



Appeal Decisions

Inquiry Held on 15 May 2018, 22 October 2018, 26-29 November 2018 and 11 January 2019

Site visit made on 15 May 2018

by Andrew R Hammond MA MSc CEng MIET MRTPI

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

Decision date: 28 March 2019

Appeal A Ref: APP/J1915/C/17/3174667

Wheelwrights Farm, Rowney Lane, Dane End, Ware, Hertfordshire SG12 0JY

- 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 made by Mr James Cash against an enforcement notice issued by East Hertfordshire District Council.
 - The enforcement notice, numbered E/17/0114/ENF was issued on 5 April 2017.
 - The breach of planning control as alleged in the notice is without planning permission, the stationing of caravans/mobile homes on the land for residential use.
 - The requirements of the notice are cease the unauthorised residential use of the land and remove the caravans/mobile homes from the land.
 - The period for compliance with the requirements is 4 Months from the date the notice comes in to effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) & (g) of the Town and Country Planning Act 1990 as amended.
-

Appeal B Ref: APP/J1915/C/17/3174668

Wheelwrights Farm, Rowney Lane, Dane End, Ware, Hertfordshire SG12 0JY

- 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 made by Mr James Cash against an enforcement notice issued by East Hertfordshire District Council.
 - The enforcement notice, numbered E/17/0114/ENF was issued on 5 April 2017.
 - The breach of planning control as alleged in the notice is the unauthorised laying of hard standing and installation of drainage works on the site.
 - The requirements of the notice are remove the hard standing and installed drainage and any resultant material from the land.
 - The period for compliance with the requirements is 4 Months from the date the notice comes in to effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) & (g) of the Town and Country Planning Act 1990 as amended.
-

Appeal C Ref: APP/J1915/W/17/3177630

Wheelwrights Farm, Rowney Lane, Dane End, Ware, Hertfordshire SG12 0JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.

- The appeal is made by Mr James Cash against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/0781/FUL, dated 27 March 2017, was refused by notice dated 25 May 2017.
 - The development proposed is change of use of land from use for stabling/keeping horses to a mixed use for stabling/keeping horses and as a residential caravan site for one gypsy family including stationing of one mobile home, one touring caravan, laying of hardstanding, improvement of existing access and installation of septic tank.
-

Decision Appeal A

1. It is directed that the enforcement notice be corrected: by the deletion of the words "Without planning permission, the stationing of caravans/mobile homes on the land for residential use." and the substitution of the words "without planning permission the material change of use of the land and buildings from use for stabling/keeping horses to a mixed use for stabling/keeping horses and as a residential gypsy site." in the matters which appear to constitute the breach of planning control. Subject to this correction the appeal is allowed and the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the use of the land and buildings at Wheelwrights Farm, Rowney Lane, Dane End, Ware, Hertfordshire SG12 0JY, as shown on the plan attached to the notice, for a mixed use of stabling/keeping of horses and the stationing of caravans/mobile homes on the land for residential use subject to the conditions in Appendix A.

Decision Appeal B

2. It is directed that the enforcement notice be corrected: by the addition of the Plan B annexed to this decision to the enforcement notice; by the deletion of the words "Remove the hard standing and installed drainage " and the substitution of the words "Remove the hardstanding shown edged and cross hatched red on Plan B and the septic tank and associated drainage works" in the requirements of the notice. Subject to these corrections the appeal is allowed and the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the laying of hardstanding and installation of drainage works on the land at Wheelwrights Farm, Rowney Lane, Dane End, Ware, Hertfordshire SG12 0JY subject to the conditions in Appendix A.

Decision Appeal C

3. The appeal is allowed and planning permission is granted for change of use of land from use for stabling/keeping horses to a mixed use for stabling/keeping horses and as a residential caravan site for one gypsy family including stationing of one mobile home, one touring caravan, laying of hardstanding, improvement of existing access and installation of septic tank at Wheelwrights Farm, Rowney Lane, Dane End, Ware, Hertfordshire SG12 0JY in accordance with the terms of the application, Ref 3/17/0781/FUL, dated 27 March 2017, subject to the conditions attached as Appendix A.

Application for Costs

4. An application for costs was made by Mr James Cash against East Hertfordshire District Council. This application is the subject of a separate Decision.

Procedural Matters

5. The Inquiry was related to three separate appeals, Appeal A against an enforcement notice alleging a material change of use; Appeal B against an enforcement notice alleging operational development; and Appeal C against refusal of planning permission. The operational development in Appeal B facilitated the change of use alleged in Appeal A. The allegations in appeals A & B taken together constitute the development which is the subject of Appeal C. Although it is necessary to determine each of these appeals in its own right, to avoid duplication I have dealt with the appeals together as indicated.
6. Subsequent to the issue of the enforcement notices and consideration of the planning application the Council have adopted the East Hertfordshire Local Plan 2018 as part of the Development Plan. The appeals have been determined on the basis of the adopted plan.

The Enforcement Notice – Appeal A

7. The allegation in the notice is without planning permission, the stationing of caravans/mobile homes on the land for residential use. It is clear that the notice attacks a change of use of the land from use for stabling/keeping horses to a mixed use for stabling/keeping horses and as a residential gypsy site. No injustice would be caused to any party by correcting the notice to that effect.
8. The enforcement notice requires the removal of caravans/mobile homes from the land. It is clear on the face of the notice that this relates to those structures brought onto site for residential purposes.

The Enforcement Notice – Appeal B

9. The notice alleged “the unauthorised laying of hard standing and installation of drainage works on the site” and required “remove the hard standing and installed drainage and any resultant material from the land.” The appellant had appealed on ground (f) on the basis that there was pre-existing lawful hardstanding and surface water drainage on the appeal site and that the requirements were excessive in that they included removal of lawful works. The Council confirmed at the Inquiry that the notice was intended to attack additional hardstanding and the provision of a septic tank and associated works and an agreed plan showing the additional hardstanding was produced. It was agreed that no party would be caused injustice by the correction of the notice in that respect and on that basis the appellant did not pursue the ground (f) appeal.

Reasons: Appeal C, Appeal A ground (a) and Appeal B ground (a)

Main Issues

10. The main issues in these appeals is the sustainability of the appeal site as a site as a residential caravan site for one gypsy family; the effect of the development on the setting of heritage assets; and the effect on the character and appearance of the countryside.

Sustainability

11. The Council’s reasons for refusal, in Appeal C, was that the appeal site was in an unsustainable location for a gypsy site. This stance was supported by the Friends of Rowney Lane (FORL), a ‘Rule 6 Party’ who participated in the Inquiry.

12. The Statement of Common Ground describes the appeal site as comprising 0.2 hectare of land located along the south-eastern side of Rowney Lane, Dane End and forming part of a larger holding extending in total to about 3.24 hectare.
13. The appeal site contains a substantial timber stable building around 40m in length parallel to the road and it is common ground that there was originally a mobile home located to the north-east within a domestic garden.
14. The site is substantially screened by woodland and the lawful stable building along the site frontage with Rowney Lane and by woodland to the east. New hedgerows have been planted along the south-western and north-eastern boundaries of the appellant's land holding which is mostly laid to grass for the purposes of grazing horses but includes around 0.8 hectare of woodland.
15. Access to the appeal site is from Rowney Lane via an existing entrance located at the south-western end of the site frontage. The appeal site is less than 200m (in a direct line) from the closest housing, Potters Wood Close to the north-east and Rowney Priory to the south-west. At Rowney Priory, in addition to the original Grade II listed dwelling, there are a number of associated buildings in residential use such as to form a distinct cluster of dwellings and outbuildings including a substantial garage building to the north-east of the Priory.
16. The appeal site is located around 2.6km from Dane End village, the closest settlement containing local community services and facilities, including a primary school and a village shop.
17. Policy GBR2 of the East Hertfordshire Local Plan 2018 (LP) makes clear that planning permission will be granted for accommodation for gypsies and travellers in accordance with Policy HOU9. Policy HOU9 carries a presumption in favour of proposals for gypsy and traveller sites outside of the Green Belt, subject to compliance with 8 criteria. The Council originally cited only conflict with Criterion II(a) which requires accommodation for gypsies and travellers to be in a sustainable location in terms of accessibility to existing shops, social, educational and health services and potential sources of employment. The criterion is, however, silent on distances or on means of access other than the private motor car.
18. Planning Policy for Traveller Sites (PPTS) sets out Government policy in respect of traveller sites and acknowledges that gypsy sites may be located in rural or semi-rural areas provided that such sites do not dominate the nearest settled community. Policy H (paragraph 25) states that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.
19. In support of the argument that the appeal site is in an unsustainable location the Council cited a previous appeal decision T/APP/C/96/J1915/643817-18, dated 12 June 1997, against an enforcement notice issued on 11 June 1996 alleging a material change of use of the land from use for stabling, grazing and riding of horses to a mixed use for stabling, grazing and riding of horses and the standing of a caravan for human habitation.

20. However, that decision related to a caravan for general residential purposes and not for accommodation for gypsies or travellers for which the provisions of PPTS apply. Furthermore, both PPTS and the National Planning Policy Framework (the Framework) postdate that decision.
21. Both main parties produced examples of decisions where the sustainability of the appeal site was a main issue. However, in the light of the lack of any quantifiable criteria in local or national policy the question of sustainability in relation to distance to services and accessibility is a matter for the decision maker, taking account of local circumstances.
22. The Council and FORL also cited paragraph 25 of PPTS which states that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Both parties sought to rely on *Braintree DC v SSCLG [2018] EWCA Civ 610* in support. However that case related to two dwellings with specific reference to paragraph 55 of the (then) Framework and the use of the word 'isolated' in that document cannot be equated to the reference to 'away from existing settlements' in PPTS. In his judgement Lindblom LJ held that "Whether a proposed new dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand" and continued "What constitutes a settlement for these purposes is also left undefined in the NPPF. The NPPF contains no definitions of a 'community', a 'settlement', or a 'village'. There is no specified minimum number of dwellings, or population. It is not said that a settlement or development boundary must have been fixed in an adopted or emerging local plan, or that only the land and buildings within that settlement or development boundary will constitute the settlement. In my view a settlement would not necessarily exclude a hamlet or a cluster of dwellings, without, for example, a shop or post office of its own, or a school or community hall or a public house nearby, or public transport within easy reach. Whether, in a particular case, a group of dwellings constitutes a settlement, or a 'village', for the purposes of the policy will again be a matter of fact and planning judgment for the decisionmaker".
23. Furthermore, PPTS also does not define what is meant by 'settlement' in that document and there is no suggestion that the expression should be limited to designated settlements. Paragraph 25 continues with 'Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.' PPTS recognises, therefore, that traveller sites that are not within, or contiguous with, the nearest, undefined, settled community are not unacceptable in principle.
24. FORL argue that Potters Wood Close and Rowney Priory are not settlements in that the numbers of dwellings are small, are not accessible to the public and do not front a highway. However there is little substance to this argument. There is no reason why a settlement should not be accessed via a private road or driveway and both Potters Wood Close and many of the dwellings adjacent to Rowney Priory are visible from the highway with some adjacent to the road.
25. The appeal development is close to although not contiguous with established small settled communities at Potters Wood Close and Rowney Priory and is not, in principle, in conflict with the Framework or PPTS in respect of its location.

26. Factors to be taken into account in relation to traveller sites are set out at paragraph 13 of the PPTS but the NPPF also has a presumption in favour of sustainable development at its heart. Both documents indicate that there are economic, social and environmental dimensions rather than simply the narrow question of how far the site is from local services and facilities and whether there would be undue reliance on the car. PPTS states, at paragraph 13, that local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally and at sub-paragraph h) of paragraph 13 states that local planning authorities should ensure that policies reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability. These wider considerations did not form part of the reasoning by the Inspector in a previous appeal at a nearby site at Elmfield Stables, Throcking (APP/J1915/A/12/2187829).
27. Whilst it is accepted that the appellant would be reliant on a private car to access services in Dane End, some 2.6km distant, given the wider consideration of sustainability in the Framework and the specific considerations of gypsy and traveller sites in PPTS, the appeal site is not in an unsustainable location and is not, therefore, in conflict with LP Policy HOU9 II(a).

Heritage

28. Section 66(1) of the *Planning(Listed Buildings and Conservation Areas) Act 1990* states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
29. Furthermore, one of the core planning principles of the National Planning Policy Framework is that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
30. Whilst the Council maintained the position that there was no heritage harm, the case of the Friends of Rowney Lane (FORL) was that the appeal development harms the setting of Rowney Priory and that furthermore the 'parkland' associated with the Priory is a heritage asset itself, albeit not designated, and that the development is harmful to that heritage asset.

Rowney Priory

31. Rowney Priory is Grade II listed, the first listing being 4 December 1951. The list description describes it as 'a country house, now 2 houses' (subsequently converted to a house and 3 flats) 'said to incorporate fabric of a Benedictine nunnery founded in 1164.' The list description continues to describe in some detail the external appearance of the building and limited description of internal features. Whilst there is also a listed medieval stone coffin on an island in a small lake within the laid-out gardens there is no further mention of the grounds or setting of the priory.
32. The significance of Rowney Priory as a heritage asset is, therefore, its visual appearance and historic interest. FORL accept that the Priory is not physically

harm by the appeal development and that there is no substantial harm to the significance of Rowney Priory.

33. Indeed, given the physical separation, it is reasonable to conclude that there is no harm to the Priory itself. However, considerable weight needs to be given to any harm to the setting of the building. This is dealt with further below.

The 'parkland'

34. FORL suggest that Rowney Priory sat within an extensive area of designed parkland, including the appeal site, and that the parkland was so designed to enhance the appearance of, and views from, the Priory. The priory sits within designed gardens and the area to the east of the Priory is substantially open, with distant backdrops of woodland and with specimen trees closer, and a drive afforded access to the Priory from a lodge to the south-east, no doubt providing a dramatic approach to the house.
35. Whilst FORL (and Hertfordshire Gardens Trust) produced much in the way of evidence aimed at demonstrating that the wider area was designed parkland, there is little of substance other than speculative interpretation of historic plans and maps which have little or no detail or annotation to endorse the conclusion that there was ever a designed landscape, perhaps with the exception of the specimen trees, beyond the ornamental gardens of the Priory. Furthermore, whilst not definitive, the listing of the Priory made no reference to any historic parkland or to the setting of the listed building.
36. Whilst it is equally the case that there is little, if any, evidence that there was never a designed landscape in the area towards the appeal site, it is clearly apparent that the appeal site does not sit within designed parkland, if it ever did. It contains no features of a designed landscape.
37. It is therefore reasonable to conclude that the appeal development does not cause harm to an undesignated heritage asset, namely a designed parkland.

The setting of Rowney Priory

38. The setting of a heritage asset is not limited to its curtilage or its immediate surroundings. Indeed, the lack or existence of a visual or physical connection between a development site and a heritage site is not a determining factor when considering the setting, the framework definition of 'setting' being the surroundings in which a heritage asset is experienced.
39. As reasoned above, there is no conclusive evidence that the appeal site was ever part of a designed landscape and, whilst it did form part of the historic Priory estate, it has not been demonstrated that there was a clear functional relationship. Even if there were any historic and/or functional link with Rowney Priory, it is clear that the setting of heritage assets alters with time.
40. Nevertheless, the mobile home on the appeal site is currently visible from the Priory and its immediate surroundings and therefore does affect to a limited extent the setting and the setting's character, although it is doubtful that there are few locations, other than the appeal site itself, where the mobile home appears against the backdrop of the Priory within its immediate surroundings. The mobile home could be screened from view, or its effect mitigated, by soft landscape works. Whilst FORL contend that this would be detrimental in screening views of open countryside beyond, the backdrop to the view across

the appeal site is a belt of trees and there is no substantial open area to be screened from view.

41. Given that the appeal site is somewhat distant from the Priory and that the appeal development must be considered in the context of the substantial lawful stable development on the site, including the potential for the lawful parking of vehicles, including horseboxes and trailers any harm is limited and less than substantial but is nevertheless of considerable weight when balanced against any benefits of the appeal development.

Character and Appearance

42. The appeal site is substantially screened from Rowney Lane by existing hedgerows and the lawful stable building. Any effect on the character and appearance of the countryside must be assessed in consideration of the effect of the existing lawful development on the site, including the unrestricted parking of vehicles associated with the keeping of horses.
43. LP Policies HOU9 and GBR2 provide for gypsy and traveller sites in the countryside provided they do not cause undue harm to visual amenity or the character of the countryside.
44. Furthermore, PPTS states, at paragraph 26(d) that local authorities should attach weight to not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community. It follows that it is envisaged that gypsy and traveller sites will be visible from the public domain and that a degree of visual harm resulting from such sites in the countryside will be inevitable. However, such harm cannot be compared directly to similar harm resulting from non-traveller development and whilst the latter may be unacceptable the former may not be. Public views of the appeal site would be extremely limited, and any harm could be mitigated by appropriate landscaping and boundary treatment, which could be controlled by condition.
45. Whilst it is inevitable that there would be some effect on the character and appearance of the countryside, the weight to be attached to any harm is, therefore limited.

Intentional Unauthorised Development

46. In 2015 the Secretary of State issued a planning policy statement on Green Belt protection and intentional unauthorised development. This policy statement, which the Government has very recently confirmed still applies, makes intentional unauthorised development a material consideration to be weighed in the determination of planning applications and appeals. The reasons given for the policy were explained as that it applied where there has been no opportunity to appropriately limit or mitigate the harm that has taken place.
47. In this instance a planning application was submitted prior to the issue of the enforcement notices giving the Council the opportunity to limit or mitigate harm by the imposition of planning conditions or to refuse the application and then issue an enforcement notice requiring the land to be returned to its former condition

48. In the current appeals, although the residential use of the site amounts to intentional unauthorised development the weight to be attached to this in the determination of the appeal is limited.

Other Matters Raised in Objection

49. The Council belatedly raised an objection based on conflict with LP Policy HOU9 II(e), suggesting that the appellant and his family could not integrate with the settled community as any 'settled community' is remote from the site.
50. The proximity of the appeal site to 'settlements' is dealt with above under sustainability. Nevertheless, the Council's late objection on this basis is based on conflating 'settled community' and 'settlement'. It is well established that with regard to gypsy and traveller policy the term 'settled community' refers to the wider non-traveller community. There is no constraint on the appellant and his family using the same facilities such as shops, garages pubs etc. as the local settled community in the vicinity. There is no conflict with LP Policy HOU9 II(e).
51. Before the Inquiry, doubt was cast on whether the appellant satisfied the definition of gypsy or traveller in PPTS. The Council continued to suggest that, in order to benefit from LP Policy HOU9 on the provision of gypsy and traveller sites, it is necessary for the applicant to be a gypsy. This is clearly not the case. Any developer can seek planning permission for a traveller site and the status of the applicant only becomes relevant if personal circumstances tip the balance and a personal permission, in addition to a generic 'gypsy & traveller occupancy condition' was appropriate.
52. Nevertheless, Mr Jarman, giving evidence for the Council, accepted that Mr Cash qualified as a 'PPTS gypsy'.
53. The Friends of Rowney Lane contended that the appeal site was being used for commercial purposes including the sale of animal feeds, involving movements and siting of heavy goods vehicles. The appellant explained that he had allowed another party to keep a small number of horses on the site and it appeared that that person had been operating a business from the premises, without his permission, during his time travelling for work. Any such use had ceased. Regardless, the enforcement notices did not allege any commercial use nor did the planning application include such use. Any planning permission granted by virtue of the appeals would not include commercial use and conditions could preclude such use or the parking of vehicles above 3.5 tonnes. Very little weight has been afforded to this matter in the determination of the appeal.

Need for Gypsy Sites in East Hertfordshire

54. It is the Council's contention that there is no unmet need, as identified in the GTAA, and that sufficient sites have been allocated in the Development Plan to meet the need of the travelling community. However, the appellant disputed the Council's figures.
55. The Council argued that it was not appropriate for the appellant to dispute the findings on supply which were found to be robust by the Inspector conducting the Examination in Public of the Development Plan and that if the appellant wished to dispute the findings he should have done so at the examination stage. That is not so, any appellant is entitled to question the 5 years supply position regardless of whether an examination Inspector has found the figures to be robust.

56. It was clear during cross-examination that of the 18 families identified in the district 4 (22% of the identified population) were not interviewed and their future needs were not identified or catered for.
57. Of the 18 families 10 were 'cultural' families that did not meet the definition in PPTS in that they were not travelling. No provision was made for population growth from those families as it was assumed the children would not adopt a travelling lifestyle.
58. No provision was made for families currently on unauthorised pitches.
59. Whilst there is an identified household need for a total of 5 pitches emerging from existing sites at Esbies and The Stables these are discounted by 50% on the basis of half the emerging families moving out of the area.
60. Based on the above it is reasonable to conclude that the Council has underestimated the need for pitches arising over the next 5 years.
61. The appellant proposes that the need arising should be a minimum of 14 pitches (4 from the unlawful pitches at Esbies and 10 arising from household formation from the 8 families meeting the PPTS definition. It is further suggested that household formation from the 10 'cultural' families and the 4 families who were not interviewed should be added.
62. The need arising is likely to be somewhere between that considered by the Council, which disregards some specific factors, and that put forward by the appellant. It is reasonable to conclude, therefore, that the Council's provision is unlikely to meet the emerging need and that there is as a result an unmet need for gypsy and traveller pitches in East Hertfordshire. That is a matter of substantial weight in the determination of the appeal.

Alternative Sites

63. All parties accepted that there are no available public sites in the district, and that all private sites, which would not in any event be available to the appellant, are full.
64. It was suggested by the Friends of Rowney Lane that, as a named individual in the occupancy condition on the planning permission for his father's site at Tom's Lane, the appellant could occupy a pitch there. It was undisputed at the Inquiry that there are more individuals listed in the condition than could lawfully occupy the site and that the site was currently full. There is no pitch available to the appellant at Tom's Lane.
65. Whilst it is not incumbent upon the appellant to demonstrate that he has made all reasonable efforts to obtain a lawful site it was clear that he has attempted so to do and has been on the waiting list for a public site in Hertfordshire for some time with no prospect of being accommodated in the near future, according to the Hertfordshire Gypsy Section Head.
66. Additional sites may become available in the longer term within Birchall Garden Suburb, a potential development straddling the border with Welwyn Hatfield Borough, subject to that development proceeding. However, there is no certainty as to any timescale and no gypsy pitches would be available to the appellant within any reasonable timescale. (See also section on 'Temporary Permission'.)

67. The lack of available and suitable sites is a material consideration of weight in favour of the appellant.

Personal Circumstances

68. In the event that planning permission for a generic gypsy and traveller site is not justified then the personal circumstances of the appellant and his family are a material consideration to be taken into account if considering a personal planning permission.

69. The appellant and his wife have a very young daughter and the appeal site would enable consistent access to medical services and, at the appropriate stage, to educational services. It has been established that the best interests of children is a primary consideration with no other consideration being inherently more important.

Human rights

70. As regards Article 8 of the European Convention on Human Rights the appellants and their children are currently living on the appeal site, albeit without the benefit of planning permission, and dismissal of the appeals would be likely to result in their removal from the site and interference with their home and private and family life. It is necessary to consider whether it would be proportionate to refuse planning permission in all the circumstances of the case.

71. The need to maintain a gypsy lifestyle is an important factor in the decision making process. Those gypsies without an authorised site face difficulties in endeavouring to continue their traditional way of life within the law. There is no site currently available within East Hertfordshire and that lack of alternatives makes any interference with the appellants' private and family rights more serious. This is a matter of substantial weight in consideration of a personal permission.

Temporary permission

72. Where a permanent permission is not justified the lack of alternative available sites and the likelihood of suitable sites becoming available in the foreseeable future a temporary permission, resulting in lesser harm by virtue of its temporary nature, may be appropriate.

73. The need for all sites within East Hertfordshire identified in LP Policy HOU9 for provision up to 2027 arise from identified need other than that of the appellant. Should Welwyn Hatfield Borough Council bring forward the Birchfield Garden Suburb, spanning the border with East Hertfordshire, a further two pitches would be available to East Hertfordshire before 2027 but these would be to meet the needs of families on unauthorised pitches at Esbies. It is clear, therefore, that circumstances will not change so as to make provision of an alternative site within the foreseeable future so as to render a temporary planning permission appropriate.

Overall Balance and Conclusions: Appeal C, Appeal A ground (a) and Appeal B ground (a)

74. As reasoned above, the appeal site is not in an unsustainable location in terms of national policy, as expressed in PPTS, or LP Policy HOU9. There is no conflict with the Development Plan in this respect.

