



Appeal Decision

Inquiry held on 14 July 2010
Site visit made on 14 July 2010

by **Stuart M Reid** D Arch (Hons) RIBA

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

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Decision date:
19 October 2010

Appeal Ref: APP/J1915/X/10/2122572

Ashfield Farm, Howe Green, HERTFORD, Hertfordshire SG13 8LJ

- The appeal is made under section 195 of the *Town and Country Planning Act 1990* as amended by the *Planning and Compensation Act 1991* against a refusal to grant a certificate of lawful use or development.
- The appeal is made by Mr Michael Hill against the decision of East Hertfordshire District Council.
- The application Ref 3/09/1479/CL, dated 11 September 2009, was refused by notice dated 10 November 2009.
- The application was made under section 191(1)(a) of the *Town and Country Planning Act 1990* as amended.
- The use for which a certificate of lawful use or development is sought is use for non-agricultural storage and for vehicle and equipment maintenance workshop (B8 and B2) including *sui generis* use as a depot for a ground works contractor's business including ancillary plant hire.

Summary of Decision: The appeal is allowed and a certificate of lawful use or development is issued, in the terms set out below in the Formal Decision.

Procedural matters

1. At the Inquiry an application for costs was made on behalf of Michael Hill against East Hertfordshire District Council. This application is the subject of a separate Decision.
2. It was agreed at the Hearing that a small unit shown on the application plan should not have been included. I have therefore attached to this decision the corrected plan excluding the unit.
3. For the avoidance of doubt, the planning merits of the existing use are not relevant, and they are not therefore an issue for me to consider in the context of an appeal under section 195 of the *Town and Country Planning Act 1990* as amended, which relates to an application for a lawful development certificate. My decision rests on the facts of the case, and on relevant planning law and judicial authority.

Main issue

4. I consider that the main issue is whether the Council's decision to refuse to grant a lawful development certificate for the use for non-agricultural storage and for vehicle and equipment maintenance workshop (B8 and B2) including *sui generis* use as a depot for a ground works contractor's business including ancillary plant hire was well-founded.

Reasons

5. The appeal site is reached from a long lane which also serves as a bridleway. At its end it turns into Ashfield Farm, which is about 3.6 Ha in area, with a group of former agricultural buildings covering about 0.4 Ha; the floor area of the buildings is about 900 m². The remainder of the farm is pasture, and is used by a neighbour for grazing. Close to the entrance to the site the access drive splits into 2, an east and a west arm, which lead to an area of hardstanding at the south end of the site, beyond which is a field. There are buildings to the east and west of the 2 arms, as well as centrally between them. There has been no agricultural use of the appeal site since pig farming ceased in the mid 1980s.
6. The appellant began using some of the buildings on the site for storage of machinery and equipment associated with his groundworks business from the late 1980s. Following the death of his father in 2008, all of the farm buildings and the land passed to the appellant and his sister. The appellant's groundworks business also includes an element of plant hire. The lawful development certificate application is concerned with only some of the buildings on the site, which are identified on the plan attached to this decision. Two other buildings identified as Units 5 and 7 were granted permission on appeal and are used by tenants. Unit 3, a single storey brick building, is not included and has been unused since its agricultural use ceased.
7. The Council accept that the appellant's ground works business has been in operation for a period in excess of 10 years, and that it has operated from the appeal site. The Council's concerns relate to whether specific buildings and land on the appeal site have been used in connection with the business.
8. Dealing with the units which are specifically the subject of the lawful development certificate appeal before me, Unit 1 is an Atcost barn, and the former pig pens have been removed from it. It is now used for the storage of machinery and equipment mainly associated with the business. There is also open storage outside to the north for further vehicles. Unit 12 to the south of Unit 1 (there is an area of grazing between the two units) was an agricultural enclosure, formerly the manure heap, and is used for machinery and vehicle open storage, and is shared with a tenant who occupies one of the other buildings not the subject of the lawful development certificate appeal.
9. Units 2 and 11 in the middle of the site are a brick building and a lean-to, and there is a hardstanding to the south of Unit 2 where the 2 arms of the access track meet. Unit 2, the former tractor shed, is used as a vehicle maintenance workshop. Unit 11 was formerly pig pens, and is now used as a stores building for materials for the groundworks business. The pig pens are still evident, and the materials are randomly stored in this area. North of Unit 11 is Unit 10, which is a concrete hardstanding used for parking a dumper truck, a trailer, and a Land Rover, following the collapse of the wooden building which formerly stood on the slab. Unit 8 to its north was used for storage of small items of plant and equipment, but collapsed during the last winter.
10. Units 2 and 11 are accessed from the east arm of access track, the remainder from the west arm. With the exception of Unit 2, which is in B2 use, all the other units are used as B8 storage.

