



Appeal Decision

Site visit made on 4 June 2024

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 June 2024

Appeal Ref: APP/J1915/W/23/3326483

Peregrine House, The Blanes, Ware, Hertfordshire SG12 0XD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Connolly against the decision of East Hertfordshire District Council.
 - The application Ref is 3/22/1964/FUL.
 - The development proposed is described as enlargement of block of flats by construction of an additional storey to match the height of next door block of flats.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the late stages of this appeal the Council brought to my attention that it published a new 5 year housing land supply position statement. As this is of relevance to the appeal before me, and the appellant has been given the opportunity to comment on this matter, I have accepted this late evidence and considered it, as well as any comments received, as a part of my assessment.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the residents at Falcon Court with particular regard to outlook.

Reasons

4. Peregrine House is a four-storey block of flats where the top floor is contained in a mansard style roof. Due to the sloping ground, the northern part of the building is taller than the southern part where the proposal would be located.
5. Falcon Court is a four-storey block of flats positioned at approximately 17m from the southern part of Peregrine House at a lower ground level. The evidence indicates that the flats within Falcon Court have windows serving habitable rooms facing towards the appeal site.
6. The development would raise the height of the existing building by an additional storey. Due to its positioning, substantial size and scale, the proposal would appear as a significant and conspicuous structure that would have an overbearing effect on the outlook of the residents at Falcon Court, in particular to those on the upper floors. As such, I do not find that the gap between both buildings would offer sufficient mitigation for the scale of the proposal, even more so when considering that Falcon Court sits on lower ground.

7. The height of the proposal would appear consistent with the height of the northern part of the building. However, as this part of the building is sited further away from Falcon Court, its influence on the outlook from the windows at this neighbouring development is more limited. As such, I do not find that the northern section of Peregrine House would justify the proposal.
8. The details provided in relation to the cited schemes elsewhere within the Borough are somewhat limited, with no specific information regarding the size of these proposals or their context. As such, I cannot make any meaningful comparison between the proposal and these schemes.
9. In conclusion, the proposal would have a harmful effect on the living conditions of the residents at Falcon Court with particular regard to outlook. The proposal would be contrary to Policy DES4 of the East Herts District Plan 2018, insofar as this policy requires a high standard of layout of new development.

Other Considerations

10. Notwithstanding my findings above, the appellant asserts that the proposal would meet the requirements for prior approval. However, no substantive evidence has been provided to demonstrate that this would be the case. Although the appellant has sought to exercise their permitted development rights, a previous prior approval application for one additional floor was refused by the Council. As such, this argument would not alter my conclusion on the main issue and is a consideration which I find does not weigh significantly in favour of the proposed development.

Other Matters

11. Swift and bat boxes as well as appropriate refuse storage could be secured by planning condition, but this would not successfully mitigate the above harm. I appreciate that the appellant is seeking to optimise the potential of the property and ensure that it is put to effective use. However, I am not persuaded that this proposal is the only means to achieve this, nor am I convinced it would be an effective use of land because of the harm in terms of living conditions that I have identified.

Planning Balance and Conclusion

12. The proposal would be acceptable in relation to other matters, including its external appearance and would not detract from the character of the area. However, these are neutral factors that neither weight for nor against the development.
13. The Council can currently demonstrate a 5 year housing land supply of deliverable housing sites, which is not disputed by the appellant. Even so, the proposed development would contribute to the Council's housing stock and would meet the government's objective of boosting the supply of housing. The site is a small one, so it could be built out relatively quickly. In addition, the proposal would use the airspace above the building. However, given that the scheme is for two flats, these benefits attract limited weight in favour of the proposal and do not outweigh the harm that I have identified.
14. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

15. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR



Appeal Decision

Site visit made on 27 March 2024

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th June 2024

Appeal Ref: APP/J1915/W/23/3329956

Greenleys, Slough Road, Allens Green, Hertfordshire CM21 0LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Hicks against the decision of East Hertfordshire District Council.
 - The application Ref is 3/22/2078/FUL.
 - The development proposed is proposed development for replacement of existing business units and a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has provided me with copies of amended plans that were submitted to the Council during the course of the application but which the Council declined to accept. I have determined the appeal on the basis of the plans that were considered by the Council in the interests of fairness to all parties.
3. During the course of the appeal, the Council confirmed that it could now demonstrate a five year supply of deliverable housing land. The appellant has not disputed this and I have determined the appeal accordingly.

Main Issues

4. The main issues are:
 - the principle of the proposed development with specific regard to its location, the loss of an agricultural use, and access to services;
 - the effect of the proposed development on the character and appearance of the area, including its effect on the significance of designated heritage assets;
 - whether the proposed dwelling would provide acceptable living conditions for future occupiers with specific regard to outlook, light and noise; and
 - whether the proposal makes appropriate provision for sustainable building methods and biodiversity net gain.

Reasons

5. The appeal site lies at the edge of Allen's Green, a rural hamlet. It is roughly rectangular. There are four Nissen hut style buildings and a barn surrounded by

hardstanding. There is a grassed area on the eastern side of the site towards the existing dwelling at Greenleys on which some rubble was sited at the time of my site visit. While these buildings could be in a better condition, their overall form and appearance are not uncommon in rural areas. The site is not visually intrusive, rather it is an established part of the settlement.

Management choices have contributed to its appearance, and this is not a reason to find that the site has a negative effect on the surrounding area. The site also did not appear vacant at the time of my site visit.

Principle of Development

6. East Herts District Plan (2018) (EHDP) Policy ED2 III requires development that would result in the loss of an agricultural use to demonstrate, amongst other things, that the current agricultural use is no longer needed or viable. It is not in dispute that the lawful use of the barn is agricultural.
7. The barn does benefit from prior approval for its conversion to a dwelling. However, in the absence of any evidence that this has been implemented and the agricultural use lost, the proposed development would still need to be assessed against EHDP Policy ED2. The appellant has asserted that the barn has not been used in over 10 years due to viability issues. However, there is no substantive evidence of this before me. The planning history of the site does not constitute evidence that there is not a need for agricultural use of the site, nor that it would not be viable. I therefore cannot be satisfied that there is no longer a need for the barn or that its use is no longer viable.
8. The prior approval for the conversion of the barn may no longer be extant. However, even if it is, that permitted development right only applies to conversions. It does not extend to the construction of a new dwelling which would require planning permission and consideration against the relevant policies of the development plan.
9. As there is no evidence before me that the prior approval has been implemented, so it follows that the proposed dwelling would not constitute a replacement. The Council has not alleged that the proposed dwelling would be isolated for the purposes of paragraph 84 of the National Planning Policy Framework (the Framework) and I have no reason to find otherwise. However, LP Policy VILL3 sets out that Group 3 Villages are the least sustainable locations for development, but that limited infill will be allowed where it has been identified in an adopted Neighbourhood Plan. However, there is no such Plan before me.
10. While the first reason for refusal identifies harm arising from the development due to the dependence on the private car, the officer's report only assesses this as an issue for the dwelling. I have considered this issue on the same basis.
11. It may be that cycling a distance of less than 5km is readily achievable for able-bodied people and that there are a number of settlements with services and facilities within this distance of the appeal site. However, the roads surrounding Allen's Green are narrow, generally unlit and do not provide for segregated cycle ways. It therefore does not follow that cycling would represent an attractive option in these circumstances, particularly if it involved families with young children as may be the case for a four bedroom home as is proposed. It is therefore likely that future occupiers of the proposed dwelling would have a high degree of reliance on the private car.

12. Electric vehicle charging points now form part of the Building Regulations and so are expected of new dwellings. Furthermore, their provision does not ensure that occupiers will own electric vehicles. This therefore would not mitigate the harm arising from the reliance on the private car.
13. It is likely that the existing employment use of the site also involves reliance on the private car. However, that does not justify allowing a dwelling on the site. Nor is there any evidence that the proposed development would have an adverse effect on highway safety including as a result of traffic generation.
14. The proposed employment units would provide approximately the same amount of floorspace as those they would replace. The general thrust of EHDP Policies ED1 and ED2 is to prevent the loss of employment land and vital sources of rural employment. Given the issues with the safety of the existing buildings, and the likely challenges that would arise from the shape of the existing buildings, the provision of modern employment floorspace would weigh in favour of the proposal. It would also involve the reuse of previously developed land and so would not conflict with LP Policy GBR2 with respect to the employment use. However, given the small scale of the proposal and its speculative nature, these benefits would be moderate. Nonetheless, in accordance with the advice in paragraph 124 of the National Planning Policy Framework (the Framework), I attach substantial weight to the reuse of brownfield land within a settlement.
15. When considered against the development plan as a whole, the proposal would not constitute sustainable development. It would be contrary to EHDP Policies DPS2 and VILL3 which set the development hierarchy for the area and confirm that Group 3 Villages are the least sustainable locations for development, TRA1 which seeks to direct development to primarily be located in places which enable sustainable journeys to be made, and ED2 which requires any loss of agricultural uses to be justified. The substantial weight to be given to the reuse of brownfield land would not outweigh these harms.
16. I do not find conflict with EHDP Policy GBR2 insofar as it relates to the redevelopment of previously developed land for employment use.

Character and Appearance including Heritage Assets

17. The Nissen huts have a distinctive semi-circular roof shape. This serves to substantially reduce their mass, relative to their width and height. They are a not uncommon feature in the countryside. The existing barn is also typical of agricultural buildings in the countryside. In that respect, the site provides an appropriate transition from the developed area of Allen's Green to the surrounding countryside.
18. The proposed employment building would have a slightly smaller floorspace than the existing buildings and would be no taller than the highest point of the Nissen huts. However, it would appear substantially larger due to its increased length and massing as a regularly shaped building. Although it is proposed to clad the building in black timber, it would nonetheless have a more urban appearance than the existing development on the site.
19. The site layout would present the car park towards the open countryside. With this, and the more modern appearance and perceived scale of the proposed employment units, the proposed development would appear as an urbanising

feature in the settlement. There would be limited opportunity for landscaping to provide a more appropriate transition from the open countryside to the settlement due to the position of the refuse stores and drainage ditch. I acknowledge there are trees adjacent to the site, however these are not within the appellant's control, and therefore could not be relied upon to screen the development.

20. Dwellings in Allen's Green typically face onto the main roads but there is no consistent or predominant style, scale or materials. The proposed dwelling, presenting a side elevation to the road would be atypical in this respect. There would be little by way of detailing to provide interest on the elevation facing towards Slough Road beyond the use of a glazed entrance hall. The proposed use of timber weatherboard would reflect the dwelling directly opposite the site, as would the overall form and scale of the proposed dwelling. However overall, the proposed dwelling would not positively contribute to the character and appearance of the area by failing to adequately address the highway.
21. The appeal site lies opposite the Grade II listed buildings Farmhouse at Dukes Farm and the Barn some 20 metres to the east of the house. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The significance of these buildings as they relate to this appeal lies in their historic value as evidence of the agricultural history of the area.
22. The existing agricultural setting of the listed buildings to the rear and opposite the barn would remain unaltered. The appeal site is largely developed at present, and the proposed employment development would be slightly further away from the listed buildings than the existing. The addition of a dwelling, on land which lies between the existing built form, would not alter the setting of the buildings as the site is viewed as part of the existing built form of the settlement. I therefore conclude the setting of the listed buildings would be preserved, as required by the Act, EHDP Policies HA1 and HA7 and the provisions of Section 16 of the Framework.
23. Notwithstanding, I conclude that the proposed development would have an adverse effect on the character and appearance of the area and thus would be contrary to EHDP Policy DES4 which requires development to demonstrate a high standard of siting, layout and landscaping.

Living Conditions

24. The proposed dwelling would be sited immediately adjacent to the proposed access track to the fields beyond the appeal site. The layout plans show a hedge to be planted along this boundary. This would result in a poor standard of outlook from bedrooms two, three and the study. While there would be an adequate level of light reaching these rooms due to the rooflights, this would not outweigh the poor outlook.
25. The proposed dwelling would be next to the track to serve the adjacent fields. There is no substantive evidence before me that this track would be subject to levels of use beyond those which would be expected in a rural area. Noise from farm traffic is to be expected in a village location, and as such, this would not

merit dismissing the appeal. However, this would not outweigh the harm I have identified above with respect to outlook.

26. The proposal would therefore not provide acceptable living conditions for future occupiers with specific regard to outlook and light. It would therefore be contrary to EHDP Policy DES4 which requires development to be of a high standard of design and layout. It also would be contrary to the advice in paragraph 135 of the Framework which requires development to function well and provide a high standard of amenity for future occupiers.

Biodiversity and Sustainable Design

27. EHDP Policy CC1 requires development to demonstrate how it has been designed to minimise overheating in summer, reduce the need for heating in winter and integrate green infrastructure. Policy CC2 similarly requires it to be demonstrated how carbon dioxide emissions will be minimised. Policy WAT4 seeks to minimise the use of water, setting a target of 110 litres or less per head per day. As a policy requirement of the adopted local plan, it is not appropriate for these considerations to be left to the building regulations stage of the development.
28. The Sustainable Construction, Energy and Water Statement submitted with the appeal makes generalised statements about how these will be achieved but there is no substantive detail. Likely U-values of materials have not been provided, despite the approved plans clearly indicating the proposed materials. There is no robust assessment of how the proposal has been oriented to address solar gain. There is no detail as to where an air source heat pump would be sited. The provision of such information would be proportionate to a development of the scale of that proposed.
29. The statement also makes assertions which are not consistent with the submitted plans. The windows in the proposed employment units and the windows serving the bedrooms and study in the western elevation of the proposed dwelling could not reasonably be described as large. The windows in the western elevation of the dwelling would be immediately adjacent to a hedge proposed to screen the field access. This does not instill confidence that sustainable construction measures have been integral to the development of the proposal.
30. The application was accompanied by a Preliminary Ecological Appraisal (PEA) which did not identify any particular biodiversity value to the site beyond use by transitory species, amenity grass and scatter scrub/ruderal colonisation. The findings of the PEA have not been questioned by the Council, and I have no reason to disagree with its findings.
31. The PEA included recommendations for biodiversity mitigation and enhancements, which the Council's officer report notes could have been conditioned for further detail. The distinction between this, and the net gain requirements of EHDP Policies NE2 and NE3 has not been explained by the Council. I also note the policies do not specify a level of net gain to be achieved. Given the findings of the PEA with respect to the existing site, a condition could be imposed which could be capable of securing appropriate biodiversity net gain as required by EHDP Policies NE2 and NE3.

32. However, the proposal would not make appropriate provision for sustainable building methods. It would therefore be contrary to EHDP Policies CC1, CC2 and WAT4 which taken together and insofar as they related to this appeal, require development to minimise resource use.

Other Matters

33. I have no reason to consider that the proposed development would have an adverse effect on highway safety. Sufficient parking, including cycle parking would be provided for both the employment units and the dwelling. There would not be an adverse effect on the living conditions of existing residents occupying the dwellings in the vicinity of the site and appropriate measures to minimise disturbance during construction could be secured by condition. Appropriate private amenity space is proposed for the dwelling, and outdoor space would also be provided to serve the employment units. The site would not be at risk of flooding and appropriate drainage could be secured by condition, as could any necessary measures to mitigate any contamination on the site. Appropriate provision for waste storage could be made. However, these would all be expected of any well designed development and as such are neutral.

Conclusion

34. EHDP Policy INT1 provides a version of the presumption in favour of sustainable development. As the Council can now demonstrate a five year supply of deliverable housing land, the appeal proposal should be determined in accordance with the development plan unless material considerations indicate otherwise.

35. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

J Downs

INSPECTOR



Appeal Decisions

Site visit made on 11 April 2024

by **A Edgington BSc (Hons) MA CMLI**

an Inspector appointed by the Secretary of State

Decision date: 17 May 2024

Appeal A Ref: APP/J1915/W/23/3334605

Piggotts Farm, Albury End, Albury, WARE SG11 2HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Hollyhock Limited against the decision of East Hertfordshire District Council.
 - The application Ref is 3/22/2104/FUL.
 - The development proposed is Change of use of barns to Class E(g)(i) office use with insertion of windows/doors, new openings, insulation, re-roofing of Barns 1 and 2, and internal partitions with mezzanines to Barns 2 and 3. New car park, gates, new section of wall, bin store, cycle store, lighting, landscaping, and dedicated bat loft. Demolition of modern stables building and blockwork walls within the courtyard.
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Appeal B Ref: APP/J1915/Y/23/3334606

Piggotts Farm, Albury End, Albury, WARE SG11 2HS

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Hollyhock Limited against the decision of East Hertfordshire District Council.
 - The application Ref is 3/22/2105/LBC.
 - The works proposed are Change of use of barns to Class E(g)(i) office use with insertion of windows/doors, new openings, insulation, re-roofing of Barns 1 and 2 and internal partitions with mezzanines to Barns 2 and 3. Creation of car park, gates with creation of wall, bin store, cycle store, lighting, landscaping and dedicated bat loft. Demolition of modern stables building and blockwork walls within the courtyard.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed and listed building consent is refused.

Preliminary Matters

3. There are two appeals before me. To avoid duplication, I have dealt with the appeals together where appropriate.
 4. The Council's conservation consultee notes that the site lies within the Albury Conservation Area but there is no supporting evidence to this effect. As such, I have not considered this further.
 5. I have used the barn numbering set out in the appellant's evidence in my reasoning.
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6. With regard to heritage assets, the Council has found harm only in relation to a new opening in Barn 3. However, in line with my statutory duties I have considered the effects of the development and works on all those assets.

Main Issues

7. The main issues are:

- Whether the development would preserve or enhance the Grade II listed Three Barns and Outbuilding to north of Piggotts Farmhouse, and the setting of the Grade II listed Piggotts Farmhouse and Boundary Wall to east (Appeals A and B);
- Whether the development would accord with local policies with regard to location (Appeal A);
- The effects of the development on the living conditions of occupiers of The Ridings with particular regard to noise and disturbance (Appeal A); and,
- The effects of the development on the character and appearance of the area (Appeal A).

Reasons

Heritage Assets (Appeals A and B)

Three Barns and Outbuilding

8. The 1842 Albury Tithe Map shows a farmstead with structures arranged around a yard area which corresponds more or less with the current layout and footprint of the barns, outbuilding and farmhouse. Although there are more modern sheds to the west, the listed barns and farmhouse remain as evidence of the early farming operations.

Barn 1

9. Barn 1 is a five bay timber framed double aisled barn, with external black weatherboarding above a rendered brick plinth. The main cart doors on the north elevation appear to be original and have ironmongery typical of the 17th and 18th centuries. Shutters and openings on the east elevation also appear to be original. Given the likely purpose of the barn when built, the large opening door on the west elevation is likely to have been a later addition, and it has 20th century doors.
10. Internally the timber framed aisled structure has many authentic features including arcade posts, tie beams, arcade plates, some of the arch braces and aisle ties, some wall posts and sill beams. However, I noticed significant areas of machined timber in the wall framing and rafters and this is confirmed by observations in the heritage statement and from the Council.
11. Barn 1 is a plain structure whose overall form and typology reflects its age and its agrarian context, and the use of local materials. Its significance arises from its simple functional form with a limited number of openings, the retained historic fabric and its spatial relationship with Barns 2 and 3, the outbuilding and the farmhouse. It also makes a contribution to the setting of the other listed buildings enclosing the inner yard.

Barn 2

12. Barn 2 is a four bay timber framed aisled barn dating from the 18th century and which retains its original principal frame structures and evidence of brick flooring. However, the timbers in the walls and roof have been substantially replaced, and the north and south elevations are formed of modern brickwork. The other elevations are clad in black weatherboarding. There are two openings, a large barn door in its original location and a modern window in the southern elevation, with evidence of a former winnowing door on the east elevation.
13. Barn 2's significance arises from its simple form which reflects the local vernacular, and such retained historic fabric as remains. It also contributes to the setting of Barns 1 and 3, the outbuilding and the farmhouse.

