



# Appeal Decision

Site visit made on 30 September 2024

**by J Pearce MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 November 2024**

---

**Appeal Ref: APP/J1915/W/24/3338323**

**Saxons, Thorley Street, Thorley, Bishop's Stortford, Hertfordshire  
CM23 4AS**

- 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 Saxons Fine Homes Ltd against the decision of East Hertfordshire District Council.
  - The application Ref is 3/23/0018/FUL.
  - The development proposed is demolition of Saxons and all associated buildings and the construction of 9no. dwellinghouses with associated landscaping, car parking, widened site access and other works.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The appellant submitted a Heritage Statement dated February 2024 with the appeal. The Council has had the opportunity to comment on this additional information. As such, I am satisfied that the evidence does not alter the proposed development to an extent that anyone involved in the appeal would be prejudiced or impacted should I accept the Heritage Statement. I have proceeded with the appeal on this basis.

## Main Issues

3. The main issues are:
  - the effect of the proposed development on the character and appearance of the area;
  - whether the proposal would preserve or enhance the setting of the nearby listed buildings;
  - the effect of the proposal on the living conditions of the occupants of neighbouring properties, with regard to outlook, privacy and noise and disturbance; and
  - whether the proposal would provide a suitable provision of parking.

## Reasons

### *Character and appearance*

4. The appeal site comprises an existing two-storey dwelling, set back from Thorley Street within extensive grounds. Development in the area typically fronts Thorley Street and while there are rows of dwellings perpendicular to the road, there is a primarily linear pattern of development in the area. The dwellings in the area are typically on spacious plots at a low density with limited development to the rear of the frontage buildings. The land levels rise from Thorley Street, including at the site where the existing dwelling is on land elevated above the neighbouring properties.
5. The proposal is for nine two-storey dwellings, following the demolition of the existing dwelling and outbuildings. Plots 1 to 7 would be oriented towards Thorley Street with plots 8 and 9 perpendicular to the road. The dwellings would be to the rear of development fronting the road in an uncharacteristic position within this part of Thorley Street. Given the elevated position of the site and the removal of the existing hedge to the front of the site, the dwellings would be clearly visible from Thorley Street, highlighting the discordant position of the development.
6. The existing dwelling occupies the raised position to the rear of the neighbouring properties. However, the proposal consists of considerable built form, which would spread across the site to the rear of the neighbouring dwellings. The scale and massing of the dwellings would reflect that of the surrounding development. Nonetheless, the higher density, reflected in the tight grain of the layout, and the position of the dwellings on elevated land to the rear of the frontage dwellings would be at wholly odds with the general pattern of development in the area.
7. The proposed layout would make efficient use of the site, informed by its size and shape. Nonetheless, it does not take into account the prevailing characteristics of Thorley Street, including the linear pattern of development, which fronts onto the road. While higher density development is present to the rear of the site, it is set back away from Thorley Street and does not form part of the character of the street scene. While the density of development adjacent to Elm Trees as well as at Thorley High, Hill Cottages and The Cottages, would be comparable in qualitative terms to the proposal, these dwellings directly address Thorley Street and, in the case of development at Elm Trees, respect the general layout of development in the road.
8. The excessive scale and quantum of development, which is emphasised by the considerable change in land levels would harm the character and appearance of the area. The scheme would include landscaping, including new and replacement tree and hedge planting, which would assist in limiting the visual effect of the development, particularly following the removal of the considerable hedge to the front of the site. The provision of these soft landscaping features would soften the visual effect of the hardstanding and car parking to the front of the dwellings from both Thorley Street and within the site.
9. Nonetheless, given the height of the dwellings and their position on elevated land, the provision of trees and hedges would not provide substantial

screening of the development, particularly if the vegetation is not in leaf. Moreover, the long-term retention and maintenance of the landscaping cannot be effectively controlled. Consequently, it cannot be relied upon to obscure development that would otherwise be unacceptable.

10. I conclude that the proposal would harm the character and appearance of the area. The development therefore conflicts with Policies DES4 and HOU2 of the East Herts District Plan 2018 (DP) and the National Planning Policy Framework (the Framework), which collectively require proposals to be of a high standard of design and layout to reflect and promote local distinctiveness, demonstrate how the density has been informed by the character of the local area and add to the overall quality of the area.