11. Unit 1 housed a number of machines in a large open space, and was clearly in use as storage for the business, although there were other items stored in there as well. The needs of the business are for flexibility, as machines could be away on a groundworks contract or out on hire, or some or all could be at the appeal site awaiting the start of another contract or period of hire. Thus, the units could be full or empty or anywhere in between. Nonetheless, this unit was fairly busy, and provided space for further storage. It was clearly in use as part of the business, as was the area outside it.
12. Unit 2 is the B2 building used for servicing, maintenance and repair of almost all of the vehicles, plant and equipment belonging to the business. It was very well-equipped for that role, and I do not doubt that it is a key part of the business activities. Again, it is an area which may be in popular demand or unused, depending on the needs of the business at that moment in time, but its configuration, equipment, and storage of parts and spares, plainly show it is properly organised and managed and available for its role in the business.
13. Unit 8 is a concrete slab which was in use for vehicles and plant used by the business. The trailer is obviously part of that business as it is used for transporting small plant and equipment, and the dumper truck and Land Rover are also clearly part of the groundworking and plant hire business use. I do not doubt that Unit 10 was used for storage and the area is part of the overall storage facility needed by the business.
14. Concerns were expressed at the Hearing that the appellant had not adapted Unit 11 for use for his business; it had been left as it was with the original pig sties in it. The appellant explained that it was difficult for structural reasons to demolish many of the internal pig sty walls. It seemed to me that the accommodation was, in fact, very well suited to the items that were stored in the building, and I could see no reason to spend money unnecessarily in providing a new structural support system inside the building so that the pig sties could be demolished, when the spaces the pig sties, and the aisles between them, provided were appropriate and suitable for the stored items. The stored items, as would be expected for a groundworking business, were extremely varied. The building was plainly primarily in use for storage for the business, and would provide considerable spare space if needed.
15. Finally, Unit 12 as open storage of machinery and equipment was well-used at the time of my visit but could clearly have been empty or almost so if equipment had been out on site. I have no doubt that it is an important area of storage with regard to the business use.
16. It is of note that all of the buildings and open areas at the appeal site were the result of the pig farming business, and the accommodation presently in use represented the reuse of those spaces, and may not therefore have been ideal or necessarily functionally precisely related to the needs of the present business. No evidence was put to me by the Council to show the appellant's evidence was not right; it appeared that they were unsure only of whether there was a link between the lawful business and particular buildings or areas. It was and is likely that plant and equipment could be stored in different units and areas at different times, or could be away on site, and also that plant and machinery would be sold and replaced, but overall I have no doubt that the whole site is in use for the business.

17. There is obviously a lack of precision in defining accurately what is or should be or could be on site and what is in any particular building or area, due to the changing nature of what is on the appeal site, and what is away, at any particular time. It is not a site for the continuous storage of the same plant and machinery, but what is stored on site will depend on the particular groundworking contracts and plant hire at that time. The fact that almost all of the machinery could be out on other sites at any one time would give a very different impression of the business use when compared with it all being at the appeal site.
18. On the balance of probability it therefore seems to me that the use of the land, including the use of the buildings and open areas that have been identified within the appeal site boundary (with the exception of one unit now omitted), for the uses identified in the application, is lawful.

Conclusion

19. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use in respect of use for non-agricultural storage and for vehicle and equipment maintenance workshop (B8 and B2) including *sui generis* use as a depot for a groundworks contractor's business including ancillary plant hire was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Decision

20. I allow the appeal, and I attach to this decision a certificate of lawful use or development describing the existing use which I consider to be lawful.

Stuart M Reid

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Jane R Orsborn	Appellant's agent.
BA Hons Dip TP DMS MIMgt	
Michael Hill	Appellant.
Diane Standbrook	Appellant's sister.

FOR THE LOCAL PLANNING AUTHORITY:

Jill Stevens	Planning Officer, East Hertfordshire District Council.
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DOCUMENTS PUT IN AT AND AFTER THE HEARING

- 1 Plan AF/01, put in by the appellant at the Hearing.
 - 2 Application plan and Refusal Notice dated 18 November 2008 for the previous lawful development certificate application of September 2008, put in by the appellant at the Hearing.
 - 3 Letter dated 14 July 2010 and 2 plans from the appellant's agent, put in after the hearing, to confirm the corrected area for the lawful development certificate.
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Lawful Development Certificate

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Appeal reference
APP/J1915/X/10/2122572

Town and Country Planning Act 1990:
section 191 (as amended by section 10
of the *Planning and Compensation Act*
1991)

The Town and Country Planning
(*Development Management Procedure*)
Order 2010: Article 35

Decision
date:19.10.2010

IT IS HEREBY CERTIFIED that on 11 September 2009 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and hatched in black on the plan attached to this certificate was lawful within the meaning of section 191(2) of the *Town and Country Planning Act 1990* as amended, for the following reason:

The use commenced more than 10 years before the date of the application and has continued since that date.

Stuart Reid

INSPECTOR

First schedule

Use for non-agricultural storage and for vehicle and equipment maintenance workshop (B8 and B2) including *sui generis* use as a depot for a ground works contractor's business including ancillary plant hire.

Second Schedule

Land at Ashfield Farm, Howe Green, HERTFORD, Hertfordshire SG13 8LJ.

NOTES

1. This certificate is issued solely for the purpose of section 191 of the *Town and Country Planning Act 1990* as amended.
2. It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule was lawful on the certified date and, thus, would not have been liable to enforcement action, under section 172 of the 1990 Act, on that date.
3. This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.



