



Appeal Decision

Site visit made on 4 July 2019

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

an Inspector appointed by the Secretary of State

Decision date: 19 July 2019

Appeal Ref: APP/J1915/W/18/3210624

63 and 65 Lower Road and land adjacent to 65 Lower Road, Great Amwell, Hertfordshire SG12 9SZ

- 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 P Shilston against the decision of East Herts Council.
 - The application Ref 3/18/1063/FUL, dated 8 May 2018, was refused by notice dated 15 August 2018.
 - The development proposed is the erection of five dwellings comprising of the replacement of two existing bungalows with a pair of semi-detached dwellings; and the erection of three detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would amount to inappropriate development within the Green Belt; whether there would be any other harm to the Green Belt; whether the houses would be in a sustainable location with regard to the spatial strategy of the development plan; the effect on the character and appearance of the area; the effect on biodiversity; the effect on the living conditions of neighbouring residents with regard to privacy and outlook; and whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Procedural Matters

3. Since the Council's decision, the East Herts District Plan 2018 (DP) has been adopted and now forms part of the development plan. The policies of the East Herts Local Plan Second Review 2007 no longer have effect.

Reasons

4. The proposal would result in the replacement of the two existing dwellings, the introduction of a dormer bungalow in the existing gardens and the addition of two new houses on Lower Road on land outside the adopted settlement boundary. Great Amwell is a Group 2 Village that is within, and washed over by, the Green Belt.
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5. In addition to the concerns raised within the reason for refusal, a number of other concerns have been raised by third parties, consultees and by the planning officer within the Delegated Officer Report. Although not supported by the Council, concern has been raised with regard to the impact of the dormer bungalow on neighbouring residents. Impacts on the character and appearance of the area and on biodiversity have also been raised as concerns. The suitability of the site with regard to the spatial policies of the development plan were also raised, including identified conflict with the then emerging policy VILL2. I have considered all of these matters in my assessment.

Inappropriateness and any other harm to the Green Belt

6. DP policy GBR1 advises that planning applications within the Green Belt will be considered in line with the provisions of the National Planning Policy Framework (the Framework). The Framework advises that new buildings should be regarded as inappropriate unless they fall within an exception set out in paragraph 145. The exceptions include (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; and (e) limited infilling in villages.
7. The appellant suggests that the two new properties on Lower Road would represent infill development between the road junction and the existing houses. Although the Framework does not provide a definition, these properties would simply extend the area of development rather than represent infilling. The bungalow to the rear would represent a new building with no other development to either side, other than modest garden structures. This similarly does not represent infilling.
8. Although I note the Council's view that their policies no longer include a requirement that replacement dwellings should not be materially larger than those that they replace, this is a requirement of paragraph 145(d) of the Framework. This therefore remains material when considering whether development is inappropriate.
9. The two existing houses were built separately but the replacement of two buildings with a single building containing semi-detached properties would not be incompatible with the part (d) requirements. The new building would be in the same use. Both existing properties are modest, of predominantly single storey with two bedrooms each. They are both of limited height with regard to their eaves and ridge. The houses that would replace them would be two storey properties with large roof forms. They are shown as having four bedrooms each.
10. I have not been provided with calculations of the floor areas or the volumes of the existing and proposed houses which would assist in providing a comparison between the existing and proposed sizes of these houses. The Framework does not provide guidance as to what constitutes 'materially larger' which is therefore a matter of judgement. Whilst it would appear that the proposed houses would be materially larger, in order to make a definitive judgement, the size calculations should be taken into account. However, as I am considering the development as a whole, given my findings with regard to the three additional houses, I conclude in any event, that the proposal represents inappropriate development in the Green Belt.

11. The combined elements of the proposal would result in a considerable amount of new development, much of which would be on land that is currently open. It would therefore reduce the openness of the Green Belt and be contrary to the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. As much of the site lies outside the defined settlement, the proposal would also be at odds with one of the five purposes of the Green Belt which is to assist in safeguarding the countryside from encroachment.

Any other harm

12. As a Neighbourhood Plan for the area has not been adopted, DP policy VILL2 (IV) limits new development to the defined built-up area. The two properties outside the settlement boundary would therefore unequivocally be contrary to this policy. Policy VILL2(II) accepts limited infill development but I have already found that the proposal does not represent infill development.
13. The appellant makes reference to the general requirements of policy VILL2(V). The development must satisfy the other requirements of the policy before these become relevant. However, the two new Lower Road properties would conflict with part (e) as they would represent an extension of ribbon development. The first floor master bedroom of the bungalow would allow overlooking of the neighbouring garden and the side gable would be located unacceptably close to the boundary, resulting in it being overbearing when in that garden. It would therefore be contrary to part (g) which seeks to resist development that would be significantly detrimental to the amenity of neighbouring occupiers.
14. The proposal would result in the removal of extensive areas of vegetation to allow the development of the two new properties on Lower Road. The roadside vegetation would also be substantially reduced. Whilst the retention of vegetation to the west of the site would help to soften the appearance of the new houses, this element of the proposal would result in harm to the character and appearance of the area.
15. The proposed bungalow would replace low level domestic buildings. With care, much of the important surrounding vegetation could be retained. Its position would however be at odds with the general pattern of development in the immediate vicinity and it would be prominent in views from the adjacent public footpath. This element of the proposal would also detract from the character and appearance of the area.
16. There is a relatively large pond within the site which together with the surrounding vegetation provide habitats for a variety of species. The potential impact of the proposal in this regard has not been adequately considered. The potential impacts on bats, as a result of the demolition of the existing buildings, have also not been addressed. Given the lack of information in this regard, it cannot be assumed that the proposal would not result in harm to biodiversity and protected species. It is suggested that mitigation measures could be required by conditions but without appropriate evidence provided as part of the application, including indications as to whether further survey information would be necessary, such conditions would be unacceptably

imprecise. The potential harm to biodiversity results in significant environmental concerns.

Other considerations

17. The houses would be closely related to the settlement which the appellant advises was ranked second of the Group 2 Villages in terms of facilities and services. These would be accessible by foot and by bicycle; or by very short journeys in private cars. There is also a bus stop nearby which provides good links to high order settlements and the railway station in Ware. This location therefore has many benefits with regard to accessibility.
18. The appellant suggests that a more logical and defensible boundary for the settlement would include this land. However, this would be a matter for consideration during the formulation of a Neighbourhood Plan. I acknowledge however that the settlement boundary is drawn tightly around the built-up area and this does limit the potential for additional housing elsewhere which has implications for any likely increase in future support for local services.
19. The houses would result in social benefits, supported by paragraph 59 of the Framework, in providing three extra dwellings which would contribute to housing supply. I have considered this in the light of the overall housing supply position set out in the newly adopted DP.
20. The new residents would contribute to the social life, services and facilities of the village and other nearby communities and would make an important contribution to supporting such facilities and services, particularly as they have been designed as family homes.
21. There would be economic advantages from the construction works involved in building the new dwellings. Residents would also contribute to the economy by their own economic activity and by their use of local shops and services.
22. The two replacement dwellings would improve upon the appearance of the existing dwellings. This would be a positive feature with regard to environmental objectives. It is likely also that they would be built to higher standards with regard to thermal efficiency. The potential to introduce renewable energy provision would also offer benefits and reduce the overall environmental impact of the proposal.

Conclusions

23. The proposal would result in inappropriate development within the Green Belt. It would also reduce the openness of the Green Belt. The *Framework* is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
24. The *Framework* is clear that substantial weight should be given to any harm to the Green Belt. In addition to the Green Belt harm from inappropriateness and the reduction in openness, there are also environmental concerns relating to the impact on the character and appearance of the area and on biodiversity. Although this is an accessible location, I have also found conflict with the Council's spatial strategy including conflict with DP policy VILL2. The harm that would result to the living conditions of the neighbouring residents also weighs against the proposal.

25. Although I have had regard to all the considerations put forward, I conclude that the social, economic and environmental benefits, including the accessibility of the site, do not clearly outweigh the harm from inappropriateness, the reduction in openness and the other harm that has been identified. As very special circumstances only exist if the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, I must conclude that very special circumstances do not exist. The proposal would therefore result in conflict with DP policy GBR1 and the Framework.
26. The appellant has suggested that a split decision could be issued allowing the two replacement dwellings. The DP is silent with regard to replacement dwellings. However, as the existing dwellings are within a Group 2 Village, their replacement would not be at odds with the DP spatial strategy. I am mindful that the appellant sought pre-application advice which I am advised offered support for this element of the scheme. As a result, the application documents contain a lack of detail with regard to whether this element of the proposal on its own, represents inappropriate development. I am mindful also that the application should have included a Preliminary Roost Assessment with regard to the potential for roosting bats. I am not therefore able to reach a positive decision with regard to this element of the proposal on the basis of the evidence submitted.
27. Overall, I conclude that material considerations do not indicate that the proposal should be determined otherwise than in accordance with the development plan. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR



Appeal Decision

Site visit made on 4 July 2019

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

an Inspector appointed by the Secretary of State

Decision date: 19 July 2019

Appeal Ref: APP/J1915/W/18/3214511

Wharenui, Danebridge Lane, Much Hadham, Hertfordshire SG10 6HX

- 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 Miss Amanda Johnston against the decision of East Herts Council.
 - The application Ref 3/18/1186/FUL, dated 15 May 2018, was refused by notice dated 10 August 2018.
 - The development proposed is a two storey detached house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the house would be in a suitable location with particular regard to access to employment, services and facilities.

Procedural Matters

3. Since the Council's decision, the East Herts District Plan 2018 (DP) has been adopted and now forms part of the development plan. The policies of the East Herts Local Plan Second Review 2007 no longer have effect.

Reasons

4. The proposal would result in a new house within the garden of the existing dwelling. The property is one of a number of houses that are built on both sides of Danebridge Lane which is an unmade track that adjoins Danebridge Road. This small but distinct area of housing is set within open countryside. The settlement of Much Hadham lies to the northwest whilst the smaller settlement of Green Tye lies to the southeast.

Suitability of the location

5. Policy DPS2 of the newly adopted DP sets out its strategy for achieving the approved 5 year housing land supply which prioritises the use of brownfield sites and directs new housing to the larger settlements. The DP development strategy seeks to balance the need to support vital and viable rural communities with the desire to conserve the countryside. It accepts limited
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- development in the villages and classifies them into three groups, reflecting their relative sustainability.
6. The nearby village of Much Hadham is a Group 1 Village which performs well with regard to the range of services and facilities; its accessibility to higher order settlements; and the level of public transport provision available. DP policy VILL1(V) advises that prior to a Neighbourhood Plan being prepared, new development will be limited to the built-up area of the village as defined by the Policies Map. A Neighbourhood Plan is not in force and the nearest part of the adopted policy boundary is a significant distance from the appeal site. The proposal is therefore contrary to DP policy VILL1.
 7. The appeal site is within a consolidated group of properties but I would not consider that this should be considered as a village in its own right. Whilst DP policy VILL3 advises that the other undefined villages/settlements are Group 3 Villages, even if it were to be considered as a village, policy VILL3 only accepts limited infill development identified in an adopted Neighbourhood Plan. As no plan exists, the proposal would be at odds with this policy.
 8. The DP identifies that the site is located in the 'Rural Area Beyond the Green Belt' where sustainable development will be permitted in accordance with policy GBR2. The policy lists a number of types of development that are considered to be acceptable subject to them being compatible with the character and appearance of the rural area. This list includes limited infilling or the redevelopment of previously developed sites in sustainable locations.
 9. Reference has not been made to a definition for 'limited infilling' within the DP. This group of houses does not have a unified layout and the buildings do not have uniform set-backs from the unmade track. There is a significant distance between this house and its neighbour and a large part of this is taken up by an area of woodland that bounds the track and then extends to the rear of these houses. I am not persuaded that development within this plot should be considered as infill development.
 10. It has been suggested that this area of garden represents previously developed or brownfield land. The definition of previously developed land is set out in the National Planning Policy Framework (the Framework). It specifically excludes land in built-up areas such as residential gardens. Although this site and the neighbouring properties do not form part of the identified settlement, they do represent a small area of consolidated residential development. I consider this small enclave of houses with their driveways, outbuildings and other domestic features, to represent an area of built-up development. The site is therefore excluded from the definition of previously developed land and falls outside the scope of that element of policy GBR2.
 11. Reference has been made to a High Court ruling which considered the definition of previously developed land. In that case, (*Dartford Borough Council v SOS* dated 21 January 2016), it was found that residential gardens need not be excluded from the definition if they are not in a built-up area. This house and the other houses along this track form a pocket of development that I consider makes up a clearly defined built-up area. The judgement is not therefore of direct relevance.

