



Appeal Decision

Site visit made on 14 December 2021

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

an Inspector appointed by the Secretary of State

Decision date: 10th January 2022

Appeal Ref: **APP/J1915/D/20/3262118**

Penrhyn, London Road, Spellbrook, Hertfordshire CM23 4BA

- 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 Imdad Hussain against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0854/HH, dated 1 March 2020, was refused by notice dated 7 August 2020.
 - The development proposed is described as "amendment to existing garage approved under 3/16/0331/HH to incorporate a pitched roof rather than a flat roof".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description of development given above, the design and access statement also states that the garage was built slightly wider than approved. This formed part of the Council's consideration of the planning application and is also part of my consideration of this appeal.
3. The works for which planning permission are sought had been substantially completed by the time of my site visit. The appeal is determined on this basis.

Main Issues

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

Reasons

Whether inappropriate development

5. The National Planning Policy Framework (the Framework) states that the construction of new buildings should be regarded as inappropriate in the Green Belt, save for certain exceptions. One of the exceptions is the extension or alteration of a building provided that it does not result in disproportionate

additions over and above the size of the original building. Policy GBR1 of the East Herts District Plan 2018 (the DP) states that planning applications within the Green Belt will be considered in line with the provisions of the Framework.

6. Whether or not a development would be disproportionate is a matter of planning judgment. The host dwelling has been substantially extended. The Council states that these extensions, taken together with the garage the subject of this appeal, amount to more than a 200% increase in the floor area of the original building. The appellant has not contested this assessment of the scale of additions, which amounts to a very substantial increase.
7. The garage as built is slightly wider and significantly deeper than that previously approved, with a dual-pitched roof resulting in a substantially taller building. These further increase the overall scale of additions to the original building. When taken together these amount to disproportionate additions over and above the size of the original building.
8. The appeal proposal is therefore inappropriate development in the Green Belt, contrary to DP Policy GBR1 and the identified requirements of the Framework.

Openness

9. The garage as built has a larger footprint and is substantially taller than the approved garage. While it is not in public view due to its siting at the rear of the house, and it is set down from the ground level of the house, it is visible from neighbouring properties and its size results in a loss of Green Belt openness.

Other considerations

10. The appellant suggests that the height of the garage is below that allowed as permitted development, noting the sloping ground level within the site. However, the building is within 2 metres of the nearest site boundary, and therefore the maximum height allowed as permitted development is 2.5 metres. The height of the building significantly exceeds this even when measured from the highest ground level immediately adjacent to the building. This therefore carries very limited weight.
11. The appellant notes that the garage is set to the rear of the house and is seen in the context of that larger building, is set at a lower level and is screened by vegetation. These result in the garage only being of limited visibility in the area. These considerations carry moderate weight in the overall balance.
12. However, the appeal proposal is inappropriate development and causes a loss of openness in the Green Belt. Substantial weight must be accorded to any harm to the Green Belt, and the considerations identified by the appellant do not clearly outweigh the harm caused by the garage. Very special circumstances therefore do not exist in this instance.

Conclusion

13. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR



Appeal Decisions

Hearing held on 14 December 2021

Site visit made on 15 December 2021

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2022

Appeal A Ref: APP/J1915/W/21/3269273

Fisher's Farm, Ermine Street, Colliers End SG11 1ER

- 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 G Williamson, LW Developments Ltd, against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0983/FUL, dated 22 May 2020, was refused by notice dated 27 November 2020.
 - The development proposed is the conversion of existing barn into 2 residential dwellings; demolition of modern agricultural buildings and their replacement with 4 detached and 2 semi-detached dwellings; associated garaging, parking and landscaping.
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Appeal B Ref: APP/J1915/Y/21/3269274

Fisher's Farm, Ermine Street, Colliers End SG11 1ER

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by G Williamson, LW Developments Ltd, against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/1006/LBC, dated 29 May 2020, was refused by notice dated 27 November 2020.
 - The works proposed are the alteration and conversion of existing listed barn into 2 residential dwellings with associated parking and landscaping.
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Decisions

Appeal A Ref: APP/J1915/W/21/3269273

1. The appeal is dismissed.

Appeal B Ref: APP/J1915/Y/21/3269274

2. The appeal is dismissed.

Preliminary Matters

3. As the proposals concern a listed building, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
 4. The appellant submitted revised and additional drawings of the works proposed to the listed barns, including the locations of services meters, joinery details, and a cross-section through the first floor proposed.
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5. I have considered these under the principles established by the Courts in *Wheatcroft*¹. The drawings provide additional detail of the works. They do not change the nature of the proposals to such a degree that to consider them would deprive those who should have been consulted on the change, the opportunity of such consultation. I have therefore determined the appeal with regard to them.
6. As set out above, there are two appeals on this site. To avoid duplication, I have dealt with the two appeals together, except where otherwise indicated.

Main Issues

7. The main issues are:
 - whether the appeal site is a suitable location for housing with particular regard to its location in the Rural Area beyond the Green Belt, and whether it has good access to services and facilities;
 - whether the proposals would preserve the grade II listed farm buildings at Fisher's Farm and any of the features of special architectural or historic interest that they possess;
 - the effect of the proposals on the setting of the listed farm buildings at Fisher's Farm; the grade II listed Barnacres; and the grade II listed Farmhouse; and,
 - the effect of the proposals on the character and appearance of the area.

Reasons

Whether the appeal site is a suitable location for housing

8. Policy: There is no dispute that the appeal site lies outside the settlement boundary of the village of Colliers End, as drawn in the East Herts District Plan 2018 (DP). The parties also agreed at the Hearing that the use of the appeal site is agricultural.
9. DP policy DPS2 sets out a hierarchical development strategy, prioritising development on brownfield sites, sites in urban areas; urban extensions; and limited development in villages.
10. DP policy GBR2 seeks to maintain the Rural Area beyond the Green Belt, which is where the appeal site lies in the Plan, as a valued countryside resource. It lists the types of development which will be permitted here, subject to their being compatible with the character and appearance of the rural area. The development types are, in summary, (a) buildings for agriculture and forestry; (b) facilities for sport, recreation and cemeteries; (c) employment-generating uses; (d) the replacement, extension or alteration of a building, provided the size, scale, mass, form, siting, design and materials of construction are appropriate to the character, appearance and setting of the site and/or surrounding area; (e) the limited infilling or the partial or complete redevelopment of previously developed sites in sustainable locations, and (f) rural exception housing.

¹ Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL, 1982, P37]

11. The village of Colliers End is identified as a Group 2 village in DP policy VILL2, wherein limited infill development, together with small-scale employment, leisure, recreation and community facilities are permitted, as well as small-scale development identified in a neighbourhood plan. It lists seven criteria which development should meet, the most relevant to these proposals being that it will (a) relate well to the village in terms of location, layout and connectivity; (b) be of a scale appropriate to the size of the village having regard to the potential cumulative impact of development in the locality; and (c) be well designed and in keeping with the character of the village.
12. Standon Parish Neighbourhood Development Plan 2017-2033 (NP) in policy SP8 anticipates limited infill housing in the defined village boundaries of Colliers End, which it defines as contributing to the character of the street scene, in accordance with DP policy VILL2. It holds a presumption against development in the Rural Area, in policy SP9, with exceptions for specified rural needs, and unless it accords with the District Plan and the Framework.
13. The appellant argues, firstly, that DP policy GBR2 is not a closed list of types of development permitted in this location. Second that, in any case, the development falls within criterion (d) the replacement of a building etc. Third, that the appeal site appears very much part of the village, and should be considered so. Moreover, the future occupiers of the proposed houses and barns would share the same access to services and facilities as their neighbours a few metres away, inside the village settlement boundary line.
14. The rural area: Applying the list of development permitted in the Rural Area as set out in DP policy GBR2 to the proposals to justify the development in the Rural Area, my view of this proposal is that it does not fall under any of the categories of development described in the policy.
15. Even if it were considered to fall under criterion (d), as suggested, the criterion requires the size, mass, siting, scale, and design to be appropriate to the character, appearance and setting of the site and surrounding area. The front piece of the policy too reinforces this by requiring the described development types to be compatible with the character and appearance of the rural area. For the detailed design reasons given below, the design of the proposals fails to meet the demands of the policy. Therefore, the proposed development, when considered to be within the Rural Area, would be in conflict with DP policy GBR2 and NP policy SP9.
16. There is no suggestion that the proposed homes would be isolated homes in the countryside. Paragraph 80 of the Framework, which lists the circumstances where they may be permitted does not therefore apply. Nonetheless, when considering the development proposed on its own terms, without recourse to the list of development in policy GBR2, for the reasons below, it would not recognise the intrinsic character and beauty of the countryside, placing it in conflict with the Framework which, in paragraph 174, requires decisions to contribute to and enhance the natural and local environment. It would also conflict with the Framework which describes in paragraph 126 that the creation

