smaller visual elements, and to reduce their apparent bulk.

19. In contrast, apart from the slight change in ridge height and set back of the external wall in the central transverse bay of the new building, the roof has a uniform, relatively low pitch, there are few external doors or windows, and the roof and wall cladding are of a uniform texture and colour. The full scale and bulk of the building are readily apparent, and there is little to diminish its presence. I saw that the western flank wall of the new shed is partially clad with timber weatherboarding, which I understand is incomplete. Although this material would probably be a more sympathetic finish, its completion would not provide any significant articulation of this rather blank wall or significantly reduce the scale.
20. The listed barn, and to a great extent the northern barn as well, are of relatively small scale, retaining forms, materials and detailing that are typical of traditional rural structures. In the case of listed South Barn the steeply pitched roof, the projecting central porch on the southern side, and the weatherboarding are notable in this regard.
21. Looking from the north-east towards the junction of the new building with the South Barn almost all the northern side wall of the barn is concealed, and there is a long intersection between the new and old roofs, where there is an unsightly flashing detail. This can be compared with a photograph¹, showing a view of the old animal shed from the north-east, in which a significant area of the upper part of the flank wall of South Barn is visible, the open front of the animal shed allows the corner of the barn to be seen, and there is a relatively short, neat intersection between the roofs. All of which served to reduce the impact of the shed. In my opinion, the earlier building was relatively subservient to the listed barn, allowed its overall form to be appreciated as a more or less discrete entity, and had minimal impact on the historic fabric.
22. The new building in contrast, with its projecting and opaque corner, conceals the listed building to a much greater extent, its bulk dominates the form of the listed barn to a degree that the listed building has become the subservient element, and the crude junctions of mismatching materials between the intersecting roofs and walls appear wholly incongruous. From the western side, the unarticulated wall of the new shed is of such a scale that the listed barn appears overwhelmed.
23. I accept that the former animal sheds had little to commend them as adjuncts to the listed barn in terms of their materials and design, and indeed the list description acknowledges that they were not of special interest. However, that does not justify construction of a new building of a larger scale, and in unsympathetic materials.
24. In my view the new building is highly incongruous, being unsympathetic in terms of scale, bulk and design, and causes significant harm to the setting and special architectural interest of the listed building.

¹ Figure 2 in Mr Craig's Appendix DRC05.

25. I conclude on the first main issue in the enforcement appeals on ground (a), and in the planning appeal, and the sole main issue in the listed building appeal that the development causes serious harm to the special interest and setting of the Grade II listed building. The development does not accord with the aims of Local Plan Policies BH10, BH11 & BH12.

The appeal site and countryside surroundings

26. In terms of its impact on the character and appearance of the surroundings, I have already come to the view that the new building is significantly bulkier than the previous sheds. This is exacerbated by the fact that it occupies the entire space between the two barns, without any central gap. Any view from the west, into the yard beyond, has been cut off, as has the route between the buildings, enclosing the yard to a significant degree. The western elevation presents a monolithic mass of building that is a highly conspicuous feature in the surroundings. The new building is readily seen and is prominent from the public footpath running across to the south of the buildings, as well as from the road to the west. It stands in relatively open rolling countryside where there is sparse development. I consider the new building has a significant and harmful impact on the open and rural character of the area, and is incongruous in relation to the adjacent buildings.

27. It was argued that the lower ridge height in the central bay of the new building reflects the position of the gap between the former animal sheds. However, in my opinion this is such a minor inflection that it has virtually no effect in breaking up the visual mass of the building, or in reducing its impact.

28. I conclude on the second main issue in the enforcement appeals on ground (a), and in the planning appeal that the development causes significant harm to the character and appearance of the appeal site and its countryside surroundings. In this respect the development does not accord with the aims of Local Plan Policy ENV1.

The Green Belt issue

29. Planning Policy Guidance: 'Green Belts' (PPG2) makes clear that there is a general presumption against inappropriate development within the Green Belt, and that inappropriate development is by definition harmful. Paragraph 3.4 of the guidance sets out certain purposes for which the construction of new buildings within the Green Belt is not inappropriate. These include the provision of essential facilities for outdoor sports and recreation, which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Paragraph 3.5 goes on to explain that essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt. It gives possible examples including small changing rooms or unobtrusive spectator accommodation for outdoor sports.