12. Even if I were to accept the appellant's view that this site represents previously developed land, it would also have to satisfy the second part of policy GBR2, that it is located in a sustainable location. The property is not a significant distance from Much Hadham which benefits from a range of facilities and services and it is on a bus route to higher level settlements. However, the appeal property is not within the village and is located on an unmade track that links with a narrow unrestricted country lane that winds its way towards the settlement.
13. Access to the village by a competent cyclist is practical and although of a greater distance, access to the nearby larger settlement of Bishops Stortford would also be possible for some. However, these roads are not suited to pedestrian use, particularly by those with children or mobility impairments. There is however a good network of rural footpaths that provide much more convenient and attractive, more direct pedestrian access to both Much Hadham and Green Tye. I note the regular use by the appellant of these to access village services and activities. For some journeys and some users, the site would offer accessibility to services and facilities and may at certain times, encourage the use of means of transport other than a private vehicle.
14. The use of country paths for access, although offering significant benefits and potential for use, offer only limited opportunity for use by a full range of users as they are generally unsurfaced and unlit. The bus routes do not pass these houses with the nearest bus stop being within Much Hadham. Given the distances involved and the nature of the routes to the nearest settlements, although this site has some locational advantages, I am not satisfied that it represents an accessible location for a full range of potential occupiers of a family dwelling.
15. The appellant suggests that the residents of the appeal site would be nearer to employment sites, the mainline station and a full range of retail provision in Bishop Stortford and other settlements than residents of Much Hadham. Whilst this may be the case, Much Hadham has a range of more easily accessible services for the villagers and the bus routes through it provide alternative methods of travel to the higher order facilities.
16. I acknowledge that given the intended first occupiers of the property, there would be a reduction in journeys by the appellant. I must however consider the long term implications of a large dwelling. Given that the proposal is for a four bedroom family house, it would potentially generate the need for a significant range of trips. Although some potential residents may be able to cycle or walk in certain circumstances to access services, facilities and employment, it is likely that many journeys would be reliant on private vehicles.
17. Overall, I find that this site does not represent a sustainable location for new development and even if it were accepted that the site is previously developed land, it would not gain support from DP policy GBR2.

Other matters

18. Although I have found that this location is not highly accessible, there are other elements of sustainability that should be taken into account. The Framework identifies three overarching objectives: social, economic and environmental.

19. I accept that the dwelling has been designed and located to ensure that it would sit satisfactorily within its surroundings. Renewable energy features could be included and landscaping and biodiversity enhanced. The presence of other properties would allow for the more efficient use of services already provided. However, even when taking these matters into account, I find overall that the likely level of reliance on private vehicles would result in the dwelling not satisfying the environmental objectives of the Framework.
20. The proposal would result in social benefits, supported by paragraph 59 of the Framework, in providing an extra dwelling which would contribute to housing supply. I must consider this in light of the housing supply figures within the newly adopted DP. The residents would be likely to contribute to and support the activities and services of the nearby local communities, including Much Hadham and Green Tye which gains support from the Framework. Although I have limited information, the personal circumstances of the appellant appear to be such that in the first instance, the house would bring social benefits with regard to the provision of care which would improve the living conditions of the residents of both properties.
21. There would be economic advantages from the construction works involved in building a new dwelling. Residents would contribute to the economy by their own economic activity and by their use of the local shops and services in the local villages. They may also contribute to, and benefit from, the existing and developing employment opportunities locally that have been referred to by the appellant.
22. With regard to sustainability, whilst there would be social, economic and some environmental benefits of a new dwelling, I find that these would be outweighed by the environmental concerns resulting from the likely level of reliance on private vehicles for most trips. I am not satisfied therefore that this proposal represents sustainable development.
23. The appellant advises that six houses at Warren Place were approved in 2015 and permission granted for a further two houses in 2016. It is suggested that those houses are in a much less sustainable location than the appeal site and would require residents to use private vehicles for longer journeys. These were approved before the DP was adopted and the appellant describes that the application related to former agricultural buildings. I am not satisfied that the housing supply position, the relevant policies or the circumstances of the proposal are comparable. This would similarly be the case with regard to the application referred to at Springs Farm which related to a change of use. These applications do not provide weight in favour of this development.
24. Reference has been made to an application close to this site, for a dwelling, at 1 Danebridge Lane, which was submitted on 11th December 2018. I have had regard to the planning statement associated with it. However, as the application has been refused, it does not offer weight in favour of this proposal. In any event, I must consider this development on its own merits and in the light of the up to date development plan.

Conclusions

25. The proposal would conflict with the spatial strategy of the newly adopted development plan and the specific policies GBR2 and VILL1 (or VILL3). It would

be contrary to the development plan when considered as a whole. Although there would be social and economic benefits and some environmental benefits, given the current housing position resulting from the adoption of the DP and the consequent reduced weight to be afforded to achieving a single new dwelling, I consider that on balance, the weight I afford to these benefits would be outweighed by the environmental concerns relating to the likely reliance of residents, for many of their journeys, on private vehicles. Whilst some journeys could be carried out on foot or by bicycle and the residents would contribute to the services and facilities of the nearby settlement, I find overall that this does not represent a sustainable location for new development and the proposal would therefore be at odds with the objectives of the Framework when taken as a whole.

26. Overall, whilst I have considered all the matters put forward by the appellant, including the particular family circumstances, I conclude that these material considerations do not indicate that the proposal should be determined otherwise than in accordance with the newly adopted development plan. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR



Appeal Decision

Site visit made on 22 July 2019

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2019

Appeal Ref: APP/J1915/W/19/3228073

The Horseshoe, Widford Road, Much Hadham, SG10 6AT

- 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 Lamkin against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1517/FUL, dated 2 July 2018, was refused by notice dated 5 November 2018.
 - The development proposed is erection of 3 no. dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues to be considered are i) whether the appeal proposal would constitute an appropriate form of development with particular regard to the provisions of local and national policy in respect of the location of the development and ii) the impact of the proposal upon the character and appearance of the area.

Reasons

Whether the proposal would constitute an appropriate form of development

3. The appeal site is a greenfield site which is located outside of the defined settlement boundary of Much Hadham, which is categorised as a Group 1 Village, and adjoins the Much Hadham Conservation Area. There is an existing bungalow and a cottage located to the South of the appeal site, however, other than this the site boundaries are adjoined by open countryside and Widford Road (B1004). There is a notable gap between the built-up confines of the village and the boundary of the appeal site.
4. The adopted East Herts District Plan 2018 (DP) is a recently adopted local plan and is therefore considered to be up to date to and consistent with the National Planning Policy Framework 2019 (the Framework). Adoption would have been as a result of an examination concluding that the plan was sound in that it was positively prepared, justified, effective and consistent with the Framework. The starting point for decision making is the development plan, as there are no material considerations to indicate otherwise, as outlined in Section 38(6) of the Planning and Compulsory Purchase Act 2004.

5. I have no evidence before me to support that the Council, at pre-assessment stage of the new DP, stated that this site was sustainably located. The village boundary has not been amended through a Neighbourhood Plan for Much Hadham. Much Hadham, as a Group 1 village, may well be required to accommodate a 10% increase in housing stock. Despite this, I have no evidence before me to suggest that this cannot be met through existing/allocated sites to be brought forward within the DP especially so early after adoption. The appeal site has not been brought forward in conjunction with an adjoining site and the Council's delegated report states the site, as part of a larger site, was rejected due to being poorly related to the existing village.
6. DP Policy GBR2 allows for certain types of development, provided they are compatible with the character and appearance of the rural area, with point (e) allowing limited infilling. The terms 'limited' and 'infilling' are not defined in the revised Framework. These are essentially a question of fact and planning judgement having had regard, for example, to the nature and size of the development itself, the location of the application site and its relationship to existing development adjoining and adjacent to it¹.
7. Given my observations during my site visit, as outlined above, whilst the number of dwellings may be limited, I find that the proposal would fail to represent infilling given the lack of relationship to existing development and a general lack of development adjacent to the appeal site boundaries. There is noted to be development to the North, some distance from the appeal site. I have no details of their planning history to attribute any weight to their presence outside of the settlement boundary and within the Rural Area beyond the Green Belt. In any case the houses to the North are also not included within the development boundary on the Policies Map within the recently adopted DP.
8. DP Policy VILL1 allows development for housing *within* the Group 1 Villages as defined on the Policies Map, however, the appeal site is beyond the settlement boundary and is physically separate from the built-up confines of the village as outlined. I find this would be out of keeping with the character of the village and would detract from the openness of the countryside. The dwellings would encroach into a relatively open space, away from the bulk of existing built form. Furthermore, the creation of garden areas would then lead to a domesticated appearance which would have further harmful effect on openness as an encroachment into the countryside compared to what is currently a green, open, space with a rural appearance.
9. Paragraph 12 of the Framework states that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Decisions can be made that depart from an up-to-date development plan, but I have no material considerations before me that indicate that the plan should not be followed in the determination of this appeal.
10. As a result of this I find that the proposal is unacceptable in principle. The proposal would conflict with DP Policy GBR2 which restricts development in the Rural Area beyond the Green Belt and DP Policy VILL1 which only allows for housing within villages, as defined on the Policies Map, which relate well to the

¹ R (Tate) v Northumberland County Council [2018] EWCA Civ 1519

village in terms of location and which does not detract from the openness of the countryside.

Character and Appearance

11. I do not find the appeal proposal as a standalone site would be a logical extension of the existing residential development along this side of Widford Road nor that it would be seen in the context of other development due to distance between the built form to the North. The proposal would result in built form being introduced within this green, open, space which would be out of character for the area when considering the general development pattern. The proposal would be notable in views for users of Widford Road and users of the public footpath. It would appear as an intrusion into the countryside with a notable gap between the appeal boundary and the village to the North. I find this to negatively impact upon the appearance of the immediate surroundings as a result of it being detached from, and failing to relate to, the built-up part of the village.
12. A condition requiring additional landscaping may take some positive steps to addressing the visual impact on the appearance of the area, but it would do little to address the impact on the rural edge of village character of the area which I have identified. Even if the development could have been made acceptable through the application of conditions relating to such matters, I still find the principle of the proposal unacceptable, which would result in refusal.
13. The proposal would conflict with DP Policy DES2 which requires proposals to demonstrate how they conserve, strengthen or enhance the character of the district's landscape and DP Policy DES4 which requires proposals to respect or improve upon the character of the site and surrounding area.

Other Matters

14. I note that there are a number of comments submitted in support of the proposal, however, I attribute limited weight to these given that none raise material considerations which would justify a departure from the adopted DP. The Council have not included any reasons for refusal relating to design, layout or house type so in that regard that has not formed part of the issues considered within this appeal. I have no evidence before me to suggest there is a need for family homes within the area and whilst it is noted that affordable housing is stated to be needed, the development does not seek to provide affordable dwellings, only market housing, as part of the proposal. It would be unusual for large five-bedroom dwellings to be considered as affordable dwellings regardless of geographical area. Whilst it may be low density and a small number of dwellings, unfortunately I find that the principle of the proposal contrary to the DP.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR



Appeal Decision

Site visit made on 4 July 2019

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

an Inspector appointed by the Secretary of State

Decision date: 19 July 2019

Appeal Ref: APP/J1915/W/18/3218013

Coopers Yard, Friars Road, Braughing Friars, Braughing SG11 2NR

- 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 Nathan Cooper against the decision of East Herts Council.
 - The application Ref 3/18/1554/FUL, dated 6 July 2018, was refused by notice dated 2 October 2018.
 - The development proposed is the demolition and removal of existing structures, construction of a new single storey, two-bedroom dwelling and associated access and parking area.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the house would be in a suitable location with particular regard to access to employment, services and facilities.

Procedural Matters

3. Since the Council's decision, the East Herts District Plan 2018 (DP) has been adopted and now forms part of the development plan. The policies of the East Herts Local Plan Second Review 2007 no longer have effect.

Reasons

4. The proposal would result in a new house, built on land which is currently partly occupied by buildings or their remains. The site is to the rear of a range of nursery/garden centre buildings and a house. To the west, there is a further area of largely derelict greenhouse structures. There are a number of other dwellings within the vicinity which make up the hamlet of Braughing Friars.
 5. Policy DPS2 of the newly adopted DP sets out its strategy for achieving the approved housing land supply. It prioritises the use of brownfield sites and directs new housing to the larger settlements. It accepts limited development in villages which it classifies in order of their relative sustainability. The loose knit group of properties forming the hamlet of Braughing Friars is not identified as a Group 1 or 2 Village. Policy VILL3 advises that the other villages/settlements are Group 3 Villages. Given the character and size of this hamlet, I am not certain that it was considered as a 'Village' for the purposes
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- of producing the DP. In any event, within Group 3 Villages, policy VILL3 only accepts limited infill development identified in an adopted Neighbourhood Plan.
6. This hamlet falls within the area of the Braughing Parish Neighbourhood Plan 2017–2033 (NP) which was adopted in 2018. This identifies housing sites within or adjacent to the adopted Braughing settlement boundary. The appeal site lies a considerable distance from the settlement and its boundary and it is not a site identified for housing by the NP. The proposal would therefore be at odds with the recently adopted NP. If considered as being within a Group 3 Village, it would also be contrary to Policy VILL3(II).
 7. The appeal property lies within an area identified as the 'Rural Area Beyond the Green Belt'. DP policy GBR2 seeks to maintain this rural area by concentrating new housing within existing settlements. The policy lists a number of developments that are considered to be acceptable within this area subject to them being compatible with the character and appearance of the rural area. The list includes limited infilling or the redevelopment of previously developed sites in sustainable locations. Development within this plot could not be considered as infill development.
 8. There is dispute between the parties as to whether the site represents previously developed land. The lawful use of this site has not been determined by way of an application or a lawful development certificate. It is not the purpose of this appeal to make a determination with regard to lawfulness and the evidence is insufficient to reach such a conclusion in any event.
 9. Although it has not been definitively demonstrated that the site represents previously developed land; or that the proposed works would lie within the curtilage of the remaining buildings, even if I accept the appellant's view, the proposal would also have to satisfy the second part of DP policy GBR2, that this is a sustainable location.
 10. The property is not a significant distance from the facilities and services of Braughing. The footpath would offer the potential to walk in some circumstances and Friars Road would allow access by bicycle. The village offers a bus service but the difficulty in accessing it would reduce its attractiveness. Given the nature of this countryside location and the distances involved, it is accepted that most journeys would be by private car. I acknowledge that many of these journeys would be over only short distances and that the appellant already travels to the site on a daily basis. However, I consider that the introduction of a new dwelling would increase journeys overall.
 11. The new property would detract from, rather than offer opportunities for, maximising sustainable transport solutions. I am not satisfied therefore, that this proposal represents a sustainable location for new development. Even on the basis of the view of the appellant with regard to the definition of the land, the proposal would be at odds with DP policy GBR2.