Barn 3 and outbuilding

14. Barn 3 is the largest barn. Its southern and principal elevation faces the inner yard and the central midstrey gives it an imposing presence. It also dates from the 18th century and has black weatherboarding above a rendered concrete plinth and slate roof. Although the main doors are modern, they are traditionally located in the midstrey, and there is a winnowing door on the opposing wall.
15. Internally, the five bay single aisled threshing barn structure remains largely in place although the aisle ties and roof trusses have been largely replaced, along with wall framing on the north elevation. However, the east and south elevations have retained a large proportion of the original timber structure as well as some lath and plaster.
16. The outbuilding is an eight bay single storey structure attached to Barn 3's east elevation and dates from the 18th century. The four bays closest to Barn 3 are open shelters with timber posts, but the remaining four bays have been infilled with brickwork to form separate compartments with stable doors and windows.
17. The significance of Barn 3 and the outbuilding is derived from their overall form and retained historic fabric, which reflect the development of the agrarian economy and their contribution to the farm's development over time. Barn 3 and the outbuilding also contribute to the setting of Barns 1 and 2 and the farmhouse.

Piggotts farmhouse and boundary wall

18. The two-storey farmhouse has a charming red brick and symmetrical principal elevation with a central door, bay windows on the ground floor and sash windows above, all beneath a red tile pitched roof with brick chimney stacks. To the rear, two projecting wings with plastered walls and casements present with less formality and a typology suggestive of organic growth. It seems likely that the front red brick range was a later Victorian extension or conversion. Whereas the farmhouse's rear and side elevations abut the inner yard, the front elevation is enclosed by a brick boundary wall which contains a small garden and mature trees, and provides clear differentiation between operational and domestic activities.
19. Notwithstanding the aesthetic value of the farmhouse, the evidential value arising from the built extensions and alterations reflect both the farm's

prosperity and changing architectural fashions. Its significance is derived from its retained historic fabric, its overall design and largely undeveloped appearance, and its position within the original yard layout as the hub of the farm. It also contributes to the setting of Barns 1, 2 and 3 and the outbuilding.

Three Barns and Outbuilding – Proposals and effects

Barn 1

20. Each barn would be converted to office accommodation. In Barn 1 the existing openings would be glazed, the external insulation would require the replacement of the timber weatherboarding, and the internal sloping floor would be dug out to form two level sections.
21. The timber weatherboarding is considered in the heritage statement to be of high significance, although it is unclear whether this is derived from its age or its contribution to the barn's overall appearance. There seems to be a presumption in the evidence that the existing weatherboarding will be removed and replaced. This will slightly increase the barn's dimensions above the plinth. Moreover, the existing weatherboarding does not look particularly robust in some areas and even if it could be removed without damage, new material would be needed. In addition, the excavations to create a level floor would cause damage to the plinths to the main doors and the threshing board.
22. As such, the conversion would result in some loss of historic fabric. However, the barn's overall form, and its contribution to the appreciation of the original farm layout would remain. Nonetheless, there would be a loss of significance which would amount to less than substantial harm.

Barn 2

23. In Barn 2 a new entrance would be provided in the northern elevation, which is itself a 20th century construction. There would be additional windows, and rooflights and the winnowing door and boarded up windows would be reinstated. The large barn doors would be glazed. Internally, there would be two freestanding mezzanines.
24. As there has been significant modern intervention to the barn's outer frame, the insulation would be fixed internally, and the weatherboarding would remain. Although the Council raised a concern in relation to an internal wall, the appellant has confirmed that this would be largely glazed and as such would retain the barn's underlying openness, which is a key feature in the assessment of significance.
25. The conversion would result in some loss of historic fabric and the introduction of new openings and glazing but the barn's overall form and its contribution the setting of the farm's other listed buildings would be retained.
26. The works would also include the removal of a wall currently attached to Barn 2, which creates an enclosure. This demolition would enhance the settings of the barn and the farm layout as a whole, but to a minor degree only.
27. Nonetheless, even taking this minor benefit into account the loss of historic fabric would diminish significance and amount to less than substantial harm.

Barn 3 and outbuilding

28. Barn 3 would have a combination of internal and external insulation, as well as freestanding mezzanines but views to the roof would remain, giving a true sense of the height and scale of the internal void.
29. The barn's eastern elevation, which retains much of the original timber framing, would be breached by the insertion of a door to access the outbuilding and the pedestrian route to the car park. The argument is advanced that creating an entrance to Barn 3 in this location avoids conflict with the domestic activities of the farm. However, the route through the outbuilding to Barns 1 and 2 accesses what appears to be a large paved area in front of Barn 3's principal elevation. People would be using this area anyway and consequently the argument that the eastern elevation provides the only suitable entrance to Barn 3 is less than compelling, particularly as other options would be available, not least the doors within the midstreys. As I can see no convincing conflict between the farm's activities and access to Barn 3 through any of its existing openings, the removal of historic fabric on the east elevation appears unnecessary.
30. The western end of the outbuilding, where it abuts Barn 3, would be used as an open entry from the car park to facilitate through access. The brick compartments would be opened up internally, and the existing door and window openings glazed. The loss of historic fabric would reduce significance and amount to less than substantial harm.

Piggotts Farmhouse – proposals and effects

31. The insertion of glazing and additional rooflights, along with the car park, paving and cycle store would clearly indicate that the three barns and outbuilding were no longer used for agriculture. This would diminish the largely undeveloped character and appearance of the original farmyard. However, although the side of the farmhouse forms one side of the yard's enclosure, I am satisfied that the proposals would have a negligible to minor adverse impact on the farmhouse's setting. As such there would be a broadly neutral impact on the farmhouse's significance.

Car park – proposals and effects

32. When viewed from the north, the long rear elevation of Barn 3 and the outbuilding are a notable feature in what is otherwise a broad open landscape, and these buildings themselves screen views of the inner yard. Barn 3 and the outbuilding are also partially obscured by a narrow belt of trees. The site of the proposed car park, which is currently open field, forms the foreground to these views and contributes to the overall setting of Barn 3 and the outbuilding, as well as to a far lesser extent, the other listed buildings.
33. However, as the listed buildings are essentially inward looking and relate directly to each other and the farmhouse, I am satisfied that the car park site makes only a minor contribution to the setting of the listed buildings. As such, although the car park would intrude into this setting and cause some loss of significance to those settings, I conclude that this would fall at the lower end of less than substantial harm. My reasoning with regard to the effect of the car park on the character and appearance of the area is considered later.

Heritage conclusion

34. The proposals would fail to preserve or enhance Barns 1, 2 and 3 and the outbuilding. This amounts to less than substantial harm. There would also be a diminution of the setting of Barn 3 and the outbuilding but this would be at the lower end of less than substantial harm.
35. As such, the development and works would conflict with S16(2) and S66(1) of the Planning (Listed Buildings and Conservation Act) (the Act) which taken together require the decision maker to have special regard or to pay special attention to, preserving or enhancing listed buildings or their settings. There would also be conflict with LP Policy HA7 which sets out to ensure that the historic fabric and settings of listed buildings is preserved and LP Policy HA1 and Section 16 of the Framework which are concerned with the safeguarding of heritage assets. The Council has also cited LP Policy HA4, but this is concerned with conservation areas only and as such weighs neither for nor against the appeal.
36. The heritage balance is considered later in my reasoning.

Location

37. Policy ED1 and LP Policy ED2, taken together, support new employment uses, including the expansion of existing businesses in the rural area where they are appropriately and sustainably located. LP Policy ED1 also sets out that there is an expectation that such development would enable access by a choice of sustainable transport options.
38. The development would provide office accommodation for around 70 people. The site is in a rural location and a few miles by road from the small town of Bishops Stortford. The surrounding area is criss-crossed by country lanes but the two lane A120 which links Bishops Stortford to the wider road network, is a short distance away.
39. The transport statement¹ notes that there are few surveys on the TRICS database that are similar to the proposals in terms of location, use and size. It has therefore used the TRICS survey data used in an application for a similar development at Church End Farm which, it is stated was agreed with the highway authority. This was also for a large office building. During the appeal I asked for this report to be provided². However, this report also concludes that for Church End Farm, there were no comparable datasets to be found on the TRIS database. As such average trip rates were selected from ten chosen sites that were not comparable. It is stated that this was the approach taken on another planning application, which from its references, appears to date from 2016.
40. TRICS sets out a spectrum of locational filters for its trip generation survey data. These are *free standing, edge of town, suburban area, neighbourhood centre, edge of town centre and town centre*. The datasets used for the Church End Farm report, and thus for this development, have been derived from sites with the locational filters of *suburban areas and edge of town*. The secondary filters include sub-categories of *residential zone, built-up zone, commercial zone and industrial zone*. Irrespective of whether the highway authority

¹ Icenj, March 2022

² Bancroft Consulting, May 2018 – Church End Farm

considered this data to be relevant to the application for Church End Farm, my understanding of the descriptions of the locational data is that they are not relevant to this particular site which is in a fairly remote, strongly rural and agricultural location.

41. Moreover, there is nothing before me to indicate whether there are any public transport options for the sites included in the source datasets for the Church End Farm report. Furthermore, the Church End Farm data is now some years out of date, and the source datasets are even more outdated. As such, I am unable to conclude that the data used for the trip generation for this appeal is realistic, particularly as there is nothing before me to indicate where future visitors or employees might be travelling from.
42. It is suggested that the site entrance would be a short distance from what appears to be a looped recreational and commuting route which links Bishops Stortford to rural lanes to the north-west. Whilst I accept that some future workers or visitors to the site might be regular cyclists, these lanes are unlit, often quite narrow and it seems unlikely that they would be used for regular commuting to the site by more than a minority of visitors or future employees, even if showers were to be provided. There also appears to be a presumption that cyclists would be travelling from Bishops Stortford as the route is a closed circuit which links the town to nearby countryside.
43. As such, for the reasons set out above I conclude that the transport report does not appear to have based potential trip generation on the site's specific location and lack of transport options. It significantly underestimates likely trip generation and significantly overestimates the likelihood of future employees regularly using cycling to commute. Future employees and visitors would be likely to be travelling to the site from the many small and medium towns in the wider area and there would not be sustainable transport options.
44. The development would therefore fail to accord with LP Policies ED1 and ED2 with regard to location, as set out above. It would also conflict with Paragraph 109 of the Framework which requires the planning system to actively manage patterns of growth in support of the objective of sustainable transport options. I acknowledge that Paragraphs 109 and 89 of the Framework note that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found in locations that are not well served by public transport and that transport options may vary. However, there is very little before me to indicate that there is a business or community need for the development.
45. There would also be conflict with LP Policy GBR2 which states that new employment generating uses will be supported in rural areas beyond the Green Belt, provided they are sustainably located. I have concluded that this new employment use would not be sustainably located. I have also found conflict in relation to LP Policy TRA1 which sets out that development proposals should ensure a range of sustainable transport options.
46. The Council has cited LP Policy TRA3 but this is concerned with parking provision. Although I have considered the car park later in my reasoning, it weighs neither for nor against the appeal with regard to location. The appellant has set out that cycle stores, showers and EV charging would support sustainable transport options and encourage the use of electric cars. However, these benefits carry minor weight in favour of the appeal and do not alter my

overall reasoning with regard to the likely number of commuters, and the lack of realistic transport options.

Noise and disturbance

47. The Ridings is a detached dwelling on a large plot opposite the appeal site. I have set out above that I give the projected trip generation figures limited weight and as such, it seems likely that there would be a significant increase in vehicular traffic associated with the development, with attendant noise and disturbance. I acknowledge that there is permission for a grain store but agricultural vehicular movements and noise are to be expected in this context. The frequency and nature of commuter traffic and deliveries would be different from that associated with farm operations, and in any case would be over and above those additional agricultural trips.
48. The Ridings is set back from the road, and is not directly opposite the farm entrance. Although there would be some adverse impact on the living conditions arising from noise and disturbance, I give this harm minor to moderate weight only.
49. I appreciate that there would be opportunities to screen the car park with planting, and there is already a new boundary hedge planted. However, there is nothing before me to indicate that the hedge or any other planting would provide an effective acoustic screen. In any case screening within the site would not alter the noise and disturbance arising from traffic on the road.
50. Nonetheless, there would be conflict with LP Policy DES 4 which is concerned with the amenity of occupiers of neighbouring properties. The appellant raises the argument that the policy sets out the test of significant harm in this regard. This would be a higher test than that set out in the Framework, which, in Paragraph 135 requires a high standard of amenity, and as such LP Policy DES4 is more restrictive than the Framework. Given the LP's age, I give this policy less than full weight. In any case, the road separating the farm and The Ridings appears to carry very little traffic at the moment and it would be unreasonable to expect this situation to persist in perpetuity. As such, I give the policy conflict with regard to noise and disturbance minor weight only.

Character and appearance

51. The car park would be in a visible location from the public domain and would appear incongruous in this rural and agrarian setting. It would have 23 bays which appears to be in line with the Council's guidance in this regard. However, even based on the trip generation figures, to which I give very little weight, the projected movement of vehicles indicates that the car park would not accommodate all vehicles. Moreover, given the number of work spaces and the lack of realistic alternatives to vehicular access, it seems very likely that the demand for parking would outstrip supply, leading to parking outside the designated car park bays.
52. The car park would result in increased urbanisation to the site even if it was sufficient to accommodate all likely vehicles. There would also be a change in the nature and frequency of vehicles using the site and an increase in comings and goings. This would have an adverse effect on the character and appearance of the area. However, there would be sufficient space between the

car park and the road for additional planting which could mitigate the adverse visual effects of the car park to some extent.

53. Nonetheless there would be conflict with LP Policy GBR2 which is concerned with Rural Areas Beyond the Green Belt and which requires development, including those generating new employment, to be compatible with the character and appearance of the rural area.
54. The Council has also cited LP Policies HA1 and HA7, which are concerned with heritage assets. However, I have set out my reasoning with regard to the setting of the heritage assets elsewhere. In this regard these policies weigh neither for nor against the appeal with regard to character and appearance

Other Considerations

55. The argument is advanced that there would be biodiversity benefits. However, as the confirmed bat roosts in the barn would be displaced if the appeal was allowed, the provision of a bat loft is to be considered as compensation for that loss rather than a benefit and I give this neutral weight. Having reviewed the ecology report I also conclude that the proposed bird boxes are mitigation for the loss of nesting sites within the barns and outbuildings, and that there would not necessarily be a net benefit. Although the hawthorn hedge is proposed as a benefit, this already exists. The introduction of flowering lawns, native climbers and fruit trees carries little weight only in favour of the appeal as they are unlikely to contribute to biodiversity to more than a very minor extent.
56. There would also be some rationalisation of areas around the inner yard. However, although this might give a smarter appearance, the barns' setting in heritage terms is derived from the yard's austere and functional appearance. The introduction of landscape features unrelated to the agricultural context would not enhance the settings of these assets. Moreover, improvements to roof materials and rainwater goods on the barns themselves could be carried out independently of their conversion.

Other matters

57. Other concerns have been raised by interested parties but as I have found harm in relation to the main issues there is no need for me to consider these further. I also note that there is support for the proposals, but this does not alter my reasoning.
58. There are other listed buildings in the wider area but I am satisfied that the development would not have an adverse effect on their settings.

Heritage and Planning Balance

59. LP Policy HA1 states that where there would be less than substantial harm to designated heritage assets, this should be weighed against the public benefits of the proposal. This accords with Paragraph 208 of the Framework.
60. The barns are used for storage and do not appear to be functionally related to current farm operations. A future business use would provide an incentive and income source to ensure ongoing maintenance and secure a viable future for the barns, to which I attach considerable weight. The proposals would also provide new employment in a rural area which would have some public benefits. However, it is unclear whether there is a need for offices of this size in

rural locations in general, or in this location in particular, which limits the weight I afford to public benefits arising from additional office space.

61. Moreover, in addition to the harm in relation to heritage assets, I have found considerable conflict with the local development plan and the Framework, arising from the creation of what is a fairly large employment base in a rural location with very restricted transport options. That harm in relation to location is reinforced by the minor harm arising from living conditions and the character and appearance of the area, as set out above. On balance the combined harm in relation to heritage assets, location, noise and disturbance, and character and appearance, would not be outweighed by the heritage and other public benefits.
62. I have given no weight to the demolition of the modern stable block as this has already been largely removed and as such its demolition is clearly not predicated upon the proposals contained in this appeal. The demolition of a blockwork wall attached to Barn 2 would have only a very minor impact on the settings of Barns 1, 2 and 3 and the farmhouse. Consequently, its removal carries very minor weight in favour of the appeal.

Conclusion

63. In the light of the above I conclude that the proposals would conflict with the Act, the local development plan and the Framework, and although there would be public benefits, they are of insufficient weight to lead me to conclude otherwise.
64. Appeal A is dismissed.
65. Appeal B is dismissed and listed building consent is refused.

A Edgington

INSPECTOR



Appeal Decision

Site visit made on 13 June 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2024

Appeal Ref: APP/J1915/W/23/3331026

Land to the rear of 82 Ware Road, Hertford SG13 7HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr N Rhodes (Carlton Rhodes Associates Ltd) against the decision of East Hertfordshire District Council.
 - The application Ref is 3/22/2215/FUL.
 - The development proposed is the erection of a new detached 4 bedroom bungalow with basement.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 2023, and since the Council made its decision on the application, a revised version of the National Planning Policy Framework (the Framework) has been published. I have had regard to the revised Framework insofar as it is relevant to this appeal.

Main Issues

3. The main issues are the effects of the proposal upon the character and appearance of the area including the host property, 82 Ware Road, and the Hertford Conservation Area.

Reasons

4. The appeal site is located within the Hertford Conservation Area (CA). The CA is large, and it covers a substantial proportion of Hertford. Within its centre there is Hertford Castle and a concentration of historic and traditionally designed buildings which form a historic core, many of which are listed. Verdant green fingers of land run through the CA which includes the wooded banks of Hertford's rivers. Prominent landmark buildings are distributed around the CA, this includes Shire Hall (15 Fore Street) and Hertford St Andrew Church. The historic core, the landmark buildings and the verdant character are important facets of the significance and special interest of the CA as a whole.
5. The part of the CA within which the appeal site is located is predominantly residential in character. In close proximity to the site, many of the residential properties that line Ware Road are large, traditionally designed and are set within spacious plots with mature trees and other landscape features. This attractive residential character also contributes positively to the significance of the CA as a whole. Close-by to the site there are other residential properties

- which are more modern and arranged more densely including those on Fallow Rise and Beechwood Close. These are not within the CA, however.
6. The host property, 82 Ware Road, is a large and distinctively designed house. Its rear elevation contains feature bay windows and french doors which overlook a large back garden. Both the back and front gardens are mature and contain some large trees. The Hertford Conservation Area Appraisal and Management Plan (CAA) does not specifically identify No 82 as a non-listed building that makes an important architectural or historic contribution to the CA. Even so, the Council identify it as a non-designated heritage asset and, given its character and architecture, I have no reason to disagree. Regardless, it is an attractive property in an attractive setting which is very reflective of the character of the CA here. Therefore, it contributes positively to the CA's significance.
 7. As a result of the proposal, a substantial amount of No 82's spacious rear garden would be built-upon. In reducing this garden, the proposal would detract from the character of large houses within spacious plots which the host property is representative of in this particular part of the CA. The loss of part of the property's large and leafy garden would also infringe upon and detract from the house's setting.
 8. The appellant refers to the house at No 92 which is set out the back of properties on Ware Road. However, the evidence that the land upon which No 92 is sited was truncated from another property's garden, in a very similar manner to that proposed in this appeal, is not very compelling. Moreover, and importantly, No 92 is not within the CA. The effects of No 92 upon the CA's character and appearance are not therefore comparable to those of the appeal scheme.
 9. The plans show that at least two conifers and an ash tree would be removed to facilitate the development. These trees contribute positively to the mature and leafy appearance of the garden. The proposed dwelling would be closely positioned to other trees, and so much so that it would be beneath where some canopies presently over-sail. The proposed dwelling includes a basement area – ground excavations would therefore be significant. Parking spaces and the driveway upon which vehicles would travel are also situated very closely beside large trees.
 10. Given this, I find it likely that the effects upon the trees within the back garden would be greater than just the felling shown on the plans. Further removal may be a necessity whilst damage to rooting systems to the detriment of the trees' health could be another outcome. In the absence of a tree report, I have no substantive evidence before me to dispel my concerns in these regards.
 11. Should further tree loss result, either to facilitate works, or later because of harm to their condition, this would further erode the attractive garden setting of the host property and it would make the development more prominent in views from the likes of Fallow Rise and Caxton Hill.
 12. For these reasons, the proposal would result in harm to the character and appearance of the area, No 82 Ware Road itself, whilst it would fail to preserve or enhance the character or appearance of the CA as a whole. The harm to the designated heritage asset would be less than substantial. Even so, having regard to the statutory duty in Section 72 of the Planning (Listed Buildings and

Conservation Areas) Act 1990, this harm is a matter of considerable importance and weight in my decision.