30. In my opinion the idea of facilities for outdoor sports does not encompass or envisage a substantial building for the express purpose of indoor sports competition and training. A new building such as this one cannot to my mind be regarded as coming within the ambit of appropriate development envisaged by paragraph 3.4. Furthermore, the new shed cannot be said to be a reconstruction of the former animal sheds – very little is left of those except

the end walls – and as a matter of fact and degree it must be regarded as a new building. This is not the re-use of a building, as envisaged by paragraph 3.7 of the guidance, since the most substantial and most important part of the complex has been built anew.

31. I conclude on the first part of this main issue that the development is inappropriate within the Green Belt, and following from my conclusions on the second main issue, that it causes significant harm to the openness of the Green Belt. Furthermore, it cannot be said to assist in safeguarding the countryside from encroachment – one of the five purposes of including land within the Green Belt.
32. However, that is not the end of the matter, and I must go on to consider whether there are other considerations that clearly outweigh the harm by reason of inappropriateness, and any other harm, that amount to very special circumstances to justify the inappropriate development.
33. It was argued that use of the northern barn was an appropriate re-use of an existing building that causes no harm to Green Belt interests. This may be the case, but the use of this building cannot be seen in isolation from the use of the range of buildings as a whole. The various uses within the northern barn are all ancillary to the principal use as an indoor cricket school. However, such ancillary uses could readily be generated by principal uses that would be appropriate in the Green Belt – such as those that might have entailed appropriate re-use of the former animal sheds.
34. The appellant sees the listed barn as becoming an integral part of the cricket school. It is argued that his intention to bring it into use, expressed in the unilateral undertaking put forward, would achieve the aim of preserving the building, and fulfilling the owners' obligation to keep it in good order.
35. Whether or not the current use is conducive to the retention of the traditional barns is difficult to say – the listed barn has not yet been put to any new use. Other than the suggestion that it might be used as a meeting room, there are no firm proposals, particularly as to how the building might be affected physically. There has been no assessment of other principal uses that might come forward that could utilise the buildings without the harm caused by the new building. I do not consider this somewhat vague suggestion of re-use of the listed building is sufficient to justify that harm.
36. It is argued that the use as a cricket school had been encouraged by the Council for some time. In particular, an officer had suggested ways in which the two animal sheds could be linked together to provide a single space of suitable size, and had sketched this on an elevation of the then existing buildings. This suggestion was in the form of a lower, glazed link section in the gap between the two sheds. It was also suggested that the concrete block plinth of the open section of the animal sheds might be rebuilt in brick.
37. I can understand that the Council may have considered the indoor cricket school as a suitable re-use of the original buildings, with a degree of extension and alteration, and have encouraged development in those terms. However, that is not what has happened, and I do not accept that the Council officer's sketch indicates any acceptance – nor yet encouragement – to demolish the

sheds and construct a substantial new building in their place. In fact it is apparent that the Council had warned the appellant of the possible risk in constructing a new building.

38. It was suggested that compliance with notice A would leave the listed barn isolated, and harm its setting by revealing the utilitarian and dilapidated buildings to the east. It would be far more harmful to the setting than construction of the new building itself. However, the harm arising from the direct juxtaposition of the new shed with the listed building would be removed. Furthermore, the listed barn is already seen in the context of the buildings to the east in views from the footpath. I do not accept that exposing a further view would be of particular harm, and on balance would be considerably less harmful than the presence of the new shed.
39. Regarding activity on the site resulting from the cricket school, I accept that it generates relatively small numbers of users at any time. If compared with other uses, such as the original agricultural use - or other potential 'fall-back' uses such as a B1 storage use - it appears to me there would little difference in terms of impact on the area as a result of traffic, and probably significantly less in terms of such things as noise and disturbance. While the use itself may have little impact in terms of openness, this does not lessen the effect of the building itself, or in any way overcome harm to openness.
40. The appellant put forward a number of potential changes to the shed as built, in order to address the Council's concerns. The principal proposal is to alter the central bay with the lowered roof ridge to become a fully glazed link, reflecting the previous gap between the animal sheds. Other measures would include completion of the weatherboard external cladding above the brick plinth, improving the flashing detail to the listed barn, and applying a roof covering - such as slate - on top of the corrugated sheeting.
41. I accept that these measures would go some way towards breaking up the visual mass of the building. However, the continuous flat planes of the flank walls would remain, as would the crude junction of the new shed with the listed barn, and to a slightly lesser extent with the northern barn. I am particularly concerned that nothing significant would be done to make a clear articulation between the new building and the listed building, to allow the form of the latter to be clearly seen, and not dominated by the new building. While the use of different external materials would go some way to integrating the new building into the surroundings, in my opinion the suggested measures do not go far enough to overcome the harm resulting from the increased bulk of the building. Furthermore, these proposals as a whole would result in a very different form of development, which I consider should be the subject of new planning and listed building applications, and could not reasonably be the subject of conditions imposed on approvals of the development before me.
42. Much evidence was put forward by officials of cricket clubs and cricket leagues, qualified cricket coaches and a sports teacher regarding the standard of the facilities provided by the cricket school, its importance in providing winter training for both senior and junior players, and in bringing on young players, and the numbers of players and teams in the District. Furthermore, I