Other matters

12. Although I have not found this to be an accessible location, there are other matters that are important with regard to achieving sustainable development overall. The National Planning Policy Framework (the Framework) identifies three overarching objectives: social, economic and environmental.

13. The proposal would result in social benefits, supported by paragraph 59 of the Framework, in providing an extra dwelling which would contribute to housing supply. Although this weighs in favour of the proposal, I must consider this in the light of the overall housing supply position contained in the newly adopted DP. There would be further social benefits as the residents would contribute to the life of this hamlet and support the services and facilities of the nearby local communities, particularly Braughing.
14. There would be economic advantages from the construction works involved in building a new house and the residents would contribute to the economy by their own economic activity and by their use of the local shops and services.
15. With regard to environmental objectives, the proposal would remove the existing structures which detract from the appearance of the site, particularly when experienced from the footpath. The existing structures are low key elements in the wider environment and are contained within a small area. Whether left as they are or refurbished and brought back into use, they would have a more limited wider impact than a house of the size proposed.
16. The inclusion of a dwelling in this location, further from the road than its neighbours, would be at odds with the general pattern of development and the house and its garden would encroach into land that is currently open. The proposed design would be sympathetic with regard to building styles in the area and there would be the potential for significant levels of new planting. The presence of other buildings, both to the west and to the south, would help to reduce its wider prominence. However, I find that the impact of the development on the character and appearance of the area, despite the removal of existing buildings, would be harmful.
17. It has been suggested that the former uses of the appeal site could resume which may result in greater levels of traffic. I consider that a more intensive use of the overall site, including the former garden centre buildings, would be more likely if a dwelling were to be permitted but in any event, there is no certainty that the former use would resume should this appeal fail. There is also no certainty that allowing a dwelling would result in fewer overall vehicle movements in the long term.
18. With regard to sustainability, given the nature of this site, there is potential for improvements to biodiversity and the generation of power from renewable sources which would weigh in favour of the proposal. However, even when the potential positive elements are taken into account, on balance, the impact on the character and appearance of the area together with the limited accessibility of the site would overall result in harm to the environmental objectives of the Framework. These would outweigh the social and economic benefits of a new dwelling. I am not satisfied that overall, the proposal represents sustainable development.
19. The appellant has made reference to the approved development of four houses at the nearby Ideal Farm. Whilst there are a number of parallels with this proposal, crucially, that decision was made prior to the adoption of the DP and the NP. I must consider this proposal in the light of the current development plan which identifies an appropriate supply of housing land.

20. Reference has also been made to an appeal decision that allowed a house in Devon. That decision is not directly comparable with this proposal as the development plan did not demonstrate a suitable supply of housing.

Conclusions

21. Even on the basis of the appellant's view that the site represents previously developed land, which has not been conclusively demonstrated, the proposal would conflict with the spatial strategy of the newly adopted DP and its specific policies GBR2 and VILL3(II). It would also conflict with the NP. The proposal would be contrary to the development plan when considered as a whole.
22. The social, economic and environmental benefits of the proposal would be outweighed by the environmental concerns. The development would not represent sustainable development and would be at odds with the Framework when taken as a whole.
23. Although I note the lack of concern raised by the Parish Council, I conclude that the material considerations put forward, although offering some weight in favour of new development, do not indicate that the proposal should be determined otherwise than in accordance with the development plan. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR



Appeal Decision

Site visit made on 4 July 2019

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2019

Appeal Ref: APP/J1915/W/18/3210005

1 Home Farm Cottages, Hunsdon Road, Stanstead Abbots SG12 8LJ

- 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 Altoft against the decision of East Herts Council.
 - The application Ref 3/18/0365/FUL, dated 16 February 2018, was refused by notice dated 13 April 2018.
 - The development proposed is the conversion of garage/store to create an ancillary residential annexe.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of garage/store to create an ancillary residential annexe at 1 Home Farm Cottages, Hunsdon Road, Stanstead Abbots in accordance with the terms of the application, Ref 3/18/0365/FUL, dated 16 February 2018, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 13129-S001; 13129-P001-A.
 - 3) The external materials and finishes shall match those of the existing building.

Procedural Matters

2. Since the Council's decision, the East Herts District Plan 2018 (DP) has been adopted and now forms part of the development plan. The policies of the East Herts Local Plan Second Review 2007 (LP) no longer have effect.
 3. The Council and third parties have indicated that the conversion of this building would not result in an ancillary annexe to the main house and would represent a new dwelling. The proposal would have no physical link to the main dwelling or its curtilage. Although the appellant may wish to use the accommodation in a manner that has an association with the use of the dwelling, it would offer all the facilities and independence of a separate dwellinghouse. If allowed, it would result in a new dwelling. Although I have retained the suggested description, I have considered its merits on this basis.
-

4. The Council have not identified what harm would result from the use of the building as a dwelling. An appeal statement has not been provided. I have therefore had regard to the most relevant Guiding Principles of the DP which seek to prioritise the use of brownfield land and other appropriate sites within the settlements; focus development in locations where the impacts on the historic and natural environment would be minimised; and protect and enhance the rural area and the Green Belt to maintain the countryside and the rural character of the District.

Main Issue

5. As the Council accepts that the proposal would not represent inappropriate development in the Green Belt and would not harm the character or appearance of the area, the main issue is whether the new dwelling would be in a suitable location with particular regard to its access to employment, services and facilities.

Reasons

6. The proposal relates to an outbuilding associated with the dwelling at 1 Home Farm Cottages. The property lies within the Green Belt. Its current use is described as being a garage/store. It forms part of a range of buildings that it would appear were originally part of a farm complex and many of these are now in industrial use. The appeal building is separated from the house, its garden and its driveway by a track which leads between the buildings to the rear.
7. The Council refer to LP policy ENV8 which relates to annexes. This has been replaced by DP policy HOU13. This is a permissive policy which accepts annexes in certain circumstances. These include when a building has a clear functional link to the main dwelling. The proposal would not satisfy this policy. The supporting text advises that within the Green Belt permission would be unlikely to be granted for the later sub-division of a property and its annexe to two separate residential units, unless the proposal meets the planning criteria which would be applied to new proposals for a separate dwelling. Although not directly relevant, as this proposal would result in two separate dwellings, it should be considered under the requirements for new dwellings.
8. DP policy ED2 provides guidance with regard to the conversion of buildings that are in agricultural or employment generating uses. These seek to maintain employment uses. I have not been directed to any other policy that addresses the potential for the conversion of buildings which do not have a lawful commercial use. As there has been no suggestion that the domestic use of this building is unlawful, I have considered it on this basis.
9. As the DP housing policies are silent with regard to the conversion of a building with no employment use to a dwelling, it falls to be considered under paragraph 11(d) of the Framework. This advises that where there are no relevant development plan policies, permission should be granted unless (i) the policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

10. With regard to paragraph 11(b)(i) the policies relating to the Green Belt are of relevance. DP policy GBR1 advises that applications in the Green Belt will be considered in line with the provisions of the National Planning Policy Framework (the Framework). Paragraph 146(d) accepts that the re-use of buildings of a permanent and substantial construction is not inappropriate in the Green Belt. The Council accept that the building is of permanent and substantial construction and have not suggested that the proposal represents inappropriate development in the Green Belt. The Green Belt policies do not therefore provide clear reason for refusing the development. It is therefore necessary, with regard to paragraph 11(b)(ii), to consider whether any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

Suitability of the location

11. The appeal property is not within a settlement and is located on an unrestricted country lane. It is not a significant distance from local settlements which benefit from a range of facilities and services, including a train station. Although no evidence has been put forward, it appears that there may be a bus service along this road. However, given the nature of the location, the character of the road and the distances involved, I anticipate that most journeys would inevitably be by private car. I acknowledge that many of the necessary journeys would be relatively short and as this would not be a family dwelling, such journeys would be fewer in number compared to a larger house. However, whilst some residents may be able to access services by other means, this is not a highly accessible location and the likely reliance on private vehicles for most journeys would not support sustainable transport objectives and would result in environmental harm from carbon emissions.

Other matters

12. The proposal would result in social benefits, supported by paragraph 59 of the Framework, in providing an extra dwelling which would contribute to housing supply. The weight I afford the addition of a single dwelling is limited given the approved supply of housing identified in the newly adopted DP. The residents of this one or two person property would be likely, in a small way, to contribute to the life of the nearby local communities and support their services.
13. Although I have limited information, the personal circumstances of the appellant are such that in the first instance, the house would facilitate the provision of care. Although I must consider the long term impact of a dwelling, this arrangement would bring some social benefits and may reduce demands on care facilities elsewhere in the future. I am satisfied that the land outside the property and within the appellant's control would provide adequate amenity and parking space for a dwelling of this nature.
14. There would be economic advantages from the conversion works. Residents would contribute to the economy by their use of local shops and services and by their own economic activity.
15. Paragraph 118(d) of the Framework promotes and supports the development of under-utilised land and buildings. I am mindful also that paragraph 79 accepts isolated homes in the countywide if the development would re-use redundant or disused buildings and enhance the immediate setting. Whilst this building is

in the countryside, it would not represent an isolated home given the development around it. I consider however that the Framework offers some support for the principle of such development.

Conclusions

16. The provision of a small dwelling would provide some social and economic benefits. These benefits would be commensurate with the small scale of the property and limited due to the current housing land supply within the district. There would however be no harm to the character or appearance of the area and the proposal would make a more effective use of this building. Whilst there would be some environmental concerns, these relate only to the likely reliance on private vehicles. The numbers and lengths of journeys would be limited given the size of the property and its location not too distant from nearby settlements. There is also some potential for the use of other means of travel. The nature of the location does however weigh against the proposal and results in some environmental harm.
17. The development plan is silent with regard to the conversion of existing domestic buildings to new dwellings. Whilst it does not gain support from its policy on annexes, I have found no clear conflict with its housing policies. Although it does not offer clear support for the Guiding Principles of the DP, it would also not undermine them. I do not therefore find conflict with the development plan overall. Paragraph 11(b)(ii) of the Framework is relevant and whilst I have identified some environmental harm, this needs to be balanced against the benefits which I have also found to be relatively limited given the housing supply position and the scale of the dwelling proposed.
18. Whilst finely balanced, I conclude that the limited environmental harm resulting from the use of private vehicles by the residents of this small dwelling would not significantly and demonstrably outweigh the social and economic benefits of the proposal. In these circumstances, the Framework is clear that permission should be granted.
19. I have considered all the matters put forward including the concerns raised by the neighbouring resident. However, as the development plan is silent with regard to the conversion of non-commercial buildings and as the harm would not significantly and demonstrably outweigh the benefits of an additional dwelling, I allow the appeal.
20. I have imposed conditions with regard to the commencement of the development and the details of the approved plans in the interests of certainty. I have also required that the materials match to ensure that the works would have a satisfactory appearance. The Council have not suggested that the use should be restricted to an ancillary use and I agree that such a condition would not be appropriate in these particular circumstances.

Peter Eggleton

INSPECTOR



Appeal Decision

Site visit made on 2 July 2019

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2019

Appeal Ref: APP/J1915/W/19/3226251

33 Ladywood Road, Hertford SG14 2TE

- 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 Travis Marsh against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/2394/FUL, dated 15 November 2018, was refused by notice dated 12 February 2019.
 - The development proposed is change of use of amenity land to residential land. Construction of replacement boundary garden wall.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of amenity land to residential land and construction of replacement boundary garden wall at 33 Ladywood Road, Hertford SG14 2TE in accordance with the terms of the application, Ref 3/18/2394/FUL, dated 15 November 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 approved plans: 180503.01, 180503.02, 180503.03 and 180503.04.
 - 3) The external materials of construction and finishes for the building works hereby permitted shall match those used for the existing building.

Procedural Matter

2. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description. I shall determine the appeal on this basis accordingly.

Main Issue

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

Reasons

4. The appeal site comprises of an area of grassed open amenity space running along the side of No. 33 Ladywood Road (No. 33), a two storey end terrace

dwelling that occupies a corner position within a modern residential estate. It has a modest rear garden enclosed by a high boundary wall that is set back from the main estate road behind a footpath and the appeal site. The estate has a number of plots of open amenity land, both in public and private ownership. In this instance, the appellant has provided evidence to confirm that he owns the land, and this is undisputed by the Council.

5. Whilst many of the properties are characterised by open frontages with semi-mature planting, a number of the corner properties on the estate are built close to the highway with a variety of boundary treatments including high brick walls and various combination of walls, fences and landscaping that provides some variation in the appearance of the area.
6. The proposal would entail the construction of a replacement brick wall of about 2m high to enclose part of the open amenity space to provide an additional garden area. The proposed wall would be set back from the front elevation and extend out by about 2.4m from the side of the property. The proposed wall would have a staggered form and height to match the existing wall and would be set back about 1m from the back edge of the footpath.
7. Whilst the appeal site would be located in a prominent position, the scale, form and design of the proposed wall would not represent a wholly uncharacteristic feature within the immediate area. The final form and overall height of the proposed wall will not appear dissimilar to that currently in place. It would sit relatively unobtrusively against the two storey form of the main property and would extend out broadly in line with the front elevation of No. 29 Ladywood Road to the rear of the site. In my view, sufficient amenity space would be retained to the front and alongside the proposed wall to limit any significant adverse impacts on the street scene. This would be further enhanced by the retention of the open plan front garden at No. 33 and the open grassed verge located directly in front of the properties on the opposite side of the road.
8. Consequently, I conclude that the enclosure of the amenity open space and the overall height, siting and appearance of the proposed wall would not adversely harm the character and appearance of the area. It would be consistent with the overall aims of Policies DES3 and HOU12 of the East Herts District Plan 2018. These policies, amongst other things, seek to ensure that the proposals involving the change of amenity land to residential garden do not result in an adverse effect on the character and appearance of the area, provide appropriate boundary treatment and retain, protect and enhance existing landscape features which are of amenity value.
9. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty. In order to protect the character and appearance of the area, I have also imposed a condition requiring that the external surfaces of the proposed wall match those of the existing property.