#### *Listed buildings*

11. The Coach and Horses is a public house on the opposite side of Thorley Street. Glen View and Moorlands are a pair of semi-detached dwellings positioned beyond the rear garden of Rainbow Cottage, which abuts the site. The Coach and Horses and Glen View and Moorlands are Grade II listed buildings. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving listed buildings and their setting.
12. The Framework defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.
13. The Coach and Horses is of fifteenth century origin and its significance is derived partly from its historic interest based on its use as a public house and coaching inn. The public house occupies a prominent position adjacent to Thorley Street and has extensive grounds to the side and rear, including the car park. The heritage asset is primarily appreciated along Thorley Street, particularly on the approach towards Bishops Stortford and from within the car park and garden area of the public house. The existing development on either side of Thornley Street contributes to the primarily urban setting of the building.
14. The appeal site is separated from the Coach and Horses by the road and the buildings and gardens forming the dwellings at Rainbow Cottage, Old Police Cottage and Hillside Cottage. The intervening features, and the separating distance between the site and the listed building minimises the contribution that the site makes to the setting of the Coach and Horses. Development at the site would be more prominent when viewed from the public house. However, whilst visible from the public house, the proposal would not lead to the further erosion of the special interest of the building, particularly given the presence of the intervening features, including neighbouring properties and the road.
15. Glen View and Moorlands is a building of seventeenth century origin. Its significance is derived from its architectural and historic interest. The building is partly to the rear of Rainbow Cottage and, with the new development adjacent to the Glen View, is largely obscured in views from Thorley Street. The heritage asset is primarily appreciated from immediately in front of the building and from glimpsed views from the front of the new development at

Elm Trees. The appeal site is separated from the listed building by the rear garden of Rainbow Cottage and there is limited intervisibility between the site and Glen View and Moorlands.

16. The development would be set away from the listed building and would be separated by intervening features that would considerably limit intervisibility. Moreover, the proposal would not impact on the views of the heritage asset that would primarily allow the buildings architectural and historic interest to be appreciated. Accordingly, the proposal would not harm the significance of Glen View and Moorlands.
17. I conclude that the proposal would preserve the special interest of the listed buildings. The development therefore accords with Policies HA1 and HA7 of the DP and the Framework, which collectively require proposals to preserve the historic environment and require that great weight should be given to the asset's conservation.

#### *Living conditions*

18. The site is adjacent to a pair of semi-detached dwellings, known as Old Police Cottage and Hillside Cottage. To the rear of Old Police Cottage and Hillside Cottage, the land rises considerably with a substantial hedge forming the boundary with the appeal site. While the slope and existing hedge provide a high level of privacy, including within the gardens to the side of the dwellings, the outlook to the rear for occupants of the neighbouring properties is limited.
19. Plots 1 to 7 include first floor windows that would face towards the dwelling and side garden of Old Police House. The dwellings would be sited away from the shared boundary limiting the visual impact of the development on the outlook of the occupants of the neighbouring property. The raised position of the dwellings could allow for overlooking of the private garden area of Old Police Cottage. However, given the position of the dwellings and the difference in land levels, the angle of views from the windows would not result in a significant level of overlooking that would result in a harmful loss of privacy for occupants of Old Police Cottage. Furthermore, while the retained and proposed soft landscaping may not always be in leaf and provide effective screening, it would further limit views towards Old Police.
20. The site is adjacent to the rear garden of Rainbow Cottage. Plots 8 and 9 would be close to the boundary with Rainbow Cottage and would include first floor windows within the rear elevation. The windows would not provide direct views towards the dwelling at Rainbow Cottage and given the separation between Plot 9 and neighbouring property, the proposal would not harm the outlook for occupants of the dwelling. Moreover, while part of the garden would be overlooked, the private area immediately adjacent to Rainbow Cottage would be distant from the proposed dwelling and consequently there would not be a harmful loss in the level of privacy enjoyed by the occupants of Rainbow Cottage.
21. The dwellings at Plots 8 and 9 would be at right angles to Plots 1 to 7. Given the orientation and layout of windows at Plot 9, the proposal would not result in direct overlooking of Hillside Cottage. Moreover, the position of the dwelling away from the shared boundary would limit the effect of the proposal on the

outlook of the occupants of Hillside Cottage such that it would not appear overbearing.

22. The development would include an access road close to the boundary to the rear of Old Police Cottage and Hillside Cottage. This would increase the activity to the rear of these properties due to the vehicle movements associated with the proposed dwellings. Nevertheless, the modest number of dwellings would not lead to a significant number of vehicle movements at the site. Furthermore, the layout of the site would restrict vehicle speeds, while the noise generated would be unlikely to exceed that of Thorley Street to the front of the site. Accordingly, the proposal would not result in a harmful increase in noise and disturbance for occupants of neighbouring properties.
23. I conclude that the proposal would not harm the living conditions of the occupants of neighbouring properties with regard to outlook, privacy and noise and disturbance. The development therefore accords with Policy DES4 of the DP and the Framework, which collectively require proposals to avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land and create places with a high standard of amenity for all existing and future users.