- of high quality, beautiful places as being fundamental to what the planning and development process should achieve.
17. The village: The settlement boundary line excludes the listed farm buildings at Fisher's Farm from the village, yet it includes within the village the C16 listed farmhouse beside them, and to which they have long been visually and actively linked, across a track directly off the road and leading into the fields beyond.
 18. I saw on-site that the long flank of the C19 stables and the end of the C17 barn which form the yard closest to the road share, with the farmhouse, an almost common front line towards the road. The C16 and C17 barns and the C18 and C19 stables in the group of buildings forming the courtyard closest to the former London to Cambridge Road have as strong and direct a bearing on this historic coaching route running through the village, and which was perhaps its genesis for development, as the farmhouse to which they have, at least in terms of layout and use, been connected over centuries.
 19. So too the pond alongside the road, and the C17 house, Barnacres, which stands still further from the core of the village, yet falls inside its boundary. The same boundary line also captures the terraces of cottages on the opposite side of the road, even though they extend even further from the core of the village than Barnacres. These features share a similar spatial relationship to the former London to Cambridge Road in terms of their enclosure of it, their bearing on it, and their direct access from it, as the historic barns which have as much bearing on the road and the built form of the village as many of the buildings within it.
 20. From my assessment on the ground then, the agricultural buildings which roughly form two side-by-side, three-quarters enclosed courtyards onto the track leading from the road, appear more inside the village than outside it. The second enclosing group of farm buildings admittedly has less bearing on the road. Nonetheless the second yard shares the same access as the closest yard, the buildings of both are physically attached, and the second yard extends no further back from the road than the back garden of the farmhouse, its reach not being dissimilar to other plots in this section of the village. In my view then, the two clusters of buildings which form the two yards, stand as much inside the village as does the farmhouse, Barnacres, and the terraces to the north.
 21. The buildings in the land beyond these two courtyards, in which stand the C20 buildings Barn 1 and Barn 2, and the row of metal silos, are altogether more isolated and dispersed structures. These have less affinity with the tighter grain of the footprints and proximity of the buildings within the village and less connection with them than they do with the broader open space of the arable fields beyond, in which modern farm buildings and silos, including the recently erected large, metal barn are typical, agricultural features of the countryside. The land containing these structures, in my view, lies firmly in the Rural Area beyond the Green Belt, and rightly identified by the Council as lying outside the village.

22. In any event, for the reasons given below, even if the whole appeal site were considered to be within the village, the proposed development would conflict with DP policy VILL2 and NP policy SP8.
23. I have noted the prior approval² granted by the Council for the change of use of Barn 1 and Barn 2 from agricultural use to residential. However, the PPG³ makes clear that prior approval is a light-touch process where the principle of the development has already been established, and which does not seek to replicate the planning application system. While I have had regard to the prior approval, the starting point for my decision on the s78 appeal must be the development plan, unless material considerations indicate otherwise.
24. In any event, the appellant has confirmed that since the new agricultural storage building permitted under Part 6 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for which the Council confirmed that prior approval⁴ was not required has been implemented, the change of use of Barn 1 and Barn 2 under Part 3 Class Q is no longer permitted under the Order. The Class Q scheme is no longer a fall-back to justify this development.
25. Access to services and facilities: While there is a church, a hall, and some industrial and agricultural employment in Colliers End, residents rely on surrounding settlements for everyday services and facilities. The closest of these is High Cross, a Group 2 village around 1.3 miles away, which has a convenience shop, a public house, a petrol station, and a primary school. The Group 1 village of Standon & Puckeridge, with greater services and facilities, is around 2.4 miles from Colliers End.
26. While the distances of these villages from Colliers End may deter walking as a means to reach them, they are linked by intermittently lit paths, and served by twice-hourly bus services from bus stops close to the appeal site, which would make alternative forms of transport to the private car a realistic and attractive prospect, for at least some journeys. Where car journeys would be needed, because of the proximity of Puckeridge and the historic market town of Ware, 4 miles away, they would, at least, be relatively short.
27. These observations resonate with appeal and local decisions in this area. First, to the 2016 appeal decision⁵ on a site at the opposite tip of Colliers End, where the Inspector reinforced the conclusion of an earlier appeal decision⁶ in which that Inspector found no compelling grounds to conclude that a proposal, just beyond the drawn village boundary to the north, would be unsustainable as a result of its rural location, or its level of accessibility to services and facilities.
28. Second, the Council followed that conclusion in 2018 when it approved a housing development⁷ on a site which was just outside the drawn settlement boundary of Colliers End. It also concluded when granting planning

² LPA Ref: 3/19/0733/ARPN

³ Planning Practice Guidance, paragraph 28

⁴ LPA Ref: 18/1370/AGPN

⁵ Appeal Ref: APP/J1915/W/16/3150971

⁶ Appeal Ref: APP/J1915/W/15/3121638

⁷ LPA Ref: 3/17/1582/FUL

- permission⁸ for a housing scheme just to the north of the drawn settlement boundary, further from the core of the village than the appeal site, that the village was considered to be a sustainable location.
29. I acknowledge the Council's point that since those decisions were made the national and local policy context has changed, and the local public house has closed. The Parish Council point out that the church has closed as it is in a state of disrepair. However, there is no evidence that the policy context today is so different from before, nor that the closure of the public house and church has been fatal to the provision of local services and facilities that a conclusion departing from the foregoing decisions is justified.
30. The Framework recognises in paragraph 105 that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, which should be taken into account in decision-making. Given the number and proximity of other villages with services and facilities, the development here would help to enhance or maintain the vitality of those rural communities, as indicated in paragraph 79 of the Framework and what it envisages as development in one village supporting services in a village nearby, where there are groups of smaller settlements, as here.
31. I conclude on this issue that while the appeal site lies outside the settlement boundary drawn in the District Plan, which places the location of the development in conflict with DP policy GBR2, this is tempered by my finding, on the ground, that the agricultural buildings which roughly form two, adjoining, three-quarters enclosed courtyards onto the track leading from the road, are within the village.
32. I have found that future occupiers would have good access to services and facilities. Notwithstanding this, for the reasons discussed below, the proposed development would conflict with the local and national policies which apply to development in the Rural Area beyond the Green Belt and in a village of this standing, placing it at odds with DP policies GBR2 and VILL2, NP policies SP8 and SP9, and paragraph 174 of the Framework.