Conclusion

10. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR



Appeal Decision

Site visit made on 26 June 2019

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision Date: 30th July 2019

Appeal Ref: APP/J1915/W/19/3226353

**The Lordship (C15 North from Winding Hill to New Road), Much Hadham
SG10 6HN**

- 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 Carl Radley against the decision of East Herts Council.
 - The application, ref. 3/18/2503/FUL, dated 1 November 2018, was refused by notice dated 17 January 2019.
 - The development proposed is the change of use of existing outbuildings to a dog grooming business with a parking area.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of existing outbuildings to a dog grooming business with a parking area; at The Lordship (C15 North from Winding Hill to New Road), Much Hadham SG10 6HN, Ref: 3/18/2503/FUL, dated 1 November 2018 subject to the conditions attached as an appendix to this Decision.

Preliminary Matter

2. I have taken the description of the proposed development from the appellant's appeal form which is also reflected on the Council's Decision notice as this reflects the nature of the development more accurately than the Application Form.

Main issue

3. The main issue is whether the proposed change of use to the existing building would provide a suitable location for an employment use having regard to Policies GBR2 and ED2 of the East Herts Local Plan (LP) and paragraph 84 of the National Planning Policy Framework (The Framework).

Reasons

4. The appeal property consists of small outbuildings which were constructed in 2008 and lies within the grounds of a large house known as 'The Lordship.' The building is situated close to the boundary of the grounds and lies adjacent to Winding Hill, with its own access from this road into an enclosed yard area. The existing building and enclosed yard appear to be currently used for storage and maintenance for the host dwelling.

5. In terms of its locational aspects, the appeal site lies approximately 200 metres from the settlement boundary of Much Hadham, a 'Group 1' village under Policy VILL1 of the LP which has a large variety of services and facilities and is stated by the policy that such settlements are the most sustainable villages within the district.
6. Policies GBR2 and ED2 of the LP, whilst supporting employment use in the rural area, are not specific to what it defines as sustainable development, however there are a number of considerations to be factored into the planning balance which involve the economic, environmental and social dimensions which are further clarified in the Framework. Whilst I agree with the Council that the site would be likely to be dependent upon vehicular use, the use for dog grooming does not lend itself to many other forms of other modes of transport available, given the location.
7. The building would however occupy an existing building; generate employment opportunities for 2 full time and 1 part-time staff member; and would contribute to social and economic sustainability given its proximity to Much Hadham in that a new commercial use that is utilised by local residents would contribute to enhancing or maintaining local vitality in Much Hadham. This would mean that customers potentially utilising the dog grooming facility may be likely to visit Much Hadham also.
8. In terms of the environmental considerations, the use would be within an existing building which is well screened from the road, with the use being relatively small which should not cause adverse amenity impacts in terms of noise, smell or visual detriment to the surrounding properties; or have adverse impacts as a result of roads, access or parking of vehicles.
9. Having balanced the three dimensions of sustainable development, to me, the change of use would be a suitable location for the employment use and would therefore be in conformity with Policies GBR2 and ED2 of the LP (where both policies seek that employment generated uses outside of settlements are located in sustainable locations).

Other Matters

10. In regard to my duty under Sections 66 and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the site is located within the Much Hadham Conservation Area as well as being within the setting of the Lordship, a Grade II* Listed Building. I note that the Council considers the development not to cause harm to any of the heritage assets, and having assessed the proposed works against the significance of these heritage assets and their setting, I am also of this view. That said, I am satisfied that there would be no harm caused to the character and appearance of the conservation area, including its setting, or the listed building and its setting.

Conclusion and Conditions

11. For these reasons, and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be allowed and planning permission granted, subject to the conditions as detailed in the annex accompanying this decision.

12. I refer to the conditions specified by the Council in their Statement of Case, if the appeal was to be allowed and have considered them in accordance with the Planning Practice Guidance.
13. Suggested conditions 1 and 2 which set the time period for commencement and approved plans are necessary for the avoidance of doubt and in the interests of proper planning.
14. Suggested condition 3 seeks that the existing access onto Winding Hill be surfaced with a bituminous surface where it crosses the highway verge. This condition is necessary in that it formalises and makes the access suitable for the intended use and avoids gravel spilling onto the highway.
15. Suggested condition 4 limits the hours of operation which is necessary in order to protect the living conditions of surrounding properties.
16. Suggested Condition 5 seeks a provision that the use of the site shall not be for the boarding of dogs. However a boarding kennel use on the site could not be undertaken on the site without the benefit of planning permission. As such the condition is not necessary and is deleted.

J Somers

INSPECTOR

Annexe: Schedule of Conditions

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.
2. The development hereby approved shall be carried out in accordance with the approved plans listed at the end of this Decision Notice.
3. Before first occupation of the approved development, the access onto Winding Hill shall be surfaced with a bituminous surface where it crosses the highway verge and shall be completed in accordance with the approved plans and constructed to the specification of the Highway Authority and to the Local Planning Authority's satisfaction.
4. The premises shall not be used except between 0800 hours and 1900 hours Monday – Saturday and at no time on Sundays, Bank or Public Holidays.



Appeal Decision

Site visit made on 2 July 2019

by **David Troy BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 July 2019

Appeal Ref: APP/J1915/W/19/3226142

Land adjacent to High Trees Farm, Chapmore End, Ware SG12 0HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Nicola Mckay of Hertfordshire County Council against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/2762/OUT, dated 19 December 2018, was refused by notice dated 14 February 2019.
 - The development proposed is residential use of site for one dwelling.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The application was made in outline with all matters reserved other than access for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative other than access.

Main Issues

3. The main issues are:
 - (i) 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;
 - (ii) The effect of the development on the openness of the Green Belt;
 - (iii) Whether or not the proposed development would accord with the Framework and the policies in the development plan relating to the location of new development in the District, having particular regard to the accessibility of local services and facilities; and
 - (iv) 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

4. The appeal site comprises of an open parcel of land situated immediately adjacent to a number of agricultural buildings and outbuildings associated with High Tree Farm to the south-west of the site. A small linear group of residential

properties are located immediately to the north-east and to the south-east on the opposite side of the road. To the west and east of the site are open fields and countryside. The proposal would involve the construction of a detached dwelling with access off the road to the front of the site.

Whether inappropriate development in the Green Belt

5. The appeal site is within the Green Belt and the National Planning Policy Framework February 2019 (the Framework) states at paragraph 143 that inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances.
6. Paragraph 145 of the Framework establishes that, within Green Belts, the construction of new buildings is inappropriate, subject to a number of exceptions, including limited infilling in villages. Policy GBR1 of the East Herts District Plan 2018 (EHDP) states that the development within the Green Belt will be considered in line with national policies for protecting the Green Belt. Chapmore End is a Group 3 village within the settlement hierarchy and there is no dispute between the main parties that the site lies within the village.
7. While the Framework does not provide a definition of what constitutes an infill development, I find it appropriate to rely on the definition that it constitutes a small-scale development that fills a gap in an otherwise built-up frontage. In this case, the appeal site is not located at a point on Chapmore End which can be described as being within a continuously developed road frontage. Rather it sits very clearly at the end of what is a continuously developed road frontage of relatively even spaced residential properties to the north-east of the site. Although there is a dwelling further to the south-west (High Tree Farm) this is located away and separated from the appeal site by a number of agricultural buildings and outbuildings. Given the separation distance and relationship with the adjacent dwellings, I consider that the open appeal site, with its relatively wide frontage, represents a definite visual break and cannot reasonably be considered as a limited infilling in this village location.
8. Consequently, the proposal would constitute inappropriate development in the Green Belt that is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. It conflicts with the aims of the Framework and Policy GBR1 of the EHDP. In accordance with the Framework, I attach substantial weight to the harm arising due to the inappropriate nature of the development in this location.

Openness of the Green Belt

9. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. The Framework advises at Paragraph 133 that openness and their permanence are essential characteristics of Green Belts. Openness is generally defined by an absence of built form and not necessarily to visibility.
10. It is clear from the evidence provided and from my observations during my site visit that, given the screening provided by the mature landscaping around the site and topography of the site and immediate surroundings, the proposed dwelling would not be highly visible in the wider landscape. Nonetheless, on a more local level, the indicative scale and form of the proposed dwelling would not amount to a subservient form of development on the appeal site in its

current open and undeveloped form. The proposed dwelling would result in an increase in the built form in the area which would compromise the sense of openness and would fail to keep the land permanently open.

11. Consequently, I conclude that the development would result in harm to the openness of the Green Belt and as such would conflict with Policy GBR1 of the EHDP and the aims of the Framework which seek to preserve the openness of the Green Belt. I give substantial weight to that harm.

Location of development

12. The appeal site is located on the south west edge of Chapmore End, a Group 3 village. Policy VILL3 of the EHDP sets out limited infill development will be permitted within Group 3 villages, where identified in an adopted Neighbourhood Plan, which is not the case here.
13. Paragraphs 78 and 79 of the Framework seek to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities and avoid new isolated homes in the countryside unless there are special circumstances, such as where there is an essential need for a rural worker, which do not apply in this case.
14. Given the other development in the vicinity of the site, the proposal would not be physically isolated in this rural location and forms part of an isolated cluster of development on the edge of Chapmore End. The settlement of Chapmore End comprises a small linear pattern of development along Chapmore End and lacks any local services and facilities other than a public house. This would, therefore, necessitate the need for the future occupiers to travel for day to day services, facilities and employment in other nearby towns and villages. These settlements are a reasonable distance away and from the evidence provided, and from my observations on my site visit, are not readily accessible by safe public footpaths or a regular public transport service. The appeal site is not within easy walking distance of these settlements and the nature of the surrounding road network, with a lack of footpaths and lighting, limits pedestrian accessibility to the nearby services.
15. Consequently, the appeal site would not be in the optimum location to maximise the use of walking, cycling or public transport to access services and facilities to meet daily needs. The Framework recognises that opportunities to maximise sustainable transport will vary from urban to rural areas. However, in this case, the appeal site would be functionally isolated and remote in this rural location such that the future occupiers of the proposed development would be reliant on the use of the car to reach day to day services, facilities and employment elsewhere. This would, in my view, limit any meaningful enhancement or maintenance of the vitality of the surrounding rural communities and as such the proposal would therefore represent an isolated home in the countryside contrary to the aims of the Framework.
16. Have regard to all the factors above, I conclude that the proposed development would not provide suitable site for housing, having particular regard to the accessibility of local services and facilities and would be contrary to Policies DPS2 and TRA1 of the EHDP. These policies, amongst other things, promote sustainable patterns of development across the District, where development proposals would enable sustainable journeys to be made to key services and facilities to help reduce carbon emission and

ensure a range of sustainable transport options are available to occupants. In addition, the proposed development in this location would not form a limited infill development identified in an adopted Neighbourhood Plan, and as such would conflict with Policy VILL3 of the EHDP.

Other Considerations

17. I have considered the various benefits put forward by the appellant that the proposal would bring, including providing an additional dwelling that would make use of a site that is currently underused and improve its appearance. However, whilst an additional dwelling would make a positive, albeit modest contribution to the supply of housing in the area, there are other means of tidying up the site without the need to construct such an inappropriate residential development. The submitted details illustrate that the proposed dwelling would, subject to the Reserved Matters, be of a high quality design and would be in keeping with the other properties in the area and the character and appearance of the area. Overall, these are benefits that would result in moderate weight in favour of the appeal scheme.
18. I have noted the other development in the area drawn to my attention by the appellant. However, the development for 15 dwellings at Hunsdon¹ has different development and locational characteristics to the appeal scheme and was allowed on appeal in a different policy context. In any event, each proposal falls to be assessed primarily on its own merits and I am unaware of the full circumstances associated with this development. I therefore accord this limited weight as a precedent in this case.

Very Special Circumstances

19. I have concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have concluded that the proposal would harm the openness of the Green Belt. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have concluded that the proposed development would not provide suitable site for housing, having particular regard to the accessibility of local services and facilities, to which I attach significant weight.
20. Having considered all of the matters raised in support of the development, I conclude that, collectively, they do not outweigh the totality of the harm I have identified in relation to the Green Belt. I am not satisfied that any material considerations have been put forward of sufficient weight to outweigh the very strong public interest in protecting the Green Belt from inappropriate development. Accordingly, very special circumstances do not exist and the development would be contrary to EHDP Policy GBR1 and the Framework.