75. Limited harm is caused to the character and appearance of the countryside. However, PPTS acknowledges that gypsy and traveller sites are acceptable in principle within the countryside and that a degree of harm in this respect is inevitable.
76. Paragraph 193 of the National Planning Policy Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
77. In addition, Paragraph 194 explains that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
78. As reasoned above, some limited harm to the setting of Rowney Priory results from the appeal development. However, given the distance from the Priory and the scale of the development, the development does not adversely affect the significance of the designated heritage asset itself, namely its visual appearance and historic interest.
79. Nevertheless, the limited harm to the setting carries considerable weight to which must be added the limited weight attributable to harm to the character and appearance of the countryside and the weight attached to intentional unauthorised development.
80. As reasoned above, despite the case for the Council, there is an unmet need for gypsy and traveller sites within East Hertfordshire. The provision of a permanent gypsy pitch at the appeal site would be a public benefit of substantial weight.
81. Given the importance given in the National Planning Policy Framework to the protection of heritage assets the provision of a single permanent pitch *per se* would not outweigh the albeit limited harm to the setting of Rowney Priory.
82. Nevertheless, considerable weight also falls to be attached to the personal circumstances of the appellant and his family who have had an established need for a permanent home and have made reasonable attempts to secure one.
83. The appeal site would afford a stable base from which to access health care for the family and the future educational needs of their daughter. Access to health care and education is clearly in the best interests of the daughter. The best interests of the child are a primary consideration and, whilst not in themselves, determinative, it is established that no other factor can be given greater weight. In this case any limited harm to the setting of Rowney Priory cannot carry greater weight than the best interests of the new-born daughter of the appellant.
84. The best interests of the child, added to the public benefit of the provision of a single gypsy pitch, reducing the unmet need, and the private interests of the appellant in the provision of a stable and secure base for him and his family outweigh the limited harm identified above.

85. For the reasons given above, and taking account of all material matters raised, the appeals should be allowed and planning permission granted for change of use of land from use for stabling/keeping horses to a mixed use for stabling/keeping horses and as a residential caravan site for one gypsy family including stationing of one mobile home, one touring caravan, laying of hardstanding, improvement of existing access and installation of septic tank.

Overall Conclusion Appeal A

86. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted. The appeal on grounds (f) and (g) does not therefore need to be considered.

Overall Conclusion Appeal B

87. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted. The appeal on ground (g) does not therefore need to be considered.

Overall Conclusion Appeal C

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

Conditions

89. A condition restricting occupation of the site to gypsies and travellers is necessary as the residential use of the site is only justified on the basis of the policies in PPTS.
90. As the personal circumstances of the appellant are a determining factor a condition restricting occupation of the site to named individuals is also necessary.
91. A condition restricting the number of caravans on the site to a maximum of one static caravan/mobile home and one touring caravan is necessary in the interests of visual amenity.
92. A condition requiring the development to be completed in accordance with approved plans is necessary in the interests of proper planning.
93. A condition requiring the submission, approval and implementation of a site development scheme covering layout, access, landscaping, external lighting and foul and surface water drainage is necessary in the interest of visual and environmental amenity.
94. A condition requiring the replacement, as necessary, of trees or plants forming part of the approved landscaping is necessary in the interest of visual amenity as is a condition preventing commercial activity or the parking of vehicles over 3.5 tonnes.

Andrew Hammond

Inspector



Plan B

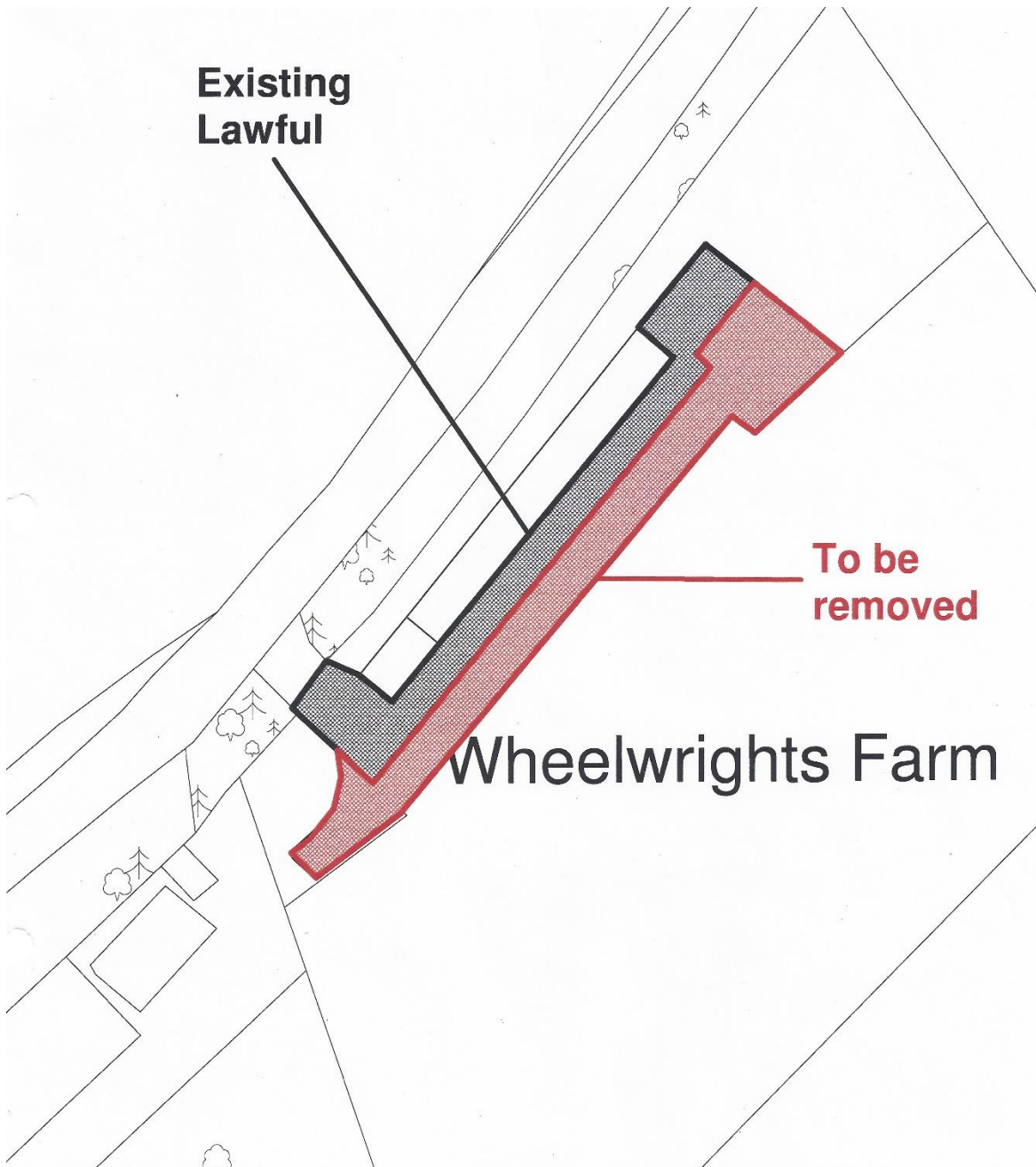
This is the plan referred to in my decision dated: 28 March 2019

by **Andrew R Hammond MA MSc CEng MIET MRTPI**

Land at: Wheelwrights Farm, Rowney Lane, Dane End, Ware, Hertfordshire SG12 0JY

Reference: APP/J1915/C/17/3174668

Scale: not to scale



APPEARANCES

FOR THE APPELLANT: Mr Michael Rudd of Counsel

He called: Mr Philip Brown, P Brown Associates
Mr James Cash, Appellant

FOR THE LOCAL PLANNING AUTHORITY: Mr Killian Garvey of Counsel

He called: Mr Simon Dunn-Lwin, East Herts DC
Mr Steve Jarman, Opinion Research Services

FOR THE Friends of Rowney Lane: Mr Richard Langham of Counsel

He called: Mr Stephen Boniface
Mr Michael Hearn
Mr Martin Dewhurst
Mr D Abbott

INTERESTED PERSONS:

Ms E Gregg-Smith, local resident
Mr David Lang, local resident
Ms Jaqueline Scott, local resident
Ms Kate Harwood Hertfordshire Gardens Trust

Appendix A Schedule of Conditions

- 1) The occupation of the site hereby permitted shall be carried on only by the following and their resident dependants: James Cash and Julie Donna Cash.
- 2) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).
- 3) When the land ceases to be occupied by those named in condition 1 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, and/or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.
- 4) No more than 2 caravan(s), as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 1 shall be a static caravan) shall be stationed on the site at any time.
- 5) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme for the means of foul and surface water drainage of the site; proposed and existing external lighting on the boundary of and within the site; the layout of the site, including the siting of caravans, plots, hardstanding, access roads, parking and amenity areas; tree, hedge and shrub planting and where appropriate earth mounding including details of species, plant sizes and proposed numbers and densities; together with the restoration of the site to its condition before the development took place, when the site is no longer occupied by those permitted to do so, (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) If, within a period of 5 years from the date of planting, any tree or shrub planted as part of the landscaping approved under Condition 5 (or any tree or shrub planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
- 8) No commercial activities shall take place on the land, including the storage of materials.

End of Schedule of Conditions



Appeal Decision

Site visit made on 1 April 2019

by **H Miles BA(hons), MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 April 2019

Appeal Ref: APP/J1915/W/18/3206167

26 Wormley West End, West End Road, Wormley West End EN10 7QN

- 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 _____ of Paramount Plants against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/2413/FUL, dated 14 October 2017, was refused by notice dated 4 June 2018.
 - The development proposed is removal of former horticultural building and replacement with office and staff eating and rest room.
-

Decision

1. The appeal is allowed. Planning permission is granted for removal of former horticultural building and replacement with office and staff eating and rest room in accordance with the terms of the application, Ref 3/17/2413/FUL, dated 14 October 2017, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 'CROSS SECTION', 'FIRST FLOOR AND ROOF PLAN', 'FLOOR PLAN' 'Wormley West End (Site Plan)', Wormley West End (Location Plan)'.
 - 2) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the submitted application form/plans.
 - 3) The development hereby approved shall be carried out in accordance with the approved flood risk assessment 'Flood Risk Assessment Report: For the development on land at Brookfield Nursery, Wormley West End, Broxbourne, EN10 7QN' including the compensatory flood storage measures and the "as built" survey detailed within the Flood Risk Assessment at section 6.3. Unless these measures are implemented within 3 months of the date of this decision, the building hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 28 days of the date of failure to meet the requirement set out above.

Upon implementation of the measures specified in this condition, the measures shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Procedural Matters

2. For reasons of brevity I have removed the word 'retrospective' from the description of development as this does not describe the act of development.
3. Following the Council's decision on the application that led to this appeal, a new version of the National Planning Policy Framework (the 2018 Framework) has been published. The main parties have had the opportunity to make comments on the bearing of this on the appeal. Whilst there have been further revisions to the Framework contained in the new version published in February 2019 (the Framework), no changes have been made to the content directly relevant to the subject matter of this appeal. Consequently, I consider that no prejudice would occur to any parties as a result of me taking the revised Framework into account in my assessment of the appeal's merits.
4. During the course of this appeal East Hertfordshire District Council formally adopted the East Herts District Plan October 2018 (the District Plan). This supersedes Policies in the East Herts Local Plan Second Review April 2007. Both main parties have had the opportunity to submit comments on the relevance of the adopted Local Plan to this case. I have taken any comments received into consideration.
5. When I conducted my site visit I noted that the works appeared to have taken place and based on the evidence from both main parties I am satisfied that the development that is the subject of this appeal has commenced. Nonetheless, for the avoidance of doubt, I have determined the appeal on the basis of the plans before me.

Main Issues

6. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies.
 - The effect on the openness of the Green Belt.
 - If the proposals are found to be inappropriate, whether any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposals would be inappropriate development

7. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. All proposals for development in the Green Belt should be treated as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in either paragraph 145 or 146 of the Framework.

8. Buildings for agriculture and forestry is listed as an exception in Paragraph 145 of the Framework. There is no dispute between the main parties that the wider site is in agricultural use and I am not presented with evidence which leads me to disagree with this. However, there is dispute in relation to whether the proposed building would be for agricultural use.
9. I have been presented with substantive evidence regarding the existing use which includes staffing requirements and details of the operation of the business on this site. I am satisfied that the building itself is only used in association with the business operating on the wider site, and is an appropriate size for the use described notwithstanding the size of the appeal site as a whole.
10. I have been presented with evidence in relation to whether the proposed development would constitute the replacement of a building in relation to whether it would fall under paragraph 145 d) of the Framework and as such would be an exception to being inappropriate in the Green Belt. However, given my findings above that the development is not inappropriate in the Green Belt by virtue of paragraph 145 a), it is not necessary for me to consider this matter further in this case.
11. For the reasons described above, I find that the proposed development would not be inappropriate development in the Green Belt in the terms of the Framework and as such, in this respect, would not be contrary to District Plan Policies: GBR1 which, amongst other things, requires that development within the Green Belt should be considered in line with the Framework, nor DES3 which seeks to retain, protect and enhance existing landscape features.

Openness

12. As can be seen above, this development is, in principle, not inappropriate in the Green Belt. This means that in the terms of government policy it is appropriate and as such it does not harm the fundamental aim of Green Belt policy which includes openness. Therefore the question of the impact of the building on openness of the Green Belt is no longer an issue. Nor am I presented with evidence which persuades me that the impact on openness would be harmful in any other regard.
13. Accordingly, in this respect, I do not find that the proposed development would be contrary to the Framework nor Policies GBR1 and DES3 of the District Plan, the aims of which are set out above.

Other Considerations

14. The appeal site is in a rural area. There are other buildings nearby which appear to be in both commercial and residential use and are of a comparable size, some of which do not front the main West End Road. The proposed building is modest in scale and design and is of an acceptable appearance in this context. Furthermore, I am not presented with evidence which persuades me that the building would be harmful to the character and appearance of the area in any other respect.
15. Given my findings above that the proposed development is not inappropriate it is not necessary for me to consider very special circumstances required to justify the proposal further.

Conditions and Conclusion

16. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance and have made such amendments as necessary to comply with those documents.
17. In the interests of certainty I am attaching a condition to define the plans with which the scheme should accord. A condition requiring the scheme to be built in accordance with the specified materials would be necessary to preserve the character and appearance of the area. Whilst I note that the development has commenced, these conditions are necessary as they relate to the finished development and I am not presented with evidence to persuade me that this has occurred.
18. The purpose of condition 3 is to require the appellant to comply with a strict timetable for dealing with flood risk management which needs to be addressed in order to make the development acceptable. As the development has commenced, the measures set out should be implemented as soon as possible. Therefore a 3 month period to implement the works set out within the Flood Risk Assessment Report is included. Whilst a longer period may cause less disruption to the business this would not outweigh the increased potential harm from flood risk that would occur, particularly in relation to the scale of the potential impact. In order to be clear as to which document the development should be carried out in accordance with, the title of the Flood Risk Assessment Report is quoted directly, including its description of the site address.
19. The condition is drafted in this form because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matter because the development has already commenced. The condition therefore provides for the loss of the effective benefit of the grant of planning permission where the detailed matters in question are not implemented in accordance with the specified timetable. Should the requirements of the condition not be met in line with the strict timetable, then the planning permission falls away.
20. For the reasons above, I conclude that the appeal should be allowed and planning permission granted, subject to the identified conditions.

H Miles

INSPECTOR



Appeal Decisions

Site visit made on 30 January 2019

by **I A Dyer BSc (Eng) MIHT**

an Inspector appointed by the Secretary of State

Decision date: 13 March 2019

Appeal A Ref: APP/J1915/D/18/3203275

68 Gilders, Sawbridgeworth, CM21 0EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Davison against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/0512/HH, dated 6 March 2018, was refused by notice dated 30 April 2018.
 - The development proposed is described as: "additions to roof and internal alterations to create a four bed-roomed dwelling. Creating a new vehicular cross over to accommodate two cars".
-

Appeal B Ref: APP/J1915/W/18/3203278

68 Gilders, Sawbridgeworth, CM21 0EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Davison against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/2476/FUL, dated 20 October 2017, was refused by notice dated 17 January 2018.
 - The development proposed is described as: "extensions and alterations to existing dwelling in order to create one additional dwelling with associated car parking, private gardens and external landscaping along with the creation of a new vehicular crossover".
-

Decision

1. Appeal A is allowed and planning permission is granted for raising of roof ridge to create first floor and alterations to fenestration. Creation of vehicular cross over at 68 Gilders, Sawbridgeworth, CM21 0EH, subject to the attached schedule of conditions.
2. Appeal B is dismissed.

Procedural Matters

3. The East Hertfordshire District Plan (2018) (the District Plan) has been adopted by the Council since the decision on the planning application. The parties have had an opportunity to comment on the District Plan in relation to the case during the appeal process. The saved policies within the East Hertfordshire Local Plan Second Review (2007) are no longer extant.
4. A revised National Planning Policy Framework (NPPF) has been published since the Council issued its decision. The NPPF sets out the Government's planning

policies for England, which are material considerations to be taken into account for the purpose of decision making from the date of its publication. The parties have had an opportunity to comment on the revised NPPF in relation to the case during the appeal process.

5. The Council changed the description of the development applied for under 3/18/0512/HH to read 'raising of roof ridge to create first floor and alterations to fenestration. Creation of vehicular cross over'. I have used this description as it is more precise than the description on the application form.
6. The Council also altered the description of the development applied for under 3/17/2476/FUL to read 'extensions, alterations and subdivision of dwelling to create one additional dwelling with associated car parking and landscaping'. Again, this description is more precise than that given on the application form.
7. As set out above there are two appeals on this site. They differ in the size of the additions to the existing building and the sub-division of the extended building in Appeal B. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.'

Main Issue

8. The main issue for both appeals, is the effect of the proposed development on the character and appearance of the area.

Reasons

Character and appearance of the area (Appeals A and B)

9. The appeal site is a prominent corner plot in an established residential area, lying at the junction of a short cul-de-sac with the main stretch of Gilders. Gilders descends fairly steeply past the site down to a stream running to the immediate rear of No 68 and the dwellings on the south-western side of the cul-de-sac. The planting on the south-western boundary of the appeal site gives a screening of the building when approaching from that direction.
10. The majority of buildings in the area are detached bungalows or chalet bungalows of varying design, some of which have been extended. However, the dwellings on the north-eastern side of the cul-de-sac and northern side of Gilders, running uphill, are detached two storey houses. Most of the plots have large front and back gardens. The overall character of the area is of varied styles of detached bungalows with a group of detached houses set at different ground levels with an overall low density.
11. The floor level of the bungalow is substantially below the level of the road, as, to a lesser degree, are those of the other bungalows on the south-western side of the cul-de-sac. The nearby bungalows provide no overall sense of consistency in design or layout, and this sense is reinforced by the differing floor and roof levels between plots.
12. Policy DES4 of the District Plan sets out the Council's general expectation for development proposals, including extensions to existing buildings, to respect or improve upon the character of the site and the surrounding area, whilst Policy HOU11 provides greater detail on the requirements for the design of residential extensions, generally requiring them to be subservient to the main dwelling.

13. The proposed roof structure of Appeal A would result in a higher roof with a steeper pitch, replace a flat roof with a pitched roof and add two small dormers. This would increase the bulk of the building. However, the roof would be viewed from above when approaching from the north-east, with the mass of the trees behind visible above the roof and the roof of 66 Gilders appearing subsidiary to that of the enlarged building. Given the topography of the area I do not consider that the proposed size of the dwelling would appear out of keeping with its immediate neighbours.
14. Overall the sum of the extensions would significantly alter the original form of the dwelling. While these may not be subservient to the existing dwelling, taken as a whole, given the visually prominent position of the plot, the site is a location where a building of greater massing would be appropriate within the street scene, subject to appropriate use of external materials and landscaping. The additional gable and dormers, which appear subsidiary to the main roof structure, would provide visual interest to the principal street views without being over-dominant.
15. I therefore conclude that the development that is the subject of Appeal A would not be contrary to Policies DES4 and HOU11 of the District Plan.
16. In terms of Appeal B the proposals would be of a larger scale. The proposal seeks to extend the existing dwelling in order to create an additional 3-bedroom semi-detached dwelling, increasing the width and presenting a structure of far greater massing to the north-east, which is the most visually prominent aspect of the building when viewed from the public realm.
17. Furthermore, the development doubles the number of dwellings within the site, producing two smaller plots with smaller private gardens than is typical of the area. Also, both plots would lose some space to provide the off-street parking and, given the levels within the site, other areas within the site would be unlikely to contribute to practical amenity space for residents, resulting in a much smaller level of provision than most dwellings in the vicinity. The proposal would therefore create a cramped form of development out-of-keeping with the general form of housing in the area.
18. I therefore conclude that the development that is the subject of Appeal B would result in material harm to the character and appearance of the area, contrary to Policies DES4 and HOU11 of the District Plan.

Other Matters

19. In the case of Appeal B the appellants consider that the Council cannot demonstrate housing delivery targets in line with their Housing Needs Assessment and that a presumption in favour of sustainable development should apply, in accordance with Paragraph 11 of the National Planning Policy Framework. The development would provide benefits in terms of providing an additional home to boost housing supply. There would be benefits to the local economy in terms of short term employment in the construction industry and longer term support to local shops and businesses. However, given the scale of the development proposed, together these benefits carry limited weight and would be significantly outweighed by the harmful effect the proposal would have upon the character and appearance of the area.

20. Therefore, even if I were to accept the appellants' most recent figures concerning the housing delivery shortfall, I consider the harm identified above significantly and demonstrably outweighs the limited benefits one additional dwelling would bring to the housing land supply situation or the economy of the area.
21. Representations were received in regard to the proposal considered under Appeal B which supported the scheme as it would improve upon the current, run-down state of the site. However, alternative works to the land could achieve a similar outcome without resulting in the harm that I have identified to the character and appearance of the area. This does not, therefore, outweigh my findings on this matter.

Conditions

22. I have had regard to the various conditions suggested by the Local Planning Authority and Local Highway Authority.
23. I have imposed a condition specifying the relevant drawings as this provides certainty.
24. Conditions requiring the submission of details of the proposed external materials and the hard and soft landscaping proposals is necessary to ensure that an appropriate level of quality is achieved in terms of design.
25. The Local Highway Authority has requested a condition limiting the width of the vehicular crossing of the footway. However, this detail is shown on the approved plans and so this condition is unnecessary.
26. I have amended some of the requested wording of the Local Authority's conditions for clarity.

Conclusion

27. Appeal A: For the above reasons, and having taken into account all other matters raised, I conclude that the appeal should be allowed, subject to the Conditions attached.
28. Appeal B: For the above reasons, and having taken into account all other matters raised, I conclude that the appeal should be dismissed.

I Dyer

INSPECTOR

Schedule of conditions – Appeal A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

BRD/18/027/002 Proposed Plans and Elevations
- 3) Prior to any above ground building works being commenced, the external materials of construction for the building hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.
- 4) Prior to any above ground building works being commenced, full details of both hard and soft landscaping proposals shall be submitted to, and approved in writing by, the Local Planning Authority.

These details shall include:

- (a) Means of enclosure
- (b) Planting plans
- (c) Schedule of plants, noting species, planting sizes and proposed numbers/densities where appropriate.

Thereafter the development shall proceed in accordance with the approved details.

END OF CONDITIONS

From: Shirley Downham
Sent: 8 Apr 2019 10:38:46 +0100
To: Shirley Downham
Subject: Message from KM_C458
Attachments: SKM_C45819040810381.pdf



Appeal Decisions

Site visit made on 5 February 2019

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: Friday, 01 March 2019

Appeal A Ref: APP/J1915/W/18/3201507

Pishiobury House, Pishiobury Drive, Sawbridgeworth CM21 0AF

- 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 M and D Developments against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/0066/FUL, dated 12 January 2018, was refused by notice dated 14 March 2018.
 - The development proposed is alterations to approved ground floor layout (internal partitions only) to create 2no. 2 bedroom ground floor apartments in lieu of 1no. 3 bedroom ground floor apartment.
-

Appeal B Ref: APP/J1915/Y/18/3201512

Pishiobury House, Pishiobury Drive, Sawbridgeworth CM21 0AF

- 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 made by M and D Developments against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/0067/LBC, dated 12 January 2018, was refused by notice dated 14 March 2018.
 - The works proposed are alterations to approved ground floor layout (internal partitions only) to create 2no. 2 bedroom ground floor apartments in lieu of 1no. 3 bedroom ground floor apartment.
-

Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Background and Main Issues

3. This decision considers a refusal of planning permission and a refusal of listed building consent. Given the similarities of the reasons for refusal, I consider both in this single decision letter.
4. In late 2018 the Council adopted a new development plan known as the *East Herts District Plan October 2018* (EHDP). I have therefore considered the proposal in the context of the most up to date development plan. The Appellant identified in final comments that, in their view, Policy DES4 referred

to by the LPA is of most relevance. However, the decision-maker needs to consider the development plan as a whole, as I have done here.

5. The Council's Questionnaire and Appellant's Grounds of Appeal indicate that the appeal site lies within the Green Belt, and therefore Chapter 13 of the *National Planning Policy Framework* (the Framework) is of relevance. Neither party considers that the site would constitute 'inappropriate development' in this instance. The proposal would result in the partial redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development (as per Paragraph 145 (g) of the Framework). I therefore find that the proposal would benefit from this exception and therefore is not 'inappropriate development' in terms of Green Belt matters.
6. The main issue in this instance is whether the proposed alterations and works would preserve features of special architectural or historical interest within the listed building.