The significance of the listed buildings on and surrounding the appeal site

33. Fisher's Farm: the C16 barn and its C17 extension retain substantial historic form and fabric with significant archaeological, illustrative and architectural special interest in their own right, particularly the arrangement of the timber framing in the walls with their long braces and staggered rails, and the queen-strut trusses bearing on jowled posts, with braces from post to chord, distinctively long and curved in the C16 section, enclosing substantial volumes of space, as well as the porches of differing heights and the lean-to on one side.
34. The C18 and C19 stables which attach to them also contribute to the architectural and historic significance of the listed building, both in their form and construction as well as their siting at ninety degrees from the extended

⁸ LPA Ref: 3/18/1149/FUL

- barn section, to form a three-sided enclosure around the mainstrey on the farmhouse side.
35. In addition to the individual and collective significance of these barns and stables, their siting and phasing to form an enclosure opening onto the garden behind the listed farmhouse, and with the opposite mainstrey facing onto the small, field enclosure suggested on the historic maps indicates the possible success of the early development of the farm.
 36. Attached back-to-back to the C18 stables is a second yard, three-quarters enclosed by C20 farm buildings which have some historic interest insofar as it indicates the growth of the farm and changing agricultural practices, as well as displaying some re-used, historic timbers.
 37. Fisher's Farmhouse: This large, C16 or earlier open hall house, extended in the C17 and C19, has evidential and illustrative value as a post medieval dwelling. Its siting, fronting towards the old London to Cambridge Road, while at the same time overlooking the yard enclosed by the barns and stables of the farm, and the large garden area behind it, at times shown enclosed and sub-divided on historic maps, has particular significance.
 38. Individually, each of these farm buildings has special historic and architectural interest, as summarised above. However, as well as their individual historic and architectural significance, the buildings, as a group of surviving farmstead buildings, have a collective, historic significance demonstrating the form and layout of a farmstead which has developed from the C16. Their position close to the London to Cambridge road, with the setting behind them of open arable fields and distant woodland, indicates the agricultural technology, the social construction, and the architectural aspirations of the people who lived here and who worked this land successfully over at least four centuries.
 39. Barnacres: This grade II listed, C17 house has a frontage close to the road and a relatively short, almost truncated garden behind it, which is shown on the C19 mapping. As well as the special architectural and historic interest from its surviving fabric and forms, it has particular significance in this context from its more domestic vernacular, its C17 extension, and the short dimension of the enclosed space behind it, suggesting its focus was more towards the activity on the road in front of it than to the farmland behind it.
 40. Other listed buildings: On the other side of Fisher's Farmhouse is the grade II listed Little Quakers and building on north, dating from the C16 and C17, and on the opposite side of the road from Fisher's Farmhouse stands the early C16 grade II* house.

Whether the proposals would preserve the listed buildings on the appeal site and any of the features of special architectural or historic interest that they possess

41. Demolition: The Council does not object to the demolition of the C20 structures which form the second, enclosed yard, and which are attached to the C16 barn and C18 stables. While their removal would result in the loss of a few timbers which have been crudely re-used in the construction of the lean-to, their unknown source and isolated use would diminish any loss of significance.

42. The demolition of the structures enclosing the second yard would remove part of the evidence of the farm's development. I am mindful that while these buildings may not appear to have much significance to us today, their C19 origins and contrast with the earlier buildings may be significant to future generations, at least in their form and siting if not in their materials and detailing.
43. However, their siting severely restricts the visibility of the older sections of the buildings forming the earlier courtyard. The precarious detailing of the connections between old and new also threaten the weather tightness of the older sections. Their individual and collective contribution to architectural and historic significance is small. Their removal, as part of a sensitive scheme of works to adapt the older buildings, and subject to a condition for their historic recording, would not harm the special interest of the listed building.
44. Use: I acknowledge the Council's concern about changing the use of the barns from agricultural to residential. Their continued agricultural use would be ideal, but modern farm machinery and crop storage requirements are far larger and more demanding today than when these barns were built, as demonstrated by the investment in the recently erected large, agricultural building⁹ beyond the historic barns. Its purpose was described as for the storage of arable crop, fertilizers and farm machinery which the existing buildings, because of their restricted height, small door openings and lack of storage capacity do not provide.
45. While the barns presently store old tractors and old farm implements, and at my visit I saw a few turkeys being kept in the C18 stables, the older buildings appear generally redundant for the modern agricultural requirements of this arable farm, and risk falling further into disrepair from the lack of maintenance without an active, commercially viable use.
46. Insofar as the agricultural use of historic farm buildings on a farm would be lost here, there would be some harm to their historic significance. However, I am mindful of the guidance in the PPG¹⁰ about the risk of harmful changes from a succession of failed ventures, particularly relevant here given the proximity of residential use on one side and active agricultural activity on the other.
47. Moreover, adaptation to non-agricultural use is an option supported by guidance¹¹ which explains how without appropriate uses to fund their long-term maintenance and repair, traditional farmstead buildings will disappear from the landscape. The sensitive adaptation to residential use of these buildings would help to secure immediate repairs as well as their long-term conservation. I find no harm in respect of the change of use of the historic barns to residential.
48. Sub-division: I appreciate the spectacular, spacious effect of the C16 barn and its C17 extension being in a single volume, which while lit only by gaps in the wall cladding and missing roof tiles has an ethereal character. It allows the detailing of the roof and the walls to be appreciated, exposing the whole

⁹ LPA Ref: 3/18/1370/AGPN

¹⁰ Planning Practice Guidance, paragraph 15

¹¹ Historic England: Adapting Traditional Farm Buildings, Best Practice Guidelines for Adaptive Reuse, 2017

- architectural drama of the roof and the textured effect of the wall studs. More significantly, it reflects the phase of development which necessitated the C16 barn and its extension becoming a single space.
49. However, while the subdivision would remove that historic phase, diminishing the historic integrity of the listed building and undermining something of its architectural interest, it would follow close to where the end wall of the C16 barn may have stood before it was extended in the C17. The precise position and detail of the new party wall could be controlled by condition so as to retain sufficient space beside the roof truss to limit the impact of the change.
 50. External works: The subdivision of the courtyard and the formation of private gardens around it would not undermine the significance of the listed building. An enclosing boundary of some kind appears to have existed between the Farmhouse and the listed building, the historic maps indicating that this was around the Farmhouse back garden rather than around the yard of the listed building. Erecting an enclosure along the open side of the yard, so long as it were low enough to allow the visual and spatial link between the enclosed area of the listed building and the Farmhouse to continue, would not harm that important, historic link between the two listed buildings.
 51. Given the size of the openings and their position in the Farmhouse, I can identify no need for the enclosure to be so tall or solid to prevent loss of privacy of the yard area by overlooking from within the Farmhouse that it would threaten the continuity of the visual and spatial link.
 52. Alterations: The dry lining of the external walls would not obscure wall elements which contribute to the significance of the building, and the position of the roof insulation, leaving the timber trusses, part of the rafters, and the purlins, exposed, would ensure the architectural interest of the roof generally remains visible.
 53. The proposed floor slab would be vapour permeable. Most of the few, new window and door openings would retain the solid character of the roofs and walls of the barns. They would be generally set within existing openings or between existing timber studs which would minimise the loss of historic timber and sensitively constrain the size of the openings. Planning conditions could control the details of these alterations, as well as the sensitivity of repairs and making good.
 54. As part of these alterations and repairs, relatively small elements of historic fabric, in very few instances, such as sleeper wall alterations, would be lost. Though this too would diminish, albeit to a very limited degree, the historic significance of the listed building, this needs to be weighed in the heritage balance.
 55. Notwithstanding this, it became clear at my inspection, that the proposed front door into the C16 barn (plot 7) would require a door opening's width of the historic timber rail in the wall to be removed. The appellant has acknowledged that the posts, arch-braces, queen strut trusses and staggered rails in the walls are of architectural, historic, and archaeological value as surviving historic