Conclusion

21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR

¹ APP/J1915/W/15/3141268



Appeal Decision

Site visit made on 2 July 2019

by **David Troy BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: Thursday, 11 July 2019

Appeal Ref: APP/J1915/W/19/3226192

244 Hertingfordbury Road, Hertford SG14 2LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Paliadon against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0135/VAR, dated 24 January 2019, was refused by notice dated 21 March 2019.
 - The application sought planning permission for conversion of former public house into a single dwelling with partial demolition of rear of the property to provide a terrace, garden area and double car port and change to fenestrations. Erection of a terrace of 2no. 2 bedroom and 2no. 3 bedroom cottages with 7no. car parking to rear of 244 Hertingfordbury Road without complying with a condition attached to planning permission Ref 3/18/2170/FUL, dated 19 December 2018.
 - The condition in dispute is No 7 which states that: *The proposed first floor window openings to the rear of the terraced row of cottages shall be fitted with a minimum level 4 obscure glazing and non-opening to a minimum height of 1.7m above internal finished floor level (FFL) and shall be permanently retained in that condition unless it can be demonstrated that internal window cill levels are set at a minimum height of 1.7m above FFL.*
 - The reason given for the condition is: *To safeguard the privacy of occupiers of the adjoining property, in accordance with policies DES4 of the East Herts District Plan 2018.*
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of former public house into a single dwelling with partial demolition of rear of the property to provide a terrace, garden area and double car port and change to fenestrations. Erection of a terrace of 2no. 2 bedroom and 2no. 3 bedroom cottages with 7no. car parking to rear of 244 Hertingfordbury Road at 244 Hertingfordbury Road, Hertford SG14 2LG without complying with condition No. 7 previously imposed on planning permission Ref 3/18/2170/FUL, dated 19 December 2018, but subject to the conditions in the attached schedule.

Background and Main Issue

2. Planning permission was granted for the conversion of a former public house to a single dwelling with associated works and the erection of a terraced row of

four cottages at the rear of 244 Hertingfordbury Road in December 2018¹. The appellant seeks to vary condition No. 7 of the previous permission in order to allow the first floor window openings to the rear of the terraced row of cottages to be fitted with clear glazing with the ability to be fully opening.

3. Paragraph 55 of the National Planning Policy Framework February 2019 (the Framework) states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. With this in mind, the main issue is whether condition No. 7 is reasonable and necessary to safeguard the living conditions of the occupiers of the neighbouring property at 242 Hertingfordbury Road with particular regard to privacy.

Reasons

4. The appeal site comprises a former public house and a terraced row of four, two storey cottages, currently under construction, on the northern side of Hertingfordbury Road. Residential properties are located immediately behind the row of cottages. I observed on my site visit, that the closest of these, a two storey dwelling at No. 242 Hertingfordbury Road (No. 242) with its long rear garden, flanks onto and is elevated above the appeal site on higher ground.
5. The first floor windows in the terraced row of cottages would be set back at an oblique angle to the windows at the side and rear of the neighbouring property at No. 242. The development would be separated from the rooms and garden area at the side and rear of No. 242 by a high wall and close boarded fence running along the rear boundary of the appeal site.
6. Whilst I accept that there would be some impact from the proposal, given the design of the development, boundary treatment, site levels, separation distance between the properties and the orientation of the buildings, I do not consider that the proposal would cause significant harm to the privacy, nor result in significant overlooking of the occupiers in the rooms and garden at the side and rear of the adjacent property at No. 242.
7. The principle of the first floor bedroom windows openings to the rear of the terraced row of cottages being fitted with clear glazing and fully opening has already been approved under the previously approved schemes granted in July 2017² and June 2018³. The submitted plans and supporting evidence illustrate that the row of cottages in the appeal scheme would be positioned about 700mm further from the rear boundary of the site. As such the relationship between the development and adjacent properties would not be significantly materially different to the previously approved schemes.
8. Consequently, I conclude that condition No. 7 is not reasonable and necessary to safeguard the living conditions of the occupiers of the neighbouring property at No. 242 with particular regard to privacy. The proposed development would accord with the overall amenity aims of Policy DES4 of the East Herts District Plan 2018. This policy seeks, amongst other things, to ensure that the proposal avoid significant detrimental impacts on the amenity of the occupiers of neighbouring properties and land and ensure that their environments are not harmed by inadequate privacy.

¹ 3/18/2170/FUL

² 3/17/1150/FUL

³ 3/18/1181/NMA

Other Matters

9. I have noted the objections from the third parties to the appeal proposal relating to the impact on the amenities of neighbouring properties, the character and appearance of the area and the overdevelopment of the site. However, I have addressed the matters relating to the living conditions of the occupiers of the neighbouring property in the main issue above. The other matters raised did not form part of the Council's reason for refusal. I have considered the appeal entirely on its own merit and, in the light of all the evidence before me, this does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

Conditions

10. In allowing the appeal and granting the planning permission, I have considered both those conditions imposed on the original planning permission and those suggested by the Council, but with some variations to the wording to reflect that the development has already commenced. A standard time limit condition relating to the commencement of development is not considered necessary. The Planning Practice Guidance advises that the original conditions should be re-imposed if not discharged and this is what the Council have sought. As I have no information before me about the status of the conditions imposed on the original planning permission, I shall impose all of those that I consider remain relevant. In the event that some have in fact been discharged, that is matter which can be addressed by the parties.

Conclusion

11. For the reasons given above, and having regard to all other matters raised, I conclude that condition No. 7 should be varied and the appeal should be allowed.

David Troy

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans and particulars: -
1372_VoC_001 (Site Plan); 1372_VoC_002 (Section Details);
1372_VoC_003 (Proposed Elevations, Site and Roof Plan);
1372_VoC_004 (Proposed Plans).
- 2) Samples of 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.
- 3) Detailed plans showing the existing and proposed ground levels of the site relative to adjoining land, together with the slab levels and ridge heights of the proposed buildings, shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
- 4) Prior to the first occupation of any dwellings hereby approved, details of all boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be erected and retained in accordance with the approved details.
- 5) Detailed drawings of new doors and windows at a scale of not less than 1:20 including materials and finishes shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved plans and specification.
- 6) Before first occupation of the approved development, the modified access serving the development shall be completed in accordance with the approved in principle plan (drawing number SK20 Revision B) (and shall also include kerb upstands on the junction radii) and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction.
- 7) Visibility splays shall be provided and permanently maintained in each direction in accordance with the approved in principle plan, drawing number SK20 Revision B.
- 8) The use of the land for vehicular parking shall not be commenced until the area has been laid out, surfaced and drained in accordance with details first submitted to, and approved in writing, by the Local Planning Authority and shall be maintained thereafter to the Authority's satisfaction.
- 9) Before first occupation of the development, the footway treatment and parking scheme on Hertingfordbury Road as illustrated on drawing number SK20 Revision B shall be completed to the satisfaction of the Highway Authority.
- 10) Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction 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 shall be installed and thereafter maintained and employed at all times during construction of the development. This should include cleaning the wheels of all construction vehicles leaving the site.

- 11) A Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall identify details of:
 - Phasing for the development of the site, including all highway works;
 - Methods for accessing the site, including construction vehicle numbers and routing;
 - Location and details of wheel washing facilities; and
 - Associated parking areas and storage of materials clear of the public highway.
- 12) Prior to first occupation of the development hereby approved, details of landscaping shall be submitted and approved in writing and shall include full details of both hard and soft landscape proposals, finished levels or contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.
- 13) 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.
- 14) A scheme for the on-site storage and regulated discharge of surface water run-off and a scheme for the disposal of foul water has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.



Appeal Decision

Site visit made on 10 June 2019

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

an Inspector appointed by the Secretary of State

Decision date: 17 July 2019

Appeal Ref: APP/J1915/W/19/3224789

36 Lower Clabdens, Ware SG12 7EU

- 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 P Patterson against the decision of East Herts Council.
 - The application Ref 3/19/0170/FUL, dated 28 January 2019, was refused by notice dated 6 March 2019.
 - The development proposed is a 2 bed dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues of this appeal are:
 - the effect of the proposal on the character and appearance of the local area; and
 - Whether the development would provide for a satisfactory standard of living conditions, with particular regard to the proposed internal layout.

Reasons

The effect of the proposal on the character and appearance of the local area

3. The proposal is for a simply designed single two storey, two-bedroom dwelling with pitched roof that would be attached to the flank wall of 38 Lower Clabdens (No 38), a modest semi-detached house, located within a planned residential estate with houses of similar simple mid 20th Century designs. These have modest front gardens and/or parking spaces set behind dwarf walls and correspondingly modest rear gardens.
4. Whilst the surrounding area is not particularly sensitive in architectural or streetscape terms, there is nonetheless a coherent grain to the area and a pleasing appearance of spaciousness and openness. This arises from the simple architectural approach to dwellings in the area, their set back from the street frontage and the spacing between. The corner properties, including that of No 38, that have side gardens wrapping around the house and connecting the front and rear gardens make a positive contribution in this regard.
5. The proposed house would be considerably smaller in scale than many of the dwellings in the area, resulting in an incongruous appearance. As its flank wall

would be close to the side boundary with Barley Ponds Road, it would also result in the loss of most of the side garden to No 38 and the sub-division of the front and rear gardens, thereby encroaching on the spacious and open character of the area. The proposal for a small house on the prominent corner plot would also contrast markedly with other extensions in the area that have been referred to me by the appellant, which enlarge rather than add dwellings, without subdividing the plots.

6. Consequently, I find that the position, scale, bulk and appearance of the proposal, relative to its plot, would result in an unduly prominent and cramped appearance. For this reason, the proposal would be harmful to the appearance of the street scene within an area of defined and coherent character, conflicting with Policy DES4 of the East Herts District Plan 2018 (DP). Which seeks high quality design that exploits all reasonable opportunities for enhancement and improves the character and quality of an area.

The living condition of potential occupiers, with reference to space standards

7. The nationally recommended internal space set out in the Technical Housing Standards for a 2 bedroom house of the proposed size is 70sqm or over, which is approximately 10sqm more than that of the proposal.
8. However, space standards should be applied with a degree of flexibility in a manner that recognises their overall aims and objectives. The rooms appear to me to be of an appropriate size and dimension for their intended use, with an effective usable internal layout suitable for a small 2 bedroom 3 person house. Viewed as a whole, the amount of indoor and outdoor space would provide an attractive living environment for future occupiers
9. On the second main issue I therefore conclude that the proposed development would not harm the living conditions of future occupiers. Consequently, there would be no conflict with Policy DES4 of the DP that seeks to ensure internal rooms of residential developments are of an appropriate size that meets their intended function.

Conclusion

10. Notwithstanding that the development would make a small contribution to the Council's housing stock, making efficient use of a site in a sustainable location that would, despite having less than recommended space standards, provide reasonable living conditions of future occupiers, these benefits do not outweigh the harm I have identified to the character and appearance of the area. The appeal is, therefore, dismissed.

Victor Callister

INSPECTOR



Appeal Decision

Site visit made on 23 July 2019

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2019

Appeal Ref: APP/J1915/D/19/3229945

3 Chapel Lane, Letty Green, SG14 2PA

- 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 Michael Kierstenson against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0218/HH, dated 4 February 2019, was refused by notice dated 21 March 2019.
 - The development proposed is partial double storey side and rear extension and front porch.
-

Decision

1. The appeal is dismissed.

Main Issues

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

Reasons

Whether the proposal constitutes inappropriate development

3. The appeal concerns a semi-detached bungalow with existing loft conversion located within the Green Belt. The proposal is for a partial double side and rear extension and front porch. An existing garage to the rear of the property would be demolished.
4. Policy GBR1 of the East Herts District Plan 2018 (DP) states that planning applications within the Green Belt, as defined on the Policies Map, will be considered in line with the provisions of the National Planning Policy Framework (the Framework).
5. 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 (paragraph 145c). The 'original building' is defined in Annex 2: Glossary of the Framework as 'A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally built.' In line with the Framework, it is therefore necessary to consider whether the proposal would, when taken in combination with any previous additions to the original building, result in a disproportionate addition.
6. There is disagreement between the appellant and the Council regarding the amount the floor space of the original dwelling would increase as a result of the proposal. The Council state that when taken in combination with previous additions, the increase in floor space would be around 180%. The appellant however disagrees with the Council's methodology and states that if the floor space is calculated on the basis of usable floor space with a headroom of 1.5m or above, the increase would be around 94% or 78% depending on whether the floor space within the existing loft area converted in 1978 is counted.
 7. The Framework does not define what a disproportionate increase in size would be. I concur with the appellant that it is reasonable to have some regard to available headroom and usable floorspace when calculating floor space. However, even if I were to accept the appellant's figures regarding floor space increase, in my judgment the proposed extension would result in a significant increase in size in relation to the original dwelling. Moreover, the proposal would result in a significant increase in bulk and mass and spread of built form.
 8. The proposed development would therefore result in a disproportionate addition 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) (DP).

Effect on Openness

9. The essential characteristics of Green Belts are their openness and permanence. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect.
10. The proposed extension would extend out to the side boundary of the site and would add considerable bulk and mass to the dwelling, particularly at first floor level where a significant amount of accommodation would be provided within the roof structure. By extending out to the side boundary, the gap between the dwelling and the neighbouring property would be diminished thereby reducing spaciousness. This would be clearly evident from Chapel Lane due to the relatively open frontages and lack of substantial screening. The overall impact of the extension would be accentuated by the long ridge line evident from the side elevation and the large rear gable. Whilst the side and rear elevation of the extensions would not be unduly prominent when viewed from outside the site due to the screening that exists, there would nonetheless be an impact on openness in spatial terms. Whilst the harm to openness overall would be small, this would be contrary to the Framework where it states openness is an essential characteristic of the Green Belt.

Other considerations

11. The proposed development would generally be in keeping with the character and appearance of the host dwelling and would comply with the aims and objectives of Policy HOU11 of the DP in this respect. I also acknowledge the sustainability benefits of the proposal and the visual benefits of removing the earlier unattractive flat roof extension and garage. I also acknowledge the appellant's comments concerning the vitality of rural communities and the benefits to the family and community arising from the improved accommodation. I attach moderate weight to these considerations in the overall balance.
12. The appellant has highlighted the extent that the neighbouring dwelling, 1 Chapel Lane has been extended and to other large dwellings in the locality which have recently been constructed or are currently under construction. However, I have not been provided with the full details of these proposals or the circumstances under which they were approved. In any event, I am required to determine the appeal on its own merits. I therefore attach only little weight to this consideration.