understand that it would be necessary to travel to Walthamstow, Chelmsford or Ilford to find alternative similar facilities.

43. Although situated in the countryside, the site lies close to the town of Sawbridgeworth, is roughly mid-way between Bishop's Stortford and Harlow about 5 km respectively to the north and south, and about 10 km east of Ware. In this respect it is well located in relation to the substantial population of the area. Given the lack of alternative facilities within a reasonable distance, and the necessarily large catchment area for a specialised facility of this sort, it appears to me that this represents a more sustainable form of development than the alternatives of travelling to more distant centres. There can be little doubt that the cricket school makes an important contribution to sports facilities in the district, and assists in the government's objectives to promote health and well-being and the social development of children of all ages through sporting activities, as expressed in Planning Policy Guidance Note 17: *'Planning for Open Space, Sport and Recreation'*.
44. The potential re-use and restoration of both the listed and unlisted barns could have been brought about by other forms of development and do not in themselves justify constructing a new shed that is harmful to listed building, Green Belt and other interests. While the Council may have supported the idea of re-use of the original buildings, this again does not justify constructing the new shed without planning permission. I can understand that this support may have indicated to the appellant that it was not necessary to consider the sequential approach for location of new development, but again the support was given in the context of re-using existing buildings. I do not find the potential exposure of the buildings to the east more harmful to the setting than the new building, nor does the lack of harm in terms of the activity generated by the use make the development more acceptable.
45. I accept that the use as an indoor cricket school makes an important contribution to the sports facilities of the District, and need not cause significant harm to Green Belt or countryside interests. However, it is not realistically separable from the operational development. The other considerations put forward provide little justification for the harm to listed building, and to Green Belt and countryside interests. On balance I do not consider the weight of considerations that favour the scheme are sufficient to outweigh the very considerable presumption against inappropriate development in the Green Belt, and the harm to listed building and countryside interests.
46. I conclude on the second main issue in the enforcement appeals on ground (a) and in the planning appeal that the development is inappropriate in the Green Belt, and that the harm by reason of inappropriateness, and any other harm, is not outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development. The development does not accord with the aims of Local Plan Policies GBC1 and GBC19.

Other matters

47. From discussion at the inquiry it was apparent that the Council might be willing to consider possible alternative schemes for the new building, and it appears to me that an acceptable alternative scheme might well be found. In order to develop a scheme that would have proper regard to the special interest of the listed building I consider that the appellant would need to take account of the advice of Paragraph 3.15 of Planning Policy Guidance: 'Planning and the Historic Environment' (PPG15). This says that achieving a proper balance between the special interest of a listed building and proposals for alteration or extension is demanding, and should always be based on specialist expertise.
48. I consider this case is particularly demanding, both in terms of assessing the qualities of the listed building, and of devising a scheme that would sensitively marry such a large new building to it as well as making use of the listed building itself. It is clear that relevant specialist advice has not been sought, and in my view the 6 month compliance period would not be adequate for the appellant to obtain this, prepare a scheme for planning and listed building applications, and for these to be considered by the Council. Although no appeals have been made on ground (g), in my opinion the appellant's opportunity to prepare a scheme would be prejudiced by the compliance period as it stands, and I intend to extend the period to 12 months in both notices.