- fabric and as evidence of historic architectural practices. To remove a section of this rail would compromise its historic structural integrity, and its historic and structural role within the wall.
56. This element of the proposals would cause less than substantial harm to the historic significance of the listed building, in which circumstance the Framework, in paragraph 199 says that great weight should be given to the asset's conservation. More significantly, the rail is part of the historic structure of the building, which is a feature of its special historic interest. This alteration would not preserve that feature to the desirability of the preservation of which I am required to have special regard.
57. I understand that an alternative location for the front door could be found. However, the effect on the significance of the building of any changes to accommodate such a change is unclear. The layout of the dwellings and the locations of openings in relation to significant historic fabric are of fundamental importance to the consideration of the works to the listed building. Notwithstanding the typical details submitted, there are no location-specific elevation drawings nor any photographic surveys indicating the positions of the posts and rails and studs in the walls, nor for that matter, the roof trusses, and the effect of the proposed openings or alterations on them.
58. I appreciate that there may be elements of works not envisaged or anticipated during a conversion project, and these can be properly covered by conditions. However, the Council or its consultees will not have had the chance to comment on such changes were I to apply a notwithstanding condition for an alternative position for the front door opening. In these circumstances, and given that the uncertainty concerns a heritage asset which the Framework describes as an irreplaceable resource which should be conserved in a manner appropriate to its significance, a planning condition would be insufficient and inappropriate.
59. It also became apparent during my inspection that the insertion of the proposed first floor into part of the C17 barn would require the removal of the arch braces between the truss and posts in the second bay. Aside from the risk to the structural integrity of the roof from their removal, with no indication of sensitive compensating measures, the further depletion of historic fabric, in this case changing the historic character of the building structure, would also harm the special historic and architectural interest of the listed building.
60. In any event, I am not convinced that there are not more sensitive ways to incorporate some measure of a mezzanine floor without the cumbersome stepping arrangement under the roof truss which necessitates the removal of historic braces and the formation of bulkheads around the slender existing openings in the wall. Nor is the spatial balance of a 2-bay mezzanine reached by a stair cutting across the voluminous, knave-like space of the barn sympathetic in the volume of the 4-bay section of the barn, the effect of which would deplete the building of its special architectural interest.
61. Altogether, the degree of harm to the significance of the listed building would be less than substantial. Nonetheless, as above, I give this harm, and the

conflict with the objectives of DP policies HA1 and HA7 which protect the architectural and historic character or appearance of listed buildings and which require works to preserve historic fabric, and Standon Neighbourhood Plan policy SP4 which says that designated heritage assets and their settings will be conserved in a manner appropriate to their significance, considerable importance and weight in the planning balance of these appeals.

The effect of the proposals on the setting of the listed farm buildings at Fisher's Farm; the listed Barnacres; and the listed Farmhouse

62. Fisher's Farm buildings: Save for the house proposed on plot 6, the new houses would be set sufficiently distant from this listed building, across generally open space, that its spacious setting would be preserved. However, the combined effect of the greater height of the house proposed on plot 6, and its proximity to the listed building, would overpower the listed building.
63. I have already found no harm from the removal of the buildings forming the modern yard, which would reveal more of the significant section of the listed building. I have also taken into account Barn 1 and Barn 2, which would also be demolished. So too the cylindrical silos, which the house on plot 6 would replace. However, these agricultural buildings are set some distance from what would be the retained sections of the listed building. Their form and appearance is distinctively agricultural, and not out of place on a farm in the countryside. They do not cause harm to the setting of the listed Fisher's Farm buildings, or indeed any listed building in the vicinity. The condition and siting of these buildings does not justify the harm to the architectural significance of the listed building which merits greater space around it than the house on plot 6 would permit.
64. Barnacres: I appreciate that the focus of this listed building is more towards the road than to the field behind. However, the height of the house on plot 1, which appears would be on higher ground, would dominate the more demure scale of this C17 cottage.
65. I acknowledge that the development would donate a strip of land behind to Barnacres. from the field behind it. However, I am not convinced of the merit, in terms of historic authenticity, of supplanting a historic boundary on the distinctive character of enclosure of Barnacres that is indicated on the historic maps to have stood for considerable time. More significantly, the present aspect behind Barnacres is an open one onto a field, reinforcing the rural character of the setting behind it. There would therefore be harm to the setting of the listed building Barnacres.
66. Farmhouse: Given the distance of the Farmhouse from the proposed buildings and the separation provided by the access track, as well as my finding no harm, subject to conditions, from the enclosure of the yard, the setting of this listed building would be preserved.
67. Other listed buildings: I have considered the effect of the proposals on the settings of the other listed buildings in the vicinity, to the desirability of the preservation of which I am required to have special regard. Because of the

distances between them and the proposals, as well as intervening structures and planting, their settings would be preserved.

68. I conclude on this issue that the proposed development would harm the western setting of Fisher's Farm buildings and the western setting of Barnacres. The resulting loss of significance to these buildings would, in the terms of the Framework, be less than substantial. Nonetheless, it would conflict with DP policies HA1 and HA7 where they protect the historic environment and require proposals to preserve the setting of listed buildings. It would also conflict with policy SP4 of the Standon Neighbourhood Plan where it says that designated heritage assets and their settings will be conserved in a manner appropriate to their significance.
69. It would also run against the Framework, which in paragraph 200, identifies the potential for harm to the significance of a designated heritage asset including from development within its setting, and which in paragraph 206 encourages development within the setting of heritage assets to look for opportunities to better reveal their significance.

The effect of the proposals on the character and appearance of the area

70. Though the linear form of development which encloses the main road fronting towards it is what activates the road through the village and characterises the pattern of development within it, it is no longer an exclusive form. For example, Bird Court and Parkins Close are two recent developments in the village which have taken the form of short cul-de-sacs. Therefore, the short cul-de-sac is no longer a development form incompatible in the village.
71. Notwithstanding this, the vast majority of the site of the new houses would be beyond the village, in the Rural Area beyond the Green Belt. Here the pattern of development, where it does occur, is far looser-grained and more dispersed than this proposal. Cul-de-sacs of such closely set housing are generally not a feature of the pattern of development in the Rural Area.
72. The proposed layout, of handed or repeated house types, with formally arranged hedges defining the common boundaries, enclosing single trees set in the middle of small, rectangular, front lawns beside paths leading to the front doors of symmetrically arranged houses, many with footprint:plot ratios and back garden depths more akin to urban locations, sited in symmetrically arranged pairings, would have more of a suburban appearance than the character of a rural yard beside historic barns and stables in the countryside.
73. I appreciate the formality of the site arrangement of the houses and their elevations, as a visual response to the mainstrey of the C17 barn and the length of the roofs over the barns. However, the architectural character of the barns and stables comes as much from the difference between the various phases of development in pitch, eaves, ridge, and plinth as it does from the more demure scale of their strong, simple solid forms and play of textures.
74. While the appellant is right to eschew a pastiche approach, the height of the proposed houses, the exploitation to the point of exhaustion of the mainstrey