Conclusion

13. 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. For the reasons given, the other considerations are not sufficient to outweigh the substantial weight that must be given to any harm to the Green Belt. Therefore, the very special circumstances needed to justify the proposal do not exist. As such the proposal would conflict with the National Planning Policy Framework and Policy GRB1 of the East Herts District Plan (2018).
14. I therefore conclude that the appeal should be dismissed.

J Davis

INSPECTOR



Appeal Decision

Site visit made on 23 July 2019

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2019

Appeal Ref: APP/J1915/D/19/3229893

33 Station Road, Watton At Stone, SG14 3SH

- 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 Stanley against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0325/HH, dated 11 February 2019, was refused by notice dated 11 April 2019.
 - The development proposed is described as 'Proposed two storey extension to the rear of 33 Station Road, Watton at Stone'.
-

Decision

1. The appeal is allowed and planning permission is granted for a Proposed two storey extension to the rear of 33 Station Road, Watton at Stone at 33 Station Road, Watton At Stone, SG14 3SH in accordance with the terms of the application, Ref 3/19/0325/HH, dated 11 February 2019, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, EL-002 00 (Proposed Elevations), GA-003 00 (Proposed Ground Floor Layout), GA-004 00 (Proposed First Floor Layout).

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the host dwelling and the surrounding area;
 - The effect of the proposed development on the living conditions of the occupiers of 31 and 35 Station Road, with particular regard to light and outlook.

Reasons

Character and appearance

3. The proposal is for a part single storey, part two storey extension to the rear of 33 Station Road, together with the insertion of windows at ground and first floor level.
4. 33 Station Road is a mid-terraced dwelling. The proposed two storey element of the extension would be set in from the side boundaries of the site and would have a width of about 3.88 metres and a depth of about 3m. It would have a hipped roof design with a ridge height which is significantly lower than that of the host property. As such, it would appear as an addition to the dwelling and would be sufficiently subservient to it in appearance.
5. The design of the proposed extension is similar to an existing two storey extension to the neighbouring dwelling, 31 Station Road and also similar in its design approach to the two storey rear projection at 37A Station Road, at the end of the same terrace. Whilst the proposed two storey extension would be sited more centrally on the rear elevation of the dwelling, it would nonetheless be appropriate in terms of its size, scale, siting and design in relation to the host property and the terrace overall.
6. Some views of the proposed development, particularly the roof structure, would be obtainable from Glebe Close and from the garage courtyard to the rear of the property. The proposed extension would be seen in the context of the other two storey rear projections on the same terrace which are of a similar design and the extension would not appear unduly prominent or awkward in terms of its design. Accordingly, the proposal would not result in harm to the character and appearance of the street scene or surrounding area.
7. In conclusion, the proposal would not have a harmful effect on the character and appearance of the host property or the surrounding area. It would comply with policies HOU11 and DES4 of the East Herts District Plan 2018 which together seek extensions to be of a high standard of design and to be appropriate to the character, appearance and siting of the existing dwelling and surrounding area.

Living conditions

8. The proposed single storey element of the extension would extend out to the boundary of the site with No 31 Station Road. However, the two storey part of the extension would be set in from this side boundary by about 1.58m. No 31 has been extended to the rear by a similar depth at two storey level, and this extension is similarly set in from the side boundary with the appeal site. An existing relatively high outbuilding to the rear of No 31 already has an impact on the amount of light received by the ground floor windows on its rear elevation. Given the existing situation and the intervening distance between the proposed extension to No 33 and the existing extension at No 31, the proposed development would not result in a significant tunnelling effect, or adversely affect the outlook from the rear of No 31. Furthermore, having regard to the set back of the two storey extension from the side boundary with No 31, there would be no harmful loss of outlook or light to first floor windows on the rear of the dwelling.

9. The proposed two storey extension would be set in from the boundary with 35 Station Road by 0.52m. No 35 has a conservatory to the rear, close to the boundary with the appeal site and the proposed extension would not adversely affect any windows on the ground floor of No 35. Given that the proposed extension would be set in from the boundary with No 35 and having regard to its depth of around 3m and hipped roof design, it would not have a significant impact on the amount of light received by first floor windows on the rear of No 35, or on outlook from that property.
10. Whilst the proposed new windows to be inserted at ground floor and first floor level would be somewhat compromised by the extension, these only serve non-habitable rooms and the proposal is acceptable in this respect.
11. For the reasons set out above, the proposed extension would not materially harm the living conditions of the occupiers of 31 or 35 Station Road with particular regard to light and outlook and the proposal would accord with Policy DES4 of the East Herts District Local Plan 2018 insofar as it seeks to avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties.

Conditions and Conclusion

12. Having regard to all other matters raised, it is concluded that the appeal should succeed and planning permission should be granted subject to conditions. I have imposed a condition requiring the extension to be constructed in matching materials to ensure a satisfactory external appearance. The approved plans condition is imposed for clarity.

J Davis

INSPECTOR



Appeal Decision

Site visit made on 26 April 2019

by **E Griffin LLB Hons**

an Inspector appointed by the Secretary of State

Decision date: 17th July 2019

Appeal Ref: APP/J1915/W/19/3221917

Tewin Water Farm, Churchfield Road, Tewin Water, Tewin, Welwyn

AL6 6BW

- 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 Vaughan Williams of Tewin Bury Farm against the decision of East Hertfordshire District Council.
 - The application 3/18/1777/FUL dated 2 August 2018 was refused by notice dated 31 October 2018.
 - The development proposed is the construction of a new farmyard including 3 new agricultural buildings, associated yard area, cattle handling pens and silage storage area landscaping and drainage.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form stated that the applicant was the Williams Brothers Partnership. The appeal form refers to Vaughan Williams of Tewin Bury Farm. However, as a letter in connection with the appeal confirms that Vaughan Williams is a Williams brother, I have referred to the appeal form details in the banner heading.
3. A revised National Planning Policy Framework (the Framework) was published in February 2019 after the issue of the Council's decision. However, as any policies that are material to this decision have not fundamentally changed in the Framework, I am satisfied that this has not prejudiced any party and I have had regard to the latest version in reaching my decision.

Main Issue

4. The main issue is whether the appeal proposal would adversely affect the significance of a designated heritage asset namely the Grade II Registered Park and Garden of Tewin Water (the Park).

Reasons

Effect on Designated Heritage Asset

5. One of the core principles of the Framework is to conserve heritage assets in a manner appropriate to its significance, so that they can be enjoyed by current and future generations. Paragraph 132 of the Framework states that when

- considering the impact of a proposal, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be.
6. The appeal site is pasture land that was part of the Tewin Water estate. The listing description refers to "A late C18 landscape and pleasure grounds to designs by Humphry Repton, surrounding a late C18 country house". The historical importance of the Park is included in its detailed listing description starting with the history of the manor of Tewin in 1714 up to the 1940s when the park was sold off to various owners. The Gardens Trust as the main consultee for Grade II registered landscapes considers that the Park is the most well preserved of the Repton landscapes in Hertfordshire.
 7. The appeal site is to the north east corner of the Park and is accessed off Churchfield Road and has Home Wood to the west. The listing description refers to the north east corner of the Park as being largely laid to open arable and that is still the case. The nearest buildings are Tewin Lodge which is to the south along Churchfield Road and Tewin Water House which is beyond Home Wood. The Park is characterised by openness and its undeveloped nature with large expanses of mature trees.
 8. The appeal proposal would include three new buildings namely a cow shed to house a herd of 60 longhorn cattle, and two buildings for straw and machinery storage, hardstanding and a silage area. The buildings would be of a simple, functional style and would be recognisable as farm buildings. The cow shed would be the largest building at around 9 metres in height, 42 metres long and 24 metres wide. The appeal site is around 2.9 hectares and would involve the loss of an area of natural grassland to be replaced by the hardstanding of the farmyard enclosed by stock proof fencing and new planting. Significant earthworks would be required, and excavation would lower parts of the site and raise other parts so that the nature of the landscape would be permanently changed.
 9. The appellant's Landscape Assessment shows that the appeal proposal would not be visible in more distant views. However, the nature and size of the proposal buildings in a largely undeveloped rural landscape would result in a significant adverse visual impact. Although mitigation in the form of new planting is suggested, illustrations show that it will take 15 years for planting to having matured to such a degree to provide the level of screening shown. There would be views of the appeal proposal particularly from Bridleway Tewin 07 which runs along the northern boundary of the Park.
 10. Whilst the Park has changed over time, it remains a designated heritage asset. Although the appeal proposal would affect a small proportion of the Park, it would represent a significant change from the current overriding open character of the appeal site.
 11. Nevertheless, the resultant harm would be less than substantial in terms of Paragraph 196 of the Framework. Legal precedent determines that I must give considerable importance to such harm. Where harm is assessed to be less than substantial, Paragraph 196 advises that the harm that would be caused should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Heritage Balance

12. In assessing public benefits, the Planning Policy Guidance states that they should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just a private benefit. However, they do not always have to be visible or accessible to the public in order to be genuine public benefits.
13. The appellant has commissioned a long term management plan by Maydencroft which includes a number of recommendations to enhance the landscape and biodiversity and part of that plan was to reintroduce English longhorn cattle to graze in the parkland. The appellant refers to the Maydencroft report recommendations in identifying benefits that would arise.
14. There are plans to buy more land at Tewin Water with other residents, to work with the Gardens Trust to restore areas of the Park. The appellant has also referred to examples of collaborative work with other bodies such as Affinity Water on river restoration. There are also plans to create public rights of way as there are none currently. However, the public access could be achieved outside of the appeal proposal.
15. The appeal proposal would enable the appellants to diversify into livestock away from crops. The beef produced would be sold in the appellant's restaurant at Tewin Bury Farm Hotel. Reference is made to the creation of local jobs and securing the economic viability of the existing family farm and the restaurant. However, I have limited financial details and without a link between the economic and environmental benefits, the economic benefits appear to largely private rather than public benefits.
16. The appeal proposal boundary is limited to only the proposed farm buildings land and an area to the north of the buildings. Whilst the appellant's plan for wider improvements is no doubt genuine, for the purpose of this appeal, there is no direct link between allowing the appeal proposal and the wider potential public benefits. The appellant acknowledges that formal agreements would need to be put in place to secure these objectives, but such agreements are not before me.
17. Overall, there is limited information to show that the public benefits would arise directly from the appeal proposal. The harm that I have found is not, therefore, outweighed by the public benefits that the scheme may bring.

Other Matters

18. The parties disagree as to whether there are suitable alternative sites for the appeal proposal outside the Park. Whilst there is no specific requirement for alternative sites to be assessed, there is limited substantive information before me that in order for cattle to return to the Park, the associated farm has to be in the same location.
19. The appeal site is within the Green Belt. The Council has stated that the buildings are for agriculture and are not therefore inappropriate in the Green Belt and that there is no requirement to look at other Green Belt considerations such as openness. I see no significant reason to conclude otherwise on this point. Nevertheless, even if I were to conclude differently and find that the proposal would be inappropriate development in the Green Belt, my findings in relation to the main issue would be unaltered.

Conclusion

20. Taking all matters into account, my overall conclusion is that the public benefits of the proposal do not outweigh the harm that would be caused to the Park. The proposal would therefore be contrary to the Framework as well as failing the statutory tests and would adversely affect the significance of the Park. It would therefore not comply with Policy HA1 of the East Herts District Plan October 2018 (the District Plan) which firstly refers to development proposals preserving and where appropriate enhancing the historic environment. Secondly, it refers to less than substantial harm being weighed against the public benefits of the proposal. It would also not comply with Policy HA8 of the District Plan which, amongst other things, refers to the protection of the special historic character, appearance or setting of Registered Parks and Gardens.
21. For the reasons given, the appeal is dismissed.

E Griffin

INSPECTOR



Appeal Decision

Site visit made on 30 April 2019

by **T A Wheeler BSc (Hons) T&RP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 July 2019

Appeal Ref: APP/J1915/W/19/322257

Chipping House, Chipping, Buntingford, Herts SG9 0PG

- 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 Simon Trewin against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/1984/FUL, dated 20 September 2018, was refused by notice dated 16 November 2018.
 - The development proposed is the erection of 2no. four bed dwellings with associated access, parking and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 2no. four bed dwellings with associated access, parking and landscaping, in accordance with the terms of the application, Ref 3/18/1984/FUL dated 20 September 2018, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matter

2. The planning application form describes the development as the erection of two new detached houses and freestanding garages. The Council modified the description in the decision notice and that has been used by the appellant in the appeal form. The Council's description includes reference to the access, parking and landscaping, therefore I have used it in the banner.
3. The Council refers in the decision notice to policy GBR1 of the East Herts District Plan¹. This policy relates to development in the Green Belt. The appeal site is in not the Green Belt, and consequently the policy cannot be a consideration. The appellant suggests that the Council intended to refer to policy GBR2 - Rural Area Beyond the Green Belt in its reason for refusal. That policy is referred to in the planning officer report, which the Council relies on as its statement of case. I have therefore proceeded on the basis that the decision notice should have referred to policy GBR2 and the reference to GBR1 is an administrative error.

Main Issues

4. These are the effect of the development on the character and appearance of the area; and whether the site is a sustainable location, having regard to the development plan.