Lawful Development Certificate Plan

Appeal reference
APP/J1915/X/10/2122572

Plan attached to the Lawful
Development Certificate

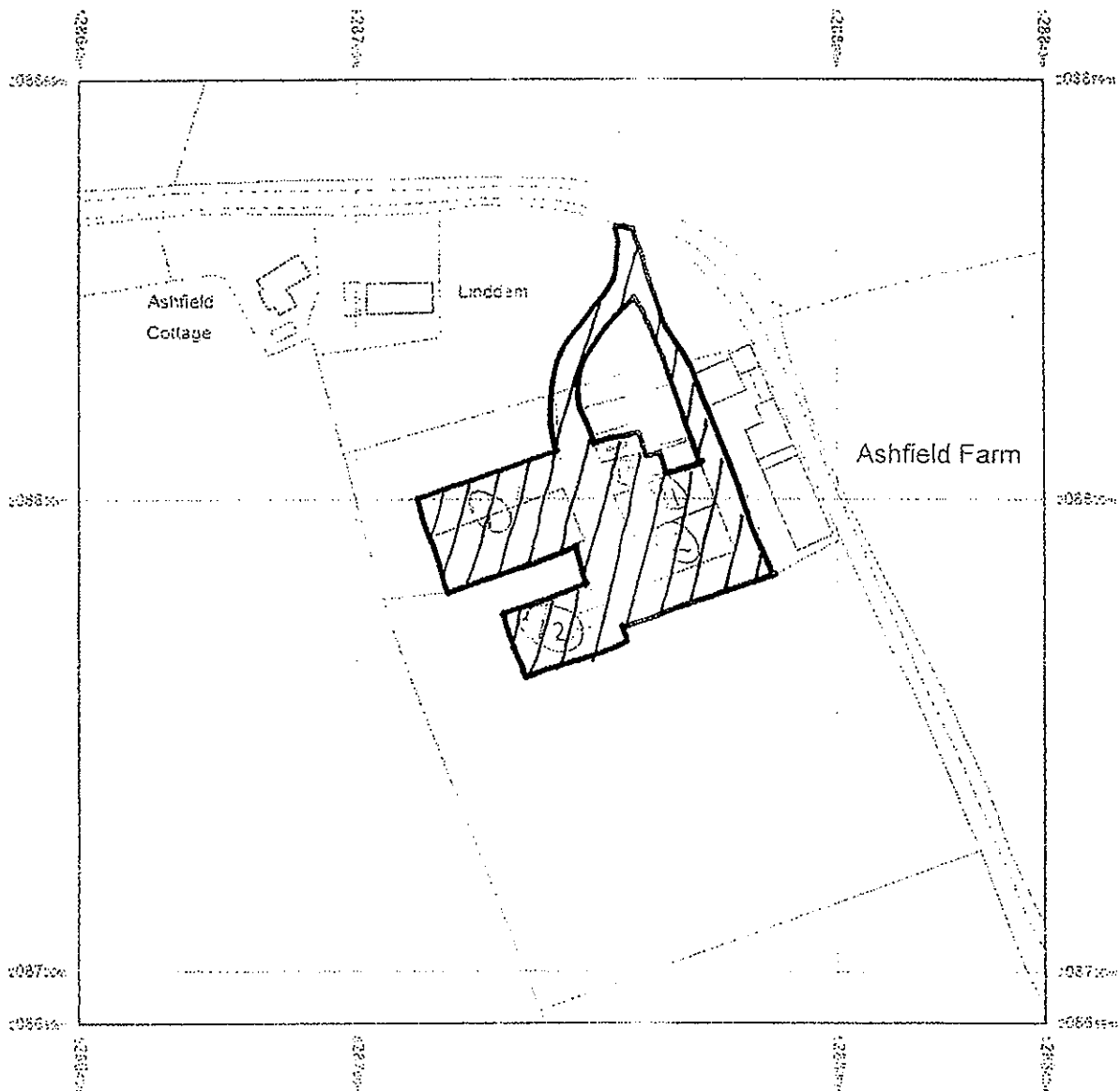
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Decision
date:19.10.2010

Land at Ashfield Farm, Howe Green, HERTFORD, Hertfordshire SG13 8LJ

Scale: Not to scale



Stuart Reid
INSPECTOR



Costs Decision

Inquiry held on 14 July 2010
Site visit made on 14 July 2010

by **Stuart M Reid** D Arch (Hons) RIBA

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

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Decision date:
19 October 2010

Costs application in relation to Appeal Ref: APP/J1915/X/10/2122572 Ashfield Farm, Howe Green, HERTFORD, Hertfordshire SG13 8LJ

- The application is made under the *Town and Country Planning Act 1990*, sections 195, 320 and Schedule 6, and the *Local Government Act 1972*, section 250(5).
- The application is made by Mr Michael Hill for a full award of costs against East Hertfordshire District Council.
- The inquiry was in connection with an appeal against the refusal of a certificate of lawful use or development for use for non-agricultural storage and for vehicle and equipment maintenance workshop (B8 and B2) including *sui generis* use as a depot for a ground works contractor's business including ancillary plant hire.

Summary of Decision: I refuse the application for an award of costs.

The Submissions on behalf of Michael Hill

1. Following the 2008 application, which was deficient, time and effort was spent in providing additional business information, photographs of plant, and a schedule, and it was genuinely felt this had covered the ground. It was difficult to get to grips with what was still needed. The 2009 application had been simplified. Although the Council had acted in good faith, they had not shown that the evidence was insufficient on the balance of probabilities.

The Response by East Hertfordshire District Council

2. The Council had moved forward and had accepted that the business had been run from the farm for more than 10 years. There were discrepancies with the units. Some were excluded on the second application. There was a further problem taking out another unit today. The Council had acted in good faith but there were discrepancies, they had acted reasonably with the information available at the time.

Conclusions

3. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only 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.
4. Whilst I have found that the refusal to grant the lawful development certificate was ill-founded, I had the benefit of a very thorough explanation of the operation of the business and each of the Units by the appellant at the Hearing, including on site, which the Council had not had the benefit of in reaching their decision. I agree that they had no evidence to the contrary, but they had

doubts sufficient to make them concerned, on the balance of probabilities, about the extent of the groundworking and hire business activities at the site, and the links between each of the units and the outside areas and the business activities. It was an area in which the Council were entitled to exercise judgment, which they did.