### *Parking*

24. Policy TRA3 of the DP requires vehicle parking provision associated with development proposals to be assessed on a site-specific basis and should take into account the provisions of the Vehicle Parking Provision at New Development Supplementary Planning Document (SPD). The car parking standards within the SPD require 2.5 car parking spaces for three-bedroom dwellings, and the SPD requires that this should be rounded up.
25. I recognise that the proposal would result in a deficit of 3 car parking spaces according to the guidance within the SPD. However, Policy TRA3 of the DP states that the necessary parking provision should be assessed on a site-specific basis. The SPD uses a zonal system to reflect that certain areas are likely to be more accessible to key services or facilities and provide opportunities for public transport.
26. Whilst there is no information before me concerning the appeal site's relationship with those SPD zones recognised as being more accessible, the evidence before me, including observations I made on my site visit, indicates that the site within walking distance of bus stops with frequent services to higher order settlements, while there is a pedestrian footway with street lighting leading towards the centre of Bishop's Stortford. Consequently, given the specific circumstances of the site, a reduction in the amount of on-site parking would be justified.
27. Whilst the Council do not detail precisely how parking deficiencies in this case would result in harm, I recognise that no objections were raised by Highways. Therefore, I am satisfied that no highway safety impacts would arise.
28. In any event, I find that the proposal would make adequate provision for parking. The development therefore accords with Policy TRA3 of the DP as set out above.

### **Other Matters**

29. The Council has provided its Annual Monitoring Report dated March 2024, which concludes that the Council are able to demonstrate a five year supply of deliverable housing sites. The appellant has not provided any substantive evidence to the contrary. Therefore, there are no grounds for me to disagree with the Council's position.
30. The proposal would make a positive contribution to housing supply and delivery within walking and cycling distance of services and facilities with associated social and economic benefits during the period of construction and once the dwellings are occupied. Moreover, the proposal would preserve the living conditions of the occupants of neighbouring properties and would preserve the special interest of the listed buildings.
31. The proposal would have suitable access arrangements, would provide ecological enhancements and would not result in the increase of flood risk. In addition, the proposal would incorporate measures to minimise energy use and limit carbon emissions. However, these associated benefits are limited by the scale of the development proposed and would not outweigh the harm identified.
32. Taking the stated benefits together, collectively there would be limited benefits associated with the appeal scheme. However, the harm to the character and appearance of the area and the conflict with the development plan would be of greater significance.

### **Conclusion**

33. The proposal does not accord with the development plan as a whole. Material considerations do not indicate that a decision should be made otherwise than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

*J Pearce*

INSPECTOR



# Appeal Decision

Site visit made on 13 November 2024

**by K Lancaster BA (hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9 December 2024**

---

**Appeal Ref: APP/J1915/W/24/3340841**

**Stables and land adjoining Thundridge House, Poles Lane, Thundridge, Ware, Hertfordshire SG12 0SQ**

- 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 Norman Sheldrake against the decision of East Hertfordshire District Council.
  - The application Ref is 3/23/0981/FUL.
  - The development proposed is the change of use from stables and paddock and construction of 1 new, 2 storey house, triple garage, landscape, parking with amended access.
- 

## Decision

1. The appeal is dismissed.

## Applications for costs

2. An application for costs was made by Mr Norman Sheldrake against East Hertfordshire District Council. That application is the subject of a separate decision.

## Preliminary Matters

3. The appeal site is the subject of a previous appeal decision<sup>1</sup>, which was dismissed in 2012. This appeal also sought planning permission for a single detached dwelling with a garden and detached garage. I will return to this later in my decision.
4. The appeal is accompanied by a Sustainability, Energy and Water Report, an updated Tree Survey & Arboricultural Assessment and Biodiversity Net Gain evidence. It is also supported by a series of amended plans, which include some minor changes to the design of the proposed dwelling.
5. Although the additional reports and plans have not been subject to formal public consultation, the Council were given an opportunity to comment on them as part of this appeal. In light of this, and given my findings below, I am satisfied that no party would be prejudiced by my acceptance of the information. Therefore, having regard to the principles of *Holborn*<sup>2</sup>, acceptance of the further information would not be procedurally unfair and as a result I have considered it in determining this appeal.