¹ Adopted October 2018

Reasons

The site and the proposal

5. The appeal site (the site) comprises the rear garden of Chipping House, within the settlement of Chipping. The nearest town is Buntingford, around two kilometres distance to the south. Chipping House fronts onto Ermine Street – the A10 road. The site is well landscaped and contains a number of mature trees as well as areas of lawn and other planting.
6. The dwellings would be 2 storey, located in the rear part of the garden to Chipping House. Constructed of tile and brick, and with detached garages to the front, they would be accessed from the existing lane which serves a number of properties to the north of the site.

The development plan context

7. The development plan comprises the East Herts District Plan (the local plan) and the Buntingford Community Neighbourhood Plan² (the neighbourhood plan).
8. Policy GBR2 of the local plan permits development in the rural area beyond the greenbelt subject to a number of criteria, including the limited infilling or partial or complete redevelopment of previously developed sites in sustainable locations, and where the development will be appropriate to the character, appearance and setting of the site and/or surrounding area.
9. Policy VILL3 controls development within Group 3 villages such as Chipping. It provides that limited infill development may be acceptable if identified in an adopted neighbourhood plan. It goes on to set out further criteria including that the development should relate well to the village in terms of its location, layout and connectivity, and also be well designed and in keeping with the character of the village. It should not unacceptably block important views or detract from the openness of the countryside.
10. The neighbourhood plan sets out a number of policies in relation to housing development and with particular regard to housing outside of the two larger settlements of Buntingford and Cottered. Policy HD1 permits development which, amongst other things, would be small-scale infill development within or immediately adjoining significant existing clusters of development.

Character and appearance

11. The focal point of the disagreement is whether the proposal would constitute infill development within the meanings used in the development plan, and if not whether there would be harm to character and appearance. Related to this is the pattern of the existing settlement. The Council considers Chipping to be linear in form, whilst the appellant's view is that it is effectively a cluster within the central part of the settlement.
12. The dictionary definition of infill development is that it should be limited to buildings constructed to occupy the space between existing structures. The Planning Portal glossary definition is: 'the development of a relatively small gap between the existing buildings'. It is a matter of opinion as to whether the site constitutes infill development by either of these definitions. It could be argued

² Adopted May 2017

that the site occupies a space between Chipping House and a property called The Homesteads, a short distance approximately northeast of the site. I do not find this argument alone convincing, given that the site borders the open countryside and not curtilage of the other property.

13. However, I give significant weight to the terms of neighbourhood plan Policy HD1. The site is demonstrably within or immediately adjoining a significant existing cluster of development, and in that respect, at least as far as the neighbourhood plan is concerned, constitutes infill development. Local Plan Policy VILL3 takes infill development as identified in an adopted neighbourhood plan as its starting point. It therefore follows that in this context the development is capable of being described as infill development.
14. The site could also be described as backland development, defined in the Planning Portal glossary as 'Development of 'landlocked' sites behind existing buildings, such as rear gardens and private open space, usually within predominantly residential areas. Such sites often have no street frontages'. However the site is not landlocked, given the lane that would provide access to the A10 road, and would not give rise to the type of issues which typically make backland development inappropriate, such as noise and disturbance to existing residents.
15. Due to the location of the settlement either side of the A10 road, it retains a form that is broadly linear. However, within the vicinity there are developments which add depth to the settlement, such as The Square and Royal Oak Close. Given this, and the size and location of the plots, there would be limited effects on the pattern and form of the settlement.
16. There would also be little effect on the character or appearance of the countryside due to the existing landscaping along the edge of the site, bordering the fields beyond.
17. In terms of the character of the settlement itself, the two dwellings would be set away from the A10 road and would mainly be apparent only to the occupiers of Chipping house, and residents of the properties lying north of the access lane. The proposed houses would be traditional in appearance and would not appear out of character with other housing within the settlement, which is varied in terms of architectural styles and size of plots. Some existing trees would be removed however a large Ash would be retained.
18. In terms of the density of development, both houses would have reasonable sized rear gardens and Chipping House would remain a good sized plot. The neighbourhood plan policy HD5 clearly does not amount to a prohibition on the development of garden ground but seeks to ensure that any such development retains reasonable areas of private garden, and the proposal achieves that objective.
19. I therefore conclude that the proposal would be acceptable in terms of the effect on the character and appearance of the area, and in this respect would not conflict with Policies GBR2 and VILL3 of the Local Plan and Policies HD1, HD2 and HD5 of the neighbourhood plan.

The sustainability of the location.

20. The settlement does not contain a shop or other services apart from a public house. However there is a good bus service to Buntingford where there are

shops, services, schools and health facilities. Whilst it is likely that the occupiers of the proposed dwellings would use cars for some trips, other more sustainable modes could easily be used, such as the bus or cycling. The site is located a short distance from the bus stop.

21. The location is therefore sustainable for the scale of housing development proposed. The local plan classification of Chipping as a Group 3 village reflects this, as do the policies in the neighbourhood plan which do not seek to exclude Chipping from any development.
22. I therefore conclude that the proposal would not conflict with Policy GBR2 of the Local Plan, which amongst other things, permits limited infilling in sustainable locations.

Other Matters

23. A number of objections to the planning application concern the additional traffic which would use the track leading to the site from the A10 road. The Highways Authority does not object subject to the submission of details of the junction arrangements and visibility splays. On my site visit I looked at the visibility at the access point, which appeared satisfactory subject to the maintenance of adjoining vegetation. I have made the approval of the junction arrangements subject to a planning condition.
24. An interested party has suggested that approval of the dwellings would set a precedent for further similar developments within the village, which would be detrimental to the setting and have a greater impact in terms of traffic safety. It is suggested that the neighbourhood planning team sought to ensure that Group 3 villages such as Chipping are protected from developments such as that proposed. However, each scheme must be considered on its individual merits and in terms of compliance with development plan policies. For the reasons I have already given, I conclude that the appeal proposal is acceptable.

Conditions

25. I have considered the conditions suggested by the Council against the tests of the Framework and advice provided by the Government's Planning Practice Guidance. I find them to be reasonable and necessary in the circumstances of this case; however some have been edited for precision and clarity.
26. In addition to the abovementioned condition regarding access, for certainty I attach the normal planning conditions limiting the period of the consent to 3 years and requiring the development to be carried out in accordance with the approved plans.
27. The Hertfordshire County Council Archaeologist advises that the site is within an area of archaeological significance identified in the Local Plan, and amongst other things the site is less than 50m from the Roman road/medieval highway. The site appears to have remained undeveloped, therefore any remains are likely to be well preserved. The Planning Practice Guidance advises that where there is potential for a site to include heritage assets with archaeological interest a proportionate response should be taken when considering the need for field evaluation³. A planning condition should therefore be attached to the

³ Planning Practice Guidance Paragraph 040 Reference ID:18a-040-20140306 Rev date 06 03 2014

- consent requiring a programme of archaeological evaluation to be carried out prior to development.
28. In the interest of achieving a visually attractive development, I attach conditions requiring details of external materials; fences and other boundary enclosures; and landscaping to be approved. Any approved landscaping works are to be maintained for a period of 5 years to ensure establishment.
29. The Local Lead Flood Authority consider that insufficient information was submitted with the application to enable it to reach a conclusion on the impact of the proposal. A planning condition is therefore required relating to details of the arrangements for dealing with surface water arising from the development.
30. In the interests of the living conditions of residents near the site, I attach conditions limiting the times during which construction takes place, and also measures for wheel washing prior to the commencement of construction works.
31. In order to ensure that provision is made for the parking and turning of cars, I attach a condition requiring the proposed driveways are to be completed before the dwellings are occupied. The Council suggests that this condition should also cover surface water drainage, however this matter is already dealt with under another condition.

Conclusion

32. Bringing the above points together, the local and neighbourhood plans seek to permit well-designed small-scale development within or adjoining settlements such as Chipping, where the proposal would be appropriate to the pattern and form of the settlement and the character of the surrounding area, and would be in a sustainable location. The proposal would meet these objectives and comply with the above noted policies of the development plan.
33. For the above reasons and taking account of other matters raised, the appeal is allowed.

Tim Wheeler

INSPECTOR

Schedule of conditions

- 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:
1:1250 scale location plan, ref – CH:01; 1:200 scale site plan ref – CH:02 Rev A; site layout and landscaping ref – CH:03 Rev A; house plans A - ref CH:04; house B plans– ref CH:05; house A elevations – ref CH:06; house B elevations – ref CH:07; garage plans and elevation – ref CH:08
- 3) Prior to the commencement of the development hereby permitted full details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority to illustrate: i) Junction Arrangement ii) Visibility Splays iii) Access Arrangement from the A10 road.
- 4) No development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. This condition will only be considered to be discharged when the planning authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to publication has been made.
- 5) Prior to any building works being commenced samples of the external materials to be used in the approved dwellings 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.
- 6) Prior to the first occupation of the approved dwellings, details of all boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be erected and retained in accordance with the approved details.
- 7) Prior to first occupation of the approved dwellings, details of landscaping shall be submitted to and approved in writing by the Local Planning Authority, including full details of both hard and soft landscape proposals, finished levels or contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.
- 8) All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

- 9) Neither of the approved dwellings shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall provide information about: the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

- 10) During the period of construction of the approved development 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.

- 11) Prior to the commencement of construction, wheel washing facilities shall be established within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall be kept in operation at all times during construction works.

- 12) 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 arrangements for the parking and turning of vehicles outside highway limits.



Appeal Decision

Site visit made on 18 June 2019

by **Megan Thomas Barrister-at-Law**

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

Decision date: 3rd July 2019

Appeal Ref: APP/J1915/D/19/3227017

Farriers Cottage, Baldock Road, Cottered SG9 9PS

- 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 Miss Faye Cowen against the decision of East Hertfordshire District Council.
 - The application Ref.3/18/2047/HH, dated 10 September 2018, was refused by notice dated 25 January 2019.
 - The development proposed is "the construction of a new timber pergola within the rear garden of the site."
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of a new timber pergola within the rear garden of the site at Farriers Cottage, Baldock Road, Cottered SG9 9PS in accordance with the terms of a planning application Ref.3/18/2047/HH, dated 10 September 2018, subject to the following conditions:
 - (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: drawing number 002 (dated September 2018), a Location Plan and a Block Plan.

Procedural Matters

2. Some works on the site have already begun. However, rather than treating the development as retrospective under s.73A of the Town and Country Planning Act 1990, I treat the matter as an appeal seeking the development as shown in the submitted plans.
3. In the box heading and in the formal Decision above, I have shortened the description of the development applied for in the planning application form for presentation purposes. The full description on the form states:

"The construction of a new timber pergola within the rear garden of the site. The application is being submitted retrospectively following the advice of the Applicant's solicitor, and East Herts Council, after it came to light that the land now falls within the curtilage of a listed building. The constructed pergola has been erected to provide an external entertainment space which will be used for

BBQs and external dining. No changes or alterations will be made to the listed building which sits some 23m away from the proposed structure.”

Main Issue

4. The main issue in the appeal is the effect of the proposal on the setting of adjacent curtilage listed buildings.

Reasons

5. The appeal site is situated in the Cottered Conservation Area. It is a semi-detached two storey cottage which is grade II listed. Thatch Cottage is its semi-pair and they share a thatched roof. Farriers Cottage is located near the centre of the village on the north side of Baldock Road within a cluster of other dwellings. In 2015 before it last changed ownership, it had some black barns within the curtilage at the rear. These were curtilage listed buildings. However, there was a re-arrangement of curtilages and the barns are now located within the amenity area of Willow Reach, which is a residence to the west. The barns remain listed however.
6. There is a close-boarded fence dividing Farriers Cottage from Willow Reach and the barns are located close to the western side of the fence. They stretch for a significant length of the common boundary and can also be glimpsed from the public realm.
7. The submitted development plans show a rectangular pergola made of timber with a solid flat roof. It would have three open sides and would be used as an outside entertaining area. On its western side, directly along the boundary fence, the pergola would have a brick wall about 8m in length and about 2.3m high. The pergola would be about 8m by 4m in footprint and about 2.3m high.
8. The pergola would be situated towards the rear of the garden at Farriers Cottage and would not harm the setting of Farriers Cottage as a listed building. The barns are not mentioned in the listing description of Thatch Cottage/Farriers Cottage but they are nevertheless of some historical interest as buildings previously occupied with the listed building. They are also in good repair. The common boundary fence is graduated and falls in height northwards. The barns can be seen above the boundary fence for their length. The pergola and, in particular, the proposed western brick wall, would obscure the available view of the barns. However, the extent to which they would be obscured would be relatively modest and they would continue to be appreciated from the garden of Farriers Cottage as they extend for a significant length of the common boundary. Moreover, the proposed brick wall would not be substantially higher than the boundary fence and the pergola would be an open and potentially less intrusive structure than a typical garden outbuilding.
9. I conclude therefore that the proposed pergola would not unduly harm the setting of either Farriers Cottage as a listed building or the setting of the barns now located in the amenity area to Willow Reach. I do not consider the proposal would be in breach of policies HA7 or DES4 of the East Herts District Plan 2018. In coming to this view, I have borne in mind the statutory duty to have special regard to the desirability of preserving a listed building or its setting. I do not consider there would be any harm to the character or appearance of the Cottered Conservation Area.

Conditions

10. The Council suggested some conditions in the event that the appeal was successful and I have considered these in the light of national planning guidance. I have imposed a condition requiring the details of the submitted plans to be followed so that the development accords with those plans and in order to achieve certainty about precisely what can be constructed. I have also imposed the usual time period of three years in which development must be commenced.
11. Having taken into account all representations made, for the reasons given above, I allow the appeal.