- form and opening, and the overuse of symmetry would tend to visually overwhelm the more humbly scaled asymmetry of the listed barns and stables.
75. Moreover, the proposed cul-de-sac development, located largely outside the village, would appear larger than many of those cul-de-sac developments which are inside the village. The size of the footprint of this development, excluding the retained, listed building, even if it were considered to be inside the village, would have a marked, unbalancing effect on the equilibrium of development in Colliers End.
76. This is specifically resisted by part V(b) of DP policy VILL2, which expects development inside Group 2 villages to be of a scale appropriate to the size of the village having regard to the potential cumulative impact of development in the locality. Being located in the Rural Area beyond the Green Belt rather than within the village, the effect of the incompatibility of the development on its wider surroundings would be even greater.
77. Furthermore, the new-build element would not fill in between anything; it would develop the land behind Barnacres and behind the listed building, the gap which might have been capable of being filled-in would be the access road into the development. Even if the new-build section were considered to be within the village, the proposal would conflict with DP policy VILL2 and NP policy SP8 which permits limited infill development in Group 2 villages.
78. I appreciate that the site layout is based on access into the barns from the north. However, there is no evidence that entry to the barns needs to be from that direction. Indeed, the siting on the north elevation of one of the front doors in the barns would harm the special interest of the listed building.
79. I have taken into account that the C20 agricultural buildings, Barn 1 and Barn 2, the silos and the buildings forming the second yard would be replaced by this development. However, agricultural buildings like these are commonplace on farms. In terms of their character and appearance, and despite their condition, they do not look out of place on a farm in the countryside.
80. I conclude on this issue that I find no harm to the character and appearance of the area from the adaptation of the listed building. The new-build section of the proposed development would however result in significant harm to the character and appearance of the area. It would conflict with DP policies GBR2 and DES4 which require development to be compatible with the character and appearance of the rural area and to reflect and promote local distinctiveness.
81. It would also run against NP policy SP13 which says that the redevelopment of historic farmsteads should be sensitive to their distinctive character, materials and form, and that the scale and design of new development will reflect the overall character of the built environment of the Parish.
82. It would be at odds too with the fundamental objective to make high quality, beautiful and sustainable buildings and places and it would not contribute to and enhance the natural and local environment as indicated in paragraphs 126 and 174 of the Framework.

Public Benefits and Balance

83. I have found that the proposals would harm the significance of the listed barns at Fisher's Farm and fail to preserve their special architectural and historic interest, as well as their setting. The proposals would also diminish the setting of the listed building Barnacres. I give this harm considerable importance and weight in the planning balance of these appeals.
84. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. I have found the harm to be less than substantial, but nevertheless of considerable importance and weight.
85. Paragraph 202 of the Framework anticipates that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal, which includes the securing of its optimal viable use.
86. The principal heritage benefit would be the conservation of the listed building following extensive repairs, and improvements, and those sensitive elements of the adaptation work to accommodate the change of use, including the immediate landscape around the listed building. The new residential use would secure its long-term conservation, and the demolition of the buildings forming the second courtyard would improve the setting of the retained section of the listed building to which they are attached which would also be a heritage benefit. The restoration of the pond would bring heritage benefits too, as well as ecological opportunities.
87. There is support from local residents for the proposals which, as well as securing the optimal viable use for the listed building, would provide the social benefit of eight new homes in a sustainable location, with the future occupiers bolstering the demand for services and facilities in neighbouring villages.
88. Occupation of the development would bring economic benefits too from the spending of future occupiers in the local area as well as from its construction which would stimulate employment, the commissioning of services, and the retention of building craft skills.
89. I find no benefit to the setting of the listed buildings or the character and appearance of the area from the demolition of Barn 1 and Barn 2 and the silos. Similarly, as I have found the new-build element harmful to the setting of the listed buildings as well as to the character and appearance of the area, there cannot be a public benefit from its design.
90. The heritage benefits to the listed building, including securing the optimal viable use, would be significant. However, the heritage benefits and the other public benefits in the proposals, including the benefits across the whole scheme, would not outweigh the less than substantial harm to the significance of Fisher's Farm buildings and their setting, and to the setting of Barnacres, to

which I attribute considerable importance and weight, and to the conservation of which the Framework indicates great weight should be given.

Conclusion

91. I have found that while the appeal site has good access to services and facilities, most of the new-build section would be in the Rural Area beyond the Green Belt, where it would conflict with the settlement strategy of the development plan. Though my assessment found the listed building to stand more inside the village than outside it, and I have found no harm from the change of use of the listed building, the proposals would diminish the historic significance of the grade II listed farm buildings at Fisher's Farm, and their setting, and fail to preserve their special architectural and historic interest. They would also harm the setting of the grade II listed building Barnacres, as well as the character and appearance of the area.
92. I conclude, therefore, that the proposal would fail to satisfy the requirements of the Act, paragraph 197 of the Framework, and it would not be in accordance with the development plan, when read as a whole. There are no other considerations to outweigh that finding. For the reasons given above, the appeals are dismissed.

Patrick Whelan

INSPECTOR

Appearances

FOR THE APPELLANT:

Fred Quartermain
Alison Young BA(Hons)
Sara Davidson BSc MSc IHBC

Solicitor, Thrings LLP
Alison Young Planning Associates
Director, HCUK Group

FOR THE LOCAL PLANNING AUTHORITY:

Sam Dicocco BSc MSc MRTPI

Mike Brown RICS IHBC FRSA

Principal Planning Officer,
East Herts District Council
Senior Conservation & Urban Design Officer,
East Herts District Council



Appeal Decisions

Site Visit made on 14 December 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th January 2022

Appeal A Ref: APP/J1915/W/21/3274346

Pimlico House, Gascoyne Way, Hertford, SG13 8EA

- 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 conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Russell Kilikita against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/0219/VAR, dated 27 January 2021, was refused by notice dated 29 April 2021.
 - The application sought planning permission for "demolition of existing building & erection of 3 storey offices (B1) & 34 no. 1&2 bed flats with landscaping and car parking at basement and surface level – amended scheme" without complying with a condition attached to planning permission Ref 3/01/1225/FP, dated 20 May 2003.
 - The condition in dispute is No 6 which states that: Prior to the first occupation of the development hereby permitted spaces shall be provided within the application site for the parking of cars as shown on the plans accompanying the application and such spaces shall be retained at all times for use in connection with the development hereby permitted. The office spaces No's 3 to 7 as marked on plan no. 5155/P/001F shall be available for use by residents at weekends and after 6pm Monday to Friday.
 - The reason given for the condition is: To ensure adequate off street parking provision for the development, in the interests of highway safety, in accordance with Policy M8 and Appendix IV of the East Herts Local Plan.
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Appeal B Ref: APP/J1915/W/21/3274499

Pimlico House, Gascoyne Way, Hertford, SG13 8EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
 - The appeal is made by Mr R Kilikita (11/12 Wells Terrace Ltd) against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/2272/ODPN, dated 12 November 2020, was refused by notice dated 5 January 2021.
 - The development proposed is change of use of Pimlico House from B1 use to C3 use to provide 10 x 1 bedroom flats and the provision of 10 secure cycle parking spaces.
-

Appeal C Ref: APP/J1915/W/21/3276812

Pimlico House, Gascoyne Way, Hertford, SG13 8EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- The appeal is made by Mr R Kilikita (11/12 Wells Terrace Ltd) against the decision of East Hertfordshire District Council.

- The application Ref 3/21/0881/ODPN, dated 30 March 2021, was refused by notice dated 21 May 2021.
 - The development proposed is change of use from offices to seven self-contained flats.
-

Decision

1. Appeal A is allowed and the planning permission Ref 3/01/1225/FP for demolition of existing building & erection of 3 storey offices (B1) & 34 no. 1&2 bed flats with landscaping and car parking at basement and surface level – amended scheme at Pimlico House, Gascoyne Way, Hertford, SG13 8EA granted on 20 May 2003 by East Herts District Council is varied by deleting condition 6.
2. Appeal B is dismissed.
3. Appeal C is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use from offices to seven self-contained flats at Pimlico House, Gascoyne Way, Hertford, SG13 8EA in accordance with the terms of the application Ref 3/21/0881/ODPN dated 30 March 2021 and the plans submitted with it, together with the following condition:
 - 1) Prior to the first occupation of the dwellings hereby approved, details of the provision of two electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The agreed charging points shall be installed prior to the first occupation of the dwellings and retained in functioning order thereafter.