Reasons

7. The appeal building is a Grade II* listed building. Detailed assessments of its significance and features of special interest are given in the submissions of the main parties and do not require repeating here. Nonetheless, it is clear that the significance of the listed building derives from factors such as the configuration of the rooms on the various floors fed off a central stairs with atrium. I saw from my site inspection that those on the ground floor consist of high quality reception rooms, which are well proportioned with high ceilings, quality plaster cornices, timber panelled walls, and other features such as good quality architectural joinery and fireplaces.
8. Previous consents/permissions allow the conversion of the Ground Floor into a 3 bed apartment occupying the complete floor, with the central atrium space providing access to the upper floors consisting of separate apartments. The Council's conservation view was that this had a minimal impact on the configuration of the rooms on this floor, and therefore permitted those schemes.
9. The proposal in this case seeks to reconfigure the ground floor so as to create two 2-bedroom apartments instead of one 3-bedroom apartment. In particular, this would require the insertion of a partition within the room identified as GF3 in the Appellant's submitted heritage report (on page 13, report by BJHC dated 20th January 2015).
10. This report identifies that '*GF3 has fine moulded coving all around the ceiling. The fine late C16 stone fire surround carved with grotesque animals and acanthus foliage described in the Listing does not correspond well with the current small fireplace which is very crisp and depicts two sphinx with winged lions bodies with manes and human heads and female breasts, flanked by cornucopia. There is no longer an Elizabethan scratch moulded oak door.*' The report goes on to identify that room '*GF4 is an ante-room or Study created from the larger space. Like many of the rooms it retains its original Georgian shutters.*'
11. The proposals would create two bedrooms together with short corridor within the GF3 room. The fireplace would remain but sit within the corridor. The

proposal would also result in the insertion of further partitions in room GF4, to provide for a W.C. and a separate bathroom with W.C., with hall space surrounding these 'sub rooms or areas'.

12. It is not entirely clear as to how such subdivisions would affect the physical fabric of the building. For example, how would the plaster cornices be retained, and how would they be replicated within the new spaces created? Moreover, subdividing the rooms would result in significantly smaller rooms that would appear visually out of proportion with high ceilings but curtailed floorspace. This would look odd for a ground floor building of this age and type. Other aspects that would seem odd to a layperson would be the retained fireplace in GF3 which would serve a short corridor into the bedrooms. Even though such works might be reversible, in the intervening period the contribution these features make to the significance of the listed building would be unacceptably diminished.
13. I note the information supplied by the Appellant relating to the views of one local estate agent, who opine that the size of the ground floor flat is likely to be unattractive to purchasers looking to down size. This evidence is limited insofar as it relates to only one estate agent and there is little evidence explaining why the three viewings did not result in any further interest in the ground floor apartment. Nonetheless, this does not justify the harm to the listed building I have identified above, nor does either factor inhibit the appellant from working with the local planning authority to devise other schemes which might subdivide the ground floor and preserve its special interest.
14. However, the subdivision of these high-quality reception room spaces proposed here would have a negative impact on the significance of the listed building and would fail to preserve the special interest of the listed building. Whilst this would result in no more than less than substantial harm, considerable importance and weight should be given to the desire to preserve heritage assets. In this case, public benefits weighing in favour of the proposal include providing an additional residential unit and the wider restoration of the building from its conversion from offices to residential. However, these do not outweigh the less than substantial harm I have identified.
15. Accordingly, the proposed alterations and works would fail to preserve features of special architectural or historical interest within the listed building. As such, it would be contrary to Policies DES4, HA1 and HA7 of the *East Herts District Plan 2018*, which, amongst other aims, seek to preserve the significance of listed buildings; including their interiors and exteriors. The proposal would also conflict with Paragraph 196 of the Framework which seeks similar aims.

Overall Conclusion

16. For the reasons given above, I conclude that both appeals should be dismissed.

Cullum J A Parker

INSPECTOR



Appeal Decision

Site visit made on 12 February 2019

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2019

Appeal Ref: APP/J1915/W/18/3213737

Land to the north of Pepper Hill House, Cautherly Lane, Great Amwell SG12 9RH

- 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 Rose against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/0697/FUL, dated 26 March 2018, was refused by notice dated 21 May 2018.
 - The development proposed is the erection of a detached dwelling and detached garage and repositioning of existing vehicular access.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the refusal of the application the new National Planning Policy Framework (Framework) has been published. I have taken this into account in my reasoning.
3. The appellant has included a Soft Landscape Plan and Soft Landscape Scheme as part of their appeal. While not before the Council at the time of their decision, it was submitted at the outset of the appeal and therefore parties have had the opportunity to comment. The overall design and position of the main elements of the scheme has not altered from that originally submitted and upon which consultation took place. Against this backdrop, no injustice would be caused to any appeal party or third party by my taking this information into account. I have considered the appeal on that basis.
4. Policies from the East Herts Local Plan Second Review April 2007, referred to by the Council in the decision notice, have been superseded by the East Herts District Plan October 2018 (District Plan) which was adopted after the determination of the application. As the main parties have had the opportunity to comment on the change, and that the policies from the then emerging District Plan were also included in the refusal reasons, neither party has been prejudiced by this.

Main Issues

5. The main issues of the appeal are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- The effect on the openness of the Green Belt;
- The effect on the character and appearance of the area; and
- Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations, and if so, whether this would amount to the very special circumstances required to justify the development.

Reasons

Whether Inappropriate Development

6. The appeal site is situated in the Green Belt. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It outlines that the construction of new buildings, other than in connection with a small number of exceptions, should be regarded as inappropriate in the Green Belt (paragraph 145). Inappropriate development according to the Framework is harmful to the Green Belt and should not be approved except in very special circumstances. One of the exceptions is limited infilling in villages.
7. Policy GBR1 of the District Plan states that planning applications within the Green Belt will be considered in line with the provisions of the Framework. Policy VILL2 of the District Plan states that within villages, such as Great Amwell, limited infill development will be permitted subject to certain criteria including that development is restricted to land within the built up area of the village as defined on the Policies Map.
8. Being for a single property the proposal would be limited development. There is no definition of infill provided in either the District Plan or the Framework. Even though the previous appeal at the site considered that scheme under a different limb of the Framework's Green Belt exceptions, it nonetheless required a judgement as to whether the proposal was infill¹. The Inspector in his decision made a distinction between infill as the "*filling of something of a defined and limited gap*", and "*development of a more substantial, open and mostly undeveloped area of land that happens to be in close proximity to or between other buildings*", that would not be infill. I see no reason to disagree with this distinction.
9. There is a pool house, swimming pool and tennis court within the appeal site. A garage and a separate dwelling are immediately adjacent to the site. Notwithstanding this, large areas of the site are open and undeveloped garden space. Moreover, while some plots in the village do have wide frontages, the substantial grounds of Pepper Hill House create a clear and distinct separation between it and other properties. As a result, the appeal site does not appear as an obvious gap between existing development in a continuous built up

¹ APP/J1915/W/17/3183096

frontage. As such, the proposed dwelling would not read as part of a row of properties. Therefore, although it would not result in the consolidation of an isolated group of buildings, the proposal would not represent infill development.

10. Policy GBR1 of the District Plan is clear that proposals in the Green Belt will be considered in line with the Framework. I note that the Framework does not suggest that villages are limited to land within a designated settlement boundary and this has been a matter before the Courts². While the site is located outside the defined built up areas of the village as identified in the Policies Map referred to in Policy VILL2 of the District Plan, it is in close proximity to the main road. Furthermore, it is located between the separate defined pockets of built up areas. Development is low density near the site and there is a large gap between Pepper Hill House and the nearest property. Nonetheless, the appeal site is not isolated from the built-up areas and I consider the site is part of the village.
11. Nevertheless, when judged against the wording of national and local policy the proposal would not represent limited infilling within a village or any of the Frameworks' other exceptions and would thus be inappropriate development in the Green Belt which, according to the Framework, is harmful by definition. It would conflict with Policy GBR1 of the District Plan and the Framework as it would not be infill development.
12. While not determinative of whether the proposal is inappropriate development or not in this case, the proposal would also be contrary to Policy VILL2, where it seeks to restrict development to within the defined village boundary.

Effect on the openness of the Green Belt

13. The Framework indicates that openness is an essential characteristic of the Green Belt. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect. The scale of the property has been reduced from the previous scheme and the position of it altered. Nevertheless, using the appellant's figures the proposal would introduce a new dwelling with a total floor area of 219m² with accommodation over 2 floors and a garage of 37m². Although the tennis court would be removed the other ancillary structures would be retained. Therefore, the introduction of the new buildings would have a greater impact on the openness of the Green Belt in spatial terms than the existing circumstances.
14. The development would be largely screened by the existing and proposed trees and hedgerows along the boundaries of the site. Nevertheless, there would be glimpsed views of the site through and above the landscape features from the road and neighbouring property. As such, the proposal would have greater visual impacts on the Green Belt when compared to the present circumstances.
15. Consequently, in both spatial and visual terms the proposal would have a greater impact on the openness of the Green Belt than the existing situation. While the harm would be small, this would be contrary to the Framework where it states an essential characteristic of Green Belts are their openness. The introduction of the development would fail to assist in safeguarding the countryside from encroachment, one of the 5 purposes of the Green Belt. Even

² Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195

though it relates to a single dwelling, it would nevertheless not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open.

Character and Appearance

16. In order to provide the visibility splays and reposition the access some of the verge trees would be removed. Nonetheless, there are already wider sections along the lane at existing access points and the lane would not be widened substantially or over any significant length. Moreover, while there are trees or hedgerows along the verge, other boundary treatments, such as fencing, are visible from the lane at present. Compensatory planting is also proposed along the frontage of the site. Were the appeal to be allowed, conditions could be imposed in relation to a landscape scheme. This would prevent the proposal would having a suburbanising effect on the approach to, or setting of, the village.
17. As such, the proposal would comply with Policy VILL2 of the District Plan where it, amongst other things, requires development to be in keeping with the character of the village.

Other Considerations

18. The Council have not included any reasons for refusal relating to impacts on the setting of the Great Amwell Conservation Area or the setting of Pepper Hill House which is a listed building. Accordingly, it is my view that the development proposed would preserve the character and appearance of the designated area and would preserve the significance of the listed building and its setting. Such an absence of harm is therefore a neutral impact in the overall balance of my decision.
19. The provision of a dwelling would contribute to the supply and mix of housing in the area and the general thrust of national policy seeks to boost housing provision. However, the contribution of one dwelling would be small. I therefore give this limited weight. Similarly, any benefits arising from biodiversity would also be minimal and attract little weight.
20. There has been no substantive evidence put to me to indicate the Council do not have an up-to-date 5 year housing land supply. Even if there were a shortfall, the Framework indicates that the presumption in favour of sustainable development does not apply where the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. The Green Belt is an example of such areas/assets and the proposal is contrary to the relevant policies of the Framework in regard to these.
21. I acknowledge that the appeal scheme would be located in an area accessible to various modes of transport, services and facilities. Moreover, the refusal reasons do not relate to matters such as living conditions, flooding, drainage, highway safety or impacts on important views. Nevertheless, the lack of identified harm is a neutral factor that does not diminish the significant harm that would arise from the proposal.
22. My attention has been drawn to other schemes and permissions elsewhere in the village. From the details provided to me, and my observations on site, these related to different parts of the village and where development was

generally more compact with less spacing between properties than in this appeal. I note that the appeal cases highlighted do not relate to sites in the same village or Council. These other schemes are materially different to the one before me and I afford them limited weight. In any event each case is assessed on its own merits and what is considered infill in one location will not necessarily be so in another.

23. I note there was some local support for the scheme. Nonetheless, support for a development in itself is not a ground for refusing or granting planning permission unless founded upon valid planning reasons. The proposal may in some respects align with elements of local and national policy. Notwithstanding this, for the reasons given, the proposal does not accord with the development plan or the Framework as a whole.

Conclusion

24. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. While not harmful to the character and appearance of the area, it would also lead to a small loss of openness to the Green Belt. The other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would be contrary to Policies GBR1 and VILL2 of the District Plan and the Framework.
25. Therefore, for the reasons given I conclude that the appeal is dismissed.

Stuart Willis

INSPECTOR



Appeal Decision

Site visit made on 2 January 2019

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd April 2019

Appeal Ref: APP/J1915/D/18/3215581

15 West Street, Hertford SG13 8EX

- 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 J Margetts against the decision of East Herts District Council.
 - The application Ref 3/18/0736/HH, dated 23 March 2018, was refused by notice dated 8 October 2018.
 - The development proposed is for '*Proposed single storey and two storey rear extension incorporating a basement (resubmission of planning refusals 3/17/1124/HH & 3/17/1125/LBC)*'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since East Herts Council's (the Council) refusal of the application Ref 3/18/0736/HH, the Council adopted a District Plan on 23rd October 2018, which replaces the East Herts Local Plan (Second Review) 2007. Both the Council and the appellant have confirmed that they have not been prejudiced by the change to the development plan.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of No 13 West Street with particular reference to outlook.

Reasons

4. No 13 West Street is a small cottage that adjoins No 15. The ground floor of No 13 is at a lower level than the existing ground floor of No 15 and that of the proposed extension. It has a low ceiling and small windows both front and rear.
5. The existing boundary wall that separates the gardens of Nos 13 and 15 is a substantial one and is experienced as being particularly high and imposing when viewed from the rear of No 13 which is at a lower level than the ground level of No 15.
6. The boundary wall is in close proximity to the partially glazed rear door and rear ground floor window of No 13. The combination of height and proximity of the boundary wall already has a significant overbearing and intrusive effect when experienced from the ground floor of No 13 and from the paved area

directly outside the rear door to the property. It also restricts daylight to the interior of No 13. However, the existing harm does not in itself justify making matters worse.

7. The proposed single storey extension would project above this boundary wall, for most of the length that the extension runs along the boundary between Nos 15 and 13. Given the proximity and height of the existing wall and its current impact on living conditions of occupiers No 13, I find that this projection would materially exacerbate the existing domineering and overbearing effect.
8. The flank of the proposed two storey element of the extension would be set back from the boundary wall with No 13 and would project from the rear wall of No 15, at the narrowest point of the existing house. Despite being set back from the boundary, the projection of the proposed extension means that it would be visible above the existing substantial boundary wall and the proposed single storey extension when viewed from the ground floor of No 13. This would further constrain the already limited outlook of No 13. Given the lower level of the ground floor of No 13 to that of the proposed extensions, this would have a substantial overbearing and intrusive impact on No 13, additional to the effect of the proposed single storey extension.
9. I therefore conclude on this main issue, that the proposal would result in unacceptable harm to the living conditions of the occupiers of No 13. This would be contrary to Policy DES4 of the East Herts District Plan 2018, which seeks to avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land and Section 12, Paragraph 127 f) of the National Planning Policy Framework that seeks to ensure that developments create a high standard of amenity for existing and future users.

Other Matters

10. I appreciate that efforts have been made to overcome the reasons for refusing a previously submitted application and that following amendments the appellant received positive pre-application advice on issues pertinent to this appeal. However, in my experience pre-application advice is usually given without prejudice and cannot pre-determine the outcome of a subsequent application. In any case, I have agreed with the Council's reason for refusal and conclude that the proposal would be harmful to the living conditions of the occupiers of the neighbouring dwelling.

Conclusion

11. For the above reasons and taking account of other matters raised, I conclude that the appeal should be dismissed.

Victor Callister

INSPECTOR



Appeal Decision

Site visit made on 27 February 2019

by **M Allen BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 April 2019

Appeal Ref: APP/J1915/W/18/3209374 3 Great Molewood, Hertford SG14 2PN

- 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 _____ against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/0933/FUL, dated 23 April 2018, was refused by notice dated 13 June 2018.
 - The development proposed is described as: "Demolish existing two storey dwelling, garage, porch and rear addition and construct new three storey dwelling (two storey and loft)".
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Following submission of the appeal, the appellant sought and was granted planning permission by the Council for an alternative scheme for a replacement dwelling. At the time of my site visit, the existing dwelling had been demolished and construction work had commenced on a new property. Further views were sought from the parties and the appellant maintains that the scheme is for a replacement dwelling and that this is the basis of the case put forward.
3. The Council confirms that the East Herts District Plan (2018) (the District Plan) was adopted subsequent to the refusal of planning permission and the policies of this plan are relevant. These policies are referred to in the Council's statement of case, on which the appellant has been given the opportunity to comment. There would be no injustice caused by me determining the appeal in light of the newly adopted policies, which is what I have done.
4. Since the appeal was submitted the Government has published a revised National Planning Policy Framework (the Framework). As the main parties have had the opportunity to provide comments, no injustice has been caused. I have considered the appeal on the basis of the revised Framework.

Main Issues

5. The main issues raised in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies,

- The effect on the openness of the Green Belt,
- The effect of the proposal on the living conditions of the occupiers of 1 Great Molewood, with particular regard to outlook; and
- If there were harm by reason of inappropriateness whether this, or any other harm, would be clearly outweighed by other considerations? If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

6. The appeal site is located in the Green Belt. The Framework, at paragraph 145, indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, is listed as one of the exceptions.
7. Case law has established that it is the building to be replaced that should be taken as the baseline against which the assessment of whether a replacement building would be materially larger must be made. Case law has also established that if there is no building on site, the exception for replacement buildings provided by paragraph 145 d) cannot apply, as there would be no building to replace.
8. At the time of my site visit the dwelling which previously occupied the site had been demolished. Construction was underway on a new building and the appellant has confirmed that this was in respect of a scheme for a smaller dwelling, permission for which was secured following submission of this appeal.
9. In respect of the scheme before me, there is now no longer a building on site for which the appeal scheme can be considered a replacement for. Consequently, the scheme would not accord with the exception provided by paragraph 145 d) of the Framework. The appellant has not sought to make a case under any of the other exceptions.
10. The scheme would therefore comprise inappropriate development in the Green Belt, which paragraph 143 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The effect of the proposal on the openness of the Green Belt

11. Paragraph 133 of the Framework indicates that openness and permanence are the essential characteristics of the Green Belt. There is no definition of openness in the Framework but, in the Green Belt context, it is generally held to refer to freedom from, or the absence of, development.
12. Given that the previous dwelling has been demolished and there is no completed building present on the site, the baseline for considering the effect on openness must be that of an empty, undeveloped site. On this basis, the scheme for the proposed dwelling would result in a considerable loss of openness.
13. The appellant has included details in respect of a comparison between the dwelling subject of this appeal and that which has planning permission and is being constructed. Even if I were to take the permitted dwelling as a baseline, there would still be a loss in openness as the dwelling subject of this appeal is for a larger building.

Living Conditions

14. The single storey side element of the proposed property would be located in proximity to the boundary with the neighbouring property of 1 Great Molewood (No 1). It would also extend beyond the rear elevation of No 1. However, the roof would pitch away from No 1. Furthermore, the roof includes a hipped design which would limit its visual effect. Whilst the single storey element of the scheme would be visible from No 1 above the proposed boundary fence, this would not be to such an extent as to be overbearing or to substantially effect the outlook from this property. As such, it would not result in unacceptable living conditions for the occupiers of No 1. The scheme would therefore comply with Policy DES4 of the District Plan. This seeks to avoid detrimental impacts on the amenity of occupiers of neighbouring properties.

Other considerations

15. The site benefits from planning permission for a replacement dwelling and this appears to be under construction. The appellant highlights that this is for a dwelling smaller than that sought under this appeal. As the approved scheme is smaller and would therefore result in a reduced quantum of development on the site compared to the appeal proposal, I do not consider this lends adequate weight to the case for allowing the appeal.
16. There is reference to the potential to use permitted development rights in order to extend dwellings within the Green Belt and that this has been taken into account in other decisions in the local area previously. However, there is nothing definite to suggest that such extensions would subsequently be constructed and as such they are no more than a theoretical possibility. Consequently, this consideration has little bearing on my decision.

Conclusion

17. The proposal would be inappropriate development, by definition harmful to the Green Belt, and the Framework establishes that substantial weight should be given to this harm. The development would also lead to a substantial loss of openness of the Green Belt. Even if there were a smaller loss in openness, taking into account the consented scheme under construction, the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Whilst I have found no harm in respect of the living conditions of neighbouring occupiers, the proposal would be contrary to Policy GBR1 of the District Plan, as well as the guidance of the Framework in respect of Green Belts.
18. Therefore, for the reasons given and having regard to all matters raised, the appeal is dismissed.

Martin Allen

INSPECTOR



Appeal Decision

Site visit made on 27 February 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2019

Appeal Ref: APP/J1915/W/18/3208037

Rats Castle Cottage, Burnham Green Road, Datchworth SG3 6SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs J Carter against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/0939/FUL, dated 20 April 2018, was refused by notice dated 22 June 2018.
 - The development proposed is the change of use of existing annexe and subdivision of site to create new independent dwelling with shared vehicle access, driveway and off-street parking.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the Council's decision, the East Herts District Plan of 2018 (the District Plan) was adopted, replacing the East Herts Local Plan Second Review (2007). My decision is therefore based on the District Plan, the relevant policies of which are referred to in the Council's statement of case, thus providing the appellant an opportunity to comment.
3. Also, since the appeal, Government published the revised National Planning Policy Framework (the Framework) to which I have had regard and on which the main parties have had the further opportunity to comment.

Main Issues

4. The main issues raised in this case are:
 - Whether or not the proposal is inappropriate development in the Green Belt;
 - The effect of the proposal on the character and appearance of the area, including the setting of Rats Castle Cottage, a Grade II listed building;
 - The effect of the proposal on the living conditions of the occupiers of 18 Burnham Green Road, with particular regard to noise and disturbance; and
 - If the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether or not the proposal is inappropriate development in the Green Belt

5. The scheme comprises the change of use of an existing building. Paragraph 146 of the Framework states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include the re-use of buildings, provided that the buildings are of permanent and substantial construction.
6. The building exists and is of permanent construction, with no extensions proposed. To the front is a parking area that is to be enlarged albeit not to any significant degree. The front of the site is screened from view by a high and dense boundary hedge and as such there are only glimpses available of the site through the vehicular access. As such, there would be a negligible effect on the visual aspects of openness in respect of the building and parking area. The Council refer to the patio area to the side of the building, although this currently exists and as such does not impact on openness.
7. However, to the rear of the site a separate residential curtilage is to be formed to serve the proposed independent dwelling, which is a consequence of the change from ancillary accommodation to an independent unit. At the time of my site visit, there was vegetation forming a hedge to the rear of the building which to some degree delineated an area of the garden. This would be reinforced by the addition of a boundary fence. Whilst this would not generally be visible from outside of the site, it would spatially divide the rear garden area. Furthermore, an independent residential use would likely lead to an increase in domestic paraphernalia within the private rear garden created as a consequence of this proposal.
8. As a result, the openness of the site and consequently the Green Belt, would not be preserved. Thus, whilst the proposal would not conflict with the purposes of including land within the Green Belt, given that it would result in a loss of openness, the proposal would constitute inappropriate development. This would conflict with District Plan Policy GBR1 which requires that applications be considered in line with the Framework's provisions.

Character and appearance

9. The scheme proposes a small increase in the size of the parking area to the front of the building. As it is only to be marginally enlarged, this would have only a limited urbanising effect and not be of any material harm to the character or appearance of the area. As mentioned above, the patio area already exists to the side of the building and would not therefore result in any additional harm.
10. Adjacent to the building is Rat's Castle Cottage, a grade II listed building. The significance of this designated heritage asset lies, in part, in its historical value in dating from the 17th century. The appeal building lies to the side of the listed building, with the patio area in-between. A high, dense hedge screens the listed building from the existing parking area. As such, the works to increase the size of the parking area would have no effect on the setting of the building. To the rear of the appeal and listed buildings is a large garden area. Whilst it is proposed to divide off a section of this area, this would not be directly behind the listed building. As such, a generous garden area would remain associated with the cottage and would allow for the continuing appreciation of the listed building.
11. Consequently, the scheme would not have an adverse effect on the character or appearance of the area. Furthermore, it would not harm the setting or the appreciation of the listed building as an example of a traditional 17th century

building and hence would not harm its significance as a designated heritage asset. The scheme would therefore accord with Policies VILL3, DES4, TRA2 and TRA3 of the District Plan. Together these policies seek to ensure development is in keeping with the character of the location, that development reflects local distinctiveness, that parking provision does not have a significant detrimental effect on the character of the local environment and that car parking provides good quality and attractive environments. The scheme would also accord with the policies of the Framework in this regard. Policy DES3 has also been referenced by the Council, but no specific harm has been identified in regard to this policy.

Living conditions

12. The existing parking area would be extended slightly in order to accommodate parking for both the existing and proposed properties. This is located adjacent to the boundary of the neighbouring property, 18 Burnham Green Road (No 18) and adjacent to its own front parking area. There is also a substantial hedge forming the boundary between the two properties. Whilst there would be some increase in traffic movements, these would not be such as to have a materially harmful impact on the living conditions of the occupiers of No 18 in terms of noise, disturbance and fumes. As such, the scheme would accord with Policies VILL3 and DES4 of the District Plan, insofar as these policies seek to ensure that development does not adversely affect the amenity of neighbouring occupiers.

Other considerations

13. The appellant cites that the use of the building for residential purposes can continue, which would be largely unnoticed and there would be no loss of openness. However, it is the specific details of the proposal for an independent unit that result in the loss of openness. Therefore, the ability of the current ancillary use of the building to continue, which does not result in a loss of openness, is a matter that has little bearing on my decision.