13. The trees on site are not protected by virtue of a Tree Preservation Order, they are not specifically referred to within the CAA or associated plans and the evidence before me indicates that the authorisation is in place to undertake the felling of some trees within the site. However, it has not been made clear to me that the tree felling which has authorisation involves the same trees as would need to be felled as a part of the appeal proposal, nor that the proposal would not endanger different trees. Furthermore, without permission for the proposed dwelling, the incentive to remove trees within the garden is not clear to me either. Therefore, although a fallback position has been presented to me regarding tree works, it is one which I can only attribute limited weight.
14. The Framework sets out that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. It further sets out that in weighing applications that affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
15. The proposal would provide a boost to housing supply, provide a choice for home-seekers and, appropriately, the site is located within the bounds of a settlement with good access to the services and facilities it offers. As a quite small development, it would be likely to contribute quickly to the supply of houses in the area as well. This would come at a time when the Council cannot demonstrate a deliverable five-year supply of housing land as required by the Framework. Some economic benefits would be derived from the construction of the development and the occupation of the dwelling would also provide some support to local services and facilities. However, with only a single dwelling being provided, the effect upon reducing the housing shortfall would be limited, as would the economic benefits derived from it.
16. Given all that is before me, I find that the public benefits that would be derived from the development would be insufficient to outweigh the less than substantial harm to the CA.
17. Therefore, I have identified harmful effects upon the character and appearance of the area, including the host property and the CA. As a result, the proposal would conflict with Policies HA1 and HA4 of the East Herts District Plan. These policies seek to ensure developments are sympathetic and complementary to their surroundings so that they preserve or enhance the special interest, character and appearance of conservation areas. Together, these policies also require that any less than substantial harm to designated heritage assets that would be caused by development should be weighed against its public benefits. Given the development would fail to sustain the significance of the designated heritage asset, and its public benefits would not outweigh the harm which would result from it, the development would also be contrary to the advice to this end at paragraphs 203 and 208 of the Framework.

Other Matters

18. The proposal may not result in harmful effects in relation to a range of considerations including, amongst them, living conditions and highway safety. However, these matters also do not outweigh the harm I have identified.

19. The appellant has drawn issue with the Council's handling of the planning application and some earlier related history. This includes submissions that the Council's application of development plan policies has been inconsistent and that it provided positive pre-application advice which has not been upheld. However, I must determine the appeal proposal on its own planning merits. The Council's handling of the site's various schemes has very little bearing upon this.
20. It may also be the case that the appeal proposal has resolved some of the design issues with which the Council drew issue within an earlier planning application. Even so, and for the reasons I have set out in my main issues, I have nevertheless identified that the proposal would be harmful and would conflict with development plan policies.

Planning Balance and Conclusion

21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. As part of my main issues, I have found that the proposal would fail to preserve or enhance the character or appearance of the CA. Consequently, I have identified particular development plan policies that the proposal conflicts with and I conclude that it conflicts with the development plan taken as a whole.
22. The Framework is an important material consideration. The Council cannot demonstrate five years' worth of housing supply. The result of this is that paragraph 11 d) of the Framework is engaged.
23. In this case, the public benefits of the development would not outweigh the less than substantial harm that would be caused to the designated heritage asset. The application of Framework policy that protects designated heritage assets therefore provides a clear reason for refusing the development and, in turn, the proposal does not benefit from the presumption in favour of sustainable development.
24. Consequently, I have found that the proposal conflicts with the development plan and no other considerations material to the appeal, including the content of the Framework, indicate that a decision should be made other than one in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

H Jones

INSPECTOR



Appeal Decision

Site visit made on 7 November 2023

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 May 2024

Appeal Ref: APP/J1915/W/23/3322310 Barn Field, Hay Street, Dassels SG11 2RW

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

The appeal is made by Mr and Mrs S Madsen against the decision of East Hertfordshire District Council.

The application Ref is 3/22/2431/OUT.

The development proposed is described as outline application for max 6 new houses.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was made, the Government published the revised National Planning Policy Framework (the Framework) and the 2022 Housing Delivery Test results. In the interests of natural justice, both main parties have had the opportunity to make representation.
3. The application is in outline with matters of access, appearance, landscaping, layout and scale reserved for future consideration (the 'reserved matters'). I have therefore dealt with the appeal on this basis, treating the submitted proposed plans as indicative.
4. The description of development refers to a maximum of 6 houses. I have therefore considered the appeal on this basis.

Main Issues

5. The main issues are:
 - Whether the principle of the proposed development would be acceptable in this location, having regard to the character and appearance of the area and its accessibility to services and facilities,
 - The effect of the proposed development on highway safety; and,
 - The effect of the proposed development on existing trees.

Reasons

Principle

6. For planning policy purposes, Dassels is not part of Braughing. Dassels is classed as a Group 3 Village under Policy VILL3 of the East Herts District Plan 2018 (the DP).

7. Subject to meeting the prescribed criteria of Policy VILL3, limited infill development in a Group 3 Village identified in an adopted Neighbourhood Plan will be permitted. The appeal site is located within the boundary of the Braughing Parish Neighbourhood Plan 2017 – 2033 (the Neighbourhood Plan). However, it is not a site identified for housing by the Neighbourhood Plan. Residential development on the site would therefore not be permitted by Policy VILL3.
8. The appeal site lies within an area identified as the 'Rural Area Beyond the Green Belt'. Policy GBR2 of the DP seeks to maintain the rural area as a valued countryside resource by permitting limited infilling in sustainable locations, where appropriate to the character, appearance and setting of the site and/or surrounding area.
9. The appeal site is elevated above road level and consists of a field with trees and a stable. It is adjoined by open countryside and the boundary of one house, with a considerable distance from the house itself. The spaciousness and mature landscaping give the site its distinctive rural character. It plays an important role in marking the transition between the hamlet and the open countryside and therefore makes a positive contribution to the character and appearance of the area.
10. There are two different patterns of development in the immediate area. One side of Hay Street is typically characterised by more built-up housing, generally displaying closer spacing, set parallel to the road. The housing clustered around the junction of Hay Street and Hobbs Lane is fairly sporadic and has a looser-knit form. The appeal site is separated by the roads from the nearby housing and reinforces its position outside of the more urbanised pattern of development. It is therefore more visually and functionally related to the wider countryside than the existing housing.
11. The Council identified no harm to be caused to the setting of the listed buildings in Hay Street. As these buildings are on the opposite side of the road to the appeal site, they are in a different character area.
12. While all matters are reserved, the size and shape of the appeal site give a good indication of the likely layout if 6 houses were built on the site. 6 is not a large number. However, when considering this as the maximum number of units, the development would cover a large part of the site. Even if I were to accept that the development would constitute infilling, given the size of the appeal site and what it can likely reasonably accommodate, 6 houses on the site would not be limited.
13. Whilst an Inspector may have found 5 houses elsewhere to be reasonably interpreted as limited¹. I have not been provided with a copy of this appeal decision and I am not party to the evidence before the Inspector. I have reached my own findings based on the merits of this case.
14. When considering the maximum number of units proposed, combined with the new road, likely parking provision and associated domestic paraphernalia, a substantial amount of built form would be introduced. The resultant domestic creep would erode the spaciousness, diminishing this key characteristic to an unacceptable degree. The subsequent urbanising effect would detrimentally

¹ APP/C1570/W/19/3241822

harm the rural character of the appeal site, undermining the sense of transition to the open countryside.

15. Although indicative, the block plan shows that the tree belt surrounding the appeal site would be retained. In some longer-range views, the existing tree belt screens the appeal site. There are gaps between some of the trees along Hay Street, where the appeal site can be seen in shorter-range views, despite the density of the foliage. Notwithstanding that landscaping is reserved for future consideration, even if additional landscaping would be secured to screen the development, this would not mitigate the significantly harmful urbanising effect of the development on the spacious character of the appeal site.
16. As the description of development refers to the maximum number of houses, it would not be within the spirit of the application to impose a planning condition that reduces the number of houses to less than 6.
17. The proposed development would therefore not constitute limited infilling that is appropriate to the character and appearance of the site and surrounding area. Subsequently, it would cause harm to the character and appearance of the area.
18. The list of approved developments referred to by the appellant, also relate to schemes for housing and have some parallels with the development proposed in this case. However, there is limited evidence to demonstrate that these sites are directly comparable to the appeal scheme, particularly in terms of character and appearance. Considering the specific sites highlighted in the appellant's statement of case, site 9 which is in the immediate area, pre-dates the development plan and the Framework. Site 16 appears to have existing buildings on the site and site 14 is in an area with a more tight-knit and regular development pattern. These site characteristics are different to the appeal site. As I can therefore draw no direct parallels, these examples carry limited weight.
19. Whilst the appeal site is outside of a settlement boundary, there is no definition of settlement, as endorsed by a High Court Judgement². Given the presence of housing nearby, the appeal site is not isolated in the context of the Framework.
20. Group 3 Villages are identified as the least sustainable locations for development in the district. Dassels itself has very few local services. Whilst limited in its services and facilities, Braughing is within a reasonable walking and cycling distance from the appeal site.
21. There is a bus stop very close to the appeal site where a bus service to larger villages can be accessed and also includes a school bus service. Although the bus service may offer limited flexibility, bearing in mind that opportunities to maximise sustainable transport will be more inherently limited in rural areas, the development would not be wholly car dependent. Future occupants would therefore have an alternative to car use to access day-to-day facilities and services further afield. The appeal site is therefore in a sustainable location and complies with the sustainable development aims of Policies TRA1 and DPS2 of the DP.

² City and Country Bramshill Ltd v SSHLG and others [2021] EWCA Civ 320

22. In all the decisions cited by the Council³, the sites were found to be in unsustainable locations. This is not the case in this appeal. These decisions are therefore not directly comparable and have limited weight.
23. Whilst the appeal site is in a sustainable location, for the reasons given above, the principle of the proposed development would not be acceptable in this location, having regard to the character and appearance of the area. Accordingly, it conflicts with Policies GBR2, VILL3 and DES4 of the DP and Policy 1 of the Neighbourhood Plan. Amongst other things, these policies require new development to be compatible with the character and appearance of the rural area. These policies are also broadly consistent with the Framework in allocating sites and seeking development that is sympathetic to local character.

Highway safety

24. Notwithstanding that access is reserved for future consideration, the development would be accessed from Hobbs Lane, which is a narrow track.
25. Hobbs Lane is described as a 'definitive footpath', with limited details provided to expand upon this. Based on my observations, Hobbs Lane is not heavily used by vehicles. Vehicles both entering and exiting the lane is an existing arrangement with vehicles having to wait to enter if another vehicle is exiting. It is indicated that 1 road traffic accident has been recorded in the last 23 years. There is no substantive evidence before me to dispute this.
26. The junction appears to have previously been widened and broadens out as it reaches Hay Street. Because of its width and depth, generally, there is enough space for vehicles to wait at the junction until it is clear to enter Hobbs Lane, without having to wait on or reverse onto Hay Street. When exiting from Hobbs Lane onto Hay Street, this part of Hay Street is relatively straight, with good visibility in both directions, so drivers would be aware of oncoming vehicles. The access is proposed not far from the junction. Vehicles would therefore need to drive a short distance along Hobbs Lane before they entered the appeal site, reducing the conflict with on-coming vehicles.
27. The development would give rise to some increased use of the junction. However, I am advised that peak hour traffic generation would be low, for the maximum number of houses proposed. The increase in traffic from the development would be moderate and I have no substantive evidence that existing highway safety concerns would be materially exacerbated.
28. Should the appeal succeed, other matters relating to the highway could be addressed by way of pre-commencement condition and further details about access could be considered under a future reserved matters application.
29. Drawing this together, based on the evidence from the submissions and the findings from my site visit, the proposed development would therefore not have an adverse effect on highway safety. Accordingly, it would comply with Policy TRA2 of the DP, which requires access proposals to be acceptable in highway safety terms.

³ 1 Whempstead Road, Land at Crabbs Lane, Land West of The Grove, 31 Burnham Green Road

Trees

30. The trees within the more central part of the appeal site, have the potential to be impacted by the development. However, I have not been advised that these trees are protected as part of a preservation order, nor is there any substantive evidence before me regarding their health and life expectancy. Without evidence to the contrary, even if these trees were lost, they make a limited contribution to the character. It is the trees surrounding the site boundary, particularly those closest to Hay Street, which positively contribute to the verdant character.
31. Whilst acknowledging that layout is reserved for future consideration, the indicative site plan shows that the housing could be laid out to be away from the tree belt along Hay Street. Should the appeal succeed, planning conditions could also be imposed to identify the trees to be retained as well as protection during construction.
32. The proposed development would therefore not cause harm to the existing trees. Accordingly, there would be no conflict with Policy DES3 of the DP which requires development proposals to retain, protect and enhance existing landscape features which are of amenity value.

Other Matters

33. Matters regarding title deeds, land ownership and rights of access are a civil matter between the parties involved.

Planning Balance

34. For the reasons set out above, the proposed development would conflict with Policies GBR2, VILL3 and DES4 of the DP and Policy 1 of the Neighbourhood Plan. Whilst it does comply with other policies of the development plan, this conflict means the proposed development conflicts with the development plan as a whole. I apportion significant weight to this conflict and to the associated harm.
35. The Council previously indicated that they could demonstrate a 4.41-years supply of deliverable housing sites. Over the course of the appeal, the Council have since confirmed that they can currently demonstrate a 5.95-years housing land supply. The appellant disputes this, considering that the Council can only demonstrate a 4.75-years supply. They also indicate that the Council failed its Housing Delivery Test.
36. The proposed development would be supported by parts of the Framework with regard to boosting the supply of homes by providing up to 6 additional homes. It would also help to address the shortfall in housing allocations set out in the Neighbourhood Plan. As this is a small site, it could be delivered quickly. A limited amount of short-term employment would arise through the construction of the development and some further limited benefits would result from the additional support to the vitality of the surrounding areas from the future occupants. Taken together, these benefits attract only moderate weight given the quantum of development under consideration.
37. As residential development is expected to meet energy efficiency standards, the intention to provide electric vehicle charging points and renewable energy measures are neutral matters and do not weigh in favour of the development.

38. Even if I were to conclude there is a shortfall in the 5-year housing land supply on the scale suggested by the appellant and that the development plan policies are out of date, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

39. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

L Reid

INSPECTOR



Appeal Decision

Site visit made on 13 May 2024

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th May 2024

Appeal Ref: APP/J1915/D/23/3324267

Thurlwood House, Bramfield, Hertford, Hertfordshire SG14 2QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Marietta Johnson against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/0256/HH.
 - The development proposed is the installation of 40, stand-alone solar panels.
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Decision

1. The appeal is allowed, and planning permission is granted for the installation of 40, stand-alone solar panels, at Thurlwood House, Hertford, SG14 2QG in accordance with the terms of the application, Ref 3/23/0256/HH, and the plan submitted with it, 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 plan: Proposed plan: NH/999/01.
 - 3) The use hereby permitted shall be for a limited period being the period of 25 years from the date of this decision. The solar panels hereby permitted shall be removed and the land restored to its former condition on or before 25 years from the date of this decision.

Preliminary Matters

2. Policy GBR1 of the East Herts District Plan [2018] (DP) states that planning applications within the Green Belt will be considered in line with the provisions of the National Planning Policy Framework (the Framework). The proposed development is located within the Metropolitan Green Belt. Section 13 of the Framework establishes the national policy objective to protect the Green Belt. Paragraphs 154 and 155 define different types of development that would not be inappropriate development in the Green Belt. It is uncontested by main parties that the proposed solar array would not comply with any such provisions. I see no reason, within the evidence, to disagree with this assertion. The proposal would therefore be deemed to be inappropriate development in the Green Belt.
3. Paragraph 152 and 153 of the Framework state that inappropriate development in the Green Belt is, by definition, harmful and carries substantial weight. Such development should not be approved except in very special circumstances. It continues that very special circumstances will only exist if the harm to the

Green Belt by its inappropriateness, and any other harm resulting from the proposal, would be clearly outweighed by other considerations.

Main Issues

4. Therefore, main issues are:

- The effect of the proposal on the openness of, and purposes of including land within, the Green Belt; and
- whether the harm caused by the proposal, by virtue of being inappropriate development in the Green Belt, would be clearly outweighed by other considerations to result in 'Very Special Circumstances'

Reasons

Green Belt - openness and purposes

5. The fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open¹. Openness has both visual and spatial qualities. The site is part of the large front garden of a dwelling. The property is accessed via a lane that is also a bridle path, this then splits at the entrance to the appeal site and continues adjacent to the site as a bridle path.
6. The proposed development would be partially visible in glimpses from the bridle path through the adjacent tree and hedge cover. Nevertheless, the panels would be modest in mass and footprint. These would also be spaced apart which would visually disaggregate the appearance of the array. As such, visually the harm to the openness of the Green Belt would be limited and would be further reduced through the provision of the proposed planting. From a spatial perspective the proposal would introduce a low-lying group of panels in a part of the residential plot. As such, the proposal would represent a modest intrusion into the surrounding Green Belt having a minor effect on the openness of the site.
7. Consequently, the proposal would have a harmful, albeit minor, effect on the openness of the Green Belt.

Other considerations

8. The Appellant explains that the solar panels are a temporary installation which would be set low in the ground, which would be reversible and could be renewed by a temporary approval. It is also suggested that the site is not overlooked, due to existing and proposed plant screening.
9. Furthermore, it is asserted by the Appellant that the scheme would deliver environmental benefits through its production of energy from this renewable source. The Appellant claims that whilst the proposed scheme would be modest in scale, it would enable the house to be self-sufficient.

Renewable energy

10. The Framework explains, at paragraph 161, that all communities have a responsibility to help increase the use and supply of green energy and decision makers should support community led initiatives. The Framework also

¹ Paragraph 142 of the National Planning Policy Framework

recognises that even small-scale projects provide a valuable contribution to cut greenhouse gas emissions.

11. The Planning Practice Guidance (PPG) explains that increasing the amount of renewable and low carbon technologies will help to make sure the UK has a secure energy supply. Microgeneration projects, by individuals to meet their own needs, also play an important part in combatting climate change.
12. The UK Government has declared a climate emergency and set a statutory target of achieving net zero emissions by 2050, and this is also a material consideration. Since the declaration, the Sixth Assessment Report of the Intergovernmental Panel on Climate Change has indicated that there is a greater than 50% chance that global temperature increases will exceed 1.5 degrees Celsius above pre-industrial levels. The report indicates that delay in global action to address climate change will miss a rapidly narrowing window of opportunity to secure a liveable and sustainable future for all².
13. Furthermore, DP policy CC3, with respect to Renewable and Low Carbon Energy, states that the Council will permit new development of sources of renewable energy generation subject to assessment of impacts on the environment, visual amenity and landscape character, local transport networks, residential amenity, health and the safety of aerodromes. A second requirement of the policy is to ensure that the character of the countryside is protected, including views from public rights of way.