Preliminary Matters

4. The appellant provided an amended plan, Ref 4894/PD05B, with Appeal C addressing the Council's second and third reasons for refusal. The Council accepts that the amended plan addresses the reason for refusal relating to the internal dimensions of the proposed dwellings. In accordance with the principles established in *Wheatcroft* I find that interested parties would not be prejudiced by accepting this revised drawing in my determination of this appeal. I do not therefore need to address the second reason for refusal for Appeal C further. The Council has not stated whether the revised plan addresses its third reason for refusal and have also questioned the level of natural light to a ground floor flat. I shall return to this matter below.
5. Drawing 5155/P/001F shows five parking spaces. At the time of my visit there were six parking spaces on site. I shall also return to this matter below.

Background and Main Issues

6. Appeal A seeks to remove a condition imposed on the original mixed-use permission for the site that requires parking associated with the commercial use of Pimlico House to also be made available for residents of the flats. Appeals B and C seek the change of use of Pimlico House to residential. As all three appeals relate to the same property, and the outcome of both Appeals B and C is directly related to that of Appeal A, it is appropriate to deal with the three appeals in a single decision.
7. The main issue in relation to Appeal A is whether the condition is necessary in the interests of highway safety, precise and enforceable.

8. A main issue in relation to both Appeal B and Appeal C is the transport and highways impacts of the proposed developments. The second main issue relating to Appeal C is whether it would include the provision of adequate natural light in all habitable rooms of the dwellinghouses.

Reasons

Appeal A – Removal of condition

9. The condition the subject of this appeal secures the use of parking spaces for residents of the development. The National Planning Policy Framework (the Framework) states that conditions imposed on a planning permission should be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
10. The condition was originally sought by the Highways consultee, who support its retention. However, this is not justified in the evidence before me by reference to the Council's parking standards. It is not therefore clear that the development would result in the displacement of parking onto the public highway to an extent resulting in unacceptable harm to highway safety.
11. In addition, the condition is not precise or enforceable as it only states a start time for when the spaces can be used by residents with no end time. While the wording of the condition could be made more precise to address this, it is not clear how the condition could be enforced, as there is no apparent means of identifying residents' vehicles, nor details of how the Council could control parking at the site. The Council has referred to a Breach of Condition notice, but from the evidence before me this relates to enforcement measures by a private company seeking to prevent resident parking.
12. I am mindful that the use is existing, with use of the spaces by residents of the site sufficiently well established that it is defined in the property deeds. The condition is therefore relevant to planning and to the development permitted.
13. Nevertheless, as the condition is not necessary in the interests of highway safety, precise or enforceable, it does not meet the tests set out in the Framework.

Appeals B and C – Transport and highways impacts

14. The Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order) permits the change of use of office buildings to dwellinghouses, subject to the prior approval of the transport and highways impacts of the development, amongst other considerations.
15. For Appeal B the Council's parking standards require a minimum of eight parking spaces. For Appeal C a minimum of five spaces is required. While the appeals seek prior approval rather than planning permission, the Council's standards provide a reasonable basis for assessing the likely parking need generated by the development, and the resulting impact on the public highway.
16. Eight parking spaces are marked out on site. However, space CP3 is significantly shorter than the recommended length for an off-street parking bay. It is likely that its use would cause conflict with space CP2 given their proximity and relative orientation to one another. While the space is already marked out on site, it is not clear that all five spaces on the forecourt can be

used at the same time. For the purposes of these appeals, therefore, only seven of the eight spaces can be considered usable.

17. I am mindful that implementation of either of the proposed developments would result in the cessation of the commercial use of Pimlico House, and any associated parking. However, it would also mean that the existing residents of the site would lose access to these parking spaces outside office hours. While it is not clear from the evidence submitted how heavily these spaces are used, residents have stated that they are in regular use, and therefore some displacement of existing parking would occur.
18. The Transport and Highways Impact Assessment submitted by the appellant indicates that there are generally spaces available in the area around the appeal site. However, the nearest parking on Pegs Lane and the access road immediately next to the site is subject to parking restrictions, while the unrestricted parking on West Street had too few spaces available during either night of the parking survey to accommodate cars displaced from all five parking spaces. More unrestricted parking was available on Castle Street, but I note that this lies on the far side of the dual carriageway next to the site, making it substantially less convenient for residents of the existing and proposed flats. Parking on single yellow lines is an option at similar times to the restrictions on the shared parking spaces, however these are also restricted on Saturdays and therefore are not as convenient as the shared spaces.
19. The appellant has suggested that as Appeal B proposes one-bedroom flats close to the centre of Hertford then occupiers may not have or need private cars. However, there is no guarantee of this, and the parking standards already take account of the proximity of the site's location in accepting less than one space per dwelling.
20. The development proposed in Appeal B would fail to provide sufficient on-site parking to meet the Council's standards. There is only limited capacity for on-street parking in the vicinity of the site, and existing resident parking would be displaced by the development. The development would therefore be likely to result in additional congestion with drivers seeking spaces and conflict with other road users, to the detriment of highway safety. The transport and highways impacts of the development would therefore be unacceptable.
21. The development proposed in Appeal C would provide sufficient parking to meet the Council's standards. On balance, additional parking demand including that resulting from existing users, could be accommodated through on-street parking in the vicinity of the site. This development would not therefore be harmful to highway safety, and its transport and highways impacts would be acceptable.

Appeal C – Living conditions

22. The revised plan provided by the appellant with this appeal shows a one-bedroom flat on the top floor of the building and revised layout to flat U.01 on the ground floor. This revised layout would provide adequate natural light to all habitable rooms to these flats as required under Class O of the Order, and therefore acceptable living conditions.

Other matters

23. The use of five parking spaces on the forecourt of Pimlico House by residents is recognised in property deeds. This is a private matter between residents and the site owner, and not a consideration in the determination of these appeals.

Conditions

24. Paragraph O.2(2) of the Order requires that the development must be completed within a period of three years starting with the prior approval date, which for the sake of certainty is the decision date given above.

25. I have had regard to the conditions suggested by the Council with regards to Appeal C and considered them against the tests set out in the Framework, amending the wording as required.

26. I have imposed a condition requiring the inclusion of electric vehicle charging points at the site to support sustainable travel.

27. I have not imposed the suggested condition requiring storages for sixteen bicycles. Storage for ten bicycles is proposed, including eight secure spaces within the building, and there is no evidence to suggest this would be an inadequate provision.

Conclusion

28. For the reasons set out above, Appeal A and Appeal C succeed, but Appeal B fails.

M Chalk

INSPECTOR



Appeal Decision

Site visit made on 19 January 2022

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

an Inspector appointed by the Secretary of State

Decision date: 31 JANUARY 2022

Appeal Ref: APP/J1915/W/21/3276910

Land Between 66A Ashdale and 29 Irving Close, Bishops Stortford, Hertfordshire CM23 4EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr John Farrugia against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/0217/OUT, dated 27 January 2021, was refused by notice dated 1 April 2021.
 - The development proposed is outline permission for the erection of a kiosk retail unit, with landscaping and detailed design reserved.
-

Decision

1. This appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought but with scale and layout to be considered at this stage. I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposed development on; the character and appearance of the area including with regard to trees, and the living conditions for nearby occupiers including with regard to refuse storage and collection.

Reasons

Character and Appearance

4. The appeal site is a grass and soft landscaped piece of open land, with a number of trees nearby. It is adjacent to the large Sainsburys building within the Thorley Neighbourhood Centre and alongside pedestrian accesses to this area. It is also to the rear of properties on Irving Close and Ashdale and is partly bounded by domestic fencing. These roads are within a wider residential area which, in the vicinity of the appeal site, are characterised by mainly two storey terraced and semi-detached homes with pitched roofs.
5. The site is located away from the main frontages and entrances of the units in the Neighbourhood Centre, and adjacent to residential gardens. Consequently, it appears clearly separate to the commercial use and is seen as part of the residential development beyond.