Conclusion

14. The proposal would be inappropriate development in the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt. The lack of harm in respect of the character and appearance of the area, the setting of the listed building and the living conditions of neighbouring occupiers are neutral matters which do not weigh in favour of the proposal.
15. Therefore, the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would be contrary to Policy GBR1 of the District Plan, as well as to Green Belt policy as set out in the Framework.
16. Therefore, for the reasons given and having regard to all matters raised, the appeal is dismissed.

Martin Allen

INSPECTOR



Appeal Decision

Site visit made on 13 February 2019

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2019

Appeal Ref: APP/J1915/W/18/3212111

Land off Spellbrook Lane West, Spellbrook CM23 4AY

- 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 Poulton against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/0959/FUL, dated 25 April 2018, was refused by notice dated 31 July 2018.
 - The development proposed is the erection of 5no detached dwellinghouses and construction of associated garages, access roads and landscaping.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Policies from the East Herts Local Plan Second Review April 2007, referred to by the Council in the decision notice, have been superseded by the East Herts District Plan October 2018 (District Plan) which was adopted after the determination of the application. As the main parties have had the opportunity to comment on the change, and that the policies from the then emerging District Plan were also included in the refusal reasons, neither party has been prejudiced by this.

Main Issues

3. The main issues of the appeal are;
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies,
 - The effect on the character and appearance of the area, and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether Inappropriate Development

4. The appeal site is situated in the Green Belt. The National Planning Policy Framework (Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It outlines that the construction of new buildings, other than in connection with a small number of exceptions, should be regarded as inappropriate in the Green Belt. Inappropriate development according to the Framework is harmful to the Green Belt and should not be approved except in very special circumstances.
5. One of the exceptions is limited infilling in villages, the basis on which the Council made their assessment, and the Framework provides no definition of this. Another exception, as promoted by the appellant, is the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land). This is providing the development would not have a greater impact on the openness of the Green Belt than the existing development or would not cause substantial harm to the openness of the Green Belt where the development would contribute to meeting an identified affordable housing need.
6. Policy GBR1 of the District Plan states that planning applications within the Green Belt will be considered in line with the provisions of the Framework. Policy VILL2 of the District Plan states that within villages, such as Spellbrook, limited infill development will be permitted subject to certain criteria including that development is restricted to land within the built-up area of the village as defined on the Policies Map.
7. The Council have not disputed that the scheme would constitute limited development and there has been no substantive evidence to lead me to a different conclusion.
8. While the site may have been promoted in a recent 'call for sites', it is not within the settlement boundary as defined in the Policies Map referred to in Policy VILL2 of the District Plan. Notwithstanding this, Policy GBR1 of the District Plan is clear that proposals in the Green Belt will be considered in line with the Framework. I note that the Framework does not suggest that villages are limited to land within a designated settlement boundary. The site is adjacent to the defined settlement limits and the dwellings would not be isolated homes in the countryside. The site is in close proximity to the main road and has properties either side of its frontage and opposite it. Therefore, I consider the site is part of the village.
9. There is no definition of infill provided in either the District Plan or the Framework. I consider that infill development would comprise the filling of a defined and limited gap rather than the development of a more substantial, open and mostly undeveloped area of land that happens to be in close proximity to other buildings.
10. There is development to the west of the site along the road frontage. Buildings associated with a nearby factory are set back from the road to the same extent as the appeal site. Notwithstanding this, the land between the southern end of the site and the factory is mostly open and undeveloped. A significant part of the site, including some of the proposed dwellings, would be set considerably

further back than the existing residential properties along the road. As a result, the area behind the frontage development does not appear as an obvious gap between existing properties in a continuous built up frontage. As such, the rear dwellings would not read as part of a row of properties. Development to the rear of the frontage dwellings would result in the site as a whole not representing infill development.

11. No planning permission or certificate of lawful development for equestrian use has been presented to me. Nevertheless, even if I was to consider the site to be previously developed land, as the appellant suggests, my conclusions on the effect of the development on the openness and purposes of the Green Belt would determine whether or not it is inappropriate development. There is no detailed information before me to suggest the dwellings contribute to meeting an identified affordable housing need within the area. Moreover, there has been no mechanism provided to secure them as affordable dwellings.
12. The Framework indicates that openness is an essential characteristic of the Green Belt. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect. The site would not extend further south than the factory buildings and there is development along the eastern boundary. Nevertheless, the proposal seeks to construct 5 new residential dwellings where there are currently no properties or structures of this scale. Furthermore, there would be garages and other domestic paraphernalia introduced. Therefore, the introduction of these would have more of an impact on the openness of the Green Belt in spatial terms than the existing circumstances.
13. The size, mass and height of the proposed dwellings would make them large buildings. The appeal site is also at a higher level than the road. Therefore, even with landscaping the site would be very prominent in views from the road, and there would be views through and over the boundary features, including from the adjacent properties. As such, the proposal would have greater visual impacts on the Green Belt than the present situation.
14. Consequently, in both spatial and visual terms the proposal would have a greater impact on the openness of the Green Belt than the existing situation. This would be contrary to the Framework where it states an essential characteristic of Green Belts are their openness.
15. Therefore, when judged against national and local policy the proposal would be inappropriate development in the Green Belt which, according to the Framework, is harmful by definition. It would conflict with Policy GBR1 of the District Plan and the Framework. Moreover, while it would not extend into the agricultural land to the south of the site, it would not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open.
16. While not determinative of whether the proposal is inappropriate development or not, and notwithstanding my finding on the extent of the village for the purposes of the Green Belt assessment, it would also be contrary to Policy VILL2 of the District Plan, which seeks to restrict development to within the defined village boundary.

Character and Appearance

17. The proposal would include frontage dwellings. This reflects the predominant linear pattern of existing residential development in the locality. However, the properties at the rear, set behind other dwellings, would be at odds with this.
18. There would be sufficient space around the dwellings, and it would not represent over development of the site. Moreover, their scale, height, materials and appearance would be broadly in keeping with other properties in the area. Nevertheless, the relatively dense layout of the site would be incongruous when considered against the large properties set in more generous and spacious plots adjacent to the site. This spaciousness contributes positively to the character of the area. The retention of mature existing trees and hedgerows, along with the proposed planting, would aid in screening the proposal. Nonetheless, the layout of the site, which would be alien to the existing form along this road, would be obvious from the adjacent properties and from the road itself.
19. While the appellant considers the proposal would significantly enhance the setting of the site, I consider it would be harmful to the character and appearance of the area. Therefore, it would fail to comply with Policies VILL2 and DES4 of the District Plan. These, in part, require development to be of a design and layout reflecting local distinctiveness and be in keeping with the character of the village. It would also conflict with the Framework where it seeks to ensure development is sympathetic to local character.

Other Considerations

20. There are no refusal reasons relating to highway safety or parking and the development would create an additional passing bay on the road. This would bring about highway safety improvements and the highway authority has not raised any objection to this aspect of the proposal. This would represent a benefit of the scheme and I give this moderate weight.
21. My attention has been drawn to other permissions in the village. From the details provided to me, and my observations on site, these relate to linear, frontage developments rather than instances where properties are located behind each other. A pending application is highlighted. However, this is for the conversion of an existing building and would therefore be subject to different considerations to this appeal. Therefore, these other schemes are materially different to the one before me. In any event each case is assessed on its own merits and what is considered infill in one location will not necessarily be so in another.
22. The provision of 5 dwellings would contribute to the supply and mix of housing in the area and the general thrust of national policy seeks to boost housing provision. However, the contribution of 5 dwellings to the mix and supply of housing in the area would be modest. I therefore give this moderate weight. Any benefits arising from sustainable construction, energy efficiency and biodiversity would also be minimal and attract little weight.
23. I acknowledge that the appeal scheme would be located in an area accessible to various modes of transport, services and facilities. Moreover, the refusal reasons do not relate to matters such as living conditions, flooding, drainage, archaeology, parking or impacts on landscape features. Nevertheless, the lack

of identified harm is a neutral factor that does not diminish the significant harm that would arise from the proposal.

24. I have given weight to the benefits of the development in my decision that in some respects align with local and national policy. Notwithstanding this, for the reasons given, the proposal does not accord with the development plan or the Framework as a whole.

Conclusion

25. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also lead to a loss of openness to the Green Belt and harm to the character and appearance of the area. The other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would be contrary to Policies GBR1, VILL2 and DES4 of the District Plan and the Framework.

26. Therefore, for the reasons given I conclude that the appeal is dismissed.

Stuart Willis

INSPECTOR



The Planning Inspectorate

3/E
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5399
Customer Services:
0303 444 5000

Email:
NSI.HAS@PINS.GSI.GOV.UK

www.gov.uk/planning-inspectorate

Your Ref: 3/18/0960/HH
Our Ref: APP/J1915/D/18/3211201

Development Control
East Hertfordshire District Council
Development Control
Wallfields
Pegs Lane
Hertford
SG13 8EQ

20 March 2019

Dear Development Control,

Town and Country Planning Act 1990
Appeal by Mr J. Sanders
Site Address: 71 Downfield Road, Hertford Heath, HERTFORD, SG13 7SA

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Tina Gozra

Tina Gozra

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>



The Planning Inspectorate

3D Eagle
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5525
Customer Services:
0303 444 5000

Email: North2@pins.gsi.gov.uk

www.gov.uk/planning-inspectorate

Your Ref: 3/18/0972/FUL

Our Ref: APP/J1915/W/18/3207743

Development Control
East Hertfordshire District Council
Development Control
Wallfields
Pegs Lane
Hertford
SG13 8EQ

04 April 2019

Dear Development Control,

Town and Country Planning Act 1990
Appeal by Stay New Homes Ltd
Site Address: Land opposite 44-58 Chapel Lane, Letty Green, Hertford,
Hertfordshire, SG14 2PA

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Terry Scott
Terry Scott

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>



Appeal Decision

Site visit made on 5 February 2019

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

an Inspector appointed by the Secretary of State

Decision date: 19 March 2019

Appeal Ref: APP/J1915/W/18/3213222

Land north of Abbots Lane, The Old Orchard, Widford, Herts SG12 8SH.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Simon Thake against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1027/FUL, dated 25 April 2018, was refused by notice dated 29th June 2018.
 - The development proposed is a new dwelling.
-

Procedural Matters

1. Since the appeal application was determined the East Herts District Plan 2011 to 2033 (2018) (DP) has been adopted. I therefore refer to the policies of that plan in my decision below.
2. Comments were also sought from the parties on the recently published Housing Delivery Test (HDT) and associated updated National Planning Policy Framework (2019) (the Framework).

Decision

3. The appeal is dismissed.

Main Issues

4. The main issues are the effect on the character and appearance of the area and whether the site is sustainably located having regard to access to services and facilities.

Reasons

5. The appeal site is located to the south west of the village of Widford. It is roughly triangular in shape and is currently in use as for the storage of horticultural materials and associated goods. The site is mainly open and undeveloped but there is a building located at the far northern end of the site of single storey height and of timber boarded elevations with tiled roof. A second building is sited in the northern corner adjacent to the cricket club pavilion.
6. The site boundaries are marked by established hedgerow with a number of trees, particularly in the south-eastern corner of the site. It is adjoined to the west by a cricket club ground and to the east by pasture fields and the village recreation ground with the main built up part of the village to the north and

east. Farmland lies to the south on the southern side of Abbots Lane which the site fronts.

Effect on character and appearance

7. The parties are agreed that following the adoption of the DP, policies GBR2 and VILL2 are relevant. These policies allow for 'limited infilling or the partial or complete redevelopment of previously developed sites' and the 'replacement of a building' in the rural areas outside the Green Belt and limited infill development within the village respectively, subject to a number of criteria.
8. The site lies outside of the village as defined on the Policies Map, therefore does not comprise infill development for the purposes of policy VILL2. In terms of policy GBR2, I note that the site has been used for commercial purposes associated with a landscaping / horticultural business for some years and a lawful development certificate for the storage of horticultural materials and associated goods (B8 use) was granted in March 2017. Therefore, I would agree that the site constitutes a previously developed site. The appellant also contends that the proposal could be considered under the criteria relating to the replacement of a building, but I note from the plans that the existing buildings on the site are shown to be retained.
9. However, in any event, development of such sites as allowed by policy GBR2 must be 'appropriate to the character, appearance and setting of the site and/or surrounding area'. Whilst the site lies reasonably close to the built up part of the village, it is within an area that is rural in character and visually part of the countryside surrounding it. Whilst there are buildings on the site, they are modest in size occupying an unobtrusive location at the far northern end. The majority of the site is open and undeveloped albeit there were piles of materials and wood cuttings evident on some parts of the site.
10. The proposed dwelling would be substantial in size and considerably larger and of greater height than the existing buildings. In addition, it would be sited towards the central part of the site, much closer to the road frontage. In my opinion, by reason of its siting, size and scale, it would be an intrusive form of development that would detract from the open rural character and relatively undeveloped appearance of the site and its surroundings.
11. For similar reasons I also conclude that it would fail to preserve the character and appearance of the Widford Conservation Area in which the site is located. The Conservation Area Appraisal describes the area to the north of Abbots Lane as being 'fragmented landscape composed of pasture land with sports facilities traversed by a well-used public footpath where mature trees along existing boundaries contribute to this part of the Conservation Area'. However, it also identifies the appeal site as having 'detracting elements' and as being unkempt and untidy. Whilst the removal of such detracting elements could be said to be of benefit, albeit at the time of my site visit I did not find the use to be significantly visually harmful, I do not consider that the introduction of a substantial detached dwelling as proposed would preserve or enhance the character or appearance of the area. The harm arising would not be outweighed by the public benefits in my opinion.
12. I therefore find that the proposal would fail to comply with DP policies GBR2 and VILL2. In addition, it would fail to comply with DP policies DES4 and HA4 which seek to ensure that all new development is of a high standard of design

that reflects and promotes local distinctiveness and preserves or enhances the special interest, character and appearance of the area,

Access to services and facilities

13. The village has a small number of services and amenities, including a school, village hall and church, located within the main built up part of the village to the north of the site. This area is located a relatively short distance from the appeal site, accessible via the public footpath that runs along its eastern boundary and via Abbots Lane itself, though that is less direct and does not have footpaths. Whilst at times, and particularly in winter months, the public footpath may become a less desirable route to use, overall I consider that the site is within reasonable walking distance via either route and certainly accessible via cycle. Whilst occupants of the dwelling would be likely to use the car for longer trips to higher order services and employment, I nevertheless consider that the site has reasonable access to services and facilities for a rural area.
14. I find that in this respect, there is no conflict with DP policy GBR2 in terms of the site being in a 'sustainable location'.

Other Matters

15. The Framework seeks generally to boost housing supply and make effective use of land, particularly previously developed land, but this should be in the right locations having regard to the need to respond to local distinctiveness and character and safeguard the natural and historic environment. In the rural areas it supports the provision of housing where this would enhance or maintain the vitality or rural communities. However, taking account of all relevant policies as a whole and noting that significant conflict would arise with its environmental objectives, I find that overall that its aims would not be met.
16. The appellant contends that there would be a benefit from the removal of the existing commercial use through visual enhancement of the site and highway benefits. However, in my opinion as noted above, the existing use largely retains an open and undeveloped appearance in keeping with its rural location, notwithstanding that there would be some benefit in conservation area terms. In terms of highway benefits, whilst I acknowledge that a residential use would be likely to reduce the number of larger vehicles accessing the site along Abbots Lane, I see this as a benefit of only limited weight given that there is no evidence of harm resulting from the commercial use and such lanes are likely to be typically used by similar farm vehicles.
17. The appellant appears to have acknowledged that the Council can now demonstrate a five year supply of housing land given the adoption of the DP and that this position has not changed as a result of the recent publication of the HDT. Therefore, paragraph 11(d) of the Framework does not apply. However, there would still be some, albeit limited, benefit from the additional dwelling proposed in boosting the supply of housing.
18. I have noted all the other Council decisions and appeals referred to by the appellant but they do not alter my conclusions in respect of the appeal site which I have determined on its merits having regard to the particular circumstances that relate to it.

Conclusions

19. Overall I find that the proposal would have a significantly harmful impact on the character and appearance of the area and, overall, there would be conflict with the development plan. Material considerations do not outweigh this harm and I do not find the proposal to be sustainable development.
20. For the reasons set out above, I conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR



Appeal Decision

Site visit made on 12 February 2019

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th April 2019

Appeal Ref: APP/J1915/W/18/3216870

Hillside Farm, Hillside Lane, Great Amwell SG12 9SH

- 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 John Ruane against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1030/FUL, dated 3 May 2018, was refused by notice dated 8 August 2018.
 - The development proposed is the construction of stables.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The East Herts District Plan October 2018 (District Plan) was adopted after the determination of the application. As the main parties have had the opportunity to comment on the change, and that the policy from the then emerging District Plan was also included in the refusal reasons, neither party has been prejudiced by this.

Main Issues

3. The main issues of the appeal are;
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies,
 - The effect on the openness of the Green Belt and the purposes of including land within it, and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether Inappropriate Development

4. The National Planning Policy Framework (Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping

land permanently open. It outlines that the construction of new buildings, other than in connection with a small number of exceptions, should be regarded as inappropriate in the Green Belt. Inappropriate development according to the Framework is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5. The Framework includes an exception for development in connection with outdoor sport and recreation facilities, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Policy GBR1 of the District Plan states that planning applications within the Green Belt will be considered in line with the provisions of the Framework.
6. The proposal is for a stable building and would be used in connection with outdoor recreation in line with the above exception. However, it is necessary to assess the effect of the development on the openness and purposes of the Green Belt will determine whether or not it is inappropriate development.

Green Belt Openness and Purposes

7. The Framework indicates that openness is an essential characteristic of the Green Belt having a spatial aspect as well as a visual aspect. Using the appellant's figures the proposal would introduce a building that would cover 190sqm and be 4.5m to the ridge of the roof. It would include 6 stables as well as a feed/tack room in a location where there are currently no buildings.
8. Therefore, although not unduly large, and while most of the field would not be developed, the introduction of these features would materially erode the openness of the Green Belt in spatial terms.
9. The stables would be set back from the road behind mature trees and hedgerow. This belt of landscaping and the topography of the site would help to screen the building and I acknowledge that the proposal was amended during the course of the application to try and overcome the Council's concerns regarding visual impact. Nevertheless, it would still be visible, at least in part, from the properties close by and glimpsed views through the boundary trees and hedgerow from the road and nearby public right of way. Although landscaping has been suggested there is no detailed scheme before me. Therefore, I cannot be certain what such a scheme would entail or what impact it would have.
10. While not isolated, the building would be separate from the existing complex of buildings at the site and would not be seen as part of this group. Moreover, it would protrude further into the largely undeveloped field and closer to the road than any existing buildings. The design and materials of the stables would be typical of such buildings and it would be partly dug into the ground. Notwithstanding this, while not incongruous in terms of its appearance, the proposal would have greater visual impacts, when compared to the existing state of the appeal site.
11. Consequently, in both spatial and visual terms the proposal would materially diminish the openness of the Green Belt, regardless of the fact that the remaining pasture land owned by the appellant would remain open and undeveloped. Although the harm would be small, this would be contrary to the

Framework where it states an essential characteristic of Green Belts are their openness.

12. Therefore, when judged against national and local policy the proposal would be inappropriate development in the Green Belt which, according to the Framework, is harmful by definition. It would conflict with Policy GBR1 of the District Plan and the Framework as it would fail to assist in safeguarding the countryside from encroachment, one of the 5 purposes of the Green Belt and go against the fundamental aim of Green Belt policy to keep land permanently open.

Other Considerations

13. I acknowledge that the stables would provide accommodation in private use and are said to be in line with British Horse Society standards. Nonetheless, while there may be a need to provide stabling and storage due to the permission to convert the existing buildings, that is not a justification for permitting a scheme that I have found to be harmful to the openness of the Green Belt. Furthermore, even though existing buildings may not be available for use, it has not been demonstrated that the scheme before me is the only option. Therefore, I give this matter limited weight in my assessment.
14. I accept that the proposal would be acceptable in terms of its effects on the character and appearance of the area, highway safety, parking, ecology or living conditions of nearby occupiers. Nevertheless, the absence of other harm is a neutral factor.
15. The conduct of the Council in its handling of the application has been raised. However, this is not a matter for me to address as part of the appeal which I have assessed on its planning merits.

Conclusion

16. The proposal would lead to a small, but harmful, loss of openness to the Green Belt which has resulted in me concluding that it would be inappropriate development in the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt. The other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would be contrary to Policy GBR1 of the District Plan and the Framework.
17. Therefore, for this reason I conclude that the appeal is dismissed.

Stuart Willis

INSPECTOR



Appeal Decision

Site visit made on 1 February 2019

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 4th March 2019

Appeal Ref: APP/J1915/W/18/3209314

Allens Meadow, Glencol, The Wash, Furneux Pelham SG9 0JY

- 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 _____ against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1062/FUL, dated 7 May 2018, was refused by notice dated 6 July 2018.
 - The development proposed was originally described as erection of semi-detached dwelling to replace previously approved extension under 3/16/2678/HH.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of 1 no. semi-detached dwelling (to replace previously approved extension 3/16/2678/HH) and addition of new first floor front and rear dormer windows at Allens Meadow, Glencol, The Wash, Furneux Pelham SG9 0JY in accordance with the terms of the application, Ref 3/18/1062/FUL, dated 7 May 2018, subject to the conditions in the attached schedule.

Procedural Matters

2. Notwithstanding the description of development set out in the above heading, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises that used in the formal Decision above. The Council dealt with the proposal on this basis and so shall I.
3. Since the application was determined the National Planning Policy Framework (the Framework) has been revised and the Council has adopted a new District Plan¹ (DP). As the emerging plan was at an advanced stage of preparation at the time of the application, the proposals were assessed against it. Both parties have also had an opportunity during the appeal to comment in respect to the new LP and the revised Framework.

Main Issue

4. The main issue in this appeal is whether the proposed development would be appropriately located.

¹ East Herts District Plan, October 2018.

Reasons

5. The appeal site is located beyond the village development boundary of Furneux Pelham, in the Rural Area beyond the Green Belt for the purposes of Policy GBR2 of the DP. The policy restricts development in this location but permits by exception the redevelopment of previously developed sites in sustainable locations and where appropriate to the character, appearance and setting of the site and/or surrounding area.
6. The proposed development would involve alterations to the host property and the creation of a new dwelling to form a pair of semi-detached properties. Whilst the new home would be erected on land within the site which is currently undeveloped, save for a detached shed and equestrian facilities beyond, there is current permission for an extension to the host property granted on appeal² ('the allowed appeal'). The proposed new dwelling would occupy the same position and footprint as the proposed extension in the allowed appeal, and be of similar scale, design and materials. Accordingly, I give the extant permission significant weight in this appeal.
7. The Inspector in the allowed appeal found that the proposed extension would not unacceptably impact on the rural character and appearance of the host property, site and surrounding area. This was due to its compatibility of design, layout and materials with the host dwelling; its accommodation with ease within the large site; its north-south alignment maintaining the openness of the site boundary with open fields to the east; its partial visibility due to screening by trees, hedging and raised banking; and the local context of residential development between the open fields and the road.
8. I give significant weight to the Inspector's Decision, which is strongly relevant to the appeal before me. I agree with his assessment of the above key considerations, which are all applicable to the development now proposed and are each a factor in favour of it. The Council has raised concerns that a semi-detached pair would be at odds with the grain and pattern of development. I do not share this view as the range of local building form is mixed, with both detached and terraced properties nearby. In respect to the scale of the proposed semi-detached pair, there are local examples of large properties on The Wash and Gins Road, some which are more prominent and less set back than the appeal property. Further, the semi-detached pair would largely be interpreted as a single dwelling due to common materials and the arrangement of front doors at contrasting angles.
9. According to the appellant's submissions, which have not been challenged by the Council, there is a bus stop 380 metres from the appeal site and there are public rights of way nearby facilitating safe off-road walking and cycling via a network of routes. There is a right of way close to the appeal site to the south. Therefore, in my judgement, there would be sustainable transport modes and occupiers of the new dwelling would not be reliant on use of a motor car. Goods, services and amenities would accordingly be accessible at nearby villages and other settlements, patronage of which would contribute to their economic viability as supported by paragraph 78 of the Framework. Due to the connection of the new dwelling with these sustainable networks, and with the pattern of residential development along the road, I do not consider that it would be an isolated home in the countryside or would be unsustainable.

² APP/J1915/D/17/3170122, Decision date 18 July 2017

10. For the above reasons, I give significant weight to the appeal proposal's sustainability and lack of harm to the character, appearance and setting of the site and surrounding area. There would be minor conflict with Policy GBR2 of the DP due to the relevant part of the appeal site being currently undeveloped, albeit with extant permission to develop a similar building form and otherwise acceptable in respect to the above issues. The proposed development is in accord with the Framework.

Other Matters

11. The proposal would create a new family-sized home. Although the Council can now demonstrate a 5-year housing land supply, the creation of an additional home and the economic effects from building it are clear benefits to which I attach moderate weight.

Conclusion

12. Taking all into account, the minor conflict with the development plan as a whole is outweighed by the above material considerations, and therefore the appeal is allowed with conditions.