Whether there would be Very Special Circumstances

14. The Framework identifies that many renewable energy projects in the Green Belt will comprise inappropriate development. In such cases, developers will need to demonstrate very special circumstances which could include the wider environmental benefits associated with the increased production of energy from renewable sources. Whilst this lends support for renewable projects in the Green Belt it does not confer an automatic approval of such schemes, where the effects of such development must take into account a broad range of issues in mind of the general presumption against inappropriate development and the resultant substantial harm conveyed to the Green Belt by this.
15. The appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would also result in harm to the openness of the Green Belt, albeit minor. Paragraph 153 of the Framework requires substantial weight to be given to any harm to the Green Belt.
16. On the other hand, the proposed development would make a positive contribution towards the microgeneration of energy, enabling the associated dwelling to be carbon free and become self-sufficient for its energy needs. Also, being a microgeneration scheme, the scheme's location is necessary to serve the dwelling nearby, limiting the suitability of alternative sites to generate the same benefits. The site is also largely hidden from public view, having a low visual impact and causing no harm to the area's landscape character. Consequently, based on site specific assessment the proposal would cause no harm to the character and appearance of the area. Furthermore, the proposed development could be required to be removed after a set period of time to

² IPCC Sixth Assessment Report - Summary for Policymakers, paragraph D.5.3

prevent a permanent impact on the Green Belt, further reducing its overall effect.

17. The benefits of this renewable energy project would be localised but substantial, nonetheless. These benefits are recognised in local and national policy in accordance with the Climate Change Act of 2008. It is also clearly identified, in Section 14 of the Framework, where it seeks to increase the use and supply of renewable and low-cost energy and to maximise the potential for suitable such development. The delivery of suitable renewable energy projects is fundamental to facilitate the country's transition to a low carbon future in a changing climate.
18. Accordingly, the benefits of the proposal are of sufficient magnitude to outweigh the substantial harm found to the Green Belt. These identified benefits attract very substantial weight in favour of the scheme. In this context, the harm to the Green Belt would be clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development exist. Accordingly, the proposal would satisfy the local and national Green Belt policies I have already outlined.

Conditions

19. I have considered the use of conditions in line with the guidance set out in the PPG. I shall take the Council's suggested conditions into consideration and impose these with some amendments and adjustments for clarity.
20. The Council has suggested a condition that the solar panels be used only in association with Thurlwood House. However, the Council has not justified why this would be required and the objective of such a condition is unclear. Therefore, such a requirement would be unnecessary and would fail the tests of the Framework as set out at paragraph 56.
21. The Appellant has offered that the proposal gain consent for a temporary period only. I am mindful that such facilities generally have a lifespan of 25 years, and this seems to be a reasonable maximum period of time for the panels to be installed, preventing permanent harm to the Green Belt.

Conclusion

22. For the above reasons, the appeal is allowed, and planning permission is granted subject to the conditions.

Ben Plenty

INSPECTOR



Appeal Decision

Site visit made on 27 March 2024

by **J Downs BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 June 2024

Appeal Ref: APP/J1915/W/23/3331901

Quinbury Farm, Hay Street, Braughing, Hertfordshire SG11 2RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by G.J and C.H Langley-Jones of Langley's Property Development Limited against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/0356/FUL.
 - The development proposed is conversion of barn to a residential dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of barn to a residential dwelling at Quinbury Farm, Hay Street, Braughing, Hertfordshire SG11 2RE in accordance with the terms of the application, Ref 3/23/0356/FUL, subject to the conditions in the attached schedule.

Background and Main Issue

2. Since the Council determined the application, an appeal has been allowed on land adjacent to the appeal site for the continued erection of four dwellings¹. In light of that decision, the Council no longer seeks to defend those parts of its reason for refusal as it related to the isolated and unsustainable location of the site.
3. The parties have confirmed that planning permission has subsequently been granted for conversion of the barn the subject of this appeal to a single residential dwelling². I have no reason to think that this permission would not be implemented were this appeal to be dismissed and it therefore represents a realistic fallback position. Consequently, the principle of residential use of the barn has been established and it is not necessary for me to consider this further.
4. Given the above, the main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site consists of an agricultural barn accessed via a byway open to all traffic. The site includes what is described as an agricultural field which leads to a narrow river. There are further fields on the opposite side of the byway and to the rear of Quinbury Farm Cottage however on the opposite side of the river where the land rises sharply there is a small tree belt.

¹ APP/J1915/W/23/3317491 allowed 5 December 2023

² 3/23/2140/FUL granted permission 2 February 2024

6. At my site visit, I observed the dwellings granted on appeal under construction and Quinbury Farm Cottage which has the benefit of extant permissions for its demolition and replacement with a four bedroom dwelling³. There is also what appears to be a large residential property beyond those under construction. While the existing farm house is sited in proximity to the access, the farm cottage is not. Furthermore, the adjacent approval has a courtyard type layout. Dwellings facing the highway will no longer be a key characteristic of the immediate area. The proposed conversion, facing towards the courtyard, would not be incongruous in this context.
7. The proposed development would incorporate a notable proportion of the adjacent field into the private amenity space. This field is a small area of land which will ultimately be bounded by the small enclave of residential development at Quinbury Farm and the river and treebelt beyond. It would only be visible to users of the byway for a short duration due to the elevation changes. Suitable boundary treatments would limit the extent to which any resultant domestic paraphernalia would be visible to users. The surrounding landscape would remain predominantly rural and would contrast with the immediate surrounds of the appeal site given the extant permissions. The use of part of the field as a domestic garden would not have an adverse effect on the rural character and appearance of the area.
8. The existing barn is a modern structure entirely functional in its appearance. There are a variety of dwellings, existing and proposed, in immediate proximity to the site. The existing dwellings do not display any consistent pattern of fenestration. The approved plans for the adjacent four dwellings show some variety in the form of the proposed fenestration, although it would be in a generally regular position. The proposal before me shows openings which, while symmetrical along the front and rear elevations, would have the openings in different positions. However, as established above, the proposed dwelling would not occupy a prominent position in the landscape. It is not in an area of any particular sensitivity. As a result, the proposed alterations would be acceptable.
9. The proposed development would therefore have an acceptable effect on the character and appearance of the area. It would be in accordance with East Herts District Plan (2018) (EHDP) Policies DES4 and GBR2(d), and Braughing Neighbourhood Plan Policy 2 which, taken together and insofar as they relate to this appeal, require alterations to buildings to be of a high standard of design, be appropriate to the character, appearance and setting of surrounding areas and contribute to local distinctiveness.

Other Matters

10. During the course of the appeal, the Council advised it now considered it could demonstrate a five year supply of deliverable housing land. This is disputed by the appellant. However, given that the principle of residential use of the site has been established, and the lack of harm I have found above, the proposal would comply with the development plan when read as a whole. As such, paragraph 11c of the National Planning Policy Framework (the Framework), which requires development that does not conflict with the development plan to be approved, is engaged.

³ 3/23/2272/FUL granted permission 19 February 2024 and 3/22/0138/FUL granted permission 25 May 2022

11. The site would be accessed via the byway. While this is unmade, it is of sufficient width that cars could pass. The verges would also provide a place for pedestrians if passing cars. The proposal would therefore be acceptable in highway safety terms and would not adversely affect users of the byway. There is no evidence to demonstrate that the additional use of the byway that would be generated by the proposed development would necessitate improvements to its surface, or that the development could not be carried out without encroaching onto the byway.
12. It may be that the supporting documentation to the previous permission for conversion on the wider site referred to the demolition of this barn. However, it has not been required as part of the recently allowed appeal. National policy is to boost significantly the supply of housing, and targets are expressed as a minimum. Surpassing these is not a reason to dismiss an appeal. This proposal is to be assessed on its own planning merits, and it is not for this appeal to compare this proposal with the subsequently approved scheme. Nor would it bind future decision makers in other locations given the specific circumstances of this site. The principle of residential use of the site has been established and the need to travel by private car to access services and facilities would be the same for this proposal as the approved. There would be economic benefits from employment during the construction stage and spending by future occupiers.

Conditions

13. The Council has suggested conditions should I be minded to allow the appeal. I have had regard to these in light of the tests set out in paragraph 56 of the Framework. I acknowledge the conditions imposed on the recent appeal decision however I have considered conditions in this case on the basis of the evidence before me. I have made amendments to some of them for consistency and clarity purposes.
14. In the interests of certainty, I have imposed conditions stipulating the timescale for the commencement of works and the approved plans. It is reasonable and necessary for details of materials and boundary treatments to be approved. An appropriate degree of control can be achieved through approval of written details of materials and it is not necessary for samples to be submitted. It is reasonable and necessary to control external lighting and working hours to protect the living conditions of surrounding residents. It is reasonable and necessary for details of landscaping to be secured and for provision to be made for the replacement of any planting within five years. I have amended the condition to require the planting plans to be prepared with regard to the recommendations of the preliminary ecological appraisal. There is such limited planting within the appeal site that it would not be necessary to require its retention, however it is reasonable and necessary to ensure that there would not be any adverse effects on those trees that lie outwith the site boundary. I have amended the period in which trees shall be replaced to from first occupation of the dwelling as this is more precise.
15. It is reasonable and necessary for the development to be carried out in accordance with the mitigation measures identified in the preliminary ecological appraisal (PEA). The PEA indicated a construction environmental management plan would be necessary and I have imposed an additional condition to require this. It is necessary for this to be a pre-commencement condition to ensure that appropriate safeguards are in place for the duration of the development.

The PEA also specified biodiversity enhancements. There is no substantive evidence before me that this would not deliver appropriate enhancement, therefore it is not necessary for further biodiversity information to be submitted.

16. It is reasonable and necessary to ensure that provision for car parking is provided. Details of the surfacing of such areas would be controlled by the landscaping condition and further repetition is not necessary. The site is within an area of water stress so it is reasonable and necessary to require that water consumption be limited to 110 litres or less per person per day. I have amended the condition to require the details of the measures to be approved by the local planning authority to ensure that the condition is enforceable and to require their retention to ensure the measures are effective. The manner in which the building will reduce energy demand has been set out in the energy and carbon reduction section of the sustainability questionnaire. This is sufficient to meet the requirements of the development plan and compliance can be secured via an amended condition. Given the sensitive end use of the site and the former agricultural use of the building, appropriate contamination conditions are considered reasonable and necessary. I have removed the tailpiece to ensure the condition is precise.
17. It is reasonable and necessary to ensure that floodplain compensation is provided and to ensure that the air source heat pump would not have an adverse effect on the living conditions of surrounding occupiers.
18. There is no substantive evidence before me of any surrounding noisy uses that would give rise to the need for additional controls on sound insulation. There is no evidence that the conversion works would give rise to levels of dust sufficient to require additional control. Construction sites are required to be kept in good order by other legislation, so a condition is not necessary to control this.
19. Paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. There is no evidence before me that the site is in a valued landscape such that it would be necessary to withdraw permitted development rights for extensions, alterations, outbuildings or boundary treatments. Class AA rights would not apply as the dwelling would be constructed after 28 October 2018. The appeal site is of sufficient size storage of bins could be achieved without the need for a specific planning control. An electric vehicle charging point is shown on the approved plans, and the building regulations address this issue so a further condition would not be necessary. While noise may be an issue from air source heat pumps, the proposed condition would not be enforceable as it would require measurements to be taken from land which may not be in the appellant's control.

Conclusion

20. For the reasons given above the appeal should be allowed.

J Downs

INSPECTOR

Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1660/01 Rev A and 1660/03.
- 3) Prior to the first occupation or use of the development hereby approved, details of all boundary walls, fences or other means of enclosure to be erected shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development should be implemented in accordance with the approved details.
- 4) Prior to any above ground building works being commenced details 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.
- 5) Any external artificial lighting at the development hereby approved shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals Guidance Note 9/19 'Domestic exterior lighting: getting it right!'. Lighting should be minimised and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.
- 6) In connection with all site preparation, demolition, construction, conversion and ancillary activities, working hours shall be restricted to 08:00 - 18:00 hours on Monday to Friday, 08:00 - 13:00 hours on Saturdays, and not at all on Sundays or Bank / Public Holidays. Vehicles arriving at and leaving the site must do so within these working hours.
- 7) Prior to first occupation of the development hereby approved, details of landscaping shall be submitted and approved in writing by the local planning authority. The submitted details 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. The planting plans shall be prepared with regard to the advice in Appendix H of the Preliminary Ecological Appraisal. The development should be implemented in accordance with the approved details. All hard and soft landscape works shall be carried out in accordance with the approved details.
- 8) 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) All trees and hedges immediately adjoining the site and any shown as being retained on the landscaping plan to be agreed by condition 7 shall be protected from damage as a result of works on the site in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following first occupation of the approved development. In the event that trees or hedging become damaged or

otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

- 10) Before the development commences, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include measures to prevent pollution of watercourses in accordance with BS 42020:2013, Biodiversity – Code of Practice for planning and development. The development shall be carried out in accordance with the approved CEMP.
- 11) The development hereby permitted shall be carried out in accordance with the details of the Preliminary Ecological Appraisal dated 31st May 2022 and the mitigation and enhancement measures contained therein.
- 12) Prior to the first occupation of the development hereby approved, spaces shall be provided for the parking of cars as shown on the approved plans and the spaces shall be retained for such use in connection with the development.
- 13) Prior to any above ground works taking place, a scheme setting out measures to ensure a water efficiency standard of 110 litres (or less) per person per day shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme and the approved measures thereafter retained.
- 14) The development hereby approved shall be carried out in accordance with the responses in the energy and carbon reduction section of the sustainability checklist.
- 15) The development hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures:
 1. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
 2. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated.
 3. Details of any ongoing monitoring.

The development shall be carried out in accordance with the approved measures.

If during the works contamination is encountered which has not previously been identified, works shall stop until the additional contamination has been fully assessed in an appropriate remediation scheme which shall be

submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with any approved remediation scheme.

Prior to first occupation of the dwelling, a validation report detailing the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted

- 16) Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.
- 17) The development shall be carried out in accordance with the submitted flood risk assessment 'Doc ref: Plot 5 Quinbury Farm FRA Revision A, (dated March 2023) and the mitigation measures set out in Section 5 point 5.32 with respect compensatory storage as shown in Appendix F of the FRA on the north-east portion of the site where land will be lowered/ manipulated to provide the storage.

The compensatory storage shall be fully implemented prior to occupation and thereafter retained and maintained for the lifetime of the development.

- 18) The rating level of noise emitted from the air source heat pump (ASHP) hereby approved shall not exceed 10dB below the existing background noise level as measured or calculated at 1 metre from the façade of the nearest noise sensitive property. The measurement and assessment shall be made according to BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' at the nearest and / or most affected noise sensitive premises, with the ASHP operating at maximum capacity and be inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics.



Appeal Decision

Site visit made on 5 June 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2024

Appeal Ref: APP/J1915/W/23/3331401

Jobbers Wood Sports Pavilion, Great Hadham Road, Much Hadham, Hertfordshire SG10 6FB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr A Pickup [Ashdown Developments Ltd & Bishop's Stortford High School] against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/0374/FUL.
 - The development proposed is erection of new cricket school and construction of associated parking on recreational ground at Jobbers Wood.
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Decision

1. The appeal is dismissed.

Background

2. Herts and Essex Cricket Centre (HECC) is a specialist indoor cricket training facility for individuals, schools, clubs and elite academies. It is the appellant's case that the current premises sited elsewhere in the district at Tharbies Farm, is underutilised due to its countryside location. Although it is suggested that the proposal would provide a replacement facility at the appeal site, it has not been submitted as a tandem application including the redevelopment of Tharbies Farm. Nor is there a S106 agreement before me to require the existing facility to cease or be removed. The proposal before me therefore seeks to provide a new cricket training facility. It follows the refusal of a previous scheme for a similar development in December 2022¹.

Preliminary Matters and Main Issues

3. A Transport Statement (TS) and amended site plan were submitted with the appeal documentation. As the TS and plan do not fundamentally alter the proposal and the Council and interested parties have had the opportunity to comment on their contents through the appeal process, no party would be prejudiced in taking the TS and plan into account in my decision.
4. Policy GBR1 of the East Herts District Plan (DP) 2018 advises that proposals for new development within the Green Belt will be determined in line with the provisions of the National Planning Policy Framework (the Framework). In December 2023 the Government published a revised Framework. Although some paragraph numbers have changed, the revisions do not relate to anything that is fundamental to the main issues in this appeal. No party would be prejudiced by reference to the revised Framework.

¹ Planning application reference 2/22/0899/FUL.

5. The proposal is for the erection of a single storey building to provide an indoor cricket training facility. Paragraph 154 of the Framework indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. Both parties agree that as the proposal does not meet any of the specified exceptions, the proposal is inappropriate development. Hence, the main issues in relation to this appeal are therefore;
- i) The effect of the proposed development on the openness of the Green Belt;
 - ii) The effect of the proposed development on the character and appearance of the area, with particular regard to trees;
 - iii) Whether the appeal site is in an accessible location having regard to the development plan;
 - iv) Whether the proposal would provide biodiversity net gain; and
 - v) Whether any harm by reason of inappropriateness and any other harm, would be outweighed by other considerations, including health, education and transport benefits, so as to amount to very special circumstances necessary to justify it.

Reasons

Openness

6. Paragraph 142 of the Framework indicates that openness is an essential characteristic of the Green Belt, with a key objective being to keep land permanently open. Openness has both a visual and spatial dimension, as set out in the Planning Practice Guide².
7. The erection of a large building where one does not currently exist would result in a spatial loss of openness. Sited behind the existing pavilion and adjacent bund, the proposed building would be partially visible from Great Hadham Road (B1004)³ albeit from a distance, and from the sports pitches. The visual encroachment of built development within the Green Belt would therefore be apparent.
8. The appellant suggests that in combination with a separate application to demolish the existing HECC cricket facility elsewhere within the Green Belt, there would be a net benefit to openness. However, that proposal also sought permission for the creation of 6 dwellings⁴. It seems to me that there would be no material gain to the openness of the Green Belt as the existing HECC facility would have been replaced by other built form. In any event, the Council has confirmed that that application was refused. Without a mechanism such as a S106 requiring the closure and/or removal of the existing facility, the impact of the proposed building on the openness of the Green Belt would not be offset.
9. Consequently, the proposal would result in permanent harm to the spatial and visual openness of the Green Belt and I find conflict with paragraph 142 of the Framework.

² Paragraph:001 Reference ID: 64-001-20190722.

³ As demonstrated in fig 2 of the appellant's supporting statement dated February 2023.

⁴ Planning application 3/23/0399/FUL as

Character and Appearance

10. The appeal site comprises an area predominantly of tree planting as well as a grassed area, and temporary structures including 2 container units, a tank and tractor. The existing trees form part of a wider woodland belt surrounding the existing playing fields, understood to form part of The Bishop's Stortford High School (TBSHS). As landscape features of visual and biodiversity value, they contribute positively to the verdant and rural character of the Green Belt.
11. The proposed building is required to perform a particular function, essentially that of a large indoor sports hall, which the appellant advises has to comply with Sport England and English Cricket Board (ECB) guidelines. Nevertheless, Policy DES4 of the DP is clear that all development proposals must be of a high standard of design to reflect and promote local distinctiveness.
12. With a high eaves height and shallow pitched roof, it would differ in form and bulk to the existing pavilion, appearing as a building of a much larger scale. Whilst the pavilion includes a gable feature to the front elevation, it is sited centrally so as to provide a focal point along with the projecting balcony. In contrast, the gable projection to the eastern end appears as an afterthought, with contrasting eaves height and steeper pitch of roof, such that the proposed building would not have one overall cohesive design, nor reflect the appearance of the pavilion. Whilst the use of materials to match the pavilion would offer some visual mitigation, there would be little articulation to the front elevation of the building in particular, which would be visible to the users of the appeal site and adjacent sports pitches.
13. Whilst the proposed building would not offer a particularly high standard of design as viewed from within the appeal site, only part of the building would be visible from Great Hadham Road above the existing bund. Given the separation distance provided by the existing sports pitches, the proposal would not provide a dominating intrusion within the street scene as suggested by the Council.