Megan Thomas

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: 16 July 2019

Appeal Ref: APP/J1915/W/19/3220483

**Harwood Park Crematorium, Watton Road Past Harwood Park
Crematorium, Stevenage, SG2 8XT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Claire Austin against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/2127/FUL, dated 25 September 2018, was refused by notice dated 20 November 2018.
 - The development proposed is to build a Timber Octagonal Canopy to act as a covered grieving area.
-

Decision

1. The appeal is allowed, and planning permission is granted for a Timber Octagonal Canopy to act as a covered grieving area at Harwood Park Crematorium, Watton Road Past Harwood Park Crematorium, Stevenage, SG2 8XT in accordance with the terms of the application ref: 3/18/2127/FUL, dated 25 September 2018, subject to the following conditions:
 - 1) The development to which this permission relates shall be begun within a period of three years commencing on the date of this decision;
 - 2) The development hereby approved shall be carried out in accordance with the following approved plans: Location plan ref: 7507-LP-01 and plan, section and elevation drawing ref: 7507-LP-01;
 - 3) Prior to any above ground construction works being commenced, the external materials of construction for the canopy hereby permitted shall be approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved materials;
 - 4) Prior to installation details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority. No external lighting shall be installed without such written consent. The development shall then be carried out in accordance with the approved details.

Main Issue

2. The main issue to consider is whether the proposal would be inappropriate development in the Green Belt and the effect on the openness of the Green Belt.

Reasons

3. The appeal site is located within the Green Belt. Appeals should be determined in accordance with the development plan unless other material considerations indicate otherwise¹. East Herts District Plan 2018 (DP) Policy GBR1 states that applications within the Green Belt will be considered in line with the provisions of the National Planning Policy Framework (the Framework).
4. The construction of new buildings should be regarded as inappropriate in the Green Belt. Cemeteries and burial ground facilities are included as exceptions to this within paragraph 145 b) of the Framework. Paragraph 145 b) does, however, contain a specific test about whether openness is preserved, and whether the proposal conflicts with the purposes for including land within it, in determining whether a proposal should be categorised as inappropriate development.
5. From my site visit I noted that the Crematorium is based around a set of core buildings within a circular road. Upon entering the site, on the right, is a car park as well as a single storey structure, some distance from the core of the site, known as the Church View Coffee Lounge. Beyond that is a maintenance compound to the South. To the North East of the site there is a notable walkway leading to both a landscaped pond and a 'temple' structure. This is shown well in the Google Earth image on page 3 of the appellant's supporting statement². Whilst the roadway is stated to have been originally intended to be a barrier, between the commercial community use and its buildings and the open farmland, it is evident that the site has expanded well beyond this original core.
6. Paragraph 134 of the Framework outlines the five purposes of including land within the Green Belt. The proposal does not conflict with these purposes and does not represent encroachment into the countryside given the site footprint, occupation and evolution already discussed above. It therefore falls to consider the actual effect on openness.
7. Impact is implicitly part of the concept of openness of the Green Belt and the visual dimension of the Green Belt is an important part of the point of designating land at such. The absence of visual intrusion does not mean there is no impact on the Green Belt as a result. The visual effects of whether a particular proposal would cause harm to Green Belt openness is a matter of planning judgement. Whether any change would cause harm to the openness can depend on factors such as the scale of the development, the locational context and its spatial or visual implications.
8. Whilst it would be outside of the driveway, given the layout of the site, discussed above, the proposal would be less than 20 meters from existing buildings, less than 10 meters from the car park and within a heavily landscaped area to the rear. I do not find an issue with the proposed layout when considering the evolution of the site outlined above and seen on site. The structure would be simply designed, be enclosed to only three bays and would be constructed of timber and aluminium. The circular structure, and sympathetic materials, I find to be appropriately designed and modest in scale.

¹ Section 38(6) Planning and Compulsory Purchase Act 2004

² Ref: SJB/KF/18071_1 (21 September 2018)

9. Whilst at the time of my site visit, I did not walk the entire length of the bridleway, I did walk a proportion of it and view from Bragbury Lane. The proposal cannot be seen from Watton Road. From the public bridleway the proposal would be viewed against the existing buildings which are substantially larger than the proposed canopy. The presence of a hedgerow would partly screen the proposal from view at lower, closer, vantage points on the bridleway.
10. Further along the bridleway chainlink fencing, and a bund, restrict views of the site to the top part of the cremator and chapel and none of the smaller structures can be seen. It is likely, therefore, that the canopy would not be visible from here. Beyond this point vegetation and topography generally restrict views of the site. From public vantage points I do not find that the proposal would not impact on long distance views.
11. In the context of the large crematorium buildings and facilities on site the proposed canopy would not be significant. Whether a development would preserve openness of the Green Belt cannot mean that a proposal can only be regarded as not inappropriate development if openness would be left entirely unchanged³. Given the expansion of the crematorium, beyond the original core for the last two decades, I do not find the canopy would have impact on the openness of the Green Belt nor would it result in visual intrusion. I find that the proposal would preserve the openness of the Green Belt satisfying the test outlined in paragraph 145 b) of the Framework.
12. The proposal is an appropriate facility for its intended purpose at an existing crematorium, preserves the openness of the Green Belt and does not conflict with the purpose of including land within the Green Belt as required by paragraph 145 b) of the Framework. As a result of this I find that the proposal is not inappropriate development within the Green Belt.
13. Compliance with the provisions in the Framework means that the proposal is also consistent with DP Policy GBR1. There is no requirement for very special circumstances.

Other Matters

13. Whilst not included within the reason for refusal it is noted that the Council raise concerns relating to design and layout within their submissions. Based upon my findings, discussed above, I find the proposal would be consistent with DP Policy DES3 as there would be no loss of landscape features which are of amenity or biodiversity value. The proposal would also be consistent with DP Policy DES4 which requires proposals to be of a high standard of design and layout.

Conditions

14. A condition requiring the development to be in accordance with the approved plans is required in order to control and define the development which is granted consent. A time condition is attached to comply with section 51 of the Planning and Compulsory Purchase Act 2004. In order to ensure a satisfactory appearance, I have attached a condition requiring approval of the materials for

³ Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404

the external elevations. A condition requiring approval of any required lighting is required to protect against light pollution within the Green Belt.

Conclusion

15. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Randle

INSPECTOR

Appeal Decision

Site visit made on 2 July 2019

by **G Ellis BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25th July 2019

Appeal Ref: APP/J1915/D/19/3222990

23 New Park Lane, Aston, Stevenage SG2 7ED

- 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 G. Tempany against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/2154/HH, dated 30 September 2018, was refused by notice dated 26 November 2018.
 - The development proposed is the erection of first floor side extension and ground floor infill extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: -
 - Whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework);
 - The effect of the proposal on the openness of the Green Belt;
 - 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 which would be necessary to justify it.

Reasons

3. The large detached appeal property is located to the north of New Park Lane and is the last property before the Parish Centre and open countryside beyond. The front part of the site, including the existing property, is within the Aston Conservation Area which encompasses the historic core along Bennington Road and New Park Lane together with the church and open spaces.

Inappropriate Development

4. The Government attaches great importance to Green Belts. East Herts District Plan 2018 (Local Plan) policy GBR1 confirms that planning applications within the Green Belt will be considered in line with the Framework. Paragraph 145 of the Framework states that all new buildings are to be regarded as

inappropriate development unless they are for one of a small number of exceptions. These 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.

5. Both main parties agree that the scale of the proposed development together with previous extensions would represent a disproportionate increase to the original building. I concur that the cumulative additions, which are noted by the Council to be an increase in floor area of approximately 100%, would mean that this proposal would be inappropriate development in the Green Belt. The proposal would therefore be, by definition, harmful to the Green Belt, and in conflict with the Framework and Local Plan policy GBR1 which aim to safeguard the Green Belt from inappropriate development.

Openness

6. An essential characteristic of Green Belts is their openness. The proposed extensions would introduce additional built form, and whilst this would result in only a modest increase to the footprint of the property from the infill extension and the rear projection, the first-floor extension would significantly add to the bulk and massing of the property.
7. The additional two storey form would extend from the existing house to the boundary where the side elevation runs off the boundary wall and abuts the adjacent public footpath. Despite the set down from the ridgeline of the main house, the proposed extension would substantially increase the scale of the property which would be visible from New Park Lane and the public footpath. The development would result in a more apparent level of development on site than currently exists and consequently, it would add further harm by reducing the openness of the Green Belt.

Other Considerations

8. The appellant sets out a fallback position which includes Certificates of Lawful Development in relation to a single storey rear extension with a floor area of 34.8sqm¹ and an outbuilding of 83sqm² which combined have a greater floor area than the appeal scheme. The appellant indicates that they are prepared to sacrifice these permitted developments. To that end a completed Unilateral Undertaking (UU) dated 20 May 2019 has been submitted which would prevent the implementation of the developments under these Certificates if the appeal was allowed.
9. Both of the permitted development schemes are to be located to the rear of the property, and due to their form and limited height their impact on the visual amenities of Green Belt openness would be minimal. I acknowledge that spatially these developments would involve the use of undeveloped garden area, nevertheless, I find their impact on the openness of the Green Belt would be less harmful than the appeal scheme, and thus the fallback carries very limited weight, notwithstanding the submitted UU.
10. The Council raised concerns regarding the ability to erect further additions under permitted development. I accept, as noted by the appellant, that a condition could be imposed to remove permitted development rights and

¹ LPA ref: 3/18/1429/CLP granted on 14 August 2018.

² LPA ref: 3/18/2088/CLP granted on 12 February 2019.

thereby restrict further development within the curtilage of the property. However, given the limitations of permitted development rights, particularly with regard to height and development to the front of a property, this is a matter to which I can attach no more than moderate weight.

11. I acknowledge that the scheme has not received any objection from neighbours or the Parish Council. Nor has the Council identified any harm in terms of the design, following a number of amendments, or impact on the Conservation Area, and I have no reason to disagree with that assessment. However, an absence of harm in this regard is a neutral factor.
12. The appellant also highlights the need for consistency in decision making and has referred to a permission for a large increase in the floor area at 50 Benington Road, Aston. The Council indicate that some of this floor area was existing roof space, and I do not have full details of the circumstances of that proposal. Notwithstanding this, I have in any event considered this proposal on its own merits.

Conclusion

13. In considering any planning application, paragraph 144 of the Framework indicates that substantial weight should be given to any harm to the Green Belt. In this appeal I have found harm to the Green Belt by way of inappropriateness and to openness. Despite having regard to all the other considerations put forward in favour of the proposal both individually and collectively they fail to clearly outweigh the harm to the Green Belt. Accordingly, the very special circumstances necessary to justify the proposal do not exist.
14. For the reasons set out above I conclude that the appeal should be dismissed.

G Ellis

INSPECTOR



Appeal Decision

Site visit made on 5 April 2019

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 17th July 2019

Appeal Ref: APP/J1915/W/19/3222552

4 Rise Cottages, Widford Road, Hunsdon, Ware SG12 8SB

- 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 John McCalpin against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/2272/HH, dated 14 October 2018, was refused by notice dated 21 December 2018.
 - The development proposed is Ground Floor Rear Extension and First Floor Part Side and Rear Extension.
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Decision

1. The appeal is dismissed.

Reasons

2. The main issue is the impact on the character and appearance of the area.
3. Rise Cottages are a small linear development of semi-detached houses located along the eastern side of Widford Road, located to the north of the village of Hunsdon. The development has a service road which runs in a shallow crescent and the houses are set some way back off the main road.
4. The development is located within a 'Rural Area Beyond the Green Belt' covered by Policy GBR2 of the East Herts District Plan (October 2018) (LP) which seeks to protect the open countryside from unchecked development, subject to several 'closed list' exceptions.
5. The development pattern is regular, with each semi-detached 'block' being punctuated by a space within which there are timber or brick garages serving each house. The spaces between each block afford views to the open countryside beyond and this gives the area an open and spacious character.
6. The property is located where the service road bends slightly and as a result, the plot has a slightly wider rear garden than front garden. The plot associated with No 4 is therefore somewhat narrower than the other properties within the development.
7. No 4 Rise Cottages is a semi-detached, 2 storey, 3 bed roomed house with a single storey brick built attached garage. The proposed extension would result in the house extending to the boundary with neighbouring property at No 5,

significantly reducing the gap between the two properties. This would undermine the character and appearance of the area.

8. Further, if a similar extension was permitted for No 5, it would close the gap entirely, leading to a terracing effect. Policy HOU11 of the LP seeks a minimum separation of 1m between the first-floor flank wall of a proposed extension and the common curtilage. The appeal proposals show 0.25m from the first-floor flank wall.
9. I note that the appellants have sought to reduce the size of the first-floor extension to ensure it would be more 'set back' and subservient to the main house. However, given the overall width of the proposals of the appeal proposals before me, my concerns remain.
10. I therefore find the proposals to be contrary to Policies DES4 and HOU11 of the LP which seeks quality design that responds to site constraints and development that would not result in harmful terracing effects, respectively. I also find the proposals to be contrary to GBR2(d) of the LP where the appeal proposals would undermine the character and appearance of the area.

Other Matters

11. The appellant has raised the point that these works would better accommodate their growing family, allowing them to remain in the area. I am sympathetic to this. However, I consider that there are other means by which the house could be extended. That argument does not therefore overcome the harm I have identified.
12. I note the appellants argument about a similar scheme at No 16 Rise Cottages which was granted consent. At the site visit, I observed that a small number of the Rise Cottages properties have been subject to two storey side extensions. However, those that had, still had a significant space to their boundaries with their neighbours such that the open character was not compromised. In any case, I have determined this appeal on its own merits.

Conclusions

13. For the reasons given above, I consider the appeal should be dismissed.

Sian Griffiths

INSPECTOR