13. In addition to the commencement condition, I have imposed a condition specifying the relevant drawings as this provides certainty. The Council has suggested three further conditions, which meet the 6 tests of the Planning Practice Guidance, and I am imposing them to ensure highway safety and to protect the living conditions of nearby residential occupiers during demolition and construction works. As condition 4 is a pre-commencement condition, and it is necessary for wheel-cleaning means to be in place at the start of works, the appellant has agreed it as required by S100ZA of the Town and Country Planning Act 1990. A condition suggested by the Council for the appellant to submit details of materials for approval is not necessary as materials have been detailed on the plans.

Andrew Walker

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 879-PL01; 879-PL02; 879-PL03A; 879-PL04; 879-PL05A; 879-PL06.
- 3) Before the new dwelling units are occupied all on-site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking and turning of vehicles. Prior to occupation arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.
- 4) Best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing) efficient means of cleaning the wheels of all lorries leaving the site shall be installed prior to commencement of the development, and thereafter maintained and employed at all times during construction of the development.
- 5) In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 0730hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or Bank Holidays.



Appeal Decision

Site visit made on 19 February 2019

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

an Inspector appointed by the Secretary of State

Decision date: 18th March 2019

Appeal Ref: APP/J1915/W/18/3213851

High Trees, Great Hornead, Buntingford SG9 0NR.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs David Ginn against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/0349/OUT, dated 16 February 2018, was refused by notice dated 12 April 2018.
 - The development proposed is demolition of existing 4 bedroom dwelling and erection of four new 4 bedroom dwellings.
-

Procedural Matters

1. Since the appeal application was determined the East Herts District Plan 2011 to 2033 (2018) (DP) has been adopted. I therefore refer to the policies of that plan in my decision below.
2. The appellant has submitted an amended site plan (drawing no. NB107-2/101/B) as part of the appeal submission which shows a revised siting for the plots. I have taken this into account in my decision.

Decision

3. The appeal is dismissed.

Main Issues

4. Since the application was refused, as part of the appeal submission the appellant has provided a flood risk assessment (FRA) and amended plan (noted above) which shows an 8.5 metre buffer to the adjoining brook. The Council has confirmed that this overcomes their concerns regarding potential risk of flooding and that provided a condition is imposed to ensure that the works are undertaken in accordance with the FRA and to ensure that the buffer is maintained, their objections in this respect would be overcome.
5. Therefore, the main issue is the effect on the character and appearance of the area, including the Great Hornead Conservation Area.

Reasons

6. The appeal site is located within the village of Great Hornead which has a small number of local facilities including school, church, pub and village hall. The appeal site is a large plot located on the western edge of the main built up part of the village. The existing large detached dwelling is set back from the

- road frontage in the rear half of the site. The Great Hormead brook runs along the site frontage, parallel to the main village road, over which a bridge provides vehicular access to the site.
7. The site lies within the Great Hormead Conservation Area and the adopted management plan (Plan 2) identifies a number of trees to the front of the site and along the western boundary as important trees to be protected. It also lies within an Area of Archaeological Significance. DP policy HA4 requires new development to preserve or enhance the special interest, character and appearance of the area, including amongst other things, established building lines, layouts and patterns.
 8. The site lies within the settlement boundary identified in the DP and as Great Hormead is a Category 2 village, limited infill development is supported in principle in accordance with DP policy VILL2 subject to a number of criteria, including that it should relate well to the village in terms of layout, be well designed and in keeping with the character of the village
 9. The pattern of built layout and form within the village is varied with some development 'in depth' being an historic characteristic of some parts. However, in the vicinity of the appeal site, the pattern of development is somewhat different being characterised by a looser form of large detached properties of more modern appearance set in spacious treed grounds, particularly along the frontages. This is reflected by the appeal site and by the neighbouring site to the west.
 10. As indicated on the amended plan referred to above, the proposal would involve the replacement of the existing large dwelling with three detached dwellings, plots 2-4, located along the same building line in the rear part of the site. However, plot 1 would be located to the north of these, closer to the road frontage, in an area that is currently open and undeveloped with a number of mature trees around it. This area is forward of the established building line on the site, which is generally reflected on the adjoining plot to the west albeit that dwelling extends slightly closer to the road than the existing dwelling on the appeal site.
 11. I consider that this undeveloped area to the front of the plot contributes to the open and spacious character of this part of the conservation area and the introduction of a dwelling within it would not only detract from that character but would also appear at odds with the established pattern of built form within the immediate setting of the site in this part of the village.
 12. I note that the next nearest dwelling to the east is set further forward in its plot, closer to the road frontage. However, that dwelling appears to front the lane which runs south from the main road at this point and therefore appropriately addresses that streetscene. In addition, the dwelling itself is located some distance from the appeal site and does not form part of its immediate context. The appellant has also referred to the pattern of built development opposite the site on the northern side of the village road. However, this part of the village appears to reflect an historic layout with many of the older cottages within it addressing a lane running northwards from the road. The village hall which has been recently built quite close to the road frontage reflects this pattern and layout which is rather different from the characteristics of the appeal site and its immediately adjoining surroundings.

13. I therefore find that the proposal would harm the character and appearance of the area and would fail to preserve or enhance the character or appearance of the Great Hornead Conservation Area. It would thus fail to comply with DP policies HA4 and VILL2 and the duty under Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Matters

14. The Framework seeks generally to boost housing supply and make effective use of land, but this should be in the right locations having regard to the need to respond to local distinctiveness and character and safeguard the natural and historic environment. In the rural areas it supports the provision of housing where this would enhance or maintain the vitality or rural communities. However, the harm to the historic environment would not be outweighed by the public benefits. Taking account of all relevant policies as a whole and noting that significant conflict would arise with the environmental objectives of the Framework, I find that overall that its aims would not be met.
15. The appellant has also referred to a further application for three houses on the appeal site which has recently been approved, but that did not include a house to the front of the site as is proposed in this appeal scheme.

Conclusions

16. I find that the proposal would have a significantly harmful impact on the character and appearance of the area and, overall, there would be conflict with the development plan. Material considerations do not outweigh this harm and I do not find the proposal to be sustainable development.
17. For the reasons set out above, I conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR



Appeal Decision

Site visit made on 19 February 2019

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

an Inspector appointed by the Secretary of State

Decision date: 18th March 2019

Appeal Ref: APP/J1915/W/18/3213977

The Robin Hood & Little John, 14 Ware Road, Tonwell, Ware SG12 0HN.

- 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 _____ against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/0385/FUL, dated 21 February 2018, was refused by notice dated 17 April 2018.
 - The development proposed is to create 3 no. new build three bed properties on the existing car park with associated access, parking, refuse and private amenity space; retention of public house with conversion of the existing dining room extension to one bed studio, conversion of existing 5 bed and breakfast rooms into a two bed unit and alterations to the flat over the public house; retained access and rear courtyard garden.
-

Procedural Matters

1. Since the appeal application was determined the East Herts District Plan 2011 to 2033 (2018) (DP) has been adopted. I therefore refer to the policies of that plan in my decision below.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues are the effect on
 - (a) The continued viability of the public house;
 - (b) the character and appearance of the area, including the setting of the listed building;
 - (c) Highway safety and convenience.

Reasons

4. The appeal site is located within the small village of Tonwell, which is a Group 2 village as identified in the DP where limited infill development is acceptable in principle subject to a number of criteria. The public house is a Grade II listed building, one and a half storey height, extended to the side with outbuildings to the rear. The public house car park adjoins to the south-east located on the corner of the main Ware Road and Bourne Honour, on land that slopes down from the pub buildings. Residential properties lie along the main road opposite the appeal site and to the south on the opposite side of Bourne Honour. There

is a commercial workshop to the rear of the pub also accessed off Bourne Honour.

Viability of the public house

5. DP policy CFLR8 seeks to protect essential community facilities and therefore requires proposals for change of use of that result in the loss of such uses to be accompanied by an assessment which, amongst other things, shows that the facility is no longer needed in its current form. The supporting text states that public houses play an important role in rural communities, providing a social venue, local employment opportunities and adding to the vitality of the village. In respect of the loss of existing facilities, it notes that proposals for change of use will need to be supported by evidence that the particular facility is no longer viable and explain the options that have been investigated to maintain the service.
6. The appellant has provided an 'Impact on Viability Statement' (VS) which deals mainly with the effects of the loss of the dining room. Whilst there is some information related to the bed and breakfast rooms, the appellants contend that this facility does not fall within the definition of community facilities and therefore the above policy is not relevant to its proposed conversion. Whilst the existing bed and breakfast rooms clearly function alongside the pub and can support the local rural economy and thus their loss may have some impact in this respect, I would agree that they are not specifically 'community facilities' in the way described or referred to in the DP.
7. With regard to the loss of dining room the VS provides information that shows that its use has declined over the years with a considerable number of days during 2017 when it was not used at all, despite the pub having a good reputation for food and service. The VS also explains that the pub would continue to offer meals in the retained pub building and that this could be facilitated by a rearrangement of the layout in that area. Whilst this would clearly result in a reduction in capacity, this would still enable the likely numbers of diners to be accommodated and support the continued operation of the pub as a valuable community facility.
8. The dining room also provides a 'function room' for larger parties and events though on the basis of the information provided, that too only occurs on a very infrequent basis. I saw on my site visit that there is a village hall nearby and the appellant refers to it as providing an alternative venue in this respect. The Parish Council in expressing concerns over the loss of the function room has stated that the 'future of the village hall is not secure' but provides no further information. They also confirm that in their view the function room is an essential part of the viability of the pub business; however, on the basis of the appellant's VS, this is not the case. I also note that they are seeking to designate the function room as an Asset of Community Value.
9. Concerns have also been raised regarding the loss of the car park and the impact that this might have on the continued viability of the pub. I deal with that issue below in terms of other issues, but in respect of this issue, I do not find that there is clear evidence of this being an overriding factor.
10. Overall, whilst noting the community's concerns in this respect, my consideration of the proposal must be based on relevant policy and all material considerations. Having regard to all considerations, it is my view that the pub

would be able to continue to operate viably without the function room and bed and breakfast rooms and thereby continue to play a vital role in supporting the local village and wider rural community. In my view the proposal would accord with DP policy CFR8 in that it will continue to provide a social venue and some local employment and thereby support the vitality of the village.

Effect on character and appearance

11. The proposed new build dwellings would be sited on the existing car park. A detached dwelling would be sited next to the existing pub buildings fronting Ware Road. It would be a 'cottage' style of one and a half storey height with flat roofed dormers at first floor eaves level. Although it would be sited close to the single storey element of the pub building, I do not consider that it would appear overbearing due to the lower level at which it would be set. The ridge height would also be slightly below that of the main pub building and whilst the gable end would be visible above the adjoining single storey element, I do not agree with the Council that this would be a 'jarring element' rather it would introduce some variation and interest. However, the design of the first floor dormers would, in my opinion, be unsympathetic due to their overtly modern appearance with a rather incongruous deep window at first floor level on the front elevation. These elements would not in my opinion either reflect or be complimentary to the traditional appearance of the adjoining pub or wider character of this part of the village.
12. A semi-detached pair of dwellings would also be sited in the southern, higher part of the car park area, set back from the Ware Road and at an angle to the Bourne Honour road frontage. These dwellings would be of two and a half storey height, with accommodation over three floors.
13. The appellant's Design and Access Statement (DAS) states that the siting and design of the proposed dwellings has been through several iterations and a number of development principles have been adopted, including amongst other things, a ridge height to match the pub and orientation to minimise impact on adjacent properties. However, it is my view that this has related in a siting and layout that fails to complement the pattern and grain of surrounding development, particularly that of the listed pub and associated buildings which to my mind are the primary influences on the site.
14. The siting of the dwellings does not relate well to either adjoining streets and instead proposes a rather odd angular relationship with them. Although front doors are proposed on the flank elevations such they would be seen they would still not address or relate well to either street frontage. The dwellings themselves, being of 2.5 storey height and sited at a high level on the site would be unduly prominent and in my opinion would fail to be sympathetic to the setting of the adjoining pub and its more modest proportions.
15. The rather complex elevations, which would incorporate gable features to the front and rear elevations, varied fenestration designs and low sloping roofs, would not complement the simple traditional vernacular of the pub and its associated buildings. I acknowledge that the workshop to the west of the site, is not of particular quality albeit the older timber barn looks to be of some interest. The modern dwellings to the south along Bourne Honour also provide some context, but these do not reflect the traditional layout, character and appearance of the site and wider village.

16. Overall, I find that the proposal would harm the character and appearance of the area, including the setting of the adjoining listed building. This would be contrary to policies VILL2, DES4, HA1 and HA7 which seek to ensure that development is well designed and in keeping with village character, is of high quality to reflect and promote local distinctiveness and respects or improves the character of the site and its surroundings, preserves and where appropriate enhances the historic environment and preserves the setting of listed buildings.

Effect on highway safety and convenience

17. DP policy TRA1 seeks to achieve accessibility improvements and the promotion of sustainable transport and TRA3 indicates that vehicle parking will be assessed on a site specific basis taking account of the Council's 'Vehicle Parking Provision at New Development' (SPD).
18. As indicated above, the proposal involves the loss of the existing pub car park though, as part of the residential development, 8 spaces would be provided. However, on the basis of the parking standards (set out in the DAS) a total of 11 spaces should be provided to serve the residential elements of the scheme, including the flat above the pub. The proposed on-site provision therefore falls short in this respect.
19. The appellant appears to suggest that a level below the standards would be appropriate and I note that the Transport Statement refers to census data to conclude that the provision of 8 spaces would be sufficient; however, this appears to be on the basis of the three new dwellings only, a point highlighted by the Highway Authority (HA).
20. The DAS states that the 8 spaces would be allocated to provide two spaces each for the new dwellings and one for the two bed unit (converted from the B&B) and one space for the flat above the pub, with no allocation of the one bed studio conversion. This would mean that the residential use would result in at least one on-street space being required, even on the appellant's case but the shortfall is higher when considered against the standard.
21. Although the village is considered to be a sustainable location for limited infill development, the facilities within the village are limited and residents would have to travel elsewhere to access higher order services and facilities such as shopping, employment and upper schools. There is a bus service but this is not frequent and does not operate on a Sunday. Whilst cycling may be an option for some trips, it is my view that residents will primarily be reliant on the use of a car, and therefore, on the basis of the information provided, I am not convinced that a parking provision below the standard would be adequate.
22. With regard to parking for the pub customers, for which there would be no on site provision, the appellant has produced a 'beat survey' of the amount of on-street parking in the village roads over three time periods in a single day, including evening. It is concluded that there exists capacity within the local village roads to accommodate the parking needs of visitors to the pub. I would agree that the survey would appear to identify capacity in this respect.
23. However, there are a number of factors that lead me to question its adequacy. It was only undertaken on a single week day and it is unclear if that represents a typical day; nor does it reflect the weekend situation. The local village hall, which is located very close to the pub along Ware Road, does not have any off

street parking and so presumably when it is being used may also use up spare capacity, but there is no information about how often this occurs. In addition, the survey includes roads that are at the other end of the village some distance from the pub and are therefore unlikely to be used by customers, though I note that the survey does indicate capacity within the nearer roads. The HA comment that the application is in principle acceptable from a highways context provided parking is considered to be adequate and note that this issue raises some concerns in respect of displacement onto the public highway, albeit I acknowledge that the appellants have undertaken a beat survey to seek to address this.

24. However, for the reasons set out above and having regard to third party comments, I remain unconvinced that, overall, nearby roads can satisfactorily accommodate the parking needs that are likely to arise as a result of the development in a way that would not result in potential harm to highway safety and convenience. This would be contrary to DP policies TR1 and TR3.

Other Matters

25. The National Planning Policy Framework (the Framework) supports a prosperous rural economy and decisions that enable sustainable rural tourism and the retention and development of accessible local services and community facilities. Whilst the loss of the B&B facilities would be regrettable in this regard, overall I consider that these policies would be satisfied.
26. The Framework also seeks to boost housing supply and make effective use of land, particularly previously developed land, but this should be in the right locations having regard to the need to respond to local distinctiveness and character and to safeguard the historic environment. In the rural areas it supports the provision of housing where this would enhance or maintain the vitality or rural communities. Whilst acknowledging the benefits of additional housing, I find that this does not outweigh the harmful impact on character and appearance. In respect of the effect on heritage assets, I consider that the development would result in less than substantial harm which would not be outweighed by the public benefits. Furthermore, on balance, I find that it has not been demonstrated that the impact of off-site parking on highway safety and residential amenity would be acceptable.
27. Taking account of all relevant policies as a whole and noting that significant conflict would arise with its environmental objectives, I find that overall the aims of the Framework to promote sustainable development would not be met.

Conclusions

28. Overall I find that the proposal would have a significantly harmful impact on the character and appearance of the area, would fail to preserve or enhance the character or appearance of the setting of the listed building, and that it has not been demonstrated that the impact of off-site parking on highway safety and residential amenity would be acceptable. Overall, there would be conflict with the development plan which is not outweighed by material considerations.
29. For the reasons set out above, I conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR



Appeal Decision

Site visit made on 13 February 2019

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2019

Appeal Ref: APP/J1915/W/18/3206932

The Plume of Feathers overspill car park, Pye Corner, Gilston CM20 2RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs K Kaye of Nosey Barker against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/0420/FUL, dated 26 February 2018, was refused by notice dated 2 July 2018.
 - The development is the change of use of the land for dog training. Erection of field shelter 23ft long by 12ft wide, and 2 shipping containers for storage.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the refusal of the application the new National Planning Policy Framework (Framework) has been published. I have taken this into account in my reasoning.
3. I have used the description of development from the Council's decision notice. It adequately and simply describes the proposed development rather than the much longer and detailed description given on the application form. It is also used on the appeal form.
4. The development is already in place and therefore I am considering this appeal retrospectively.
5. Policies from the East Herts Local Plan Second Review April 2007, referred to by the Council in the decision notice, have been superseded by the East Herts District Plan October 2018 (District Plan) which was adopted after the determination of the application. As the main parties have had the opportunity to comment on the change, neither party has been prejudiced by this.

Main Issues

6. The main issues of the appeal are;
 - Whether the development is inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies, and

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

Reasons

Whether Inappropriate Development

7. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It outlines that the construction of new buildings, other than in connection with a small number of exceptions, should be regarded as inappropriate in the Green Belt. Inappropriate development according to the Framework is harmful to the Green Belt and should not be approved except in very special circumstances.
8. The Framework includes an exception for development in connection with the existing use of land or a change of use for outdoor sport and recreation facilities. This is not inappropriate development as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Policy GBR1 of the District Plan states that planning applications within the Green Belt will be considered in line with the provisions of the Framework.
9. The development is for of the change of use of the land for dog training, the erection of a field shelter and siting of 2 shipping containers on the site. This is in line with the above exception. My conclusions on the effect of the development on the openness and purposes of the Green Belt will determine whether or not it is inappropriate development.
10. The Framework indicates that openness is an essential characteristic of the Green Belt having a spatial aspect as well as a visual aspect. Using the appellant's figures the enclosed section of the field shelter measures 7.1m by 3.6m with there being a further open sided area. One container measures 6.1m by 2.6m and is 2.7m high, the other 5.7m by 2.4m and 2.6m high. Therefore, although the structures are individually small in size, and of relatively low height, the introduction of the development has reduced the openness of the Green Belt in spatial terms.
11. There are trees, bushes and hedgerows within and to the boundary of the site. The containers are located against these and at certain times of the year they may screen the structures. Nonetheless, despite this and the colour of the containers, at the time of my site visit the field shelter and containers were clearly visible, at least in part, from the road and nearby properties through and between boundary treatments and landscaping. As such, the development has had visual impacts on the Green Belt.
12. The appellant has suggested changes to the size and/or number of structures on site. However, there are insufficient details before me to be sure what the changes would be and therefore what affect they would have. I have assessed the scheme on the basis of the details before me.
13. It is indicated that the structures are temporary and could be removed if the use were to cease. Nonetheless, temporary planning permission has not been sought and therefore the structures would remain indefinitely. There has been

no mechanism or period of time put to me in order to control or limit the duration that the structures would remain on site.

14. Consequently, in both spatial and visual terms the development has reduced the openness of the Green Belt. While the harm is small, this is contrary to the Framework where it states an essential characteristic of Green Belts are their openness.
15. Therefore, when judged against national and local policy the development is inappropriate development in the Green Belt which, according to the Framework is harmful by definition. It conflicts with Policy GBR1 of the District Plan and the Framework as it fails to assist in safeguarding the countryside from encroachment. Furthermore, it does not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open.
16. While the Council have referred to Policies DES2 and DES4 of the District Plan these relate to landscape character and design. The reasons for refusal do not relate to any impacts on the character and appearance of the area. Therefore, these policies weigh neither for nor against the development.

Other Considerations

17. I note the appellant's argument that the structures provide on-site storage for big and heavy equipment that may be difficult to transport. The shelter also provides cover for those attending the site during extreme weather conditions. However, while they are important to the business, it has not been shown that the appeal scheme is the only possible option. Therefore, I afford this limited weight.
18. I note the level of support for the scheme. Nonetheless, a lack of opposition or support for a development in itself is not a ground for refusing or granting planning permission unless founded upon valid planning reasons. The value of well-behaved animals to the community, along with any benefits associated with increased tourism and spending to the local economy, would be limited given the scale of the development. Therefore, I give this little weight. Similarly, the ethics, conduct and management of the site are matters that attract limited weight.
19. There are no refusal reasons relating to matters such as the character and appearance of the area, highway safety, parking, infrastructure, environmental impacts, noise or the level, type and timings of activity at the site. The Council consider conditions could be imposed, were the appeal to be allowed, to address these matters and I note the Environmental Health Officer raises no objection. There has been no substantive evidence provided to lead me to a different conclusion. While in some respects the development aligns with local and national policy, the absence of other harm is a neutral factor.
20. The conduct of the parties involved in the appeal has been raised. However, I have dealt with the appeal on its planning merits.

Conclusion

21. The development is inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. It has also led to a small loss of openness to the Green Belt.

The other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The development is contrary to Policy GBR1 of the District Plan and the Framework.

22. Therefore, for the reasons given I conclude that the appeal is dismissed.

Stuart Willis

INSPECTOR



Appeal Decision

Site visit made on 13 February 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2019

Appeal Ref: APP/J1915/W/18/3205172

Highcroft, Tewin Close, Tewin AL6 0HF

- 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 Tony McClenaghan against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/0475/FUL, dated 28 February 2018, was refused by notice dated 9 May 2018.
 - The development proposed is described as "Demolition of the existing dwelling, its associated garaging and outbuildings and the erection of detached dwellinghouse and a detached single garage and study with an attached open-sided carport with an additional highway access to create an in-and-out driveway".
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council confirms that the East Herts District Plan (2018) (the District Plan) was adopted subsequent to the refusal of planning permission and the policies of this plan are relevant. These policies are referred to in the Council's statement of case, on which the appellant has been given the opportunity to comment. There would be no injustice caused by me determining the appeal in light of the newly adopted policies, which is what I have done.
3. Since the appeal was submitted the Government has published a revised National Planning Policy Framework (the Framework). Comments were sought from the Appellant and the Council has referenced the revised Framework in its statement. As the main parties have had the opportunity to provide comments, no injustice has been caused. I have considered the appeal on the basis of the revised Framework.

Main Issues

4. The main issues raised in this case are:
 - Whether or not the proposal is inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed

by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether or not the proposal is inappropriate development in the Green Belt

5. The appeal site is located in the Green Belt. The Framework, at para 145, indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, is listed as one of the exceptions.
6. Using the figures provided by the appellant, the existing dwelling has a floor space of 184.21 square metres (sqm), with the floor space of the proposed dwelling being 235.69 sqm. The existing volume of the dwelling is 591.73 cubic metres (cbm), whilst that of the proposed is 757.39 cbm. Based on these figures, the proposed replacement dwelling would be 28% larger, in terms of both floor space and volume, than the existing dwelling. The Council also highlight that there would be a 15.3% increase in height (from 6.4 metres to 7.38 metres). I note that the appellant points out that the proposed dwelling would be 10% smaller in terms of footprint. However, this does not compensate for the increase in height, floorspace and volume. In my view, these increases cannot reasonably be considered to result in anything but a materially larger building.
7. Consequently, in not complying with the exceptions as outlined by para 145 of the Framework, the scheme would comprise inappropriate development in the Green Belt, which para 143 states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Therefore, the scheme would conflict with Policy GBR1 of the District Plan, which requires development proposals within the Green Belt to be in line with the provisions of the Framework.

The effect of the proposal on the openness of the Green Belt

8. The Framework, at para 133, indicates that openness and permanence are the essential characteristics of the Green Belt. The scheme would result in the replacement of one dwelling with another, albeit a materially larger one, in an area where there are other dwellings present. The increase in the size of the development would result in an increased visual presence. Whilst not resulting in a significant increase in visual effect, the scheme would nevertheless not preserve, and there would be a small loss of, the openness of the Green Belt.

Other considerations

9. There is reference to the potential to use permitted development rights in order to extend dwellings within the Green Belt. In this case however, there is no suggestion that such extensions are to be constructed. As such, this has little bearing on my decision.