5. In the light of these circumstances, I consider that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has not been demonstrated and I therefore conclude that an award of costs is not justified.

Formal Decision

6. I refuse the application for an award of costs.

Stuart M Reid

INSPECTOR



Appeal Decision

Site visit made on 5 October 2010

by **Lesley Coffey** BA (Hons) BTP MRTPI

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

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Decision date:
25 October 2010

Appeal Ref: APP/J1915/A/10/2125554

Land adjacent to 29 Moors Ley, Walkern, Stevenage SG2 7NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr A Sewell against the decision of East Hertfordshire District Council.
- The application Ref 3/09/1685/FP, dated 19 October 2009, was refused by notice dated 22 February 2010.
- The development proposed is a single storey dwelling house.

Decision

1. I dismiss the appeal.

Main issue

2. I consider the main issue to be the effect of the proposal on the character and appearance of the surrounding residential area.

Reasons

3. A previous appeal in respect of a two storey house was dismissed in 2009, on the grounds that it would unbalance the open corners at the junction of Moors Ley.
4. Policy OSV1 of the East Herts Local Plan Second Review 2007 allows for limited small scale and in-fill development within Category 1 villages such as Walkern, subject to a number of criteria. These include the requirement to safeguard the character and appearance of the village.
5. The appeal site comprises the side garden of 29 Moors Ley, which together with the side garden of 27 forms an open corner, mirrored by the gardens on the eastern side of the road. Although the dwellings closest to the appeal site are two storey, there are other single storey dwellings with the locality. The proposed dwelling would be visible from the southern return of Moors Ley, however, due to its height and distance from this frontage I consider it would maintain the openness of this corner. Moreover, the boundary hedge would soften views of the proposed dwelling.
6. Most dwellings in the surrounding area benefit from generous front gardens. Due to this, car parking is well integrated and does not dominate the street scene. The appeal property has a shallower front garden than many dwellings in the locality, and this is balanced by the open nature of the side garden. The proposal would result in a total of four parking spaces immediately adjacent to

each other. These would extend almost to the back edge of the pavement. As a consequence, the parking spaces would dominate the frontage of the site and would not provide the high quality public realm sought by Planning Policy Statement 3:Housing. The proposal would therefore fail to respect the distinctive character of the surrounding area and would not comply with Local Plan policies HSG7, ENV1 and OSV1.

7. I accept the proposed dwelling would continue the front and rear building lines of the dwelling at 29 Moors Ley, and due to its height it would not be unduly prominent within the street scene. Nonetheless, this would not overcome the harm that would arise from the totality of the proposal, in particular the parking to the front of the appeal site.

Conclusion

8. For the reasons given above I conclude that the appeal should be dismissed.

Lesley Coffey

INSPECTOR



Appeal Decision

Site visit made on 30 September 2010

by **Isobel McCretton** BA(Hons) MRTPI

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

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Decision date:
7 October 2010

Appeal Ref: APP/J1915/H/10/2130132

2 London Road, Bishop's Stortford CM23 5ND

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by ITVET against the decision of East Hertfordshire District Council.
- The application Ref. 3/10/0020/AD, dated 1 February 2010, was refused by notice dated 9 April 2010.
- The advertisement proposed is 3 no. internally illuminated sign boxes.

Procedural Matters

1. The signs are already in place and the application was for retrospective consent for their display. I have determined the appeal on this basis.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issue is the effect of the display on the character or appearance of the Bishops Stortford Conservation Area and the setting of nearby listed buildings.

Reasons

4. The appeal property is in a prominent corner position at a busy junction in the Conservation Area. The signs, which wrap around two sides of the building, comprise non-illuminated perspex fascia panels within which there are 3 illuminated boxes, one on the London Road frontage and 2 on the Hockerill Street frontage.
5. The depth of the fascia panels relates poorly to the proportions of the frontage of the property making it appear top heavy. This is emphasised by the non-traditional materials from which the sign is made which are unsympathetic to the character and appearance of the Conservation Area. The appellants complain that the application was refused without a Council officer observing the signs at night. However, even during the daytime, the illumination of the boxes, albeit low key and a small proportion of the overall sign, adds further brightness giving undue prominence to the fascia signs within the Conservation Area. Moreover the signs also draw the eye away from the nearby listed buildings on the corner of London Road/Hockerill Street and do not preserve their setting.

6. Policy BH15 of the East Herts Local Plan Second Review 2007 sets out criteria for advertisements in conservation areas if they are to be allowed. They are required to be painted or individually lettered in suitable material of an appropriate size and design in relation to the building or fascia; preferably be non-illuminated, but where proposed as necessary should be discreet in size and of a minimum level; be a traditional fascia or hanging sign; and be of an appropriate size and design to convey the message. The signs installed at the premises do not comply with these requirements and this reinforces the fact that they do not preserve or enhance the character or appearance of the Conservation Area.
7. While it is the function of signage to draw attention to a business, the Advertisement Regulations require that the appeal must be determined solely with regard to the impact of the signs on amenity and public safety. In support of the appeal the appellants draw attention to other illuminated signs in the Conservation Area but there is no evidence as to the history of these signs (e.g. whether/when they were permitted). In any event, those signs do not serve to justify the harmful display at the appeal site, nor does the fact that the appeal signs are part of improvements which have been made to what was a rather dilapidated building. There is no convincing evidence that the premises could not be advertised by means of a display more sympathetic to the character and appearance of the Conservation Area. While the quality of buildings within the large Conservation Area varies, the Conservation Area is, nonetheless, a heritage asset which it is desirable to sustain and enhance.
8. For the reasons given above it is concluded that the display of signs at the property is detrimental to the interests of amenity and does not preserve the character or appearance of the Conservation Area and the setting of nearby listed buildings. As such, the appeal is dismissed.