6. The open, undeveloped, planted nature of the land results in a pleasant, soft, green character and appearance to the site and the nearby trees contribute to this. Furthermore, it provides an important break in built form and a sense of separation between the large adjacent Sainsburys building and the two storey housing beyond.
7. The proposed development would occupy a significant proportion of the open space. The introduction of built form in this area would harmfully erode the positive open, undeveloped characteristics of the site. Furthermore, the kiosk would create a commercial use in what is an apparent part of the residential area. This would unacceptably compromise the important function of the land in providing visual separation between these areas.
8. The proposed building would be in close proximity to existing trees. The evidence before me is not sufficiently detailed to clearly show that the proposed building would be outside their root protection zones. Taking into account the proximity to these trees, and that layout is a matter to be determined, I am not persuaded that the proposed development would not result in the loss of the adjacent trees. Such a loss, particularly in combination with the removal of the majority of the soft landscaping, would be notably harmful to the positive green characteristic of the site. For the reasons above it is clear that the proposed development would not be a long term improvement to the site.
9. Details of appearance and landscaping would be reserved matters. The single storey height proposed would result in a subservient building, and the materials proposed could be secured at reserved matters stage to appropriately complement the existing buildings. Landscaping could also provide screening, and I do not find harm in these regards. However, this lack of harm is a neutral factor. Therefore, these matters do not outweigh the harm identified above.
10. Consequently, the proposed development would have a harmful effect on the character and appearance of the area, including with regard to trees. As such it would be contrary to policies DES3 and DES4 of the East Herts District Plan October 2018 (DP) and Policy HDP2 of the Bishop's Stortford Town Council Neighbourhood Plan for All Saints, Central, South and part of Thorley 2016-2032 (NP). Together these policies seek high quality design with particular respect to developments' relationships with their locations and surroundings and retaining, protecting and enhancing existing landscape features.

Living Conditions

11. The proposed development is for a class E use kiosk. The size of the proposed unit would limit some operators. However, the suggested key cutting, shoe repair or newsagents are not the only uses that could operate from this unit.
12. Deliveries and refuse collection would be by vehicle to Irving Close or Ashdale, with the final part of the journey on foot. Given the range of uses that could occupy this kiosk, it is unlikely that all future occupants would require one delivery per month and one refuse collection per week, particularly given the limited internal space available for storage. Indeed, even considering the suggested newsagents, such a use would be likely to require more frequent deliveries.

13. This would therefore result in commercial vehicles in the residential streets and subsequent movement of stock and rubbish along narrow pedestrian paths on a frequent basis. These movements and disturbance would be incompatible with the existing quiet residential character and use. Such effects would be harmful during daytime hours when the footpaths would be likely to be used. This would not therefore result in a high standard of amenity for existing users.
14. Due to the daytime hours of operation any noise from the use is unlikely to result in unacceptable disturbance to neighbouring occupiers, and this could be controlled by condition. The proposed kiosk would front an existing footpath which provides access to the Thorley Neighbourhood Centre. Due to the size of the unit, it is unlikely that there would be a significant increase in footfall as a result of the proposed development. As such the noise associated with pedestrians is likely to be similar to the existing. As would any risk of crime or anti-social behaviour, for the same reasons. It would also be possible to secure lighting details by condition.
15. Nevertheless, the absence of harm in these regards does not weigh in favour of the development. As such it does not overcome the harmful effect of deliveries and refuse collection on neighbouring living conditions.
16. Therefore, for the reasons set out above the proposed development would have a harmful effect on the living conditions of existing occupiers, including with regard to refuse storage and collection. As such the proposed development would be contrary to Policies EQ2 and DES4 of the DP. These require that development should avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties with particular respect to noise and disturbance.

Other Matters

17. The proposed development would support the vitality of the existing centre and this is a benefit of the proposal. Albeit given the size of the development such benefit would be limited in its scale. As such, this limited benefit would not outweigh the multiple harms to character and appearance and living conditions outlined above.
18. The application is submitted in outline. However, the issues set out above are fundamental to the acceptability of this proposal in this location and I am not persuaded that it would be possible to resolve these issues at the reserved matters stage.

Conclusion

19. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR



Appeal Decision

Site Visit made on 14 December 2021

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

an Inspector appointed by the Secretary of State

Decision date: 17th January 2022

Appeal Ref: APP/J1915/W/21/3276010

Tree Heritage, North Road, Hertford, SG14 2PW

- 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 Edward Pearce against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/0365/FUL, dated 12 February 2021, was refused by notice dated 21 May 2021.
 - The development proposed is described as “the redevelopment of the site, including demolition of existing buildings and erection of 5 dwellings, associated parking and altered access and provision of informal open space.”
-

Decision

1. The appeal is dismissed.

Main Issues

2. The site is in the Green Belt, and the main issues are therefore:
 - Whether the development proposed would constitute inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies
 - The effect on the character and appearance of the area; and,
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. The National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt should be regarded as inappropriate development, other than for certain exceptions. One identified exception is where a proposal involves the redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. Policy GBR1 of the East Herts District Plan 2018 (the DP) states that planning applications within the Green Belt will be considered in line with the provisions of the Framework.
4. The openness of the Green Belt has both a visual and a spatial component. The proposed development would introduce two-storey houses into the site, where none of the existing buildings are more than a single storey in height. This would result in a greater impact to the visual openness of the Green Belt. The proposed siting of the two-storey houses to the rear of the single-storey

houses as seen from North Road would not be sufficient to offset their greater height, even allowing for the lower ground level within the site.

5. The proposed development would result in a more compact built form than the existing use of the site. However, the greater height of the two-storey houses taken together with the formalised plot boundaries and hard surfacing would result in a greater overall impact on the spatial openness of the Green Belt.
6. The site benefits from established boundary planting that provides screening for much of the year, with a mix of evergreen and deciduous trees. However, there are views across the site from North Road, and the development would be visible from the street and from the neighbouring house, Black Grove Lodge.
7. Overall, therefore, the appeal proposal would have a greater impact on the openness of the Green Belt than the existing development. It would consequently be inappropriate development contrary to the Framework and Policy GBR1 of the DP.

Character and appearance

8. Planning permission has previously been granted for five single-storey houses on this site in a broadly similar layout to the proposed. The most significant change from the approved scheme is the proposed two-storey houses. These would be similar in height to two-storey houses in North Road, including the neighbouring Black Grove Lodge. They would be finished in materials similar to the approved development. Notwithstanding the impact on openness set out above, the houses would not therefore appear out of keeping in the wider area.
9. There would therefore be no additional harm from the proposed development to the character and appearance of the area. It would consequently accord with DP Policies DES2, DES3 and DES4. Collectively these require that development conserve, enhance or strengthen the character and distinctive features of the district's landscape and reflect and promote local distinctiveness.

Other considerations

10. The appellant has identified considerations that they contend weigh in favour of the appeal proposal. They note that the approved scheme is a material consideration, and that the development footprint and extent of hardstanding would be smaller than the approved, with an attendant greater expanse of open space and amenity land contributing to both openness and biodiversity. These considerations collectively attract moderate weight in favour of the appeal proposal.
11. Nonetheless, the proposed development would cause harm to the openness of the Green Belt even with the changes from the approved scheme. The considerations identified by the appellant do not clearly outweigh the substantial weight that must be attributed to the harm to the Green Belt. Accordingly, very special circumstances do not exist in this case.

Conclusion

12. For the reasons set out above, the appeal is dismissed.

M Chalk

INSPECTOR



Appeal Decision

Site visit made on 19 January 2022

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

an Inspector appointed by the Secretary of State

Decision date: 31 JANUARY 2022

Appeal Ref: APP/J1915/D/21/3280985

95 Pye Corner, Gilston CM20 2RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Lee Jones against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/1490/HH, dated 3 June 2021, was refused by notice dated 10 August 2021.
 - The development proposed is first floor rear extension with associated elevational alterations (Resubmission).
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Decision

1. The appeal is dismissed.

Main Issues

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

Reasons

Whether the proposal is inappropriate development

3. The National Planning Policy Framework July 2021 (the Framework) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in paragraph 149 of the Framework.