Other Matters

10. I note that the appellant sought advice from the Council before purchasing the appeal property. However, this is not a matter that is before me as part of this

appeal, as other mechanisms exist to resolve such issues. This matter has therefore had little bearing on my decision.

Conclusion

11. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also lead to a small loss of openness to the Green Belt. The other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would be contrary to Policy GBR1 of the District Plan, as well as the guidance of the Framework.
12. Therefore, for the reasons given and having regard to all matters raised, the appeal is dismissed.

Martin Allen

INSPECTOR



Appeal Decisions

Site visit made on 30 January 2019

by **I A Dyer BSc (Eng) MIHT**

an Inspector appointed by the Secretary of State

Decision date: 13 March 2019

Appeal A Ref: APP/J1915/D/18/3203275

68 Gilders, Sawbridgeworth, CM21 0EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Davison against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/0512/HH, dated 6 March 2018, was refused by notice dated 30 April 2018.
 - The development proposed is described as: "additions to roof and internal alterations to create a four bed-roomed dwelling. Creating a new vehicular cross over to accommodate two cars".
-

Appeal B Ref: APP/J1915/W/18/3203278

68 Gilders, Sawbridgeworth, CM21 0EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Davison against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/2476/FUL, dated 20 October 2017, was refused by notice dated 17 January 2018.
 - The development proposed is described as: "extensions and alterations to existing dwelling in order to create one additional dwelling with associated car parking, private gardens and external landscaping along with the creation of a new vehicular crossover".
-

Decision

1. Appeal A is allowed and planning permission is granted for raising of roof ridge to create first floor and alterations to fenestration. Creation of vehicular cross over at 68 Gilders, Sawbridgeworth, CM21 0EH, subject to the attached schedule of conditions.
2. Appeal B is dismissed.

Procedural Matters

3. The East Hertfordshire District Plan (2018) (the District Plan) has been adopted by the Council since the decision on the planning application. The parties have had an opportunity to comment on the District Plan in relation to the case during the appeal process. The saved policies within the East Hertfordshire Local Plan Second Review (2007) are no longer extant.
4. A revised National Planning Policy Framework (NPPF) has been published since the Council issued its decision. The NPPF sets out the Government's planning

policies for England, which are material considerations to be taken into account for the purpose of decision making from the date of its publication. The parties have had an opportunity to comment on the revised NPPF in relation to the case during the appeal process.

5. The Council changed the description of the development applied for under 3/18/0512/HH to read 'raising of roof ridge to create first floor and alterations to fenestration. Creation of vehicular cross over'. I have used this description as it is more precise than the description on the application form.
6. The Council also altered the description of the development applied for under 3/17/2476/FUL to read 'extensions, alterations and subdivision of dwelling to create one additional dwelling with associated car parking and landscaping'. Again, this description is more precise than that given on the application form.
7. As set out above there are two appeals on this site. They differ in the size of the additions to the existing building and the sub-division of the extended building in Appeal B. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.'

Main Issue

8. The main issue for both appeals, is the effect of the proposed development on the character and appearance of the area.

Reasons

Character and appearance of the area (Appeals A and B)

9. The appeal site is a prominent corner plot in an established residential area, lying at the junction of a short cul-de-sac with the main stretch of Gilders. Gilders descends fairly steeply past the site down to a stream running to the immediate rear of No 68 and the dwellings on the south-western side of the cul-de-sac. The planting on the south-western boundary of the appeal site gives a screening of the building when approaching from that direction.
10. The majority of buildings in the area are detached bungalows or chalet bungalows of varying design, some of which have been extended. However, the dwellings on the north-eastern side of the cul-de-sac and northern side of Gilders, running uphill, are detached two storey houses. Most of the plots have large front and back gardens. The overall character of the area is of varied styles of detached bungalows with a group of detached houses set at different ground levels with an overall low density.
11. The floor level of the bungalow is substantially below the level of the road, as, to a lesser degree, are those of the other bungalows on the south-western side of the cul-de-sac. The nearby bungalows provide no overall sense of consistency in design or layout, and this sense is reinforced by the differing floor and roof levels between plots.
12. Policy DES4 of the District Plan sets out the Council's general expectation for development proposals, including extensions to existing buildings, to respect or improve upon the character of the site and the surrounding area, whilst Policy HOU11 provides greater detail on the requirements for the design of residential extensions, generally requiring them to be subservient to the main dwelling.

13. The proposed roof structure of Appeal A would result in a higher roof with a steeper pitch, replace a flat roof with a pitched roof and add two small dormers. This would increase the bulk of the building. However, the roof would be viewed from above when approaching from the north-east, with the mass of the trees behind visible above the roof and the roof of 66 Gilders appearing subsidiary to that of the enlarged building. Given the topography of the area I do not consider that the proposed size of the dwelling would appear out of keeping with its immediate neighbours.
14. Overall the sum of the extensions would significantly alter the original form of the dwelling. While these may not be subservient to the existing dwelling, taken as a whole, given the visually prominent position of the plot, the site is a location where a building of greater massing would be appropriate within the street scene, subject to appropriate use of external materials and landscaping. The additional gable and dormers, which appear subsidiary to the main roof structure, would provide visual interest to the principal street views without being over-dominant.
15. I therefore conclude that the development that is the subject of Appeal A would not be contrary to Policies DES4 and HOU11 of the District Plan.
16. In terms of Appeal B the proposals would be of a larger scale. The proposal seeks to extend the existing dwelling in order to create an additional 3-bedroom semi-detached dwelling, increasing the width and presenting a structure of far greater massing to the north-east, which is the most visually prominent aspect of the building when viewed from the public realm.
17. Furthermore, the development doubles the number of dwellings within the site, producing two smaller plots with smaller private gardens than is typical of the area. Also, both plots would lose some space to provide the off-street parking and, given the levels within the site, other areas within the site would be unlikely to contribute to practical amenity space for residents, resulting in a much smaller level of provision than most dwellings in the vicinity. The proposal would therefore create a cramped form of development out-of-keeping with the general form of housing in the area.
18. I therefore conclude that the development that is the subject of Appeal B would result in material harm to the character and appearance of the area, contrary to Policies DES4 and HOU11 of the District Plan.

Other Matters

19. In the case of Appeal B the appellants consider that the Council cannot demonstrate housing delivery targets in line with their Housing Needs Assessment and that a presumption in favour of sustainable development should apply, in accordance with Paragraph 11 of the National Planning Policy Framework. The development would provide benefits in terms of providing an additional home to boost housing supply. There would be benefits to the local economy in terms of short term employment in the construction industry and longer term support to local shops and businesses. However, given the scale of the development proposed, together these benefits carry limited weight and would be significantly outweighed by the harmful effect the proposal would have upon the character and appearance of the area.

20. Therefore, even if I were to accept the appellants' most recent figures concerning the housing delivery shortfall, I consider the harm identified above significantly and demonstrably outweighs the limited benefits one additional dwelling would bring to the housing land supply situation or the economy of the area.
21. Representations were received in regard to the proposal considered under Appeal B which supported the scheme as it would improve upon the current, run-down state of the site. However, alternative works to the land could achieve a similar outcome without resulting in the harm that I have identified to the character and appearance of the area. This does not, therefore, outweigh my findings on this matter.

Conditions

22. I have had regard to the various conditions suggested by the Local Planning Authority and Local Highway Authority.
23. I have imposed a condition specifying the relevant drawings as this provides certainty.
24. Conditions requiring the submission of details of the proposed external materials and the hard and soft landscaping proposals is necessary to ensure that an appropriate level of quality is achieved in terms of design.
25. The Local Highway Authority has requested a condition limiting the width of the vehicular crossing of the footway. However, this detail is shown on the approved plans and so this condition is unnecessary.
26. I have amended some of the requested wording of the Local Authority's conditions for clarity.

Conclusion

27. Appeal A: For the above reasons, and having taken into account all other matters raised, I conclude that the appeal should be allowed, subject to the Conditions attached.
28. Appeal B: For the above reasons, and having taken into account all other matters raised, I conclude that the appeal should be dismissed.

I Dyer

INSPECTOR

Schedule of conditions – Appeal A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

BRD/18/027/002 Proposed Plans and Elevations

- 3) Prior to any above ground building works being commenced, the external materials of construction for the building hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.
- 4) Prior to any above ground building works being commenced, full details of both hard and soft landscaping proposals shall be submitted to, and approved in writing by, the Local Planning Authority.

These details shall include:

- (a) Means of enclosure
- (b) Planting plans
- (c) Schedule of plants, noting species, planting sizes and proposed numbers/densities where appropriate.

Thereafter the development shall proceed in accordance with the approved details.

END OF CONDITIONS



Appeal Decision

Site visit made on 8 April 2019

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th April 2019

Appeal Ref: APP/J1915/W/19/3221079

99 Dimsdale Crescent, Bishops Stortford, CM23 5LW

- 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 Laurence De Grandis against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1180/FUL, dated 17 May 2018, was refused by notice dated 24 July 2018.
 - The development proposed is a two bed dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The East Herts District Plan October 2018 (DP) has been adopted since the Council's decision on this application. I have had regard for this within this decision. The policies cited in the refusal notice have, therefore, been superseded and are afforded no weight with regards to this appeal.

Main Issues

3. The main issues to be considered are (i) whether the proposal would represent overdevelopment of the site, (ii) the character and appearance of the area and (iii) the impact on the amenity of neighbouring properties.

Reasons

4. I am aware, from submissions, that an appeal was dismissed on this site around ten years ago¹. Whilst both parties have referenced the appeal, and summarised some of the decision in their submissions, I do not have a copy of the decision or previous proposal before me. Whilst a previous decision is a material consideration each case should be considered on its own merits. Additionally, since the determination of the last appeal the Local Policy has changed as outlined above as has national policy in the form of National Planning Policy Framework (2012 and now, 2018).

Overdevelopment

5. From my site visit I saw that Dimsdale Crescent and the surrounding area is a relatively high-density residential area. No. 99 is located off a cul-de-sac with pedestrian access only off an amenity area between the properties which face

¹ APP/J1915/A/08/2075631

each other. The proposal is for an end of terrace unit which would fill the entire plot width up to the Northern boundary apart from a small area where the boundary is at an angle to the front.

6. I noted No. 97a, immediately opposite the appeal site, but I do not have full details for this before me other than a planning reference number. Whilst most of the properties I saw did fill the width of their plots the width of the appeal site is notably narrower than the adjoining properties. Furthermore, the overall plot appears much smaller than that occupied by the recently constructed No. 97a looking at the plans and on site.
7. The depth of the proposed dwelling would be notably deeper than No. 99. Excluding the porch No. 99 is approximately 7 metres in depth. The footprint of the proposed dwelling, acknowledged to be a storey and a half, would extend 3 metres beyond No. 99. In addition, the living accommodation, in the form of a study, would bring the built form to the very front of the site.
8. I do not find an issue with the garden size proposed for the new dwelling, when considering other garden sizes in Dimsdale Crescent, however, taking into account the site layout and its relationship to the existing boundaries and the development pattern of Dimsdale Crescent the dwelling presents itself as cramped within the narrow plot. This gives an over developed appearance.
9. As a result of this the proposal would not be consistent with the DP Policy DES4 which requires all development to be of a high standard of layout.

Character and Appearance

10. The elevational design of the proposed dwelling is relatively consistent with the appearance of other dwellings in the area when viewed from the front and I noted at the time of my visit that there is evidence of timber cladding and dormer windows within Dimsdale Crescent. I find, overall, that the proposal is acceptable in terms of the general appearance of the design.
11. The character and layout of Dimsdale Crescent is quite symmetrical around the cul-de-sac. With the exception of the odd addition/conservatory the layout is a mirror image each side. No. 97a is an exception to this being a recently constructed dwelling. No. 97a did, however, continue the building lines of No. 97 and stands within what appears to be one of the largest plots in Dimsdale Crescent.
12. Whilst the area is high-density development it is clear from the character and development pattern that it was originally constructed with spaces in and around varying clusters of dwellings. The space to the North of Dimsdale Crescent provides open space between dwellings of different styles and layout, such as The Hedgerows to the North. Whilst I acknowledge that No. 97a has encroached into such space there is still a large garden to the rear, and space to the side of the dwelling and boundary which maintains the separation between areas of development.
13. I note the appellant's quotes the previous Inspector's view, however, the quotation provided relates to character and appearance in relation to the street scene of the area not the character, layout or development pattern. I find that the proposal would result in a long, narrow, dwelling up against the site boundary in order to fit the limitations of a tight plot. I find that this would

look inconsistent and cramped in when considering the layout and character of the area. The proposal is contrary to DP Policy DES4 which states that all development proposals must be of a high standard of design and layout to reflect and promote local distinctiveness.

Amenity of Neighbouring Properties

14. From my site visit I find that the scheme at No.97a is not directly comparable given the notably larger plot as well as the fact that No. 97a's flank wall faces a flank wall at No. 6 The Hedgerows. Each case must be considered on its own merits.
15. The dwelling would be constructed in line with the boundary of the garden at No. 3 The Hedgerows which, whilst there are trees on the boundary, means there is potential loss of privacy. Despite this I acknowledge that the garden areas are already overlooked to an extent by neighbouring properties so whilst this is of relevance it is attributed less than substantial weight.
16. The North elevation of the proposal is very close, and up against, the boundary with No. 5 The Hedgerows and would run along much of the length of the shared boundary. The orientation of No. 5 is such that the rear elevation faces towards the appeal site. The hipped gable roof would assist in reducing the loss of light to the South facing garden. Despite this the proposal, to build right up to the boundary would still result in a solid brick wall having an overbearing impact for the occupiers of No. 5 The Hedgerows due to the siting of the development. Even taking into account the fact that the hipped gable roof would slope up and away from the boundary, above the proposed fencing to the proposed eave height alone there would still be 3 metres of solid brick wall facing No. 5 at or close to the boundary.
17. I note, from my site visit, that there are a number of trees on the appeal site boundary. These would offer some screening to the occupiers of No. 5 as they currently stand, however, there is no evidence in the form of a tree survey, that the construction of the proposed dwelling would not damage the roots. These are very tall trees which are likely to have notable root structures for stability due to their height. This could potentially result in the trees being made unstable or die as a result of the works.
18. I find the proposal is contrary to DP Policy DES4 which seeks to ensure that the environments of neighbouring properties are not harmed by overshadowing as well as DP Policy NE3 which seeks to resist development which would result in the loss or significant damage to trees.

Conclusion

19. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR



Appeal Decision

Site visit made on 12 February 2019

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th March 2019

Appeal Ref: APP/J1915/W/18/3210401

Former Clay and Gravel Quarry and Council Refuse Tip, Quarry End Manor, St Marys Lane, Hertingfordbury, Hertford SG14 2LE

- 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 _____ against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1200/FUL, dated 21 May 2018, was refused by notice dated 2 August 2018.
 - The development proposed is the erection of house including restoration of former quarry and landscaping including the creation of a nature habitat.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Policies from the East Herts Local Plan Second Review April 2007, referred to by the Council in the decision notice, have been superseded by the East Herts District Plan October 2018 (District Plan) which was adopted after the determination of the application. As the main parties have had the opportunity to comment on the change, and that the policy from the then emerging District Plan was also included in the refusal reasons, neither party has been prejudiced by this.
3. The appellant has included a geoenvironmental investigation as part of their appeal. While not before the Council at the time of their decision, it was submitted at the outset of the appeal and therefore parties have had the opportunity to comment. The main elements of the scheme have not altered from that originally submitted and upon which consultation took place. Against this backdrop, no injustice would be caused to any appeal party or third party if I were to take this information into account. I have considered the appeal on that basis.

Main Issues

4. The main issues of the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies,

- The effect of the proposal on the living conditions of future occupiers, with particular regard to risks from land contamination, and
- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether Inappropriate Development

5. The National Planning Policy Framework (Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It outlines that the construction of new buildings, other than in connection with a small number of exceptions set out in paragraphs 145 and 146, should be regarded as inappropriate in the Green Belt. Inappropriate development according to the Framework is harmful to the Green Belt and should not be approved except in very special circumstances.
6. One of the exceptions is limited infilling in villages. Another exception is the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land). This is providing the development would not have a greater impact on the openness of the Green Belt than the existing development or would not cause substantial harm to the openness of the Green Belt where the development would contribute to meeting an identified affordable housing need. Engineering operations are another form of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Policy GBR1 of the District Plan states that planning applications within the Green Belt will be considered in line with the provisions of the Framework.
7. No definition given in either the District Plan or the Framework of infill. The site would not fill any existing clear gap between development or properties, with fields and woodland around most sides of the site. There are some existing properties near and opposite the access to the site that may have been on land formerly associated with the quarry. Rather than being fairly adjacent to them, the proposed dwelling would be set back from the road, along the bridleway and located centrally in the site. While not an isolated dwelling, it would be clearly separate from the existing properties on St Mary's Lane with other dwellings further away. As such, the development would not be limited infilling in a village.
8. The site is a former quarry that has not been restored and was subsequently used for the tipping of waste by local authorities. The appellant indicates that the original planning permission included conditions relating to the restoration of the site. Therefore, the site would not meet the definition in the Framework of previously developed land that excludes land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures. Therefore, I consider the site is not previously developed land.
9. The Framework also indicates that openness is an essential characteristic of the Green Belt (paragraph 133). Openness in terms of the Green Belt has a spatial

aspect as well as a visual aspect. The proposal would introduce a dwelling with accommodation over 3 floors and an outdoor terrace in to the site where there are currently no buildings. Therefore, the introduction of these would reduce the openness of the Green Belt in spatial terms than the existing circumstances.

10. The former quarry area is enclosed by fencing and steep wooded embankments, including trees subject to Tree Preservation Orders. There are further wooded areas adjacent to parts of the site that would screen the proposal from many views. Moreover, the proposed dwelling would be at a lower level than the bridleway with a darker stone basement and sedum roof. This, the planting proposed, and the separation between the site and other properties would reinforce the screening of the site from public views. Views of the site would be limited to glimpses from the bridleway through and over the trees and hedgerows where there is no fencing. The dwelling would however be highly visible from the proposed publicly accessible natural habitat area. As such, the proposal would have greater visual impacts on the Green Belt than the present situation.
11. Consequently, in both spatial and visual terms the proposal would have a greater impact on the openness of the Green Belt than the existing situation. While the harm would be moderate, this would be contrary to the Framework where it states an essential characteristic of Green Belts are their openness.
12. Therefore, when judged against national and local policy the proposal would be inappropriate development in the Green Belt which, according to the Framework is harmful by definition. It would conflict with Policy GBR1 of the District Plan and the Framework and although not development in an open field, would fail to assist in safeguarding the countryside from encroachment. Moreover, it would not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open.

Living Conditions

13. The Council have not indicated the site is on list of contaminated sites and any tipping may have been limited. Nevertheless, the location is a former quarry and tip. The appellant has indicated that the quarrying was partially filled with household, industrial and commercial waste. The geoenvironmental investigation refers to incinerator ash containing contaminants that can be harmful to the environment and arsenic, sulphate and lead that could be leaching in to the underlying ground water at the site.
14. The investigation was made in relation to a previous proposal and advised that if a more sensitive end use were proposed then a further risk assessment should be undertaken. No further assessment considering the potential impacts on a residential use has been presented to me.
15. I acknowledge that conditions can be imposed in relation to such matters that would provide the opportunity to investigate the whole site. However, given the previous uses of the site, that contaminants have already been identified and the sensitive nature of the use, I consider further information is required prior to any permission being granted.
16. Therefore, there is insufficient information relating to contamination at the site and the potential implications on the living conditions of future occupiers. The

Council have not identified any specific Plan policy that the proposal conflicts with, and as such, I have therefore assessed the issue with reference to the requirements of the Framework. It would be contrary to the Framework, which states decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination. (paragraph 178).

Other Considerations

17. There is an extant permission for the construction of an agricultural barn at the site. At the time of my visit there were foundations visible, but no building had been constructed. The appeal scheme would not include the same amount of internal access road as the extant permission and would have a smaller footprint to the agricultural building. Nonetheless, the proposal before me would still include an access drive, parking area and terraces along with the dwelling itself. I acknowledge that the appeal scheme would not exceed the overall scale of the development previously approved, but in considering this matter I am mindful that, unlike housing, the Framework identifies buildings used for agriculture as an exception to inappropriate development and they do not require an assessment of their impact on the openness of the Green Belt.
18. Permission was granted at appeal for alterations to, and retention of, a service road together with re-grading of the deposited material¹. The Inspector considered that the works had an insignificant effect on openness of the Green Belt. However, both this previous proposal, and that of the extant permission are materially different to the one before me and therefore attract limited weight in the overall balance of my decision.
19. The proposal would restore parts of the site and stabilise the embankment where it has been subject to collapse, including near the bridleway. Elements of this were included in the permission with the agricultural barn and therefore could be achieved without the dwelling. However, the appellant indicates that this requires substantial investment and costs for the works have been provided. I have also taken into account the appellant's assertion that the proposed development would allow restoration of the site. These works would be of overall benefit to the site and therefore, attracts moderate weight.
20. The dwelling would have a natural roof finish and the scheme includes a natural habitat area that would enhance biodiversity and provide increased opportunity for recreation in the Green Belt. These would represent a benefit of the proposal and I afford them moderate weight.
21. My attention has been drawn to properties elsewhere on former quarry land. Full details of these have not been provided to me and they relate to permissions granted many years ago. As such, I cannot be confident they represent a direct comparison to this scheme, and I give this consideration limited weight.
22. While the site may not have been fully restored, it is relatively well concealed. Parts of the site have blended back in to the landscape and it is not an eyesore. Supplementary landscaping and management would enhance the appearance of the site but could be provided without the proposed dwelling. The reasons for refusal do not relate to the appearance or scale of the property and I

¹ APP/J1915/A/12/2180792

consider the contemporary design would have a neutral impact in the overall balance of my decision.

23. Improvements to health and safety, security and a reduction in illegal dumping are highlighted by the appellant. However, while I saw some materials on the site at my visit, there has not been any substantive evidence to demonstrate that these are significant issues or that the proposal is the only means of achieving such improvements. As such, I afford this minimal weight.
24. The refusal reasons do not relate to matters such as living conditions other than contamination, flooding, drainage, highway safety or impacts on landscape features. Such a lack of identified harm is a neutral factor that does not diminish the significant harm to the Green Belt that would arise from the proposal.
25. The provision of one dwelling would contribute to the supply and mix of housing in the area and the general thrust of national policy seeks to boost housing provision. However, being for a single property the contribution would be small. I therefore give this limited weight. Similarly, any benefits arising from sustainable construction, water and energy efficiency would also be minimal and attract little weight.
26. I have given weight to the benefits of the development in my decision that in some respects aligns with local and national policy. However, in this case the harm I have identified is substantial and would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.

Conclusion

27. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also lead to a moderate loss of openness to the Green Belt. The other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Furthermore, the proposal would be contrary to Policy GBR1 of the District Plan and the Framework.
28. Therefore, for the reasons given I conclude that the appeal is dismissed.

Stuart Willis

INSPECTOR



Appeal Decision

Site visit made on 12 February 2019

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 April 2019

Appeal Ref: APP/J1915/W/18/3210408

The Oaks, Ginns Road, Stocking Pelham, SG9 0JD

- 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 C Newman against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1204/FUL, dated 22 May 2018, was refused by notice dated 1 August 2018.
 - The development proposed is creation of new dwelling through separation of existing residential annexe from dwelling through sub-division of plot.
-

Decision

1. The appeal is allowed and planning permission is granted for the creation of new dwelling through separation of existing residential annexe from dwelling through sub-division of plot at The Oaks, Ginns Road, Stocking Pelham, SG9 0JD in accordance with the terms of the application, Ref 3/18/1204/FUL, dated 22 May 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 17/067/A/001, 17/067/A/002 and 17/067/A/003.

Procedural Matters

2. I have used the address provided in the planning application form although I note it is expressed differently in other documents.
3. The National Planning Policy Framework (NPPF) was revised in February 2019. I have had regard to the revised NPPF in reaching my decision.
4. The Council's decision notice refers to policies GBC3 and OSV3 of the East Herts Local Plan Second Review 2007. Since the application was determined, the East Herts District Plan (2018) has been formally adopted and it supersedes the East Herts Local Plan. I have determined the appeal on this basis.

Main Issue

5. The main issue is whether the proposed development would provide a suitable location for housing, having regard to access to services and facilities.