Isobel McCretton

INSPECTOR



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Development Control
East Hertfordshire District Council
Development Control
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Your Ref: 3/10/0108/FP
Our Ref: APP/J1915/A/10/2128773/WE
Date: 18 October 2010

19 OCT 2010

Dear Sir/Madam

Town and Country Planning Act 1990
Appeal by Grovebury Homes Ltd
Site at 11 Crescent Road, Bishop's Stortford, CM23 5JT

I am writing to tell you that the appeal, reference number APP/J1915/A/10/2128773/WF has been withdrawn and the file is closed.

The arrangements have been cancelled.

Yours sincerely

Catherine Evans

208B

You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -

<http://www.pcs.planningportal.gov.uk/pcportal/casearch.asp>

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Development Control
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Development Control
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Your Ref: 3/10/0563/FP
Our Ref: APP/J1915/D/10/2136464
Date: 13 October 2010

14 OCT 2010

Dear Sir/Madam

**Town and Country Planning Act 1990
Appeal by Mr Tony Tammadge
Site at Orchard Cottages, Epping Green, Hertford, SG13 8ND**

I am writing to tell you that the appeal, reference number APP/J1915/D/10/2136464 has been withdrawn and the file is closed.

The arrangements have been cancelled.

Yours sincerely

Catherine Evans

208B

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Appeal Decision

Site visit made on 30 September 2010

by **Isobel McCretton** BA(Hons) MRTPI

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Decision date:
12 October 2010

Appeal Ref: APP/J1915/D/10/2134539
Rosebank, Great Hornead, Buntingford SG9 0NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Robert Shewan against the decision of East Hertfordshire District Council.
- The application Ref. 3/10/0737/FP, dated 16 April 2010, was refused by notice dated 16 June 2010.
- The development proposed is a first floor extension and conversion of existing garage to ancillary accommodation.

Decision

1. The appeal is dismissed

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area, including the Great Hornead Conservation Area.

Reasons

3. The appeal property comprises a detached 2-storey Victorian house with a detached garage to one side which has a pitched roof. It is proposed to add a first floor to the garage to provide ancillary residential accommodation. The simple pitched roof of the garage would be replaced with what the appellant terms a gambrel roof, with two planes to each slope, but also with a small hipped area at either side. The ridge height would be raised by about a metre, and there would be 2 flat roofed dormers in the front elevation on the lower slope and a high level roof light to the rear.
4. Local Plan¹ policy ENV5 allows for extensions to dwellings providing the character, appearance and amenities of the dwelling and any adjoining dwellings would not be significantly affected to the their detriment. In addition, outside the main settlements and within the defined Category 1 and 2 villages an extension to a dwelling or the erection of outbuildings will be expected to be of a scale and size that would either, by itself, or cumulatively with other extensions, not disproportionately alter the size of the original dwelling nor intrude into the openness or rural qualities of the surrounding area. The supporting text explains that one of the concerns is the cumulative effect of development on the countryside.

¹ East Herts Local Plan Second Review 2007. The policies cited have been saved under the terms of a Direction pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004.

5. The appeal site is not within one of the main settlements in the District. Along with the addition of the double garage which is the subject of the appeal, the house has previously been extended by the addition of two-storey and first floor rear extensions which the Council estimates has increased the floor area of the original dwelling by 138%. It is considered that the cumulative effect of these previous additions and the proposed new floorspace above the garage would, contrary to policy ENV5, result in a disproportionate increase over the size of the original dwelling. Furthermore, as the Council argues, the additional height and bulk of the extension would encroach on the space between Rosebank and the adjoining dwelling, Craven House, which contributes to the openness and spacious layout of the properties. The appellant contends that this issue was not raised in pre-application discussions about the proposal. Be that as it may, informal advice from officers does not fetter the Council's ultimate decision.
6. The existing garage has a pitched roof which reflects that of the main house, and the ridge sits at eaves level of the rear extension to the dwelling. While the larger roller shutter door is utilitarian in appearance, the building itself appears subservient to the dwelling as a functional outbuilding. It seems to me that the height and design of the remodelled building would sit uncomfortably alongside the existing house. The roof design and flat roofed dormers are not characteristic features of the Conservation Area where simple pitched or hipped roofs predominate. With the addition of the glazed front door and tall window panels in place of the garage door, the resultant building would appear wholly out of place within the Conservation Area and incongruous in the street scene.
7. The Conservation Area is a designated heritage asset of good quality. The adverse visual effect identified would result in substantial harm to the Conservation Area contrary to the advice in PPS5² and would not accord with Local Plan policy BH5 which requires proposals for extensions to unlisted buildings in conservation areas to be sympathetic in terms of scale, height, proportion, form, materials and siting to the building itself, adjacent buildings and the general character and appearance of the area.
8. In conclusion, the proposed development would harm the character and appearance of the area including the Great Hornead Conservation and would not accord with adopted Local Plan policies GBC3, ENV1, ENV5 and BH5.
9. It is recognised that the appellant is seeking to provide additional accommodation for a member of the family and that this proposal represents an effective means of providing extra space without intruding into the garden area. However such personal circumstances do not outweigh the adverse effect on the Conservation Area which has been identified.
10. For the reasons given above, the appeal should be dismissed.