Conclusions

49. For the reasons given above and having regard to all other matters raised, I consider that appeals A, B, D and E should not succeed. I intend to uphold Notices A & B with the variations noted, and to refuse planning permission on the deemed applications. I also intend to dismiss the planning and listed building appeals. Appeal C, against the listed building enforcement notice succeeds on account of the uncertainty of the requirements, and I intend to quash the notice.

Formal Decisions

Appeal A refs: APP/J1915/C/09/2103165 & 2103166

50. I direct that the enforcement notices be varied by the deletion of *6 months* and the substitution of *12 months* as the period for compliance.

Subject to this variation I uphold the enforcement notices. I refuse to grant planning permission on the applications deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B ref: APP/J1915/C/09/2103167

51. I direct that the enforcement notice be varied by:

SUBSTITUTION of the words – '*an indoor cricket school*' for the words '*a cricket school*' in paragraph 3 of the notice – The Matters which appear to constitute the Breach of Planning Control.

DELETION of *6 months* and SUBSTITUTION of *12 months* as the period for compliance.

SUBSTITUTION of the plan attached to this decision for the plan attached to the notice.

Subject to these variations I uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal C ref: APP/J1915/F/09/2103164

52. I allow the appeal and direct that the listed building enforcement notice be quashed.

Appeal D ref: APP/J1915/A/09/2100347

53. I dismiss the appeal.

Appeal E ref: APP/J1915/E/09/2100348

54. I dismiss the appeal.

Stephen Brown

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Thomas Hill	Queen's Counsel, instructed by Sworder's Agricultural.
He called: Martin Ranner BA(Hons) PGDip MRTPI	Chartered Town Planner, Senior Associate of Sworder's Agricultural.

FOR THE LOCAL PLANNING AUTHORITY:

James Neill	of Counsel, instructed by George Robertson Head of Legal Services East Hertfordshire District Council.
He called: Martin Plummer BSc(Hons)	Senior Planning Officer East Hertfordshire District Council.
Russell Craig RIBA DipTP MRTPI DpBdgSc	Design and Conservation Officer BEAMS Ltd.

INTERESTED PERSONS:

Stephen Green	Chairman, Harlow Cricket Club.
Tony Rhodes	Chairman, Broxbourne Cricket Club.
Matthew Drury	Teacher, Bishops Stortford College.
Bob Mills	Chairman, Thorley Cricket Club & Fixtures Secretary, Herts & Essex Cricket League.

DOCUMENTS

- 1 Attendance lists for both days of the inquiry.
- 2 The Council's letters of notification of the appeal, dated 16 June & 6 October 2009 with the circulation lists.
- 3 Supplementary proof of evidence from Martin Ranner.
- 4 Statement of Common Ground.
- 5 Appendices to Mr Craig's proof of evidence.
- 6 Appendices to Mr Plummers' proof of evidence.
- 7 Traffic count at the appeal site for the period from 9 June to 15 June 2009, inclusive.
- 8 Letter dated 4 September 2009 from the appellants to EHDC with accompanying Detailed Discussion Document.
- 9 Matthew Drury's statement.
- 10 Bob Mills' statement.
- 11 Proposed planning conditions.
- 12 Letter dated 30 September 2009 from the Council to Mr Ranner.
- 13 Completed S106 Unilateral Undertaking.
- 14 Extract from Planning Inspectorate Procedural Guidance 01/2009.
- 15 Local Plan Policies LRC1, LRC2 and LRC3.

PLANS

- A Alternative site plan in Appeal B, put in by the Council.

PHOTOGRAPHS

- 1-14 Photographs of the interiors of North and South Barns.



Plan

This is the plan referred to in my decision dated: 3rd February , 2010.