Trees

14. Policies DES2 and DES3 of the DP require in combination, development proposals to demonstrate how they conserve, enhance or strengthen the character and distinctive features of the district's landscape and seek to ensure that existing landscape features of amenity and biodiversity value will be retained, protected and enhanced. Criterion iii of Policy NE3 advises that development which would result in the loss of trees will not be permitted. Criterion ii of Policy DES3 advises that where losses are unavoidable and justified by other material considerations, compensatory planting will be sought within or outside the development site.
15. To facilitate the erection of the proposed building, a cluster of circa 150 trees are proposed for removal. A Tree Survey and Arboricultural Impact Assessment (TSAIA) accompanies the proposal, which advises that the trees are largely young to semi-mature native specimens of good ecological value, a matter I will return to later in my decision.
16. I observed that the trees have an important collective value in forming part of a woodland belt that serves to frame views around the perimeter of the sports

- itches. The trees are visible from Great Hadham Road above the pavilion as well as from the existing sports pitches above the existing bund.
17. However, the TSAIA provides no consideration of the importance of the existing trees as a woodland belt and in this regard, I find that their value has been understated significantly. Moreover, it is clear that the trees are capable of surviving for a number of years without the proposed development. The proposal would not therefore conserve, enhance or strengthen existing amenity features.
 18. The appellant's evidence relies on the provision of compensatory planting. However, Policy DES3ii) is clear that such provision should only be made where losses are unavoidable and justified. No evidence has been presented including within the TSAIA to demonstrate that consideration has been given to moving the building footprint to prevent the need for the loss of so many trees. It is unclear what planning constraints result in the position of the proposed building being considered as the only suitable location for the development. Furthermore, it has not been proven that a 2.5m buffer zone between the proposed building and the retained stems of group G2, would be sufficient to allow the young specimens to reach maturity without resulting in future pressure to remove or prune.
 19. Mitigation would consist of 180 native trees to be planted on the existing bund to the north of the proposed building. No evidence has been presented to demonstrate that the bund is of a sufficient size to enable the proposed planting to reach full maturity. Neither is it clear what material the bund is made from or whether previous compaction may inhibit the successful growth of the proposed planting. In any case, it would take a number of years for the trees to reach sufficient maturity so as to offer screening of the proposed development. Even then, the provision of an isolated group of trees raised up on an artificial bund would appear odd and incongruous and would not adequately mitigate for the loss of a large cluster of trees, forming part of a wider tree belt.

Conclusion – Character and Appearance

20. The proposed design would not reflect the quality or distinctiveness of the existing pavilion and would result in the loss of a large number of trees without adequate justification. An adverse effect would therefore be exerted on the character and appearance of the area. The proposal would fail to comply with Policies NE3, DES2, DES3 and DES4 of the DP as set out above. Conflict is also found with paragraph 135 of the Framework which seeks to ensure that new development adds to the overall quality of the area, is visually attractive and sympathetic to local character.

Accessible Location

21. DP Policies CFLR1 and TRA1 seek to support proposals for new indoor sport and recreation facilities in sustainable locations, served by a choice of sustainable travel options. Whether or not the existing HECC facility offers a more sustainable location or not, I am required to assess the acceptability of the proposal before me.
22. The appeal site is located in the countryside, outside of any defined settlement and is not served by public transport including rail or bus services. From my

observations Great Hadham Road is a 60mph, unlit, winding rural road without a dedicated pedestrian footway. It would not therefore be particularly pleasant or safe to walk from the built-up area of Bishop's Stortford which is some distance to the east. This would particularly be the case after dark. The appeal site may offer the opportunity for cycling but due to the nature of Great Hadham Road, is likely to be limited to a small number of experienced road cyclists. The location of the appeal site would not therefore offer future users a realistic choice of transport options.

23. Nevertheless, I acknowledge that the majority of adults using the proposed cricket training facility are likely to have their own kit which would be cumbersome and difficult to carry, even if public transport was a credible alternative to the private car. Future users are therefore likely to rely on their own private vehicles to access the proposed facility.
24. Despite the countryside location, any trips from Bishop's Stortford, said to be the core customer base for the facility, would nonetheless be relatively short trips. However, the Community Use Schedule provided is unclear as to whether the named schools in Appendix 1b would use the proposed facility itself or whether the HECC coaches are outsourced to the school locations. If it is the case that the schools would travel to the proposed facility, it seems to me that some, for example Hitchin and Watford Girl's Grammar schools, would travel a considerable distance. The evidence is ambiguous as to what proportion of users would be local individuals or sports teams and how many would come from further afield, thus generating longer trips.
25. Paragraph 89 of the Framework recognises that sites to meet community needs in rural areas may have to be found adjacent to, or beyond existing settlements and in locations that are not well served by public transport. It goes on to advise that in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.
26. It has been established above that the proposal would not be sensitive to its surroundings due to the adverse impact on the character and appearance of the area and the loss of openness.
27. The appellant suggests with reference to a Transport Statement (TS) that the proposal would produce a transport gain. It is noted that the TS was produced in relation to the separate proposal for the redevelopment of the existing HECC premises for housing⁵. Although the TS claims that the housing proposal would result in an 85% reduction in traffic, that would be to the Tharbies Farm site and arising from the proposed change of use. There is no evidence before me to suggest that the amount of traffic to and from the existing facility at Tharbies Farm is problematic or hazardous resulting in significant highway safety concerns.
28. It seems logical that the erection of a new building with the purpose of increasing attendance at the HECC would result in an increase in traffic generation to and from the appeal site. The TS does not however, comprehensively evaluate the traffic impact generated by the proposed development on the local road network adjacent to the appeal site.

⁵ Planning application reference 3/23/0399/FUL.

29. The amended site plan now provides cycle parking. However, no travel plan has been presented which could identify opportunities to manage or reduce travel demand and assist in a modal shift towards for example car sharing, such that the proposal does not fully exploit opportunities to make the location more sustainable.
30. Reference is made to appeal decisions made in relation to the Great Hadham Golf and Country Club⁶. The Inspector acknowledged the isolated location of the proposed development but considered that lodges were suitable in the rural area and consistent with the golf course use i.e., that there would be a functional link between the two. In the case before me, there is no evidence that the users of the proposed facility would have access to or would use the existing outdoor sports pitches. The decisions do not therefore affect my findings.
31. Drawing the above together, there would be some harm arising from the location of the proposed facility outside of a defined settlement due to the reliance of users on the private car as a means of transport. Consequently, there would be some limited conflict with Policies CFLR1 and TRA1 of the DP as detailed above. Although the Framework as a material consideration may offer some support for community development in the countryside, it is subject to criteria that I am not satisfied have currently been met.

Biodiversity Net Gain

32. Together Policies NE2 and NE3 of the DP seek to ensure that development always enhances biodiversity, as measured by applying a locally approved Biodiversity Metric, as well as avoiding harm to, or the loss of features that contribute to the local and wider ecological network.
33. As discussed above, the proposal would result in the loss of 150 young to early mature trees and associated habitat. The Preliminary Ecological Appraisal identifies that the grassland and woodland habitats on or adjacent the appeal site are suitable for foraging/commuting bats and have the potential to support nesting birds and rabbits. It advises that the appeal site has good connectivity to quality habitats in the wider area but concludes that the proposal would not result in any substantial loss of habitat. It is not known what a substantial loss would be, but the removal of 150 trees is not insignificant. Moreover, it has not been demonstrated that the loss of trees is unavoidable.
34. Hertfordshire Ecology considers that 180 replacement trees would provide a biodiversity net gain (BNG) but without explanation as to how this view is arrived at, given the absence of a biodiversity metric. Even though more trees would be planted than would be removed, there is no assessment of the existing biodiversity value offered by the semi-mature trees, relative to their replacement by prospective younger specimens that are unlikely to provide equivalent compensatory habitat for some time. Without any baseline or projected calculations and given my concerns about the likely success of replacement planting as discussed above, it is not clear whether BNG would be achieved.
35. The proposal does not avoid the loss of features that contribute to the local and wider ecological network and neither can I be certain that the replacement

⁶ Appeal decisions APP/J1915/W/18/3195491 & APP/J1915/W/18/3203036.

trees would achieve BNG. The proposal would therefore fail to comply with Policies NE2 and NE3 as set out above. It would also be contrary to paragraph 180d) of the Framework which seeks to minimise impacts on and provide net gains for biodiversity.

Other Considerations

36. The provision of a facility to allow sport to take place all year around would clearly be of benefit to the physical health and well-being of the local community, as well as providing opportunities for individual and group development in the sport of cricket⁷. In this regard the proposal would meet the purpose of the Council's Open Space, Sport and Recreation SPD (2020).
37. Educational benefits to the pupils of TBSHS through the provision of an additional facility for the specific purpose of cricket training, are also cited by the appellant. Even if the TBSHS has a history of cricket achievement, the proposal appears from the evidence to be a commercial building for use by the general public, not specifically a building for the school. Although it is suggested that a private agreement has been made, there is no confirmation that the school would utilise the proposed facility on a regular basis, in addition to its existing or proposed multi-use sports hall⁸. In fact, despite the school being named on the application, it is oddly silent on the proposal.
38. Sport England and its subsequent consultation with the ECB appear to accept that the existing HECC facility is underutilised as suggested by the appellant, due to difficulties with access, particularly via unclassified roads in the winter. It is not clear why this would be problematic or what evidence Sport England and the ECB have had to make this assessment.
39. It seems to me that there is little substantive evidence to back up the assertions regarding access. For example, a survey of existing or previous users has not been supplied. Without a written consultation response from the ECB, I cannot be satisfied what factors it considered to inform its view that the appeal site would provide a major improvement above the location of the existing facility. Given the lack of compelling evidence presented, it is not known whether the quality of the space, cost and availability may also be contributing factors to underutilisation.
40. Neither has any evidence been presented to demonstrate that the core customer base arises from Bishop's Stortford. Indeed, the appellant acknowledges that the current HECC facility at Tharbies Farm is placed fairly centrally within its catchment area⁹. Without an accompanying map, it is not clear from the Community Use Schedule that the proposed facility would be any nearer to any of the groups or schools referenced, or those that do not currently choose to visit the existing premises. Whilst the appeal site is geographically closer to Bishop's Stortford it is still isolated from the settlement requiring travel into the countryside.
41. A Sequential Site Assessment to support the appellant's assertion that there is a lack of alternative sites available outside of the Green Belt has been

⁷ With reference to Government guidance documents; Sporting Future: a new strategy for a more active nation (2015 and Get Active: a strategy for the future of sport and physical activity).

⁸ Reserved matters planning application, reference 3/0527-20(CC0816) for a new 6FE secondary school as cited within the Council's officer report.

⁹ As set out within the access section of the appellant's supporting statement dated February 2023.

provided. A number of premises are rejected on the basis they would not provide the required 20m by 40m internal space for the cricket training area. However, no consideration appears to have been given to whether the layout of the buildings could be altered to make the internal space larger. Unit 2A at Stanstead Distribution Centre appears to have also been discounted due to it being offered on a short sub-let lease until September 2023. This contradicts the supplied rental particulars which advise that longer leases may be available upon request.

42. I am not satisfied that the reasoning for discounting these alternative sites stands up to scrutiny. Neither has any evidence been provided as to whether any allocated or brownfield sites within a settlement could be redeveloped to provide a suitable location, or the facility could be conjoined with other existing sports provisions, such as the Lawn Tennis Club referenced elsewhere in the appellant's evidence.
43. Notwithstanding all of the above, the appellant's case is predicated on the basis that the proposed development at the appeal site would result in an increase in patronage including use by individuals for coaching, lane hire and birthday parties, in addition to use by local schools, cricket clubs and other cricket squads and academies.
44. However, the existing Jobbers Wood sports pitches are restricted by planning conditions for use by TBSHS and any other organisations agreed with the Council, such that general community access is prevented¹⁰. The Council's evidence does not explain why these restrictive conditions were considered necessary or relevant to the development permitted. Nevertheless, they exist and seek to prevent open use of the wider Jobbers Wood sports pitches by the public. The proposed development would introduce members of the public to the appeal site which would appear to be incompatible with the nature of the existing conditions, concerns I note are shared by Sport England. I am not satisfied that if permitted the proposed development could comply with these circumstances. Nor is it clear that the Council would support any variation to the conditions to enable general access to the proposed facility.

Conclusion – Other Considerations

45. Considered carefully, the lack of compelling evidence regarding the availability of suitable sites and premises within a settlement, the suitability of the location to increase patronage, the use by TBSHS and the absence of a suitable mechanism to ensure that the existing facility is removed, is such that I cannot be satisfied that the suggested health and educational benefits of the development as currently proposed would be realised. For these reasons they would attract no more than limited weight.

Other Matters

46. Reference is made to development permitted within the Green Belt at Bishop's Stortford Lawn Tennis Club. It is clear from the Inspector's decision for the 2 linked appeals, that the appeal site consisted of a number of enclosures and lighting columns as well as a large building. The surrounding development was also considered to contain a substantial presence of built form.

¹⁰ Conditions 1 and 2 of planning application 3/10/1044/FO as set out within the Council's officer report.

47. Whilst harm was found to the Green Belt in the case of Appeal A¹¹, it was outweighed by the substantial weight to be afforded to the benefits of the scheme to physical and mental health. No harm was found in relation to Appeal B¹². Neither of those circumstances apply to the proposal before me given the identified harm to the Green Belt, the differing context of the appeal site and the uncertainty around the deliverability of the suggested benefits.
48. I find no evidence that the Council has ignored the advice of its statutory consultees. Rather it is clear from its officer report and statement of case, that all of the matters raised from such consultations were considered and justification provided for any departure from the advice given.

Green Belt Balance and Conclusion

49. The proposal would amount to inappropriate development in the Green Belt resulting in a loss of openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are outweighed by other considerations.
50. I am required to give substantial weight to Green Belt harm which is combined with the other identified harm to the character and appearance of the area, and insufficient information to demonstrate the achievement of BNG. Due to the ambiguity of evidence, only limited weight can be attached to the suggested health and educational benefits of the proposal, such that the harm is not clearly outweighed.
51. There would also be limited harm arising from the inaccessibility of the appeal site other than by the private car. However, the balance does not hinge on this issue. The limited weight ascribed to the health and educational benefits of the proposal would be insufficient to outweigh the Green Belt harm, even if no other harm had been identified.
52. The very special circumstances necessary to justify the proposal do not exist. The appeal is dismissed accordingly.

M Clowes

INSPECTOR

¹¹ Appeal reference APP/J1915/W/21/3272506.

¹² Appeal reference APP/J1915/W/21/3275195.



Appeal Decision

Site visit made on 26 March 2024

by **J Downs BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 May 2024

Appeal Ref: APP/J1915/W/23/3322314

Land East of London Road, Bishop's Stortford CM23 3HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by EE Limited against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/0430/TEL.
 - The development proposed is mast and associated supporting apparatus.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Schedule 2, Part 16, Class A require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The Council has referred to a number of development plan and national policies in its decision notice. However, the principle of development is established by the GPDO as set out above and its provisions do not require regard be had to the development plan. I have nonetheless had regard to the policies of the development plan, namely the East Herts District Plan (2018) and the Bishop's Stortford Town Council Neighbourhood Plan for All Saints, Central, South and part of Thorley, along with the National Planning Policy Framework (the Framework) only insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area, highway safety, and in the event that any harm is identified, whether that harm would be outweighed by the need for the installation and the lack of less harmful alternative sites.

Reasons

Character and Appearance

5. The appeal site is a small area of a larger field bounded by London Road, Pig Lane, a railway line and further undeveloped land. There are substantial trees along the frontages to London Road and Pig Lane. The proposed mast would be a 30m high lattice mast with associated equipment including two equipment cabins. They would be sited within a compound surrounded by a 1.8m high palisade fence. Access would be taken from Pig Lane and a temporary trackway installed. There are residential properties on the opposite sides of London Road and Pig Lane which are at higher ground levels than the appeal site.
6. The proposed installation would be a considerable height with a utilitarian appearance common to such structures. It would be readily visible above the tree line and taller than any of the surrounding buildings, despite the changes in ground level. The compound would be a considerable size given the width of the base of the mast and it being necessary for it to incorporate the equipment cabins. This would be visible at ground level through gaps in the tree cover and more so were the shrub growth to be removed or maintained differently. Despite this, it would not be physically prominent when viewed from London Road and Pig Lane due to its proposed siting behind the tree belt. Few residential properties face directly onto the site and have windows which would overlook the mast. The tree belt would continue to provide screening. Longer distance views from the countryside would be read in the wider context of the settlement that sits around the site.
7. The plans do not specify any colour treatment for the proposed mast and show a cabinet to be colour treated grey, while the written statement states they would be fir green. A grey mast would not benefit to the same extent from screening by the surrounding tree cover. A grey cabinet and fencing would be more likely to be obtrusive in any gaps in the landscaping around the site. The proposed temporary trackway to access the site would be of a considerable length. However, there is not specific detail before me of the nature of this track. Nor is there any mechanism to ensure that it would only be temporary during the construction period and any subsequent upgrades. There is no provision in the GPDO which would allow me to impose conditions to address either of these issues, both of which would cause harm to the appearance of the surrounding area.
8. Prior to this application, prior approval was granted¹ for a 25m lattice mast at Haslemere Industrial Estate. This is a very short distance from the appeal site. The appellant has identified land ownership constraints as why that mast has not been sited. Notwithstanding condition 1 on the decision notice, the GPDO allows five years for this approval to be implemented. There is no evidence before me to show that the land ownership constraints would be insurmountable in this timeframe. Consequently, were I to allow this appeal, both could be implemented. Given the proximity of the sites, there would be occasions where both masts would be visible. Two substantial masts with the associated equipment in such close proximity would create adverse visual clutter. There is no mechanism before me to prevent the first prior approval from being implemented.
9. The Council has acknowledged that the proposal would utilise an existing gated access point and would not require additional access measures. It may be that this access point is not ideal given its proximity to the single carriageway

¹ 3/22/0819/TEL issued 8 June 2022

bridge and the traffic signals, and the visibility from this access, however that is not a reason to prevent use of an existing access point. In any event, the operation of the traffic signals and narrow width of the bridge serve to limit speeds in the area, and traffic generated by the development would be of a very low level. The siting of the proposal would therefore not have an adverse effect on highway safety.

10. Paragraph 121 of the Framework states that applications should be 'supported by the necessary evidence to justify the proposed development' including as regards potential alternatives. The appellant has followed a sequential approach to site selection within this constrained cell search area and in light of the existing site to be decommissioned. A number of alternative sites have been considered and subsequently discounted. This has been evidenced through a map of the cell search area and a brief commentary on why each of the alternative sites is unsuitable. Of the sites that were not discounted on technical grounds, I have no reason to disagree with the reasons for which the other sites were discounted. However, this would not outweigh the harms I have identified which would arise from the siting and appearance of the proposed mast.

Other Matters

11. Reference has been made to a number of social and economic benefits. These have not been taken into account in considering the matters of siting and appearance as the benefits of telecommunications are implicit in the grant of permission by the GPDO. The need for the development is not in question.
12. Given the prescriptive nature of the time limit to the prior approval process, it is understandable why the Council ensured it had issued its decision within the prescribed time limit. I have been directed to a number of other appeal decisions by the appellant. However, each case must be considered on its individual merits.

Conclusion

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

J Downs

INSPECTOR



Appeal Decision

Site visit made on 4 June 2024

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 June 2024

Appeal Ref: APP/J1915/D/23/3329723

Longridge, Amwell Hill, Great Amwell, Hertfordshire SG12 9RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Taylor against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/0766/HH.
 - The development proposed is the construction of car port to front of property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.
3. The appeal documents include an additional plan showing a street scene elevation and cross section which seeks to clarify the relationship of the proposal to the street. The appellant confirms that there are no changes to the car port. On this basis, I am satisfied that no prejudice would occur to any party as a result of my consideration of this plan. I have therefore proceeded on this basis.

Main Issue

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the area and on the setting of a nearby Grade II listed building; 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 required to justify the proposal.