Reasons

6. The proposal relates to an existing residential annexe within the grounds of The Oaks, Stocking Pelham. It is physically detached from the main dwelling and has its own independent entrance and although set back, benefits from a frontage onto Ginns Road.
7. Stocking Pelham is a small village identified as a Group 3 Village in the East Herts District Plan (2018) (DP). Policies GBR2 and VILL3 apply to Stocking Pelham in terms of the Rural Area Beyond the Green Belt and Group 3 Villages.
8. Policy GBR2 of the DP sets out types of development that will be permitted in rural areas beyond the Green Belt provided that they are compatible with the character and appearance of the rural area. These categories include limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) in sustainable locations where appropriate to the character, appearance and setting of the site and/or surrounding area. The proposal relates to the use of an existing building and does not fall within the criteria set out in the policy. The policy does not specifically refer to the conversion or re-use of existing buildings. Policy VILL3 allows for infill development where identified in an adopted neighbourhood plan. The proposed does not meet this criterion. The remainder of the policy sets out criteria which all development should meet. The proposal relates to an existing building and no additional built form is proposed. As such, the proposed use of the building as an independent dwelling would not conflict with any of the listed criteria. As the building already exists, the proposal would not harm the character and appearance of the surrounding area which is one of the key objectives of both policies.
9. The site is within a cluster of residential dwellings which are informally located along Ginns Road and there is also an industrial park adjacent to the site. The main village centre is reached via Ginns Road and is a relatively short distance from the appeal site. Ginns Road does not benefit from pavements or street lighting but is subject to a 30mph speed limit. At the time of my site visit Ginns Road appeared quiet and it would be possible to walk or cycle to the centre of Stocking Pelham from the appeal site. However, having regard to the evidence before me and my observations during my site visit, Stocking Pelham has little in the way of services and facilities, although it does have a church, recreation ground and village hall. I have not been provided with any particular details relating to public transport services in the locality.
10. The future occupants of the proposed dwelling would be largely reliant on the use of the private car to access most everyday services and facilities. However, I am also mindful that the building is currently in use as a residential annexe and the occupants of the annexe would already be likely to be reliant on private modes of transport. Whilst the use of the building as an independent dwelling may result in an intensification in its use and further reliance on the private car, the existing residential use of the annexe is nonetheless a factor that I have taken into account.
11. The National Planning Policy Framework (2019) (the Framework) is also relevant to the appeal proposal. At paragraph 78 the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this would support local services. Furthermore, the Framework states

that where there are groups of smaller settlements, development in one village may support services in a village nearby. The use of the existing annexe building as an independent dwelling would contribute to the support of the albeit limited services and facilities in Stocking Pelham and surrounding villages in accordance with the Framework.

12. Paragraph 79 of the Framework states that planning policies and decisions should avoid development of isolated homes in the countryside unless one or more of a number of circumstances apply. One such circumstance is that of where *'the development would involve the subdivision of an existing residential dwelling'*. Whilst the physical location would not result in a new isolated home in the countryside, this advice nonetheless indicates support for the proposal which involves the subdivision of an existing residential property in a rural area.
13. In accordance with S38(6) of the Planning and Compensation Act 2004 development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. Whilst not fully in accordance with Policies GBR2 and VILL3 of the DP, having regard to other material considerations such as the existing residential use of the annex, the lack of harm to the character and appearance of the surrounding area and the advice contained within the Framework, in these circumstances the proposal would provide a suitable location for housing, having regard to access to services and facilities.

Other Matters

14. I note the concerns of Stocking Pelham Parish Council set out in the Officer's Report. These concerns are that the proposal may set a precedent for other similar proposals if approved which would have an overall impact on the rural character. The Council also raise concern in the Officer's Report that permitting a development of this nature could still, in future lead to conversion of the main house and if permitted, the further subdivision of the appeal site. In reaching my decision, I have had regard to the specific merits of the appeal proposal. Any future applications would similarly need to be treated on their own merits and assessed against relevant DP policies and other guidance.
15. The Council refer to an appeal decision at "Crabbs Lane". I have not been provided with details of the appeal proposal to determine what similarity, if any, that appeal has to the appeal before me. The appeal proposal before me relates to an existing annexe whilst the appeal at Crabbs Lane appears to have related to a proposal for a new dwelling. It would not therefore, appear to be directly comparable to the current appeal proposal.

Conditions

16. In addition to the standard implementation condition, it is necessary for the avoidance of doubt and in the interests of certainty to define the plans with which the scheme should accord.

Conclusion

17. For the above reasons and having regard to all other matters, I conclude that the appeal should be allowed.

J Davis

INSPECTOR



Appeal Decision

Site visit made on 15 March 2019

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 15 April 2019

Appeal Ref: APP/J1915/W/18/3210078

11 East Drive, Sawbridgeworth, Hertfordshire CM21 9EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by _____ against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1516/PNHH, dated 28 June 2018, was refused by notice dated 10 August 2018.
 - The development proposed is single storey rear extension 8m max from rear of house.
-

Decision

1. The appeal is dismissed.

Application for costs

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

Main Issue

3. The main issue in this appeal is whether the appeal proposal is permitted development.

Reasons

4. The appeal property is a two storey detached house with a single storey side element. The rear elevation of the single storey side element is set back very slightly, approximately 10 centimetres, from the rear elevation of the two storey part of the building. The proposal would entail a single storey extension of up to 8 metres in depth extending across the entire width of the house.
5. Development is not permitted under Class A (Paragraph A.1 (j) (iii)) where the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would have a width greater than half the width of the original dwellinghouse.
6. The proposed extension would extend beyond a side elevation of the original dwellinghouse, which is the wall forming the eastern elevation of the two storey part of the building. I acknowledge the appellant's argument that the single storey element is only set back a very short distance, but that does not prevent the wall from constituting a side elevation for the purposes of the GPDO.

7. The Council came to its view after a proper and full consideration of the facts, the GPDO and national planning guidance. The applicant says that the Council's view is contrary to "Permitted Development Rights for Householders Technical Guidance" (Department for Communities and Local Government, April 2017). Specifically, that the diagrams and accompanying text do not support the Council's view that 10 centimetres of wall would constitute a side elevation for the purposes of the GPDO. However, the guidance does not give a minimum dimension below which a wall cannot constitute a side elevation within this context and therefore I do not find that the Council has misapplied the guidance.
8. For the above reasons, I find that the appeal proposal is not permitted development. Therefore, planning permission would be required.

Conclusion

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

Andrew Walker

INSPECTOR



Appeal Decision

Site visit made on 5 February 2019

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 March 2019

Appeal Ref: APP/J1915/W/18/3215141

Land adjacent to 12 Barncroft, Albury, Ware, Herts SG11 2LQ.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Irene Murchie against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1728/FUL, dated 24 July 2018, was refused by notice dated 19 September 2018.
 - The development proposed is to erect a new two storey dwelling with associated car parking.
-

Procedural Matters

1. Since the appeal application was determined the East Herts District Plan 2011 to 2033 (2018) (DP) has been adopted. I refer to policies of that plan below.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues are whether the proposal would be an appropriate form of development in this village location having regard to its effect on the character and appearance of the area and the living conditions of the occupiers of the adjoining property No. 12 Barncroft.

Reasons

4. The appeal site is located at the far northern end of Clapgate, a linear village comprising predominantly of frontage development along the main Albury Road. I note that the appellant refers to the site as being within Albury, but that appears to be a separate settlement located about 1 km to the west of the centre of Clapgate, which itself lies about 1km to the south of the appeal site. There is a primary school, church and village hall in Albury.
5. The dwelling on the appeal site comprises a semi-detached property, one of three pairs set around three sides of a small central green area. The proposed dwelling would be attached to the side of No. 12 to form a terrace of three, replacing an existing single storey flat roofed side extension.

The principle of development and effect on character and appearance

6. DP policy GBR2 sets out the forms of development that will be permitted in the rural areas beyond the Green Belt, in which the site is located, provided they

are compatible with the character and appearance of the rural area. These include within part (e) "*limited infilling or the partial or complete redevelopment of previously developed sites in sustainable locations, where appropriate to the character, appearance and setting of the site and/or surrounding area*". Development is also permitted where identified in a neighbourhood plan but no such plan has been adopted for the area in which the site is located.

7. Policy VILL3 is also relevant which relates to Group 3 villages, of which Clapgate / Albury is one. The supporting text describes these villages as having a poor range of services and facilities, though as noted above it does have a primary school. The policy permits limited infill development identified in an adopted neighbourhood plan subject to a number of criteria, including that it should be well designed and in keeping with the village and not significantly detrimental to the amenity of neighbouring occupiers.
8. With regard to its impact on character and appearance, the proposed dwelling would be sited to the side of the dwelling, extending right up to the side boundary which adjoins a small access road to a row of lock up garages located to the east of the appeal site. This would result in the loss of the existing gap that currently exists to the side of the dwelling, particularly at first floor level, which is a feature of the built layout of the small 'courtyard' comprising Nos. 7 – 12 Barncroft.
9. Whilst the dwellings do have single-storey side extensions, these are much smaller in size and do not extend right up to the side boundaries of the plots. As such the existing layout provides a degree of spaciousness provided by the gaps between the pairs of dwellings and the set back from the pavement edges. The siting of the proposed dwelling would also appear cramped to the extent that it would not have space around it within its plot as do the others.
10. I conclude that the proposal does not comprise an appropriate form of development as the relevant policies do not support such residential development which would be incompatible with the rural character and appearance of the site and its surroundings. I therefore find that the proposal would fail to comply with DP Policies GBR2 and VILL3 as well as policies DES4 and HOU11 which seek development that promotes local distinctiveness and reflects the character of the site in respect of scale, height, siting and layout, and is appropriate to the character, appearance and setting of the existing dwelling and surrounding area.

Effect on living conditions

11. The proposed dwelling would project beyond the rear elevation of the existing dwelling, with its flank two-storey wall set on the boundary of the existing dwelling at No. 12. There are windows at ground and first floor in the rear facing elevation of this property. However, whilst there would be some impact on the light received by that dwelling and the flank wall would result in some enclosure and loss of outlook, I do not consider that this impact would be significantly harmful.
12. The Council acknowledges that there would only be a marginal encroachment of the '45 degree line' relative to the affected windows. The depth of the rear projection of the proposed dwelling would be around 2.8 metres and in my view this would not result in an unacceptable relationship. Given the east

facing orientation of the rear elevation of the existing dwelling, the proposal would be unlikely to materially affect any sunlight received.

13. I therefore find that the proposal would not have an unacceptably harmful effect on the living conditions of the occupants of the adjoining property. It would thus comply with DP policy DES4 which seeks to avoid significant detrimental impacts on the amenities of neighbouring properties and ensure their environments are not harmed.

Other Matters

14. The appellant refers to the various facilities that are available in the wider settlement of Albury and that the Framework states that policies should identify opportunities for villages to grow and thrive, especially where this will support local services and that where there are groups of smaller settlements, development in one village may support services in a village nearby.
15. The DP does contain policies which enable limited development as noted above. However, the proposal does not comply with these policies for the reasons set out.

Conclusions

16. Overall I find that whilst the proposal would not have an unacceptably harmful impact on the living conditions of the neighbouring property, it would have a harmful impact on the character and appearance of the area and represents an inappropriate form of development in this rural area location.
17. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR



Appeal Decision

Site visit made on 12 February 2019

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2019

Appeal Ref: APP/J1915/D/18/3219125

Jenningsbury Farm, London Road, Hertford, SG13 7NS

- 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 _____ against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1786/HH, dated 4 August 2018, was refused by notice dated 1 October 2018.
 - The development proposed is single/two storey rear extensions.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision notice refers to policies GBC1 and ENV5 of the East Herts Local Plan Second Review April 2007. Since the application was determined, the East Herts District Plan (2018) has been formally adopted and it supersedes the East Herts Local Plan. Both parties are aware of this and have been given the opportunity to comment. I have determined the appeal on this basis.

Main Issues

3. The main issues in this appeal area:
 - Whether the proposed development constitutes inappropriate development in the Green Belt,
 - Its effect on the openness of the Green Belt,
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

4. The appeal concerns a two-storey detached house situated in a large plot within the Green Belt. The proposal is for a two-storey rear extension and a first floor rear extension. The National Planning Policy Framework (the Framework) states that a local planning authority should regard construction of

new buildings as inappropriate in the Green Belt. This is subject to the exceptions listed in the Framework which include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Policy GBR1 of the adopted East Herts District Plan (2018) (LP) states that planning applications in the Green Belt will be considered in line with the provisions of the National Planning Policy Framework.

5. There is disagreement between the appellant and the Council regarding the amount the floor area of the original dwelling would increase as a result of the proposal. The appellant states that this would be just over 60% whilst the Council state that the increase would be 86.5%. However, neither party has provided substantive evidence as to how their figures were derived.
6. The Framework does not define what a disproportionate increase in size would be. Notwithstanding the disagreement between the appellant and the Council regarding the precise increase in floor area, in my judgment the proposed extensions would result in a significant increase in size in relation to the original dwelling.
7. The proposed extensions would therefore result in disproportionate additions over and above the size of the original dwelling. As such I conclude that the appeal proposal would be inappropriate development in the Green Belt and, as defined by the Framework, harmful and substantial weight should be given to that harm. Furthermore, in this respect, the appeal proposal would not comply with the requirements of Policy GRB1 of the East Herts District Plan (2018).

Openness

8. The Framework confirms that inappropriate development is by definition harmful to the Green Belt. The essential characteristics of Green Belts are their openness and permanence.
9. The proposed first floor and two storey extensions when taken in combination, would result in significant additional built volume and bulk. The increase in bulk and mass would be accentuated by the repeating gable ends and associated roof design. Whilst the extensions would be seen in the context of the existing dwelling and its existing rear projections, I nonetheless conclude that overall, the proposal would result in harm to the openness of the Green Belt. I assign moderate weight to this further harm to the Green Belt.

Other considerations

10. I concur with the views of the Council that the proposed development would be in keeping with the character and appearance of the appeal property. However, this is a neutral factor which does not weigh for or against the proposal in the overall balance.
11. The appellant has referred to the sustainability benefits of the proposal including the provision of solar panels, rain water harvesting and improved insulation. However, in the absence of further details I afford this matter only limited weight. In addition, the appellant states that the proposal would enhance the enjoyment of the property for all the family, creating a stable home and helping the appellant's children to hopefully secure employment locally and allowing them to become valued members of the village community. However, while I acknowledge the personal benefit this may represent, in the

absence of any specific evidence regarding family circumstances, this is a matter which I afford limited weight.

12. Inappropriate development is by definition harmful to the Green Belt, and I have given substantial weight to this and moderate weight to the harm to openness I have identified. Taken together, the stated sustainability benefits of the proposal and the enhanced enjoyment of the property for the family, are not sufficient to outweigh the harm the proposed development would do to the Green Belt by reason of its inappropriateness and the harm to openness. Therefore, I conclude that evidence has not been presented to demonstrate that very special circumstances exist to clearly outweigh the harm to the Green Belt. As such the proposal would conflict with the National Planning Policy Framework and Policy GRB1 of the East Herts District Plan (2018).

Conclusion

13. For the above reasons, I conclude that the appeal should be dismissed.

J Davis

INSPECTOR



Appeal Decision

Site visit made on 8 April 2019

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th April 2019

Appeal Ref: APP/J1915/W/19/3220832

38 Bengoe Street (Land R/O), Bengoe, Hertford, SG14 3ES

- 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 M Nordigian (Harrison Homes) against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1993/FUL, dated 3 September 2018, was refused by notice dated 20 November 2018.
 - The development proposed is proposed demolition of existing detached garage and erection of detached single storey one bedroom dwelling with basement.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues to be considered are (i) The impact of the proposal upon the Hertford Conservation Area as well as the character and appearance of the area and (ii) Whether the proposal could provide appropriate living conditions for future occupiers and (iii) the effect of the development upon on-street car parking demand.

Reasons

Hertford Conservation Area and Character and Appearance

3. The site is part of the rear garden which is currently part of No. 38 Bengoe Street with frontage onto Trinity Grove. The appeal site currently accommodates a double garage and an outbuilding. From my site visit I note that the properties in the surrounding area are traditionally designed, with varying brick and render finishes, as well as mostly being two-storey. The appeal site is located within the Hertford Conservation area.
4. The character of Trinity Grove itself consists of two-storey dwellings, but some properties do have garage structures. The proposed design, in considering the street scene, is not dissimilar in terms of design to the garage buildings which can be found within the area. As a result of this I do not find the above ground element of the proposed design itself to be inappropriate.
5. Despite this the positioning within the plot would bring the proposed dwelling footprint forward of the building line along Trinity Grove which would not be consistent with the historic street pattern whereby dwellings are set back from the road. This combined with the lightwell, and parking spaces for two cars

leaves very little space within the appeal site which results in a cramped appearance as a result of over development of such a small site would impact negatively on the character and appearance of the area.

6. The plots within which surrounding properties stand are predominantly long and narrow and this is notable within the proposed site plan (12611-P010-B). The proposed plot whether in-fill or not, by comparison, is very small which is at odds with the character of the surrounding area. As a result of these findings I find the proposal represents harm to Conservation Area but that this would be less than substantial harm.
7. Paragraph 193 of the National Planning Policy Framework 2018 (the Framework) requires great weight to be attributed to harm regardless of the level of harm identified. The development offers potential benefits in terms of increasing housing supply and the availability of a smaller unit. It would also have economic benefits for local services and facilities once occupied, together with short term and temporary economic benefits in terms of necessary construction works associated with the development. However, the extent of those benefits is limited for a single dwelling. The great weight which should be given to the harm to the designated heritage asset is not outweighed by any public benefits.
8. Paragraph 117 of the Framework does promote an effective use of land. This paragraph goes on, however, to say that this should be done whilst safeguarding and improving the environment (and ensuring safe and healthy living conditions).
9. Overall, I find that the proposal fails to preserve or enhance the Conservation Area and that of the character and appearance of the locality. The proposal does not, therefore, safeguard and improve the environment as required by paragraph 117 the Framework.
10. The proposal would be contrary to East Herts District Plan 2018 (DP) Policy DES3 which requires proposals to respect or improve upon the character of the site and surrounding area, DP Policy DES4 which expects proposals to be of a high standard of design and layout to reflect local distinctiveness and DP Policy HA4 which expects proposals to preserve or enhance the Conservation Area and respect established building lines, layouts and patterns.

Living Conditions

11. In considering the basement plan layout the structure is "L" shaped. There appears to be patio style doors between the lounge and the lightwell, however, the shape of the living space and depth of the lightwell does raise questions as to whether adequate natural light could be provided. I have no evidence before to suggest that sufficient light would be available to provide satisfactory living conditions for future occupiers.
12. The proposed dwelling would be provided with a small rear garden. This would be enclosed with fencing. Whilst the Council does not have any exact standard relating to garden areas, or separation distances, in my opinion the garden is too small to provide an acceptable level of amenity space for future occupiers when combined with the enclosed lightwell. Even if this had not been my finding, the appeal would have been dismissed for the other reasons outlined.

13. In addition, not only would both No. 38 and No. 40 overlook the proposed dwelling's garden area, the submitted plans show a parking space for No. 38 within the appeal site. There is little space to separate or fence the proposed parking provision for No. 38. As a result of this the privacy for future occupiers is compromised further as a result of third-party intrusion, parking immediately adjacent to the garden area, within an already cramped site.
14. The proposal is likely to be able to comply with the requirements of DP Policy HOU7 which requires new homes to be readily accessible and adaptable, however, a proposal which cannot provide appropriate amenity space and privacy does not represent a high standard of design or living conditions even if sufficient levels of light for the basement level could be proven.
15. The proposal would be contrary to DP Policy DES4 which requires proposals to be of a high standard of design and layout.

Car Parking Demand

16. My site visit was undertaken in the early afternoon on a Monday. I was able to park opposite the appeal site; however, the remainder of the street was heavily parked during a time which I would not say represents peak demand (such as evenings or weekends). Once within Trinity Grove, having concluded my site visit, I found it difficult to find space to turn around given the width of the road combined with parking either side of the road.
17. I am mindful that the Highway Authority have not objected, subject to conditions, but the neighbour objections submitted do provide evidence as to the parking issues noted during my site visit. I do not have a copy of the Council Parking Standards 2015 before me, but I understand that the scheme provides a shortfall of 1.5 spaces.
18. I noted that the existing site is currently capable of providing parking spaces for No. 38 so there would be some loss of existing parking. This, with a larger crossover, would then impact on street parking which is likely to lead to displacement of vehicles onto the road. Regardless of whether the appeal site is in a sustainable location, the key to setting parking standards is in the context of managing the road network. Given the existing parking pressures I am of the opinion it is important to manage any further highway parking pressures as a result of additional development.
19. DP Policy TRA3 simply states that vehicle parking provision associated with development proposals will be assessed on a site-specific basis. I find displacement of vehicles onto the road combined with existing parking demand and the narrow nature of Trinity Grove would lead to an unacceptable impact on highway safety. This would be in conflict with paragraph 109 of the Framework.

Conclusion

20. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR



Appeal Decision

Site visit made on 19 February 2019

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th March 2019

Appeal Ref: APP/J1915/W/18/3217526

Land between 47-49 Queens Road, Hertford SG13 8BB.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Philip & Maria Henriksson-Bell against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/2104/FUL, dated 21 September 2018, was refused by notice dated 19 November 2018.
 - The proposal is development of vacant land for construction of a one and a half storey detached Passivhaus dwelling with associated parking and amenity space.
-

Procedural Matter

1. The appellant has provided further plans as part of the appeal submission including drawing no. 17_379/L/218A (proposed alternative south elevation).
2. The Council has also confirmed that since the appeal was submitted a further application has been determined. This included the above plan. Whilst this application was refused, it did not include an objection to the design of the fenestration proposed on the south elevation.

Decision

3. The appeal is allowed and planning permission is granted for development of vacant land for construction of a one and a half storey detached Passivhaus dwelling with associated parking and amenity space, at land between 47-49 Queens Road, Hertford SG13 8BB, in accordance with the terms of application ref. 3/18/2104/FUL dated 14 March 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
 - 2) This permission shall relate to the following plans: 0217-18-01 (survey), 17_379/L/201F (proposed location plan + aerial view), 17_379/L/202M (Proposed site plan), 17_379/L/203M (proposed ground floor plan), 17_379/L/204L (proposed first floor plan), 17_379/L/205F (proposed roof plan, 17_379/L/206H (proposed west elevation), 17_379/L/207G (proposed north elevation), 17_379/L/208F (proposed east elevation, 17_379/L/210F (proposed site section B), 17_379/L/212G (proposed block plan), 17_379/L/213F (proposed site section B extended), 17_379/L/214H (proposed street elevation), 17_379/L/215G (proposed east elevation extended), 17_379/L/217D (proposed figure plan), 17_379/L/218A (proposed alternative south elevation), 17_379/L/219A (proposed location

- plan – gap in Queens Road), 17_379/L/220A (proposed location plan – with proposed dwelling) and 17_379/L/221A (proposed location plan – patterns of similar plots and gardens).
- 3) Prior to any above ground construction, details of the materials to be used in the external surfaces of the development hereby permitted, including windows, rooflights and rainwater goods, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.
 - 4) The development hereby approved shall not be occupied until details of hard and soft landscaping, to include finished levels, hard surfacing, including the parking / driveway areas, retained landscape features, details of species, sizes and density of planting, and timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority.
 - 5) All hard and soft landscape works shall be carried out in accordance with the approved details and any trees or plants that within a period of five years after planting are removed, die or become seriously damaged or defective shall be replaced by the next planting season in accordance with the approved scheme.
 - 6) Construction work associated with the development hereby permitted shall not take place before 07:30 hours Monday to Saturday, nor after 18:30 hours on weekdays or 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holidays.
 - 7) The parking and storage / delivery of materials associated with the construction of this development shall be undertaken in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority.
 - 8) Before the new dwelling is occupied, the vehicular access and parking areas shall be provided and thereafter retained at the position shown on the approved plans. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
 - 9) Before the access is first brought into use, a triangular vision splay onto the footway shall be provided on each side of the new access and shall measure 1.0m along the fence, wall, hedge or other means of definition of the front boundary of the front of the site, and 1.0m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding the height of 600mm above the adjoining footway level.

Main Issue

4. The main issue is the effect on the character and appearance of the area, including the Hertford Conservation Area.

Reasons

5. The appeal site is located along the eastern side of Queens Road, a residential area to the south of the town centre. It lies within the Hertford Conservation

Area which covers an extensive area including the town centre and surrounding areas. A number of properties along Queens Road to the north of the appeal site are identified as unlisted buildings to be protected from demolition. This includes the dwelling adjoining the appeal site, Holly Lodge, which is accessed off Hagsdell Road a turning to the north of the site. A number of trees along the road frontage, including within the appeal site, are notated as important. The road slopes up from north to south such that the site is at a higher level than the properties to the south fronting Hagsdell Road.

6. The dwellings at the northern end of the road display a fairly consistent building line and are predominantly semi-detached of brick elevations. However, the pattern of built development within the immediate vicinity of the site is much 'looser' comprising mainly of detached properties set within reasonably generous plots, of varying designs and ages. There is also variation in the siting and pattern of built form with some dwellings set back from the road frontage and others positioned much closer, and in the case of Holly Cottage, with its side elevation sited right up to the pavement edge.
7. The proposed dwelling would be sited quite close to the road frontage, set about 2 metres back, and about 3.5 metres from the rear boundary, which adjoins the rear garden of Elmsfield, located to the north-east fronting Hagsdell Road. As such the main garden area is located to the south (side) of the dwelling. This would be different to a number of properties within the immediate vicinity as described above whose gardens tend to be located to the rear. However, I do not consider that the pattern and grain of that built form and associated spaces is so regular that the proposal would appear incongruous. As noted above, the established pattern is varied with both small and large gaps between dwellings as well as built form close to and set back from the road frontage. Whilst Holly Lodge immediately to the north of the appeal site fronts Hagsdell Road, the dwelling is clearly visible, and quite prominent, within the Queens Road streetscene, with garden areas around all sides, including its main garden which is to the south.
8. In terms of the design of the proposed dwelling, I note that the Council contends that whilst the form, scale and roof pitches are considered to be acceptable, the design of the large picture windows in the south elevation would be incongruous and would not reflect the fenestration patterns on buildings in the surrounding area. The proposed south elevation includes a very large 'floor to ceiling' window at first floor level with large top triangular panes. This elevation would be prominent within the streetscene due to the forward siting of the dwelling relative to No. 49 to the south.
9. Notwithstanding that the existing and proposed tree planting in the south-west corner of the site would afford some screening, having regard to the general pattern of fenestration within the area, I agree that it would look inappropriate and would thus fail to preserve the character or appearance of the conservation area. However, as referred to above, the appellant has provided an alternative south elevation which includes a fenestration pattern and size that is sympathetic to the character of the area and this plan could be substituted for that originally submitted.
10. In terms of overall plot size, I note that the appeal site is smaller than those immediately adjoining. However, it is slightly larger than those properties on the northern side of Hagsdell Road at its junction with Queens Road and within

the wider area there is even more variation. The dwelling would, in any event, be viewed within its wider context, including the existing open garden area of Elmsfield to the rear. Thus I do not consider that it would detract from the overall spacious nature of the streetscene.