**By Stephen Brown MA(Cantab) DipArch
RIBA**

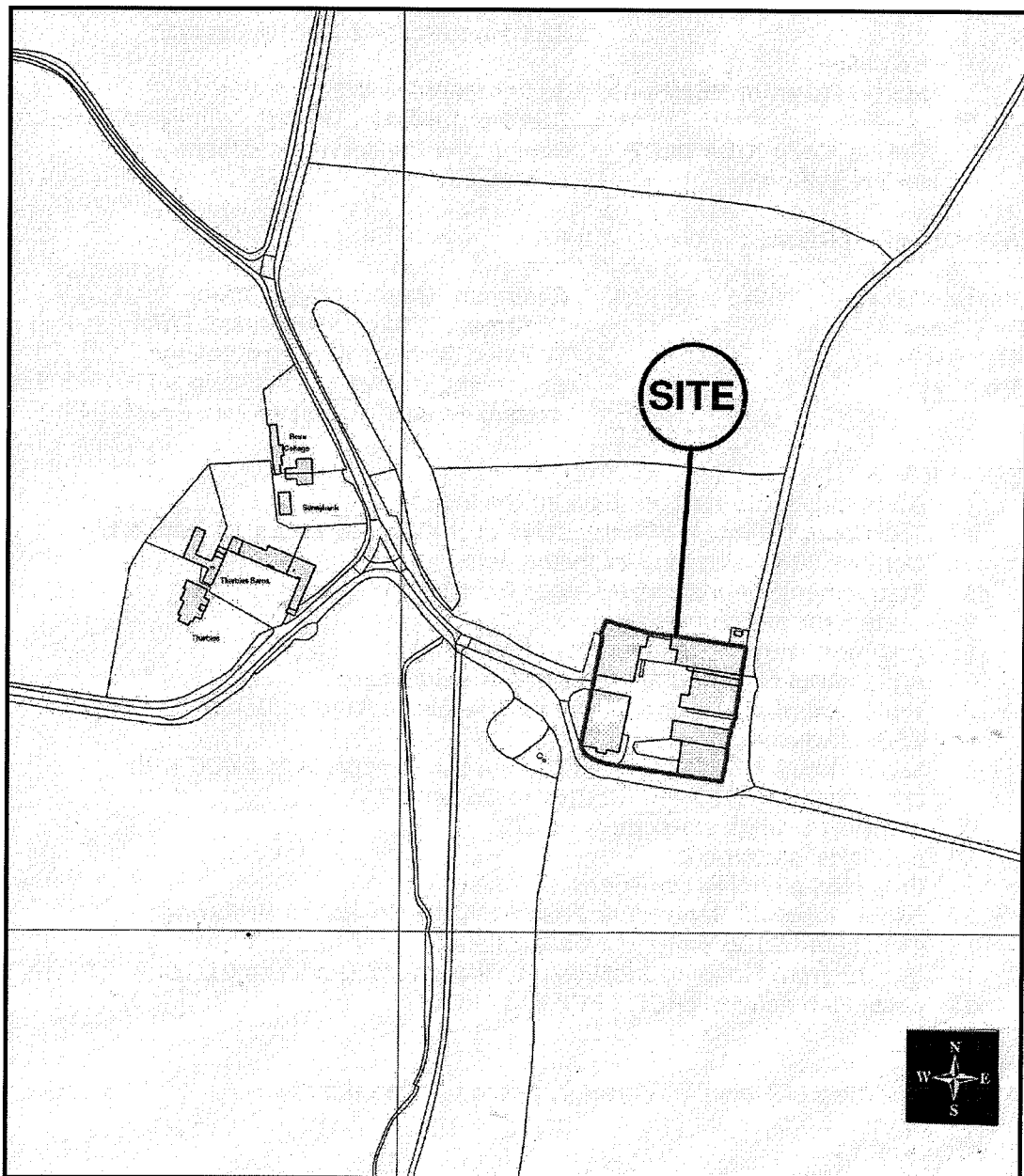
**Land at Tharbie's Farm, Rook End,
High Wych, Sawbridgeworth
CM21 0LL.**

**Appeal ref:
APP/J1915/C/09/2103167**

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Scale: DO NOT SCALE





Plan

This is the plan referred to in my decision dated: 3rd February, 2010.

**By Stephen Brown MA(Cantab) DipArch
RIBA**

**Land at Tharbie's Farm, Rook End,
High Wych, Sawbridgeworth
CM21 0LL.**

**Appeal ref:
APP/J1915/C/09/2103167**

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi
.gov.uk

Scale: DO NOT SCALE