Reasons

Whether inappropriate development

5. The appeal site is located within the Metropolitan Green Belt. Policy GBR1 of the East Herts District Plan 2018 (DP) sets out that development proposals within the Green Belt will be considered in line with the provisions of the Framework.
6. Paragraph 154 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions. The parties agree that the car port could be considered as a normal domestic adjunct to the main property and therefore treated as an extension. On this basis, paragraph 154 c) of the Framework is of relevance. It states that 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.
7. The Framework does not provide a definition of 'disproportionate additions'. Therefore, an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement and can include reference to matters such as volume, footprint or floorspace.
8. The planning history shows that the development in 2014 comprised a single storey front extension, first floor extension including front and rear dormers and the appellant indicates that the original roof was raised by 1m. As such, it is clear that the original property has been extended substantially. The Council has provided footprint calculations, which are not disputed by the appellant. Neither party has provided floorspace calculations.
9. In accordance with the Council's calculations, the footprint of the existing dwelling is 99% larger than the original building. The car port would add 34.2m² in footprint, thereby further increasing the coverage of built form when combined with previous extensions to the dwelling.
10. The car port is open sided, so it would have little volume. Nevertheless, the appellant estimates that, when taken together with the previous extensions to the property, the proposal would result in an uplift in volume of approximately 42% over and above the original dwelling. This increase in built form would be significant.
11. No empirical guidance is provided in either the Framework or development plan as to what may be regarded as a disproportionate addition. Nevertheless, the figures provided with the appeal show that, whilst the car port now proposed is not substantial, of itself, it would add to the cumulative impact of the previous development at the site. As such, the proposal would result in a disproportionate addition over and above the size of the original building. Accordingly, the proposed development would not comply with the exception listed at paragraph 154 c) and would amount to inappropriate development, having regard to national and local planning policy.

Openness

12. The Framework notes that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of the Green Belt are their openness and permanence.
13. The openness of the Green Belt has a spatial aspect as well as a visual aspect. Despite being open sided, due to its volume, the proposed development would result in the reduction of the openness of the Green Belt in spatial terms. The proposal would be sited close to the existing boundary treatments, which would restrict the effect on the visual aspect of the Green Belt. Still, any harm to the openness of the Green Belt runs contrary to the aims of the Framework and attracts substantial weight.

Character and appearance

14. Longridge is a detached dwelling sited in a large plot. The dwelling is set-back from the road behind a close boarded fence. This part of Amwell Hill comprises detached dwellings on spacious plots with deep frontages, normally with generous vegetation as the front boundary treatment, presenting a verdant character and appearance to the street scene. The public house next to the site is located close to the road.
15. The proposal would introduce a car port at the front of the dwelling, near the front and side boundary fences. As it would be sited on lower ground than Amwell Hill, only part of the roof would be visible above the fence line. As such, despite its forward position, the car port would not appear conspicuous in the street scene.
16. The neighbouring dwellings to the north, the Firs, is a Grade II listed building. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of this heritage asset. The Firs is a pair of two-storey semi-detached Victorian villas and its significance derives, in part, from its unusual side by side built, in isolation, as well as from the architectural features of its façades. Given the amount of development that has taken place around the listed building, I find that the car port, which would not be of a substantial size, would preserve its setting.
17. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the area and on the setting of a nearby Grade II listed building. The proposal would therefore accord with DP Policies HA7 and DES4 which, amongst others, require development to protect heritage assets and be of a high standard of layout to reflect and promote local distinctiveness.

Other considerations

18. The proposal would be acceptable in relation to other matters, including living conditions and highway safety. Nevertheless, the absence of harm in regard to these matters does not carry positive weight in favour of the proposal.

Other Matters

19. The appellant asserts that the Council has approved other developments where the increase in floorspace was up to 50%, but I have not been directed to any example. Nevertheless, the approach that Council followed in relation to other

schemes is of little significance for this appeal; the matter of whether the extension is disproportionate remains one of planning judgement.

Green Belt Balance

20. The proposal would be inappropriate development in the terms set out in the Framework. In addition, it would fail to preserve openness. The Framework requires that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
21. The other considerations in this case are not sufficient to comprise the very special circumstances necessary to justify this development. As such, the proposal would be contrary to DP Policy GBR1 and to the Framework.

Conclusion

22. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR



Appeal Decision

Site visit made on 12 June 2024

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2024

Appeal Ref: APP/J1915/W/23/3332111

Watton Mill, Mill Lane, Watton at Stone SG14 3TT

- 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 Meqa of Stone Mill Ltd against the decision of East Hertfordshire District Council.
 - The application Ref 3/23/0885/FUL, dated 4 May 2023, was refused by notice dated 28 July 2023.
 - The development proposed is described as additional floor to existing office building.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. At my visit the site building had been refurbished and some boarding, cladding and painted areas were present on some external elevations which differ from those set out on the existing and proposed plans. There is nothing before me to suggest the external elevation works are authorised, so I have assessed the appeal proposal based upon the existing and proposed plans submitted.
3. Since the appeal was lodged the Watton-at-Stone Neighbourhood Plan 2017 – 2033 (2023) (the NP) has been adopted and so forms part of the development plan. I have given the Council and the Appellant the opportunity to comment upon the implications of this for their respective cases and taken any comments into account in determining this appeal.

Main Issues

4. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal upon the openness of the Green Belt;
 - the effect of the proposal upon the character and appearance of the host building and the area including the setting of the Watton-at-Stone Conservation Area (the WSCA);
 - the effect of the proposal upon highway safety;

- whether or not the proposal would be consistent with policies in respect of flood risk; and,
- if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

5. The appeal site is within the Green Belt within which paragraph 142 of the National Planning Policy Framework (2023) (the Framework) identifies the fundamental aim is to prevent urban sprawl by keeping land permanently open. Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework identifies the construction of new buildings should be regarded as inappropriate development, subject to certain exceptions set out in paragraphs 154 and 155.
6. Policy GBR1 of the East Herts District Plan (2018) (the EHDP) states applications in the Green Belt will be considered in line with the provisions of the Framework, so Policy GBR1 is consistent with the Framework.
7. An exception at paragraph 154 c) of the Framework is the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. While the Framework does not define what constitutes disproportionate, Annex 2 defines the original building as being as it existed on 1 July 1948 or, if constructed after, as it was built originally. I am informed the original mill building was from the 19th century and was present on 1 July 1948. The Council estimates the volume was approximately 1,529 cubic metres. I am provided with no alternative figure or demonstration this is not reflective of what was on site.
8. The Council informs me the building had northern and southern extensions added in the mid-1950s and 1960s respectively, which are both still present. In the mid to late 1960s the historic mill building was fire damaged and demolished, but the more modern extensions remained. A new infill extension joined the two extensions, following which a rear extension was added in the early 1970s, with a further ground floor extension in the early to mid-1970s.
9. The substantive submissions before me indicates the 19th century mill building is the original building for the purposes of assessment under Green Belt policy. There has been no substantial clearance of the site to create a new 'original building' for the purposes of the application of Green Belt policy and I am not provided with a substantive case including relevant authority, to demonstrate the Council's approach would be incorrect.
10. The appeal proposal would result in the extended building comprising a total volume of 2,401 cubic metres, which would be an increase of approximately 57% above the original. The combination of the developments previously has resulted in an increased spatial footprint of the building, and despite not being so high as the old mill, the appeal proposal would result in cumulatively a much increased floorspace, volume, bulk and overall scale of building. There would be a large increase from the original building, and in combination with the

previous extensions, the appeal proposal would result in disproportionate additions over and above the original building.

11. Therefore, for the reasons set out above the proposed development would constitute inappropriate development having regard to the provisions of the Framework and Policy GBR1 of the EHDP. In this regard, the proposal would conflict with the aims of the Framework, insofar as it confirms that inappropriate development is, by definition, harmful to the Green Belt.

Openness

12. The proposed extension would not increase the building width or depth or result in harm to the spatial openness of the Green Belt. However, it is unavoidable that the additional storey of built development over and above the existing building, would increase height and scale of the building. Though it might have some subservience, the upward increase to the building would result in a marked adverse effect upon the visual openness of the Green Belt.
13. This would be clearly visible from Mill Lane in front of the Appeal site, from around the bridges, parts of the Scout and Guide premises and from a length of Mill Lane to the northeast. It would also be prominently visible approaching Mill Lane from a significant length of the public right of way on its alignment due northeast, with a much more glimpsed and filtered visibility from limited parts of another right of way and open spaces. From what is before me it would not be possible to mitigate the harm to openness by the imposition of suitably worded planning conditions.
14. Therefore, for the reasons set out above, appeal proposal would have an adverse impact on the visual openness of the Green Belt, in conflict with the Framework and Policy GBR1 of the EHDP, insofar as these aim to ensure the openness of the Green Belt is preserved.

Character and appearance

15. The appeal site building is set within a largely rural and landscaped backdrop. It is also viewed in the context of buildings to the south and west of varying age and style, such as historic brick and tile buildings within the WSCA, more modern brick and render properties at Willowdene and the corrugated Scout and Guide building. On the whole, the prevailing character is one of generally traditional forms but some varied materials in an informal landscaped setting.
16. The character, appearance and significance of the WSCA derives from the variety of generally well-preserved historic and period buildings of differing origins, styles, construction and materials, off the historic High Street, the verdant open spaces including part of the wooded river valley and open field surrounds to the south. Within the vicinity of the appeal site, it is characterised by tightly knit high-quality historic buildings and private garden valley side spaces.
17. The setting of the WSCA includes a number of later buildings reflecting settlement growth and a significant section of the river valley lined by buildings, and wooded and open land sloping down to and up from the river. This setting contributes to the significance of the WSCA by virtue of the historic and verdantly landscaped parkland, agricultural, private and informal spaces with scattered buildings and uses, within which the historic settlement was formed, has evolved and can be viewed.

18. Its flat roof form and limited height, position over and adjacent to the river courses, set back from Mill Lane, means the appeal site makes a limited contribution to the significance of the WSCA. The 'existing' form shown on the plans, suggests its contribution would have been a largely neutral one.
19. The limited areas of cladding as shown on the plans before me would result in some degree of unity between the extension and the host building, by use of a traditional material visible on buildings on parts of the High Street. Being limited to three specific parts of the elevation, including one clearly recessed section it would maintain a relatively simple appearance, which would aid limiting the massing of the building. Therefore, I do not consider it would appear incoherent or intrusive. The details of the materials treatment could be the subject of a planning condition with consideration given to ensure they reflect complement materials visible in the WSCA and the host building. Though it would not be an exceptional design referenced in NP Policy WAS5, on-balance the effect upon the setting and significance of the WSCA would be neutral.
20. For the reasons set out above, the proposal would not adversely affect the character and appearance of the host building, the street scene, or the setting of the WSCA. It would not conflict with Policies DES4, HA1 & HA4 of the EHDP and Policy WAS21 of the NP. Amongst other things these require development is of a high standard that reflects local distinctiveness, the host building, and that preserves the historic environment including its character, appearance and special interest. I also do not find a conflict with the overarching design objectives and the criteria of relevance to this proposal in the NP design code and therefore Policy WAS6.

Highway safety

21. From High Street and from the rights of way, towards the appeal site those sections of Mill Lane are two-way with some on-street parking available. However, they narrow towards the two bridge crossings with no designated footway, and I am given little certainty as to when a new footbridge would be installed. Around this section of Mill Lane, there are two site accesses, a Scout and Guide premises, rights of way, residential accesses, and open spaces.
22. Traffic flows in this area were limited at the time of my visit, although there was at times notable vehicle and pedestrian traffic from users of the open spaces and rights of way. There is nothing to suggest what I saw was untypical at that time. Based upon what I saw and the evidence before me, at certain times there may be some more concentrated highway use associated with the Scout and Guide premises, although its use and operation are unclear.
23. The proposal would result in an additional approximately 202 sqm of additional floorspace. There is nothing before to demonstrate the operation of this internal space could be secured by any consent, and it would have a potential, to increase in the number of people based at the appeal site with increased vehicle movements and parking needs. The Appellant's Transport Note (TN) explains the scope for access to the site by train, bus, walking, cycling or any combination thereof, and there would be an over provision of cycle spaces. These may well encourage sustainable transport modes and help limit vehicle generation. However, it is by no means certain how many of those within the suggested catchments would use non-car modes. To manage a 5 – 10km

journey cyclists would have to be fit and confident, and journeys may well lack appeal when daylight is less and/or the weather is inclement.

24. Notwithstanding the discussion of non-car modes, no explanation is given of either the potential existing, or proposed traffic type and flows that would be generated by the development. Though the TN states the site and local highway network can accommodate the traffic generated, it does not actually explain and demonstrate how, or what this would typically be expected to be. Given the potential for increased use and highway conditions nearby I cannot be certain there would not be an increased potential for highway user conflict prejudicial to highway safety.
25. The site is expected to provide 75% - 100% of the 23 parking spaces in the Vehicle Parking at New Development Supplementary Planning Document (2008) (the SPD), for which this proposal proposes 17. If parking needs were assessed to be markedly greater, it is by no means clear this could be satisfactorily achieved on the site, or that any on-street displacement, would not detrimentally affect highway safety nearby.
26. Visibility from three parking spaces on the southwest corner of the site is restricted due to the alignment and height of a bridge. On-street parking and vegetation on third party could further hinder visibility. However, the current site layout suggests the spaces can already be used.
27. A revised layout might be able to move them to the rear. This together with shelters over cycle parking in accordance with development plan and SPD requirements, might be addressed by suitably worded conditions. However, I have concerns that, in combination with any further spaces that might be assessed as necessary, such an amendment would be to the point where it would constitute a significant and material change from the plans, falling outside the scope of this appeal scheme. Moving the three spaces could result in some form of benefit compared to the existing arrangement, but I am not satisfied this would adequately mitigate, or outweigh, the other potential harm to highway safety.
28. For the reasons set out, I cannot be certain the proposal would not be prejudicial to highway safety, in conflict with Policies TRA2 and TRA3 of the EHDP, which expects development should ensure safe access can be achieved, is acceptable in highway safety terms, and should ensure a safe environment.

Flood risk

29. The majority of the appeal site is within Zone 3 for fluvial flood risk. The Environment Agency (EA) has objected because the appellant has not adequately demonstrated the additional loading would not affect the structural stability of the culvert under the building, resulting in the potential its collapse and/or blocking resulting in flood risk, so it is unlikely the necessary permit would be granted for the works.
30. The Council has suggested a pre-commencement condition which could secure certain details. I acknowledge the strongly held objection of the EA and that this matter is of fundamental importance to the acceptability of the scheme. It would not be appropriate to allow the development to commence without it being addressed, and the evidence gives little detail of how and when this would be addressed by the Building Regulations regime. However, I see no

substantive reason why a pre-commencement condition could not secure the necessary evidence and if necessary, a detailed scheme of works to the culvert and building construction. If it was not demonstrated the scheme could be undertaken in an acceptable manner, then it could not lawfully commence.

31. Therefore, subject to the imposition of a suitably worded pre-commencement condition, the proposal could be made compliant with policies in respect of flood risk. On this basis it would not conflict with Policies WAT1 of the EHDP or paragraphs 165 and 173 of the Framework which aim to ensure proposals should neither increase the risk, likelihood or intensity of any form of flooding.

Other considerations

32. The recent renovation of the building has brought a once derelict building back into use. The appeal proposal would result in further a temporary economic benefit during construction. Once complete, it could accommodate further employees or businesses using the premises, or support existing business occupation, either of which would result in a sustained economic benefit, a local source of employment and support for rural services and facilities for the local community and economy. I attribute these benefits significant weight.
33. Subject to the imposition of a pre-commencement condition the proposal could avoid adversely affecting the culvert, which would be a neutral matter. The proposals and evidence indicate the potential for further landscaping, biodiversity enhancements, and sustainable drainage measures. Having regard to the suggested site layout, construction and the scope possible within the site, it is possible the proposal could achieve a limited landscape benefit, biodiversity enhancement and improved drainage by conditions. However, there is nothing before me to demonstrate these would be anything other than limited benefits of limited weight. No further details are provided of how the site could secure improved access to green areas, so I give this little weight.
34. I am not provided with substantive evidence to demonstrate that subject to the imposition of suitably worded planning conditions, the proposal would result in harmful living conditions to neighbouring occupiers in respect of matters such as daylight, overshadowing, outlook, privacy or noise and disturbance. On this basis, compliance with related policies would be a neutral matter. The proposal would have a neutral effect upon the character and appearance of the area including the setting of the WSCA. Preserving the status of the River Beane and the setting of listed buildings would also be neutral matters. From the limited evidence it appears the proposal might have been able to secure a limited benefit to energy efficiency and renewable energy, of limited weight.

Other Matters

35. The EA objected because car parking would be within an 8-metre buffer of the River Beane (as a rare chalk stream and local wildlife site) which has the potential to result in a deterioration of, or prevent the achievement of, a good ecological status. Such a situation would be contrary to the requirements of the Water Framework Directive, to development plan policies and Framework objectives. Were I to have been minded to otherwise allow the appeal, I would have sought further evidence on this matter.
36. Though filtered by intervening vegetation, there would be some intervisibility of the extension with listed buildings on the High Street, thereby falling within

their setting. The evidence suggests one of these in particular is Grade II* listed, requiring consultation with Historic England. However, given my overall conclusions on the main issues, I have not considered this matter in detail.

Planning and Green Belt Balance

37. The appeal development would be inappropriate development that would, by definition, harm the Green Belt, and would also result in harm to the visual openness of Green Belt. In accordance with the development plan and the Framework, substantial weight should be given to any harm to the Green Belt. I also cannot be certain the proposed development, overall, would not be prejudicial to highway safety.
38. The factors and benefits set out, in-combination, attract significant weight in favour of the scheme. However, they do not clearly outweigh the harm identified to the Green Belt and the other harm. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, the proposal conflicts with Policy GBR1 of the EHDP and paragraphs 142, 152 and 153 of the Framework, which seek to preserve the openness of Green Belt and protect it from inappropriate development, unless very special circumstances exist.

Conclusion

39. The proposal would be contrary to the development plan and the National Planning Policy Framework taken as a whole, and there are no considerations advanced, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR



Appeal Decision

Site visit made on 11 June 2024

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2024

Appeal Ref: APP/J1915/W/23/3332220

The Grange, Swades Farm, Wareside restricted Byway 024, Hertfordshire SG12 7QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Ian Holman against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/1092/FUL.
 - The development proposed is described as conversion of barn at Swades Farm to form a residential dwelling, demolition of an existing outbuild and erection of new garaging.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of barn at Swades Farm to form a residential dwelling, demolition of an existing outbuild and erection of new garaging at The Grange, Swades Farm, Wareside restricted Byway 024, Hertfordshire SG12 7QG in accordance with the terms of the application, Ref 3/23/1092/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for costs

2. The appellant has made an application for an award of costs. This is the subject of a separate decision.

Preliminary Matters

3. The Council, with the agreement of the appellant, revised the description of development. I will use this for the purposes of my decision.
4. There is no dispute between the parties that the proposal would not be inappropriate development within the Green Belt. From the evidence before me I have no reason to reach a different view in this regard.
5. Since the submission of the appeal a revised National Planning Policy Framework (the Framework) was published in December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

6. The main issues are:

- i) whether the appeal site is a suitable location for residential development having regard to development plan policy and the accessibility of services and facilities;
- ii) the effect of the proposed development on the living condition of the occupants of neighbouring properties, with particular regard to noise;
- iii) whether appropriate measures to mitigate against climate change are proposed; and
- iv) whether the proposed development would preserve the setting of the Grade II listed building known as 'Swades Farmhouse'.