Isobel McCretton

INSPECTOR

² Planning Policy Statement 5: Planning for the Historic Environment (PPS5)



Appeal Decision

Site visit made on 13 October 2010

by **Richard High BA MA MRTPI**

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Decision date:
21 October 2010

Appeal Ref: APP/J1915/D/10/2136616

The Tallet, Slough Road, Allens Green, Sawbridgeworth, Herts, CM21 0LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr S Donald against the decision of East Herts Council.
- The application Ref 3/10/0804/FP, dated 26 April 2010, was refused by notice dated 22 June 2010.
- The development proposed is alteration and extension of existing outbuilding.

Decision

1. I dismiss the appeal.

Main issue

2. The main issues are the effect of the proposed development on the character and appearance of the area and the setting of the listed building which forms part of The Tallet and its neighbour Pyghtle.

Reasons

3. The Tallet and Pyghtle form a pair of semi-detached dwellings on the edge of the hamlet of Allens Green. They have been created by the recent conversion and division of a barn, which is a Grade 2 listed building, and the single storey elements attached to it on either side which run first along the frontage and then away from the road forming a partial courtyard. In the case of The Tallet the original single storey element was extended slightly southwards. To the rear of these wings each dwelling has a new, small, separate garage and garden store. While not identical, the two dwellings display a strong degree of symmetry and balance and although the single storey elements of the dwellings and the outbuildings are substantial and clearly subordinate to the two storey barn.
4. The proposed development would expand the existing garage/ garden store to accommodate an indoor swimming pool to the rear of it. Planning permission already exists for the erection of a swimming pool as a separate building further into the site and close to the eastern boundary of the site (Ref 3/09/1579/FP).
5. The proposed extension would increase the footprint of the outbuilding by almost 200%. I acknowledge that this would in part respect the courtyard form of development. However, in my view, although the extension would be no higher than the existing building, an extension of this scale would disturb the balance of the existing arrangement of buildings. This would, to an extent,

compete with the listed building particularly as the domestic style of the building would give it the appearance of a separate dwelling. I agree that historically the farmhouse rather than the barn would have been the main building of the farmstead, but the barn is clearly the focal point of the existing arrangement of dwellings and the scale of the proposal would cause slight harm to its setting.

6. The new swimming pool would stand close to the centre of the site, thus detracting from the open character of the garden area, and would extend across the drive making the site appear substantially more built up in this very rural location, when viewed from the road. For these reasons I conclude that the proposed extension would be harmful to the character and appearance of the vicinity. It would therefore be contrary to saved Policies GBC3 and ENV5 of the East Hertfordshire Local Plan Second Review 2007 which both aim to ensure that new development outside main settlements and Category 1 and 2 villages maintain the rural qualities of the area.
7. I accept that the additional floorspace would be less than has already been permitted for the construction of a separate swimming pool. However, that would be significantly further from the main building than the proposed extension. Moreover, its more secluded position towards the edge of the site would make it less dominant on the site both in relation to the existing building and when viewed from the road. There would therefore be a clear distinction between the effect of the proposed development and that previously permitted both in terms of its effect on the setting of the barn and the impact on the countryside.
8. I have taken account of the history of discussions regarding an earlier similar, proposal. I appreciate that the views expressed by different officers have varied and that the unfortunate death of the officer with whom the first proposal was discussed led to a discontinuity in the consideration of that scheme. However, I have considered this proposal on its own merits in the light of development plan policies and all material planning considerations.
9. In reaching my decision I have attached greater weight to the harm to the character of the area than the harm to the setting of the listed building, which I acknowledge would be slight. For the reasons I have given and having considered all other matters raised I conclude that the appeal should be dismissed.

Richard High

INSPECTOR



Appeal Decision

Site visit made on 30 September 2010

by **Isobel McCretton** BA(Hons) MRTPI

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Decision date:
12 October 2010

Appeal Ref: APP/J1915/D/10/2134538 23 Hill View, Buckland, Buntingford SG9 0PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Christopher Harrington against the decision of East Hertfordshire District Council.
- The application Ref. 3/10/0839/FP, dated 7 May 2010, was refused by notice dated 1 July 2010.
- The development proposed is a two storey side extension, single storey rear extension and conversion of rear outbuilding.

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal property sits at the end of a terrace of 4 houses on the western side of the A10. The terrace is symmetrical, with the dwelling at each end having a hipped projection standing forward of the middle two houses. The houses each have a small lean-to addition at the rear and single story outbuildings a couple of metres from the house. The dwellings sit slightly below road level and back onto open farmland. It is proposed that the existing small side garage would be demolished and a part single, part 2 storey side extension would be added, with a further single storey rear extension connecting to the existing outbuilding which would be converted to a utility room.
 4. This part of Buckland comprises a ribbon of development along the main road which, on the side of the appeal site, is made up of generously spaced short terraces and pairs of semi-detached houses. The wide gaps between the dwellings, especially at first floor level, allow views through to the countryside beyond, lending a distinctive character to the village and emphasising the rural setting.
 5. Local Plan policies GBC3 and ENV1 allow for extensions to dwellings in the rural area providing they are not disproportionate in size to the original dwelling. The Council argues that the proposal would result in an increase in footprint of 55.76m² or 117%. The appellant contends that the extension would replace
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the garage and existing lean-to extension so that the increase in footprint would be 63%, but there is no substantiated evidence to show that the garage was part of the *original* dwelling on which the calculation should be based. The term 'disproportionate' is not defined in the Local Plan, but even a 63% increase would be substantially more than half as much again which could be said to be disproportionate. Nevertheless, of more significance is the visual effect of the extensions proposed.