11. Overall, I find that the proposed dwelling would be compatible with the pattern of development in the area and would thus preserve the character and appearance of the area, including the Hertford Conservation Area. It would therefore accord with policies DES4 and HA4 of East Herts District Plan (2018) which seek development of a high standard of design that reflects and promotes local distinctiveness, respects the character of the site and its surroundings, and preserves or enhances the special character of the conservation area.
12. I also find that it would accord with national policy in the National Planning Policy Framework (the Framework), which promotes the effective use of land while safeguarding and improving the environment, the creation of high quality buildings and places that are visually attractive and sympathetic to local character, including the surrounding built environment and landscape setting and that heritage assets are conserved in a manner appropriate to their significance.

Other Matters

13. I note that the occupants of the neighbouring properties Holly Lodge and Elmsfield are concerned that the proposal would have an overbearing effect on their properties, resulting in a loss of privacy. I visited both these properties at the time of my site visit. The proposed dwelling would be clearly visible above the rear boundary fence of Holly Lodge, exacerbated somewhat by the lower level at which this dwelling is sited. However, the proposed dwelling would be sited away from this boundary with a mature tree, the subject of a Tree Preservation Order (TPO), in the rear garden providing some screening. Given the separation between dwellings provided by the relatively generous rear garden of this adjoining property, I do not consider that it would be an unacceptable relationship.
14. The proposed dwelling would be sited closer to Elmsfield but also separated from it by a reasonably generous garden area, the boundary of which is marked by mature trees, also covered by TPOs. As with Holly Lodge, whilst the dwelling will be visible from this property, I do not consider that it would introduce an unacceptable relationship.
15. I note that the proposal involves the removal of some poor quality TPO trees within the site but these would be replaced and additional native hedge provided along the road frontage.

Conclusions

16. Overall I find that the proposal would comply with the development plan and there are no material considerations that would indicate otherwise.
17. With regard to conditions, in addition to referring to the approved plans in the interests of proper planning, a condition to require the submission of details of external materials is required in the interests of good design and the character and appearance of the conservation area. The Council has suggested that a fully detailed landscaping scheme should be provided and I agree that this is

necessary to provide an appropriate setting for the development in this sensitive conservation area setting and to replace planting that is to be lost with appropriate species; such a scheme should include all hard and soft landscaping and finishes. The vehicular access, including appropriate visibility splays, and parking area will need to be provided prior to occupation in the interests of highway safety.

18. The Council has also suggested a condition requiring that areas for parking and storage / delivery of materials associated with the construction be provided within the site to ensure that there is no interference with the public highway. It seems to me that this might be difficult to achieve, therefore I have suggested alternative wording to require a scheme to be agreed which can take the practicalities of any arrangements into account whilst minimising any impact on the public highway. I also agree that a condition to control hours of use of any plant and machinery associated with site preparation and construction is necessary in the interests of the living conditions of the occupiers of adjoining properties.
19. I therefore conclude that this appeal should be allowed and planning permission granted.

P Jarvis

INSPECTOR



Appeal Decision

Site visit made on 12 February 2019

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2019

Appeal Ref: APP/J1915/D/18/3219074

141 Parsonage Lane, Bishops Stortford, CM23 5BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Paling against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/2108/HH, dated 23 September 2018, was refused by notice dated 19 November 2018.
 - The development proposed is demolition of existing garage and replacement with a two storey side extension and single storey rear extension.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The National Planning Policy Framework (NPPF) was revised in February 2019. I have had regard to the revised NPPF in reaching my decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the existing dwelling and the surrounding area.

Reasons

4. The proposed two storey side extension would be slightly lower than the ridge of the main dwelling. In addition, it would be marginally set back from the front wall of the part of the dwelling it would be attached to. Having regard to these relatively small differences, together with the significant width of the proposed extension, it would not appear as a subservient addition to the dwelling. Whilst the extension would be constructed in matching materials and its overall design approach would be in keeping with the host dwelling, it would nonetheless be harmful to the character and appearance of the dwelling. As such the proposal would not comply with Policy HOU11 of the East Herts District Plan (2018) which states that extensions should generally appear as a subservient addition to the dwelling.
5. The proposal is in a highly prominent position, located on the corner of Parsonage Lane and Heath Row. The angled positioning of the dwelling would result in the front corner of the proposed two storey extension being sited close to the side boundary of the site, beyond which is the footpath along Heath

Row. The proposed extension would as a result be visually prominent when viewed from Heath Row and would have an awkward siting in relation to it. This is accentuated by the overall size and scale of the extension and its lack of subservience to the main dwelling. The overall lack of spacing between the two storey extension and the footpath would result in the proposal being visually intrusive and prominent in the street scene and consequently, harmful to its character and appearance.

6. Other dwellings in Parsonage Lane have been extended at two storey level, and, as the appellant points out, some of these are not subservient to the original dwelling and several extend to the boundary of the site. The example given at No.143 Parsonage Lane is also located on the corner with Heath Row. The dwelling has been extended at two storey level with an extension which does not appear subservient to the host dwelling. It is however, set in from the side boundary of the site with Heath Row and as such is less prominent in the street scene. I have not been provided with the precise details of the applications referred to by the appellant or the policies under which they were considered. In any case I am required to determine the appeal on its merits. In this particular case, the proposal is in a highly prominent location where it would result in material harm to the street scene as identified above.
7. The proposed development would be harmful to the character and appearance of the existing dwelling and the surrounding area. It is contrary to Policies HOU11 and DES4 of the East Herts District Plan (2018) which seek development to be of a high standard of design and layout and to be of a size, scale, mass, form and siting that are appropriate to the character, appearance and setting of the existing dwelling and the surrounding area. Policy HOU11 also states that extensions should generally appear as a subservient addition to the dwelling. The proposal also conflicts with the National Planning Policy Framework which requires development to be of a high quality design and to respect existing character.

Conclusion

8. The harm that would be caused to the character and appearance of the dwelling and surrounding area leads me to conclude that the proposal would conflict with the development plan as a whole. In accordance with S38(6) of the Planning and Compensation Act 2004 development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. There are no material considerations of such weight to lead me to the conclusion that the proposal should be determined other than in accordance with the development plan. For the above reason I conclude that the appeal should be dismissed and planning permission refused.

J Davis

INSPECTOR



Appeal Decision

Site visit made on 26 March 2019

by **N McGurk BSc (Hons) MCD MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10th April 2019

Appeal Ref: APP/J1915/D/18/3218770

12 Chantry Road, Bishop's Stortford, CM23 2SF

- 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 Stewart Macfarlane against the decision of East Herts Council.
 - The application Ref 3/18/2109/HH, dated 21 September 2018, was refused by notice dated 27 November 2018.
 - The development proposed is erection of two storey rear extension, internal modification and provision for off street parking.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. A previous application¹ for a two storey rear extension was refused. The design of the proposed development the subject of this appeal differs from that previously refused.
3. The Council has stated that it is satisfied that the proposal the subject of this appeal would not harm local character and that it would conserve the setting of the Bishop's Stortford Conservation Area.

Main Issue

4. The main issue in this case is the effect of the proposed development on the living conditions of neighbouring occupiers, with regards to outlook and daylight.

Reasons

5. The appeal property is a detached two storey dwelling set back from Chantry Road, a road that rises in a generally northerly direction, behind a front garden. It is located in a residential area, characterised on this side of Chantry Road by the presence of two storey detached dwellings set back from the road behind gardens and/or parking areas. The presence of hedgerows, gardens and trees provides for a pleasant green environment.
6. Whilst houses along this side of Chantry Road tend to be located close to one another, with only small gaps in between, they are also staggered and angled,

¹ Ref: 3/18/1512/HH.

such that the depth of front gardens appears to increase as Chantry Road rises. In the case of the appeal property, this also has the effect of its rear elevation extending beyond that of the neighbouring property, No 14 Chantry Road, whilst the rear elevation of No 10 Chantry Road, to the south, projects beyond that of the appeal property.

7. The side elevation of the appeal property is located close to that of No 14 and even closer to that of No 10.
8. The proposal would result in the appeal property projecting further to the rear at ground and first floor level. The eaves and ridge levels of the proposed two storey element would match those of the existing roof.
9. The above factors would combine such that the two storey element of the appeal property would project rearwards immediately adjacent to a side window of No 10 Chantry Road serving that property's kitchen. I find that this would result in the proposed development effectively "towering above" the kitchen window such that the almost immediate proximity to the side elevation of No 10, combined with the height and scale of the development proposed, would almost inevitably result in there being a loss of daylight to the ground floor side kitchen window of No 10.
10. To the other side, the proposal would be further away from the side elevation of No 14, than it would be from that of No 10, and it would not project as far to the rear at first floor level. However, due to the juxtaposition of the appeal property and No 14 resulting from the staggered set back of dwellings along this part of Chantry Road, the proposed development would extend well beyond the rear elevation of No 14 and would do so in close proximity to the rear-facing windows of No 14.
11. I find that the extent of the rear projection at first floor level, combined with the close proximity of the appeal dwelling, would be such that the proposal would appear unduly dominant in the outlook from windows to both the first and second floor rear elevation of No 14. Further, I find that the harm arising from this would be exacerbated as a result of the orientation of the dwellings, such that the proposed development would be located immediately to the south east of the rear of No 14. I find that this would, due to the height and proximity of the proposal, reduce the amount of daylight entering into No 14's nearest rear-facing windows and there is no substantive evidence before me to the contrary.
12. Taking all of the above into account, I consider that the proposed development would harm the living conditions of neighbouring occupiers. This would be contrary to the National Planning Policy Framework; and to policies HOU11 and DES4 of the East Herts District Plan (2018), which together amongst other things, protect residential amenity.

Conclusion

13. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR



Appeal Decision

Site visit made on 5 February 2019

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 March 2019

Appeal Ref: APP/J1915/W/18/3216376

Home Farm, Aspenden, Buntingford SG9 9PB.

- 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 Geoff Poulton against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/0594/FUL, dated 14 March 2018, was refused by notice dated 7 September 2018.
 - The development proposed is conversion of stable building to form 1 no two bed dwelling.
-

Procedural Matters

1. The Council has described the development as “change of use of stable building to form 1 no. two bed dwelling with extension and external alterations.” I consider that this more accurately describes the proposal and I shall use it below.
2. Since the appeal application was determined the East Herts District Plan 2011 to 2033 (2018) (DP) has been adopted. I therefore refer to the policies of that plan in my decision below.

Decision

3. The appeal is allowed and planning permission is granted for change of use of stable building to form 1 no. two bed dwelling with extension and external alterations, at Home Farm, Aspenden, Buntingford SG9 9PB, in accordance with the terms of application ref. 3/18/0594/FUL dated 14 March 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
 - 2) This permission shall relate to the following plans: 279/16-300 (Site Plan), 279/16-301 (Existing Plan and Elevations) and 279/16- 302 (Proposed Plan and Elevations).
 - 3) The materials to be used in the external surfaces of the development hereby permitted shall be as specified on the approved drawings / submitted form or in such other materials details of which shall have first been submitted to and approved in writing by the Local Planning Authority.
 - 4) The development hereby approved shall not be occupied until details of hard and soft landscaping, to include finished levels, hard surfacing, details of

species, sizes and density of planting, and timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority.

- 5) All hard and soft landscape works shall be carried out in accordance with the approved details and any trees or plants that within a period of five years after planting are removed, die or become seriously damaged or defective shall be replaced by the next planting season in accordance with the approved scheme.
- 6) The dwelling hereby permitted shall not be occupied until a scheme for noise insulation against the transmission of noise and vibration from the nearby A10 has been submitted to and approved in writing by the Local Planning Authority and the approved details fully implemented.
- 7) Construction work associated with the development hereby permitted shall not take place before 07:30 hours Monday to Saturday, nor after 18:30 hours on weekdays or 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holidays.
- 8) The development hereby permitted shall not commence until a scheme to deal with potential contamination of land / groundwater has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all the following measures unless otherwise confirmed in writing by the Local Planning Authority:
 - a) A desk top study carried out by a competent person to identify and evaluate all potential sources or impacts of land and/or groundwater contamination relevant to the site. The requirements of the Local Planning Authority should be fully established before the desktop study is commenced.
 - b) A site investigation which shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until:
 - i. A desk top study has been completed in accordance with a) above;
 - ii. The requirements for site investigation have been fully established with the Local Planning Authority;
 - iii. The extent and methodology have been agreed in writing with the Local Planning Authority;
 - c) A written method statement for the remediation of the land and/or groundwater contamination affecting the site to be completed by a competent person;

The development shall only be implemented and completed in accordance with the approved scheme.

- 9) Development shall not commence until full bat roost characterisation surveys (dusk emergence / dawn re-entry surveys) have been undertaken during May to September, with at least two surveys between May and August, to establish species population and further entry/exit points and provide further details of potential mitigation measures and timing for their

implementation as necessary having regard to the results of the Preliminary Roost Assessment Report by Cherryfield Ecology dated 6 March 2018. The survey reports shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development and any mitigation measures implemented as approved.

- 10) The dwelling shall not be occupied until the parking areas have been laid out / provided in accordance with the approved plans.

Main Issue

4. The main issue is whether the proposal constitutes sustainable development having regard to the location of the site and relevant local and national policy.

Reasons

5. The appeal site is located at the eastern end of the small village of Aspenden which consists mainly of residential properties located along a main road running east to west. It has a limited number of local facilities including a pub and church. The site lies opposite the village green with play area and playing field. The existing stable building is substantial in size and sits in its own plot with separate vehicular access to the east of Home Farm. Although sited on the edge of the built up part of the village, the main part of which lies to the west, I consider that it nevertheless appears visually as part of it.
6. The parties agree that policies GBR2 and VILL3 of the recently adopted DP are relevant. The former relates to the rural areas and sets out the types of development that will be permitted; this includes development identified in an adopted Neighbourhood Plan. VILL3 relates to Group 3 villages, of which Aspenden is one. The supporting text states that these villages have a poor range of services and facilities and are viewed as the least sustainable locations for development. However, infill development identified in an adopted Neighbourhood Plan will be permitted, subject to a number of criteria.
7. Policy HD1 of the Buntingford Community Area Neighbourhood Plan 2014-2031 (BCANP) allows for small scale infill development within or immediately adjoining significant existing clusters of development and policy HD4 states that new rural housing should respect the rural / semi-rural character of the area and its immediate context having regard to the Design Code set out in Appendix 4.
8. There are no policies directly relevant to the conversion of existing buildings such as that proposed in this appeal. However, it is my view that the proposal would constitute 'infilling' within the village, which I consider does constitute a significant cluster of development. Whilst the BCANP does not define 'significant clusters' for the purpose of policy HD1, it seems to me that a village such as Aspenden which comprises of a number of dwellings albeit mainly located along a single main road, would fall within such a description. The Council considers that the proposal would extend the built up area closer to Buntingford, but the proposal would comprise a good reuse of an existing redundant building which would not have a significant impact on the visual appearance or character of the site.
9. The proposal would include an extension but this and the proposed alterations would be in keeping with the character and appearance of the building which itself reflects its rural, edge of village location. A suitable and safe access

would be provided with adequate parking and generous garden area. In my view the proposal would be sympathetic to the character and appearance of the village and its surroundings, including the Aspenden Conservation Area in which the site is located.

10. I agree that the village has very limited facilities and as a result occupants of the proposed dwelling would need to travel elsewhere for the majority of their daily and other needs. However, the town of Buntingford is located a short distance to the north; it has a good range of facilities and amenities including shops, schools, medical facilities and employment areas. The majority of these facilities and amenities are not within reasonable walking distance and there is no public transport linking the village to Buntingford. Therefore, occupants of the proposed dwelling would be likely to use their own car to access these facilities for the majority of trips; however, the distances would not be great and some trips could be undertaken by cycle.
11. I therefore find that the proposal would accord with DP policies GBR2 and VILL3 and BCANP policies HD1 and HD4 as well as DP policy DES4 and BCANP policy HD6 which seek development of high quality that respects its surroundings and conserves or enhances the character or appearance of the conservation area.
12. With regard to national policy in the National Planning Policy Framework (the Framework), I note that paragraph 78 states that housing should be located where it will enhance or maintain the vitality of rural communities and that development in one village may support services in a village nearby. I have acknowledged that Aspenden has very few facilities but nevertheless the proposal would provide some, albeit limited, support of those and in the main it would support the nearby facilities in Buntingford.
13. Paragraph 79 refers to the development of isolated homes in the countryside but for the reasons given above I do not consider that the appeal site can be considered to be isolated; in any event, that paragraph goes on to allow for the re-use of redundant or disused buildings where its immediate setting would be enhanced. In my view therefore, in this context it would be illogical to conclude that the appeal proposal was unacceptable in principle in a location which is not isolated.
14. Paragraph 29 also states that the use of sustainable transport modes should be favoured giving people a real choice about how they travel. However, it goes on to recognise that opportunities will vary from urban to rural areas. As I have noted above, there would likely be a reliance on the private car but only for relatively short distances and cycling would be a realistic alternative. Having regard to other relevant policies, I conclude that the proposal would satisfy the Framework overall.

Conclusions

15. Overall I find that the proposal would comply with the development plan and there are no material considerations that would indicate otherwise, therefore DP policy INT1 would also be satisfied.
16. With regard to conditions, in addition to referring to the approved plans in the interests of proper planning, a condition to require matching materials is required in the interests of good design and the rural character and appearance

of the conservation area. The Council has suggested that a landscaping scheme should be provided and I agree that this is necessary to provide an appropriate setting for the development. A full bat roost survey will also be required to secure appropriate mitigation and this will need to be carried out prior to commencement to ensure that appropriate measures are identified.

17. The Council has also suggested conditions requiring an insulation scheme to protect the occupants from the noise of the nearby elevated A10, the control of hours of construction in the interests of the amenity of neighbours and, having regard to the previous use of the site as part of a farmyard, a contamination investigation scheme to protect future occupants from any potential harm in this regard. I agree that all of these are necessary for the reasons given and the contamination survey works will need to be undertaken prior to commencement to ensure that adequate measures are incorporated in the construction works. It seems to me that a condition to require the setting out of the parking area before occupation is also necessary to ensure that adequate on site provision is available to serve the development.
18. I therefore conclude that this appeal should be allowed and planning permission granted.

P Jarvis

INSPECTOR

Appeal Decision

Site visit made on 26 March 2019

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th April 2019

Appeal Ref: APP/J1915/D/19/3220257

68 Stansted Road, Bishop's Stortford, CM23 2DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Christine Dennett against the decision of East Herts District Council.
 - The application Ref 3/18/2233/HH, dated 9 October 2018, was refused by notice dated 10 December 2018.
 - The development proposed is part single and part two storey extensions to rear and both side elevations. New roof incorporating dormers to rear and one side elevation. removal of one chimney. New front porch. Demolition of detached garage and erection of detached summer house and garage. New front drive layout incorporating new cross over.
-

Decision

1. The appeal is allowed in part and planning permission is granted for demolition of detached garage and erection of summer house and garage. New front drive layout incorporating new cross over at 68 Stansted Road, Bishop's Stortford, CM23 2DZ in accordance with the terms of the application, Ref 3/18/2233/HH, dated 9 October 2018, subject to the conditions set out in the attached schedule.

Procedural Matters

2. For clarity, permission is only granted for that part of the development referred to under the decision above. The appeal is dismissed in so far as it relates to part single and part two storey extensions to rear and both side elevations. New roof incorporating dormers to rear and one side elevation. removal of one chimney. New front porch.
3. The Council considers the proposed summer house and new front drive layout to be acceptable. Consequently, this decision focuses on elements of the proposal related to changes to the dwelling itself.
4. A previous application for a similar form of development was refused¹. The proposal the subject of this appeal differs from this previously refused application in a number of ways. In particular, the proposal the subject of this appeal does not include a two storey side extension to the north elevation and a dormer window, as previously proposed. The proposal before me also

¹ Ref: 3/18/1196/HH.

proposes the retention of a chimney stack and a more steeply pitched roof than was the case for the previous application.

Main Issue

5. The main issue in this case is the effect of the proposed development on the character and appearance of the Bishop's Stortford Conservation Area.

Reasons

Character and appearance

6. The appeal property is a two storey detached dwelling with a detached single storey garage to the rear. It is located in a residential area within the Bishop's Stortford Conservation Area.
7. The appeal property is located at the corner of Stansted Road, where it meets Foxley Drive. It is set back from the main road and is separated from it by an access road fronting the property and its neighbours and a raised bank containing trees and greenery. Like its neighbours along this part of Stansted Road, the appeal property has a garden/parking area to the front and a longer garden to the rear.
8. The presence of trees, gardens and hedgerows in the area, combined with the generous spacing of properties in garden plots, affords Bishop's Stortford Conservation Area in this location a notably green and spacious environment. Further characteristics derive from commonalities in the design, rhythm and scale of the appeal property and its neighbours along this part of Stansted Road, providing a strong and attractive sense of uniformity.
9. The appeal property and its neighbours have retained many period features, including bay windows, leaded windows and recessed doors with brick detailing. During my site visit, I observed that the appeal property and its neighbours tend to have highly distinctive pyramidal tiled roofs with deep eaves and tall chimneys. Together, these features enhance the area's attractive sense of uniformity, are widely visible from the public domain and make a significant, positive contribution to local character.
10. The proposal seeks to significantly enlarge the appeal property's roof. In so doing, it would create a large crown roof with dormers. The scale and shape of the proposed roof would, I find, lead it to appear as an unduly bulky feature. It would, as a result of its size and prominent position, draw the eye to the extent that it would appear unduly dominant in its surroundings.
11. In addition, I find that the harm arising from the above would be exacerbated as a result of the proposed roof being unlike any roof along Stansted Road in this location. As such, it would appear as an incongruous feature.
12. Further to the above, the proposed two storey side extension would comprise a large and bulky addition in very close proximity to Foxton Drive, as it runs alongside the appeal property. The proposed two storey side extension would project significantly to the rear and would, due to its height, length and overall scale, "loom above" Foxton Drive in a domineering manner. Further, the prominent location of the appeal property, at the corner of Foxton Drive and Stansted Road, would result in the dominant side extension proposed drawing

undue attention to itself as a feature at odds with the uniform qualities of this part of the Bishop's Stortford Conservation Area.

13. In addition, I find that the proposed side and rear extensions would add such bulk and massing to the host property as to "overwhelm" its original appearance. Consequently, the proposal would not appear as a subordinate addition, but would dominate and radically alter the character of the appeal property. This would result in a form of development that would severely disrupt the attractive uniform qualities identified above.
14. Taking all of the above into account, I find that the proposed changes to the dwelling would harm the character and appearance of the Bishop's Stortford Conservation Area, contrary to the National Planning Policy Framework and to East Herts District Plan (2018) policies DES1, HOU11, HOU12 and HA4, which together amongst other things, protect local character.
15. Rather than make the positive contribution desired by paragraph 192 of the Framework, the development harms local character. The harm caused is significant in terms of the immediate context of the development, but is less than substantial in the context of the Bishop's Stortford Conservation Area as a whole. In these circumstances, paragraph 195 of the Framework requires the harm to be weighed against any public benefit.
16. The development does not result in any public benefits that outweigh the identified harm to the Bishop's Stortford Conservation Area, a designated heritage asset.

Conditions

17. I have considered the conditions suggested by the Council against the six tests set out in paragraph 206 of the Framework. A condition relating to the relevant plans is necessary for the avoidance of doubt and in the interest of proper planning. I note that my decision below relates only to part of the proposal and that the development hereby permitted must be in accordance with the relevant plans.

Conclusion

18. For the reasons given above, the appeal succeeds insofar as it relates to demolition of detached garage and erection of summer house and garage. New front drive layout incorporating new cross over, but does not succeed in respect of a first floor side extension.

N McGurk

INSPECTOR

**Schedule of Conditions attached to
Appeal Ref: APP/J1915/D/19/3220257
68 Stansted Road, Bishop's Stortford, CM23 2DZ**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as it relates to demolition of detached garage and erection of summer house and garage. New front drive layout incorporating new cross over: SR-687A and SR689A.
-