Reasons

Location

7. Policy DPS2 of the East Hertfordshire District Plan 2018 (District Plan) sets out a broad development strategy in the form of a hierarchy. Development is directed to sustainable brownfield sites in the first instance followed by sites in urban areas, urban extensions and then infilling in villages. The other policies in the development plan flow from this overarching strategy
8. Policy TRA1 of the District Plan relates to sustainable transport and requires that development proposals should be primarily located in places which enable sustainable journeys to be made to key services and facilities by a range of sustainable transport options.
9. The appeal building lies outside of a settlement within open countryside. However, in the context of a rural setting the site is not isolated in that it would be located within a small cluster of existing properties and the site is within approximately 1km distance of the settlement of Ware, one of the districts main settlements, which is noted as providing a comprehensive range of local services and employment opportunities. Furthermore, the appeal site is located a similar distance to Wareside, which is identified as a Group 2 village which has limited facilities.
10. The Framework promotes sustainable development in rural areas, including by requiring housing to be located where it will enhance or maintain the vitality of rural communities. It also acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
11. In terms of accessibility, the appeal site is located relatively close to Ware, which contains a variety of services to meet day-to-day needs of residents. However, from the evidence before me and from my site visit, access to the nearby settlements and their services are limited. The B1004, which links the appeal site to Ware, is an unlit road with no pavement and is subject to the national speed limit. Whilst my attention has been drawn to a number of public rights of ways (PROWs) linking the appeal site to Ware and Wareside, this is across fields and would not be a realistic choice for many users, including those with prams, mobility issues and neither in poor weather or hours of darkness.

12. Given the limitations of the immediate rural roads, PROWs and limited public transport, the future occupants of the proposed dwelling, particularly in periods of inclement weather or darkness, would be unlikely to walk or cycle and would be reliant upon private vehicle use to meet their basic day-to-day needs. In these circumstances the proposed development would not provide the opportunity to maximise the use of sustainable transport facilities, even when accepting that the site is in a rural location.
13. Both parties refer to a number of appeal decisions and applications stating that they provide support regarding their stance on the location of the site. It is acknowledged that great weight should be applied to a Decision granted by the Secretary of State or an Inspector, and the Planning Practice Guidance (PPG) which refers to the importance of determining similar cases in a similar manner.
14. Whilst the application at Mardocks Farm¹ may have similarities to the appeal site in terms of a similar location, from the evidence before me the proposal related to a larger quantum of development and designated heritage assets. It is understood that in this circumstance the preservation of heritage assets outweighed the harm identified in terms of its location. Accordingly, the circumstances of this case are not comparable to the appeal scheme before me.
15. The development at Elbow Lane² related to a larger quantum of development, including new build elements and located a greater distance from a settlement than the appeal scheme. As such it is not comparable to the proposal before me. From the limited information available to me, the context of the case at Stelfox House³ differ to those before me.
16. The appellant refers to an appeal decision at The Courtyard⁴ and Fryars Farm⁵. It is understood that in The Courtyard case the existing building had an established use within the D Use Classes Order. Accordingly, the proposal is not directly comparable to the scheme before me. The decision at Fryars Farm has some similarities to the appeal before me in that it related to an extension and alteration of an existing building. However, I have limited information regarding the site context. In any event, as the site location differs, I cannot be certain that the circumstances are directly comparable.
17. My attention has also been drawn to the planning history of the appeal property, which included a previous permission⁶ for the building to be converted into four residential dwellings. However, it is understood that this permission has lapsed and is therefore not determinative to the appeal scheme before me.
18. Having regard to the above appeal decisions and planning permissions, I consider the material considerations in those particular instances differ from this appeal proposal. As a result, I have dealt with this appeal on its own merits.

¹ 3/23/1872/FUL

² APP/J1915/W/23/3320083

³ APP/J1915/W/20/3252334

⁴ APP/J1915/W/20/3256475

⁵ APP/J1915/W/22/3313115

⁶ 3/21/2949/ARPN

19. For the reasons stated above, the proposal would not provide a suitable location for residential development having regard to development plan policy and the accessibility of services and facilities. I therefore find conflict with Policies DSP2, INT1 and TRA1 of the District Plan and the Framework. Collectively, these policies seek to direct development to be located in places that enable sustainable journeys to be made to key services and facilities.

Living conditions

20. In the absence of sufficient information, the Council had concerns regarding the acceptability of the air source heat pump (ASHP) proposed.
21. The appellant asserts that an ASHP could be installed under permitted development. Within the context of an appeal under section 78 of the Act it is not within my remit to formally determine whether the proposed ASHP requires planning permission. If the appellant wishes to ascertain whether the development would be lawful, they may make an application under section 192 of the Act.
22. Notwithstanding the above, from the evidence before me the applicant withdrew the ASHP from the proposed development, with the submission of a revised plan, prior to determination of the application by the Council. The Council's Decision notice references the amended plan (485.23.07 B) within its list of considered plans. In this respect the Council has not provided any clarity, nor have they stated that they no longer wish to defend this reason for refusal.
23. On the basis that the ASHP was withdrawn from the proposed development I find no conflict with Policy EQ2 of the District Plan, which amongst others seeks to minimise the potential impact of development on human health, including by reason of noise.

Climate change measures

24. Amongst other things policies CC1 and CC2 of the District Plan require all new development proposals to demonstrate how carbon dioxide emissions will be minimised across the development site, taking account of all levels of the energy hierarchy and that the energy embodied in construction materials should be reduced through re-use and recycling, where possible, of existing materials and the use of sustainable materials and local sourcing.
25. Policy WAT4 of the District Plan relates to the efficient use of water resources. This policy outlines that development must minimise the use of mains water by incorporating water saving measures and equipment.
26. The appellant submits that the building would be designed to align with modern standards, and that Part L of the Building Regulations require energy performance greater than the requirements of the development plan policy and the Council's SPD on such matters. The appellant updated the Renewable features/climate control measure report (Rev A) which provides some detail of measures that would be taken in order to reduce energy. However, the Council maintains that the information is not sufficient. Nevertheless, I note that the Council has suggested a number of conditions should the appeal be allowed, including one in relation to water consumption.
27. The appellant submits that the property will have an EV charger, so car usage need not have a negative impact. While the use of electric vehicles is becoming

more commonplace, there is no mechanism before me to guarantee that occupants of the proposed dwelling would only use electric vehicles, and so I can only give this possibility limited weight.

28. Nevertheless, whilst I have found the evidence before me to be inconclusive in demonstrating that the proposal would have compliance with the development plan policy, I am satisfied that such matters could be satisfactorily dealt with by condition. Therefore, subject to condition, the proposed development would be in accordance with the relevant provisions of policies DES4, CC1, CC2 and WAT4 of the District Plan. Collectively, amongst others, these policies seek to incorporate high quality innovative design, new technologies and construction techniques, including zero or low carbon energy and water efficient, design and sustainable construction methods.

Setting of listed building

29. The appeal site is proximate to a Grade II listed building known as Swades Farmhouse (List entry no 1341432). Accordingly, I have had regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of this building.
30. Swades Farmhouse is a late 17th or early 18th century timber frame weatherboarded farmhouse which derives its significance from its architectural and historic merit as an example of local vernacular and its association with the agriculture.
31. The appeal building forms part of a U-shaped modern range of buildings to the north-east of the listed building. Its modern form, combined with the separation between and its relationship to the listed building is such that it currently has a neutral effect on the setting of the listed building.
32. The proposed residential use would be accommodated within the existing building with limited changes to its external appearance.
33. The Council has concerns regarding the lack of detail regarding the height and finish of the solar panel installation. The solar panels would be located behind the appeal building and would be of a limited height and scale. From the evidence before me, and as observed at my site visit, I am satisfied that the proposed solar panels would be positioned far enough away from the listed building, and screened by the existing buildings, such that there would be no loss to the special interests and setting of the listed building. Whilst a cross section of the panels has been provided in the interests of certainty, a condition for the precise specification of the panels would be reasonable and necessary.
34. In respect of the external finish of the proposed garage/outbuilding these are indicated to be of painted timber boarding under a tiled roof. Having regard to the site context, including materials of existing buildings and structures, and the ancillary nature of the proposed outbuilding this would be an appropriate finish. In the interests of certainty, a condition for the precise materials is necessary to preserve the character and appearance of the area.
35. Accordingly, having regard to S66(1) of the Act I am satisfied that the proposed development would preserve the setting and any features of special architectural or historic interests which the listed buildings possess.

36. For the reasons stated, I therefore conclude that the proposal would preserve the setting of the Grade II listed building known as Swades Farmhouse. It therefore accords with Policies DES4 and HA1 of the District Plan, which amongst others requires development proposals to be of a high standard of design and layout to reflect and promote local distinctiveness and preserve, and where appropriate enhance, the historic environment of East Herts. I also find the proposal would accord with the heritage aims of the Framework in this regard.

Planning Balance

37. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations, including the Framework, indicate otherwise.
38. The Council cannot demonstrate a five-year housing land supply. However, the extent of the shortfall is not before me. Nevertheless, in such circumstances the titled balance at paragraph 11 of the Framework is engaged. The Framework goes on to state that the application should be approved unless the application of Framework policies that protect areas or assets of particular importance (as defined by the Framework) provide a clear reason for refusing permission or the harm caused by the application significantly and demonstrably outweigh its benefits, when assessed against policies of the Framework as a whole. In this context, the policies considered to be out of date include those relating to the development strategy and delivery of housing.
39. I note the benefits of the re-use of the building for residential purposes in making a positive contribution towards the supply of housing where there is an identifiable housing land supply deficit. It is a government objective to significantly boost the supply of homes. Whilst the proposal is of limited scale the Framework is supportive of small and medium sized sites, such as this, which can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. The development would also give rise to some economic benefits during the construction phase and provide limited support to local services from future occupiers.
40. It is not disputed between the parties that the appeal building is of substantial and permanent construction and has an established residential use, albeit ancillary to the existing dwelling. The appeal proposal would make effective use of an existing building which is very much domestic in its appearance. Despite policy conflict because of the unsustainable location of the site I give significant weight to the re-use of the building that is supported by the green belt policies of the development plan and the Framework.
41. Having considered the benefits and adverse impacts, and associated policy conflict, of the scheme before me I conclude that any adverse impacts would not significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. As such, the presumption in favour of sustainable development, as set out in the Framework applies.

Conditions

42. The Council has provided a list of conditions, which the appellant has agreed to. I have considered these in line with the relevant tests set out in the Planning Practice Guide and the Framework. In the interests of precision, conciseness, and enforceability the wording of some of the conditions has been amended.
43. I have imposed the standard time limit condition for commencement of the development and a condition listing the approved drawings for the avoidance of doubt.
44. A condition for the submission and agreement of the external materials of construction, the solar PV installation and the bin storage are reasonable and necessary in the interests of character and appearance. A condition regarding energy and water efficiency is necessary to ensure the development supports the efficient use of resources in accordance with local plan policy. A condition for tree protection measures is necessary to ensure existing landscape features are retained.
45. The Council has suggested a condition for the provision of infrastructure for electric car charging. However, the requirement for such is now secured under another regime.

Conclusion

46. Notwithstanding the identified conflict with development plan policy, there are material considerations, including the Framework, that indicate that the proposal should be determined otherwise than in accordance with the development plan in this case. As such the appeal should be allowed.

R. Gee

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 485.23.00 A, 485.23.06 B, 485.23.07 B, 485.23.10a and 485.SP01.
3. Prior to any above ground construction works being commenced, the external materials of construction for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be implemented in accordance with the approved details.
4. Prior to installation, details of the specification of the solar PV panels shall be submitted to and approved in writing by the Local Planning Authority, and

thereafter the development shall be implemented and maintained in accordance with the approved details.

5. Prior to first occupation of the development hereby approved, details of the bin storage shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development should be implemented in accordance with the approved details.
6. The development hereby approved shall not be first occupied unless and until a Water Efficiency Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall detail how the development will ensure that the potential water consumption by occupants of the new dwelling does not exceed 110 litres per person per day. The development shall be carried out in accordance with the approved details and any measures shall be implemented, installed and operational prior to its occupation.
7. All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development.

In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented.

In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

*****End of Schedule*****



Costs Decision

Site visit made on 11 June 2024

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2024

Costs application in relation to Appeal Ref: APP/J1915/W/23/3332220 The Grange, Swades Farm, Wareside restricted Byway 024, Hertfordshire SG12 7QG

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Ian Holman for a full award of costs against East Hertfordshire District Council.
 - The appeal was against the refusal of planning permission for conversion of barn at Swades Farm to form a residential dwelling, demolition of an existing outbuild and erection of new garaging.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Council had concerns regarding the location of development and conflict with the development plan policies and the National Planning Policy Framework in this regard. Whilst I concluded in a similar vein regarding this issue, I found in my appeal decision that any adverse impacts of doing so would not significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This was a matter of planning judgement. The Council has set out its reasoning for reaching a different conclusion in determining the application. While I do not agree with that conclusion, I do not consider that the Council acted unreasonably in refusing permission on such grounds.
4. A number of appeal decisions have been brought to my attention by both parties. In my decision I have set out the reasons why I do not consider any of them to be directly comparable. I therefore do not concur with the view that the Council has acted unreasonably in not determining cases in a consistent manner.
5. In respect of reason for refusal No 2 with regards to the air source heat pump (ASHP) the evidence before me indicates that the Council had received the amended plans removing this element from the development proposal. However, their concerns regarding insufficient noise assessment formed the second reason for refusal. Accordingly, there was no conflict with the development plan as permission was no longer sought for this element of the scheme. As such, this negated the need for additional assessment of noise.

6. The applicant submits that the Council were unreasonable in its stance over the exercise of permitted development rights. However, if the appellant wishes to ascertain whether the development would be lawful, they may make an application under section 192 of the Act. The Council has therefore not acted unreasonably by not having consideration to permitted development rights.
7. Notwithstanding the above, on the basis that the ASHP had formally been requested to be removed from the proposal, and with the submission of a revised plan, I conclude that the Council has behaved unreasonably in the ASHP forming a reason for refusal. This has led to unnecessary wasted expense in having to address this matter in their appeal.
8. On the matter of renewable features/climate control measures, as set out in reason for refusal No 3, regardless of compliance with other regimes, I consider the application of the policy to be reasonable. It is understood that a Planning Guidance Document for Noise Assessments does not exist and was incorrectly referred to by the Council during the processing of the application. Be that as it may, as set out in my decision, I am satisfied that such matters could be secured with via the imposition of a suitably worded planning condition.
9. With regards to concerns regarding the finish of the proposed outbuilding and the solar panels, as set out in reason for refusal No 4, I have concluded that such matters could be secured via the imposition of a suitably worded planning condition. Accordingly, I find that the Council refused permission on a planning ground capable of being dealt with by condition.
10. For the reasons outlined above, the need to deal with the issues relating to the ASHP, the renewable features/climate control measures and the external finish of the outbuilding and solar panels, resulting in unnecessary wasted expense, as described in the PPG, has been demonstrated and that a partial award of costs is justified.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that East Hertfordshire District Council shall pay Mr Ian Holman, the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in respect of reasons 2, 3, and 4.
12. The applicant is now invited to submit to East Hertfordshire District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

R. Gee

INSPECTOR



Appeal Decision

Site visit made on 4 June 2024

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 June 2024

Appeal Ref: APP/J1915/W/23/3329623

25 Temple Court, Hertford, Hertfordshire SG14 3LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Mason Bennett against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/1281/FUL.
 - The development proposed is a new two bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area, with reference to trees adjacent to the site.

Reasons

3. No 25 Temple Court (No 25) is situated at the end of Temple Court and lies adjacent to a group of trees which are within a designated open and play space in the East Herts District Plan 2018 (DP). Collectively, this group of tall, mature trees provides an attractive and leafy backdrop to Temple Court and makes a positive contribution to the visual quality of the area.
4. The site comprises a two-storey end-of-terrace dwelling with a side garden, and the nearby rows of terraces are separated by gaps to the open space. These gaps are an important feature of the character of the area, as they provide a buffer which assists in the gentle transition between the built-up housing estate and the open space beyond.
5. The proposed dwelling would be located within the side garden of No 25, very close to the trees, thereby eroding the gap between the existing dwelling and the open space. Because of the number, size and height of the trees, the dwelling would appear cramped, markedly at odds with the pattern of development in the locality. Consequently, I do not find that the proposal would appear as an original part of the housing estate.
6. The Arboricultural Impact Assessment and Method Statement (AIA) provided shows that there would be seven individual trees and one group of trees adjacent to the proposed plot. Most of these trees are either category A or category B and are estimated to have 20+ or even 30+ remaining years.
7. Although some trees have been pruned, there would be some canopy spread over the garden and, furthermore, there would be canopies very close to the

proposed dwelling. This relationship would likely cause concern to the dwelling's future occupants, including the nuisance of leaf/fruit litter. While the appellant proposed to provide measures to prevent blocking of gutters and drains, it is likely that leaves/fruit from the trees would be shed on to the roof, particularly in windy conditions. Even if future occupants did not consider this matter a nuisance, there may logically be a perceived safety concern for future occupants, as a result of branches overhanging the property.

8. There is no dispute between the parties that the dwelling would be provided with appropriate levels of daylight and sunlight. Nevertheless, for the reasons set out above, I find that the close relationship between the proposal and the existing trees would likely create pressure to remove or substantially prune the trees. The loss or further reduction of the tree canopies would undermine their good landscape value and contribution to the character and appearance of the area.
9. In addition to the AIA, the appellant submitted a Works Method Statement and Piled Raft Design. The Council advises that it is not persuaded that the trees proposed to be retained could be adequately protected during the construction phase of the development or thereafter. However, this is not substantiated by detailed reasoning and, consequently, the weight of the evidence leans in the direction of the appellant. On this basis, I find that the health of nearby trees would be safeguarded in construction terms. Still, this would not overcome the harm in relation to the character of the area and likely pressure to prune the trees in the future, as I have identified above.
10. Taking all the above into account, I conclude that the proposal would be harmful to the character and appearance of the area, with reference to adjacent trees. The proposal would be contrary to DP Policies DES2, DES3 and DES4, where these policies seek to protect existing landscape features of value and support a high standard of layout to reflect and promote local distinctiveness.

Planning Balance and Conclusion

11. The evidence indicates that the Council cannot currently demonstrate a 5 year housing land supply of deliverable housing sites. Consequently, the provisions of paragraph 11d) ii) of the National Planning Policy Framework (the Framework) should be applied.
12. The proposal would be acceptable in relation to other matters, including living conditions of the nearest neighbours and of future occupiers. However, these are neutral factors that neither weight for nor against the development.
13. The proposed development would contribute to meeting the Council's identified housing need and the Framework's objectives of boosting the supply of housing. The site represents a small windfall site that could be built-out relatively quickly. Additionally, the proposal would logically reduce the pressure for development in the Green Belt and within the countryside. The proposal would support the local economy and would be in an existing community. There would be some economic benefits accrued from the construction process. However, given that the scheme is for one dwelling, these benefits attract limited weight in favour of the proposal.

14. The adverse impacts of the proposal on the character and appearance of the area attract substantial weight and therefore significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
15. In conclusion, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR



Appeal Decision

Site visit made on 14 May 2024

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2024

Appeal Ref: APP/J1915/D/24/3336308

74 Heath Drive, Ware, Hertfordshire SG12 0RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Bellinger against the decision of East Hertfordshire District Council.
 - The application Ref 3/23/1567/HH, dated 11 August 2023, was refused by notice dated 13 November 2023.
 - The development proposed is the demolition of existing side garage, construction of new double storey and single storey side extension and front porch.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The amendments of the National Planning Policy Framework were published in December 2023 after the determination of the appeal application. These amendments do not alter the basis upon which this appeal has been assessed.

Main Issue

3. It is considered that the main issue is the effect of the proposed development on the character and appearance of the host property and the streetscene.

Reasons

4. The appeal scheme is a 2-storey semi-detached dwelling situated within a primarily residential area of similar types of dwellings. Along Heath Drive, the pairs of semi-detached dwellings are set back from the footways to the rear of front gardens which are landscaped and used for parking. Although of varying widths, there is generally a gap between the 2-storey flank walls of each pair of semi-detached dwellings, at least at first floor level, which contribute to the spacious appearance of the streetscene. The gaps between Nos 68/70 and 72/74 are wider because of the single storey garages to the side of these properties and make a positive contribution to the streetscene.
5. As identified by the appellant, some of the dwellings have been extended, including 2-storey side additions. However, although the properties identified by the appellant were visited during the site visit, the detailed planning circumstances of these other schemes have not been provided, including whether they were assessed against Policy HOU11 of the East Hertfordshire District Plan (DP). For this reason, these other schemes are given limited

weight in the determination of this appeal and the proposed extension has been assessed on its own circumstances.