6. The proposed side extension would be set back from the front of the house by over 3.5 metres and be set below the main ridge of the roof. However, because of its width, particularly with the additional single storey side projection, I consider that it would not be sufficiently subordinate to the main dwelling so as not to distort the proportions of the original house and disrupt the symmetry of the terrace. It would detract from the simple character of the existing dwelling.
7. The proposed side extension would also significantly narrow the gap between the appeal dwelling and the adjoining house which is built up to the boundary. As stated above, the gaps between the dwellings are an intrinsic part of the character of this side of the village. As such, the extended house would be out of keeping with the prevailing pattern of development and intrude into the openness and rural quality of the area.
8. In support of the appeal the appellant has drawn attention to various other properties along the road which have been extended. However, I saw that these extensions are generally simpler in form than that proposed in this case and do not close the important gaps between the houses to the same extent. I therefore do not consider that they set a precedent for my determination of this appeal.
9. In conclusion the proposed development would be detrimental to the character and appearance of the host dwelling and the wider area and would not accord with adopted Local Plan policy.
10. For the reasons given above, the appeal should be dismissed.

Isobel McCretton

INSPECTOR



Appeal Decision

Site visit made on 5 October 2010

by **Lesley Coffey** BA (Hons) BTP MRTPI

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Decision date:
18 October 2010

Appeal Ref: APP/J1915/D/10/2134772

Powder House, Barwick, High Cross, Hertfordshire SG11 1DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs Chris Strange against the decision of East Hertfordshire District Council.
- The application Ref 3/10/0854/FP, dated 11 May 2010, was refused by notice dated 6 July 2010.
- The development proposed is a garage/store room.

Decision

1. I dismiss the appeal.

Procedural Matter

2. The garage/storeroom which is the subject of this appeal has been built as shown on the submitted plans. However as the retention of a building does not fall within the definition of development in section 55 of the Town and Country Planning Act 1990 I will consider this appeal on the basis that it relates to the erection of a garage/storeroom.

Main issues

3. I consider the main issue to be the effect of the proposal on the character and appearance of the surrounding rural area.

Reasons

4. The appeal site lies within a small rural settlement where policy ENV5 of the East Herts Local Plan Second Review provides that extensions to dwellings and the erection of outbuildings should not individually, or cumulatively, disproportionately alter the size of the original dwelling, nor intrude onto the open or rural qualities of the surrounding area. Policy GBC3 lists the categories of development considered to be acceptable in rural areas beyond the Green Belt, and these do not include curtilage buildings.
 5. The appeal relates to the larger of two garages located to the front of the dwelling. The Council state that the appeal proposal together with the existing two storey rear extension would add about 163 square metres to the floorspace of the property and this would represent an increase in floor area of about 140%.
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6. The garage is of a simple design, constructed from yellow stock bricks and white uPVC doors and windows. It fails to reflect the proportions, materials or detailing of the existing dwelling which is an attractive building and well proportioned building. Due to the location of the garage towards the front of the site, together with the smaller building, it dominates the appearance of the existing dwelling and detracts from the appearance of the appeal site and the character of the surrounding rural area. Although public views of the garage are limited to the area close to the appeal site, the proposal fails to comply with Local Plan policy ENV1 which seeks a high standard of design and layout in respect of all proposals.
7. I do not share the appellants' view that policy ENV5 distinguishes between the approach to outbuildings and extensions. Nevertheless, my decision reflects the effect of the proposal on the surrounding rural area, and does not rely on the additional floorspace that would arise from the proposal. I acknowledge that the garage may have been in situ at the time of a previous appeal in relation to a two storey extension was considered in 2009. However, the fact that its floorspace was not taken into account when assessing the cumulative increase in floorspace at the time of the previous appeal, does not justify the harm to the character of the surrounding rural area that would arise from the appeal proposal.
8. I therefore conclude that garage unacceptably harms the character and appearance of the surrounding rural area and would fail to comply with policies ENV1, ENV5 and GBC3 of the Local Plan.
9. I understand the appellants built the garage believing it to be permitted development, although they are now aware that this is not the case. Whilst a lower building with a similar footprint may be permitted development if it were located elsewhere on the site, this is not the proposal before me. Moreover, such a building would be likely to have a lesser effect on the character and appearance of the surrounding area.
10. I note that it is the appellants' intention to apply for a Certificate of Lawful Development in relation to the garage, and they have submitted a number of statutory declarations, that suggest that the building was substantially completed in early 2006. Notwithstanding this, the lawfulness or otherwise of the garage is not a matter for this appeal.

Conclusion

11. For the reasons given above, and taking account of all material considerations, including the statutory declarations submitted by the appellant, I conclude that the appeal should be dismissed.

Lesley Coffey

INSPECTOR



Appeal Decision

Site visit made on 5 October 2010

by **Lesley Coffey** BA (Hons) BTP MRTPI

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Decision date:
20 October 2010

Appeal Ref: APP/J1915/D/10/2135862

Old School House, Furneux Pelham, Buntingford, Hertfordshire, SG9 0LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Steve Hogg against the decision of East Hertfordshire District Council.
- The application Ref 3/10/0904/FP, dated 8 February 2010, was refused by notice dated 19 July 2010.
- The development proposed is the demolition of the existing single storey rear extension and the construction of a new two storey rear, and single storey side extension.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue to be the effect of the proposal on the character and appearance of the Furneux Pelham Conservation Area.