4. Of relevance to this appeal is that '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' is listed as an exception in paragraph 149c.
5. 95 Pye Corner has been previously extended with single and two storey extensions. The original dwelling was small, nevertheless the Framework is clear that to meet exception c of paragraph 149 it is the size of any extension relative to the original building, not the existing building, that is relevant.
6. The proposed development would result in a dwelling which would be approximately double the width of the original house with a two storey rear extension for the majority of this extended width. It is put to me that this would be a volumetric increase of around 260%, increase in floor area of 210% and increase in footprint of 210% from the original building. This considerable increase in bulk and scale would result in overly large, disproportionate additions relative to the size of the original building.
7. Therefore, for the reasons described above, the proposed development would be inappropriate development in the Green Belt in the terms of the Framework. As such, in this respect, it would also be contrary to Policy GBR1 of the East Herts District Plan October 2018 (the DP) which, amongst other things, requires that planning applications within the Green Belt are considered in line with the provisions of the Framework.

Openness

8. Openness has both spatial and visual dimensions. The proposal would introduce first floor development where currently there is none, and therefore there would be harm to spatial openness. Furthermore, the proposed development would be visible in glimpsed public views between from the road. It would also be seen in private views from neighbouring properties and gardens. Therefore, in terms of visual intrusion, the proposed development would have a greater impact on the openness of the Green Belt than existing.
9. The fact that the proposed development would be an extension to an existing property, would be above an existing rear extension and would be next to a neighbouring two storey extension would reduce the extent of the harm, which would therefore be modest.
10. Nevertheless, for the reasons above, the proposed development would be harmful to the openness of the Green Belt. Consequently, it would be contrary to the Framework and policy GBR1 of the DP, the aims of which are set out above.

Character and Appearance

11. 95 Pye Corner is one of a few small semi-detached dwellings in this location, many of which have been extended, albeit their traditional modest appearance is generally apparent. The host property has a two storey side extension which creates the appearance of a wider property as well as a secondary single storey rear extension and porch.
12. The proposed development would increase the rear extension to a two storey addition which extends to the ridge height. It would not be set in from the side elevation and its scale is exacerbated by the lower ground levels to the rear of this site along with its height. This would create an oversized, dominant rear

extension harmful to the modest character and appearance of the dwelling and those in the surrounding area. Although the pitch of the roof matches the existing, the lack of harm in this respect is a neutral factor.

13. Whilst this matter was not referred to in the Council's decision 3/20/2141/HH this does not lead me to set aside the harm I have found in this regard.
14. As such the proposed development would have a harmful effect on the character and appearance of the surrounding area. This would be contrary to Policies HOU11 and DES4 of the DP. Together these require that extensions must be of a high standard of design, should be appropriate to the existing dwelling and should generally be subordinate, amongst other things.

Other Considerations

15. The land to the rear of this site has been allocated for urban development in the DP and is not in the Green Belt. An application for outline planning permission¹ has been submitted for this land, although there is nothing to indicate that any work has commenced. Nevertheless, the fact that the appeal site is within the Green Belt is not in dispute. Therefore, Green Belt policies and the purposes of the Green Belt remain relevant to this appeal.
16. The extension would provide enlarged and improved living accommodation for the occupiers. However, this benefit would mainly be private and therefore I afford this minimal weight.

Green Belt Balance

17. The Government attaches great importance to Green Belts. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have found harm to the Green Belt by reason of the proposed development's inappropriateness and effect on openness. As well as the public and permanent harm to the character and appearance of the area. These issues are not outweighed by the considerations advanced by the appellant. Therefore, the other considerations in this case, even when considered together, do not clearly outweigh the harm that I have identified.
18. The very special circumstances necessary to justify the development therefore do not exist. Consequently, the proposed development would conflict with policies GBR1 of the DP and paragraph 148 of the Framework the aims of which are set out above.

Conclusion

19. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR

¹ 3/19/1045/OUT



Appeal Decision

Site visit made on 5 January 2022

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 19 JANUARY 2022

Appeal Ref: APP/J1915/D/21/3286048

Rose Cottage, Ducketts Lane, Green Tye, Much Hadham, SG10 6JL

- 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 Spyer against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/218/HH, dated 9 August 2021, was refused by notice dated 5 October 2021.
 - The development proposed is single storey rear extension with roof lantern and conversion of garage, replacement of garage door with window and repositioning of the first floor rear window.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension with roof lantern and conversion of garage, replacement of garage door with window and repositioning of the first floor rear window at Rose Cottage, Ducketts Lane, Green Tye, Much Hadham, SG10 6JL, in accordance with the terms of the application, Ref 3/21/218/HH, dated 9 August 2021, 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 shall match those used in the existing building.
 - 3) The development shall be carried out in accordance with the approved plans Nos. IL2454-01 A (Location and Site Plan), IL2454-02 D (Floor/Elevation - Existing), and IL2454-03 D (Floor/Elevation - Proposed).

Main Issue

2. There is a single issue in this case: the adequacy of car parking arrangements if the garage should be converted to living accommodation.

Reasons

3. As existing, Rose Cottage has 4 bedrooms. The Council's Parking Standards require a four bedroom dwelling to have provision for 3 off street parking spaces. The existing garage was granted planning permission in 1990 under reference 3/90/1366. This permission carried a condition requiring that the garage be used solely for the housing of private vehicles and not for living

accommodation. However, the internal dimensions of the garage are approximately 2.425m wide x 3.64m deep. The council's Vehicle Parking Standards provide guidance, including dimensions of car parking spaces. These specify that the minimum internal dimensions of garages should be either 2.6m wide x 5.6m deep or 3.2m wide x 5.0m deep. It is therefore acknowledged that the current garage is below these requirements and it could not accommodate most modern cars.

4. Without the garage, the maximum provision that can be made for car parking within the curtilage of Rose Cottage is for 2 cars. This is because of the limited area in front of the dwelling and the fact that it fills most of the width of the plot. However, the parking of 2 cars across the frontage, as shown on the plans, would require a 'tandem' arrangement. This, coupled with the narrow right of way across common land, means that it would involve difficult manoeuvring, and one car would be 'trapped' by the second car. I therefore doubt that this arrangement would be used regularly. However, if the existing garage were to be used for parking a small car, the maximum number of cars that could be accommodated within the curtilage would still be 2, allowing for the garaged car to enter and leave.
5. The appeal proposal does not provide any additional bedspaces, so that the cottage would remain as having 4 bedrooms. The additional accommodation that the proposal provides does not make it likely that the number of potential occupants would increase. Therefore the position is the same, whether the existing garage remains or is converted into living accommodation as proposed: the maximum number of cars that can be parked within the curtilage is 2 in both cases. This leads me to conclude that there is no justification for the refusal reason.
6. I note that it is said that the occupants of Rose Cottage currently park on the drive within the common land. This keeps parked cars well clear of the public highway. I also note that it is suggested that there is a restrictive covenant that prevents parking on the common land. Be that as it may, and it would be a civil rather than planning matter, it has no effect on the question of whether the loss of the garage makes a material difference.
7. I have taken account of all other matters raised, but for the reasons given above I will allow the appeal. The council has indicated that the only conditions that should be imposed on any planning permission, apart from the standard time limit for commencement, are that the materials to be used in the construction of the external surfaces of the development shall match those used in the existing building, and that the development shall be carried out in accordance with the approved plans. I consider that these conditions are necessary to ensure a satisfactory appearance and to provide clarity and certainty over the precise nature of the development permitted.

Terrence Kemmann-Lane

INSPECTOR