6. DP Policy HOU11 refers to side extensions at first floor level ensuring appropriate space is left between the flank wall of the extension and the common curtilage with a neighbouring property. As a general rule, a gap of 1 metre will be the minimum acceptable and this is sought to safeguard the character and appearance of the streetscene and prevent a visual terracing effect.
7. The proposed development includes a 2-storey side extension which would replace an existing single storey garage. The proposed extension would be of a chamfered design and would occupy a larger footprint than the garage and the 2-storey flank wall would be adjacent to the shared boundary with 72 Heath Drive. By reason of the proposed extension's size, chamfered design and lack of setting back from the shared boundary, the concerns expressed by the Council about the resulting property appearing to be a cramped form of development are well founded. The overall scale of the proposed development would not appear to be subservient to the host property.
8. Further, because of the property being sited at a bend in the road, the massing of the proposed flank wall at first floor level sited adjacent to the shared boundary would be particularly noticeable in the streetscene above the garage of No. 72. Even without the potential for a terracing effect associated with a future side extension at No. 72, the width of the proposed extension would still materially erode the gap between the property and No. 72 at first floor level which would be detrimental to the spacious character and appearance of the streetscene.
9. In undertaking the assessment of the appeal scheme, the setting back of the first floor front elevation and lower ridge height of the proposed side extension have been considered alongside the potential to use matching external materials, the lack of objections from local residents and retaining a garage at ground floor level. However, these matters do not outweigh the failure of the resulting property to be satisfactorily assimilated into the character and appearance of the existing streetscene.
10. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the host property and the streetscene and, as such, it would conflict with DP Policy HOU11, including extensions being appropriate to the character, appearance and setting of the existing dwelling and surrounding area, and generally appearing as a subservient addition to the dwelling. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR



Appeal Decision

Site visit made on 4 June 2024

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 June 2024

Appeal Ref: APP/J1915/D/24/3337000

Gannet House, Chapmore End, Ware, Hertfordshire SG12 0HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr John Read against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/1590/HH.
 - The development proposed is described as demolish existing rear ground floor kitchen area. Reconstruct rear kitchen area to increased size as shown on attached drawings. New extension to comprise flat roof with roof lights and sliding and bi-fold doors to side and rear.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt; 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 required to justify the proposal.

Reasons

Whether inappropriate development

4. The appeal site is located within the Metropolitan Green Belt. Policy GBR1 of the East Herts District Plan 2018 (DP) sets out that development proposals within the Green Belt will be considered in line with the provisions of the Framework.

5. Paragraph 154 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions. One of these exceptions is paragraph 154 c), which permits 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.
6. Neither the DP nor the Framework include a definition of what constitutes a disproportionate addition over and above the size of the original building. As such, this assessment is a matter of planning judgement.
7. The original building has been previously enlarged with single and two storey extensions. The officer's report states that the existing extensions to the original dwelling and nearby outbuildings have added approximately 359m² of floorspace to the property, and that the proposed development would increase this to about 380m². As such, the proposal would result in an increase of around 128% in floorspace over and above the original buildings on site.
8. The Council's figures are not disputed by the appellant, but rather the dispute lies on the inclusion of the outbuildings in the Council's calculation. The appellant asserts that removing the outbuildings from the calculations would reduce the cumulative increase in floorspace by some 74m². Even if I were to consider the appellant's stance, the officer report provides the changes in floorspace associated with each extension granted at the property. These figures show that a considerable two storey extension was approved in 1958 and this has subsequently been constructed, in addition to other more recent extensions. As such, it is clear that the original dwelling has been extended substantially.
9. It is reasonable to also consider the cumulative size and scale when assessing whether a proposal would amount to a disproportionate addition. While the extension now proposed is not substantial, of itself, and would increase the overall footprint of the dwelling by a little, it would add to the cumulative impact of the previous extensions to the dwelling, some of which are two storey.
10. As such, the proposal would result in a disproportionate addition over and above the size of the original building. Accordingly, the proposed development would fail to comply with the exception listed at paragraph 154 c) and would amount to inappropriate development, having regard to national and local planning policy.

Openness

11. The Framework notes that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of the Green Belt are their openness and permanence.
12. Views from public vantage points towards the extension would be limited, however the absence of a visual intrusion, or the existence of other built elements, does not in itself mean that there would be no impact on the openness of the Green Belt.
13. The openness of the Green Belt has a spatial aspect as well as a visual aspect. By virtue of its footprint, height, overall massing and volume the development would reduce the openness of the Green Belt in spatial terms. The proposal would be seen against the massing of the host dwelling, which would restrict

the effect on the visual aspect of the Green Belt. Still, any harm to the openness of the Green Belt would be contrary to the aims of the Framework and attracts substantial weight.

Other considerations

14. The proposal would be acceptable in relation to other matters, including living conditions of nearest neighbours and it would be sympathetic to the host dwelling. Nevertheless, the absence of harm in regard to these matters does not carry positive weight in favour of the proposal.
15. The proposal would be constructed to meet the current Building Regulations standards with increased thermal insulation capability. Although this is welcomed, I give this matter modest weight, as it is considered under other legislation. The extension would create a larger and more practical kitchen; however, I have not been provided with substantive evidence to demonstrate that the appeal scheme is the only feasible option to achieve the appellant's aims. As such, I afford this matter little weight.

Other Matters

16. Consideration of the five purposes of including land within the Green Belt is not a part of the assessment of whether a proposed extension would result in a disproportionate addition over and above the size of the original building. As such, there is no need for me to consider whether the proposal would conflict with the purposes of including land within the Green Belt.
17. Reference is made to other appeal decisions for householder extensions allowed at appeal elsewhere in the Borough. While I have not been provided with the full details of these cases, I note that the Inspectors considered that the assessment of whether the proposal would amount to a disproportionate addition over and above the size of the original building to be a matter of planning judgement, based on the particular facts in each case. I have taken this into account in my assessment above.

Green Belt Balance

18. The proposal would be inappropriate development in the terms set out in the Framework. Furthermore, there would be a harmful effect on openness. The Framework requires that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
19. The other considerations in this case are not sufficient to comprise the very special circumstances necessary to justify this development. As such, the proposal would be contrary to DP Policy GBR1 and to the Framework.

Conclusion

20. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

P Terceiro INSPECTOR



Appeal Decision

Site visit made on 14 May 2024

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 5TH June 2024

Appeal Ref: APP/J1915/D/24/3338685

128 Ware Road, Hertford, Hertfordshire SG13 7HR

- 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 Dr Ashley Gray against the decision of East Hertfordshire District Council.
 - The application Ref 3/23/2258/HH, dated 28 November 2023, was refused by notice dated 29 January 2024.
 - The development proposed is described as the resubmission of proposal to demolish an existing garage and annex building, and to erect a two-storey side and rear extension (to provide accommodation for elderly relatives). The footprint and width of the extension has been reduced, and the layout altered.
-

Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issues are (a) whether there is a functional link between the host property and the proposed development and (b) the effect of the proposed development on the character and appearance of the host property and the streetscene.

Reasons

Functional Link

3. The proposed development includes a 2-storey side extension to a detached dwelling located within a primarily residential area. The appellant refers to the proposed development providing accommodation for elderly relatives.
4. The Council's concerns with the scale of the proposed habitable accommodation include that it would be of a similar size to an independent dwelling and it would be more than the minimum level of accommodation required to support the needs of the future elderly occupiers. However, this matter was previously assessed by an Inspector determining an appeal for a similar sized extension at the property which would have provided a similar level of accommodation for elderly relatives (Ref APP/J1915/D/23/3329440).
5. Having considered the previous Inspector's assessment and also the internal layout of this appeal scheme, there are no reasons to disagree with the previous Inspector's judgement that there would be a clear functional link between the proposed extension and the host dwelling. This assessment extends to the type of accommodation proposed, the internal connectivity and

the sharing of the rear garden, driveway and parking area. Accordingly, the proposed extension would be a residential annex capable of being used as an integral part of the host property.

6. On this issue, it is concluded that there would be a clear functional link between the host property and the proposed development and, as such, there would not be a conflict with Policy HOU13 of the East Hertfordshire District Plan (DP). This policy refers to residential annexes providing accommodation forming an extension to the main dwelling and being capable of being used as an integral part of the dwelling. Reference is made by the Council to the Kingsmead Neighbourhood Plan but no specific policy conflict is identified.

Character and Appearance

7. The appeal property is a 2-storey dwelling sited within a large verdant and spacious plot. As with other detached dwellings fronting the south side of Ware Road, the property is elevated above the footway and carriageway. By reason of the setting back of the dwellings to the rear of front gardens, which are landscaped and used for parking, the streetscene has a spacious and verdant character and appearance. Although it is partially screened by the trees and other vegetation within the front garden, the property and the site of the proposed 2-storey side extension are clearly visible along the driveway.
8. The proposed extension would occupy much of the gap between the property's 2-storey flank wall and the side boundary of the curtilage which is defined by vegetation and an access drive. A single storey garage which occupied part of the gap has been demolished. The scale of the proposed extension would increase the width of the host property by about 50% and, as such, the resulting property would have the appearance of occupying almost the full width of this verdant and spacious plot. By reason of the siting and width of the resulting property, the appeal scheme would have a detrimental effect on the positive contribution made by the host property to the character and appearance of the streetscene.
9. Further, because of its scale the proposed extension would not appear to be a subservient addition to the host property. This lack of subserviency is not outweighed by the proposed extension's lower ridge and eaves heights and it being set back from the front elevation of the host property. The design of the appeal scheme would also result in an unbalancing of the host dwelling which has a symmetrical appearance associated with the prominent central projecting gable with similar fenestration either side. The significant harm caused to the character and appearance of the host property would be noticeable from Ware Road.
10. The provision of accommodation for elderly relatives has been carefully considered. However, this amounts to a personal circumstance which may change overtime but the harm which has been identified would have a longer term effect on the character and appearance of the host property and the surrounding area. Accordingly, it is judged that the identified unacceptable harm outweighs the personal circumstances in this case.
11. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the host property and the streetscene and, as such, it would conflict with DP Policies DES4, HOU11 and HOU13. Amongst other matters, these policies refer to

development being expected to be of a high standard of design with extensions being of a size, scale and design appropriate to the character, appearance and setting of the existing dwelling and the surrounding area. Further, extensions should generally appear as a subservient addition to the dwelling. As with the first issue, there is no specific conflict identified with the Neighbourhood Plan.

Conclusion

12. Although there would be a clear functional link between the host property and the proposed development, this matter is demonstrably outweighed by the unacceptable harm which would be caused to the character and appearance of the host property and the streetscene. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR



Appeal Decision

Site visit made on 11 June 2024

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th June 2024

Appeal Ref: APP/J1915/D/24/3340630

7 Carrigans, Bishops Stortford CM23 2SL

- 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 N and K Cook against the decision of East Hertfordshire District Council.
 - The application Ref 3/23/2337/HH, dated 5 December 2023, was refused by notice dated 5 February 2024.
 - The development proposed is described on the application form as "Proposed double storey side extension."
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue in this appeal is the effect on the character and appearance of the host dwelling, locality and streetscene.

Reasons

3. The appeal concerns a split level two storey detached dwelling with a gabled elevation facing the street as it bends. The ridge is towards the western end so that the main roof is significantly narrower to this side of it than the other. Consequently, the property has a particularly distinctive asymmetrical form with the ridge being perpendicular to the front elevation. The street is characterised by similar properties in the vicinity that form a distinct group, giving a pleasant and attractive degree of consistency to this part.
4. The proposal is to extend the dwelling to the eastern side at two storey height. The addition would have a lower ridge height than the main roof of the host dwelling and be set back at the front with a hipped roof. However, it would have a fairly lengthy ridge parallel to the front elevation with a significant amount of roofslope directly facing the street. This would be a particularly unusual feature, providing an unacceptable and jarring contrast with the characteristic roof form within the group of properties.
5. Furthermore, the front wall of the extension would be about half the width of that of the existing property. Moreover, the overall length of the roof of the addition from the westernmost end of its ridge to the eaves of the hipped end would be broadly the same as that of the existing property. In these

- circumstances rather than being subservient to the host dwelling, the extension would be overly dominant.
6. The asymmetric front gable would remain apparent with the pitch of the hipped roof and facing materials matching those of the existing property. However, the detrimental effects I have described would occur anyway, with the original part of the dwelling being seen in a somewhat awkward juxtaposition with the uncharacteristic and unduly extensive roofscape of the addition.
 7. For these reasons, and even though not located within a Conservation Area or concerning a Listed Building, it is concluded that the development would harm the character and appearance of the host dwelling, locality and the streetscene. As a result, there would be conflict with Policies DES4 and HOU11 of the East Herts District Plan 2018 and Policy HDP2 of the Bishops Stortford Town Council Neighbourhood Plan (NP) for Silverleys and Meads Wards 2021-2033.
 8. Taken together and, among other things, these policies intend that development should achieve a high standard of design, reflect and promote local distinctiveness while being of a form, design and size appropriate to the existing dwelling, setting and area. Extensions should also generally appear as a subservient addition to the dwelling. Policy HDP3 of the NP is concerned with matters that are not in dispute in this appeal and is therefore not relevant in this instance.
 9. In the National Planning Policy Framework it is indicated that decisions should ensure that developments satisfy a number of considerations. These include that the proposed development should add to the overall quality of the area, as well as being visually attractive and sympathetic to local character, which would not be achieved in this case.
 10. The Town Council has raised no objections to the proposal. Nevertheless, this does not, in itself, confer acceptability on the proposal and I must consider this appeal on its own merits.
 11. Taking account of all other matters raised and given the harm that would result the appeal fails.

M Evans

INSPECTOR



Appeal Decision

Site visit made on 11 June 2024

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2024

Appeal Ref: APP/J1915/D/24/3340936

33 Wychford Drive, Sawbridgeworth CM21 0HA

- 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 M Silvester against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/2421/HH.
 - The development proposed is described on the planning application form as "Proposed first floor side extension with hipped roof. All materials to match the existing. The first floor will be cantilevered at the rear to eliminate the need for a column which may have caused damage to the roots of nearby planting situated along the boundary. The existing ground floor side extension brickwork will be obscured by a timber fence with existing planting trained through a trellis to provide a natural soft appearance to the overall side elevation of the property in the streetscene. (This application is a re-submission of refused application ref 3/23/1578/HH, dated 9-10-23)."
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue in this appeal is the effect on the character and appearance of the locality and streetscene.

Reasons

3. The dwellings within Wychford Drive include a number at corner locations typically having both front and side elevations facing the street. Even in relation to their side elevations, these tend to be set back from the pavement either for their full two storey height or at first floor level. During my site visit I saw those properties in the vicinity specifically referred to by the Appellant and noticed that these all have at least some space between the flank of the dwelling and the pavement. Moreover, it is pointed out that these only comprise three out of ten corner properties so that the predominant character is one of an even more spacious relationship.
4. As a result, the corner plots provide an important degree of spaciousness and openness to the streetscene, preventing an unduly developed appearance. This includes the appeal site where a single storey side projection abuts the pavement. The property on the opposite side of the junction has its front elevation facing the flank of the host dwelling. It therefore contributes more to the openness of the streetscene at this point than the appeal site. However, despite abutting the pavement, the side addition at the host dwelling is of a

- fairly modest scale and is only single storey in height allowing views over it of the sky and vegetation. As a result, it still makes a meaningful contribution to the overall sense of openness at corner locations within Wychford Drive.
5. The resultant double storey projection, abutting the pavement, would be a particularly unusual feature within Wychford Drive, unduly at odds with the general pattern of development. With its eaves height at the same level as that of the host dwelling and full two storey height side wall immediately adjoining the street it would introduce significant additional bulk and mass in this position.
 6. Consequently, it would appear as an unacceptably dominant and overbearing feature at a prominent corner location. It would not therefore reflect a suitably modest increase in height. A new boundary fence, given the lack of any noticeable space between it and the side wall, would tend to highlight the cramped nature of the development rather than significantly mitigate it. Even with a trellis and vegetation trained through, the extension would rise significantly above it anyway.
 7. For these reasons, it is concluded that the development would harm the character and appearance of the locality and the streetscene. Policies DES4 and HOU11 of the East Herts District Plan 2018 are relevant to this appeal. There would be no conflict with Policy HOU11 (b) as the side elevation would not be adjacent to another residential curtilage. However, the policy seeks compliance with other criteria and the siting, size and mass of the extension would not be appropriate to the character, appearance and setting of the dwelling and surrounding area, contrary to Policy HOU11 (a). There would also be conflict with Policy DES4 which, among other things, seeks development of a high standard of design that reflects and promotes local distinctiveness. The proposal would therefore be contrary to the development plan.
 8. In the National Planning Policy Framework, it is indicated that decisions should ensure that developments satisfy a number of considerations. These include that the proposed development should add to the overall quality of the area, as well as being visually attractive and sympathetic to local character, which would not be achieved in this case.
 9. The lack of any concern by the Council over the loss of vegetation is a neutral factor that weighs neither for nor against the appeal. A number of the properties referred to by the Appellant are in other parts of Sawbridgeworth. In consequence, they are not part of the context within which the proposed development would be most readily appreciated and against which its impact should be considered. Local residents support the proposal and the Town Council have raised no objections. Nevertheless, this does not, in itself, confer acceptability on the proposal and I must consider this appeal on its own merits.
 10. Taking account of all other matters raised and given the harm that would result the appeal fails.

M Evans

INSPECTOR



Appeal Decision

Site visit made on 11 June 2024

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2024

Appeal Ref: APP/J1915/D/24/3342992

13 Elmwood, Sawbridgeworth CM21 9NL

- 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 Jeffrey Cousens against the decision of East Hertfordshire District Council.
 - The application Ref 3/24/0290/HH, dated 14 February 2024, was refused by notice dated 10 April 2024.
 - The development proposed is described on the application form as "Proposed second storey extension above an existing porch way, in order to extend a very small bedroom."
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue in this appeal is the effect on the character and appearance of the locality and streetscene.

Reasons

3. Properties in the part of Elmwood within which the appeal site is located are characteristically semi-detached with single storey front projections such as in the case of the host dwelling. In consequence, the streetscene has a fairly high degree of consistency and uniformity. However, the proposed development would add another storey on top of this. Despite there being no increase in footprint and even if subservient to the host dwelling, in this context the addition, with a street facing gable end at first floor level, would be particularly unusual. As a result, it would be a visually intrusive and incongruous feature unacceptably out of keeping with the rhythm of the street.
4. The Appellant refers to other properties in Parkway and Yewlands and has provided photographs. Nevertheless, these are in other streets and not part of the setting within which the visual impact of the extension would be apparent. In any event, I have not been provided with any background details and do not know why any planning permissions were granted. As a result, no meaningful comparison can be made with the current proposal and there is nothing to show that the Council's decision making has been inconsistent.

5. For these reasons, it is concluded that the development would harm the character and appearance of the locality and the streetscene. As a result, there would be conflict with Policies DES4 and HOU11 of the East Herts District Plan 2018. Taken together and, among other things, these policies indicate that development must be of a high standard of design that reflects and promotes local distinctiveness while being of a form, design and size appropriate to the setting of the existing dwelling.
6. In the National Planning Policy Framework, it is indicated that decisions should ensure that developments satisfy a number of considerations. These include that the proposed development should add to the overall quality of the area, as well as being visually attractive and sympathetic to local character, which would not be achieved in this case.
7. Local residents and the Town Council have raised no objections to the proposal. Nevertheless, this does not, in itself, confer acceptability on the proposal and I must consider this appeal on its own merits.
8. The Council considers that the proposed cladding to the extension would be appropriate. However, this is a neutral factor that weighs neither for nor against the appeal. In this case the enlarged bedroom would be achieved at the unacceptable expense of the quality of the built environment in Elmwood.
9. Taking account of all other matters raised and given the harm that would result the appeal fails.

M Evans

INSPECTOR