Reasons

3. The appeal site is located in the centre of Furneux Pelham Conservation Area, adjacent to the former school and close to a number of listed buildings within the village centre. The dwelling is an attractive cottage style building with well detailed elevations and a distinctive gabled roof. Whilst the existing ground floor rear extension maintains the architectural integrity of the original gabled roof, it adds little to the quality of the building, and therefore its removal would not harm the character or appearance of the dwelling or surrounding conservation area.
 4. Although the building is not listed, it does have historic significance within the village, as part of the former school established through the Mary Wheatley Trust, and it therefore justifies a degree of protection in accordance with the guidance in 'Planning Policy Statement 5: Planning for the Historic Environment' (PPS5). Policy ENV6 of the East Herts Local Plan Second Review requires the design and materials of extensions to match or complement the original building and its setting, whilst policy BH5 provides that within conservation areas, extensions should be sympathetic in scale, height, proportion and form to the existing building and the character and appearance of the area.
 5. The appeal proposal would significantly increase the ridge length and the distinctive gable to the side elevation would be altered to form an asymmetrical
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gable linked to a similar gable over the proposed rear extension. This alteration to the gable and eaves line would detract from the architectural integrity of the existing building, and add considerably to the overall scale and massing of the dwelling. The ground floor windows to the western elevation would fail to relate to the architectural form of the upper floor and would add to the imbalance in this elevation.

6. Due to the distance of the dwelling from the road, public views of the dwelling would be limited to the front elevation, and this would be unchanged. Nevertheless, the proposal would detract from the distinctive character of the existing dwelling and would fail to preserve the character of the conservation area and would not to comply with Local Plan policies ENV6 and BH5 and the guidance in PPS5.
7. I recognise that the dwelling is modest in size by comparison with many other properties in the village, and that the resultant building would be much more thermally efficient than the existing dwelling. However, these considerations do not outweigh the harm to the conservation area and the character of the existing building that would arise from the proposal.

Conclusion

8. For the reasons given above I conclude that the appeal should be dismissed.

Lesley Coffey

INSPECTOR



Appeal Decision

Site visit made on 13 October 2010

by **Richard High BA MA MRTPI**

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Decision date:
22 October 2010

Appeal Ref: APP/J1915/D/10/ 2136946

45 Green Lane, Braughing, Hertfordshire, SG11 2QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr and Mrs Williams against the decision of East Herts Council.
- The application Ref 3/10/1217/FP, dated 7 July 2010, was refused by notice dated 1 September 2010.
- The development proposed is a two storey side/rear extension.

Decision

1. I dismiss the appeal.

Procedural Matter

2. At the same time as determining this appeal I have determined a second appeal on the same site relating to a single storey side and rear extension. (Appeal Ref APP/J1915/D/10/2136944). This is the subject of a separate decision letter. Both decisions have been considered carefully on their merits, but because they raise similar issues the two decisions inevitably have much in common.

Main issue

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

Reasons

4. 45 Green Lane is a semi-detached house standing gable end to the road. The houses in the vicinity are of similar style but mainly facing the road and well set back from it. This lends a fairly spacious feel to the overall pattern of development which is enhanced by the open grassed area in front of the house and the roughly triangular island of trees on the other side of the road.
 5. The proposed development would replace an existing flat roofed side extension but would be both wider and deeper. The two storey element would be slightly lower than the main part of the original building and set slightly back from the front wall. However, it would be about 0.5m wider than the existing extension and would be just over half the width of the two storey part of the existing house. Further back a single storey element would step out from the side of the two storey extension to the boundary of the plot at one point. It would extend back about 3m from the existing rear wall and beyond that there would be a new car port. The additional width of both the single and two storey
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- elements, combined with the depth of the single storey element would, in my view, result in the development appearing cramped because of its tightness to the boundary in contrast to the more spacious layout of the surrounding development.
6. A substantial hedge runs along the front and side of the site but is incomplete across part of the existing single storey extension and the vehicular access. The hedge contributes to the character of the area and the appellant has suggested that additional hedging could be planted to close most of this gap. However, the space between the proposed building and the edge of the plot would be between 0 and a little over 1m and I am not satisfied that a hedge could be successfully established and maintained there. Even if it could, there would be an unavoidable gap where the building would be on or almost on the boundary which would emphasise the cramped nature of the development. Moreover, it is not clear how access would be gained to the proposed car port which would lie to the rear of the extension. It appears that an additional section of hedge would need to be removed to provide for a new crossover.
 7. The loss of the existing hedge coupled with the amount of bare side wall butting up to the edge of the site would, in my view, make the building prominent and rather unsympathetic to the generally more spacious and well planted pattern of development. The loss of the hedge, which is of significant amenity value, would also fail to comply with Policy ENV11 of the East Hertfordshire Local Plan Second Review 2007. I note that the path that runs immediately outside the boundary is not part of the highway and that the highway verge would provide space between the main footpath and the proposed extension. However this does not change the views I have expressed on the effect of the extension.
 8. For these reasons I find that the proposed development would be rather too large to be comfortably accommodated on the site and would be harmful to the character and appearance of the area. It would thus be contrary to saved Policies ENV1 and ENV6 of the Local Plan which both aim to ensure that new development respects and complements the character of the area.
 9. For the reasons I have given and having considered all other matters raised, I conclude that the appeal should be dismissed.

Richard High

INSPECTOR