---

<sup>1</sup> Appeal Ref: APP/J1915/A/12/2177766

<sup>2</sup> *Holborn Studios Ltd v Hackney LBC* [2017] EWHC 2823 Admin

## **Main Issues**

6. The main issues of the appeal are:
- whether or not the proposal would be inappropriate development in the Green Belt, for the purposes of the Framework and any relevant development plan policies, including the effect upon the openness of the Green Belt;
  - whether the proposal would demonstrate high standards in sustainable design and construction;
  - the effect of the proposed development on protected species;
  - whether the proposed development would deliver biodiversity net gain;
  - the effect of the proposed development on existing landscape features and trees;
  - if the development is inappropriate, whether harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

## **Reasons**

### *Whether Inappropriate Development in the Green Belt*

7. The appeal site sits within a generous plot to the north of Poles Lane. The site currently contains a small, single storey stable building and is enclosed by mature trees, hedgerows and fencing. There is a cluster of residential properties on this side of the lane and close to the junction with Cambridge Road. However, the appeal site is largely surrounded by open land and countryside which includes golf courses and grounds associated with the nearby Hanbury Manor Hotel. There are some residential properties located further along Poles Lane. However, the development pattern becomes more sporadic as you travel away from Cambridge Road. The site is located within the Green Belt.
8. Paragraph 142 of the National Planning Policy Framework (the Framework) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 152 of the Framework states that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
9. Paragraph 154 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, unless one of the listed exceptions applies. These include Paragraph 154(e) which relates to limited infilling in villages and Paragraph 154(g) which relates to limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use



previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

10. Policy GBR1 of the East Herts District Plan, adopted October 2018 (the EHDP) states that planning applications within the Green Belt, as defined on the Policies Map, will be considered in line with the provisions of the National Planning Policy Framework.
11. Policy DPS2 of the EHDP sets out the approach to development and the settlement hierarchy, and Policy VILL2 identifies Thundridge and Wadesmill as a Group 2 Village. The extent of the village is shown on the accompanying Policies Map, and the appeal site is located beyond the defined settlement boundary. However, although a settlement boundary, as defined in the Local Plan, may be a relevant consideration, it would not necessarily be determinative as to whether a site is located within a village for the purposes of Paragraph 154(e) of the Framework. In this respect, a decision as to whether or not a site is within a village is a matter of planning judgement taking the site's context into account.
12. The main part of the village of Thundridge lies some distance to the northeast of the appeal site along Cambridge Road. Therefore, whilst I acknowledge that the appeal site is located within a ribbon of development, which, in some cases, has a frontage onto Poles Lane, the character and appearance of the appeal site is such that it represents a clear transition between the dense, more built-up pattern of development which is found within the village of Thundridge and the more rural character evident as you travel along Poles Lane. Accordingly, the character of the appeal site and its surrounding area is distinctly different to that which exists within the village of Thundridge. For these reasons, I find that the appeal site is not within the village of Thundridge.
13. In respect of whether the proposal would constitute limited infilling, there is no formal definition of what constitutes limited infilling within the Framework, and the Council do not provide a definition in the development plan. It is therefore a matter of fact and planning judgement for the decision maker. It is reasonable to consider that limited infilling would be the infilling of a modest gap in an otherwise continuous built-up frontage. With this in mind, I have had regard to the nature and size of the development proposed, the location of the appeal site and its relationship to existing adjoining development.
14. It is not disputed that there are residential properties to either side of the appeal site. However, Thundridge House is set back a considerable distance from Poles Lane, and to the other side of the appeal site is a small cluster of properties, which are distanced from the site by a field access and their gardens. Furthermore, the appeal site forms a substantial gap and there is no built development immediately opposite the appeal site. For these reasons, by virtue of the orientation, siting and rural nature of the development found in this part of Poles Lane, the presence of development on either side of the appeal site does not lead me to conclude that this part of Poles Lane comprises a built-up frontage.
15. Therefore, whilst I accept that the proposed development would follow a similar development pattern to other properties in this location, taking the above matters together, even if I had concluded that the appeal site was within a village, I find that the proposed development would not constitute

limited infilling in that it would not infill a modest gap within a continuous built frontage.

16. Turning to Paragraph 154(g) of the Framework which permits limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development, or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
17. The proposed development is for a substantial market dwelling; therefore, the second part of this exception does not apply. However, it is not disputed that the appeal site is previously developed land and therefore it falls to consider whether the proposed development would have a greater impact on openness than the existing development.
18. In this particular case, the proposal is for a substantial house, with a detached triple garage. The proposed development would replace a modest single-storey stable building, which is situated at the front of the site and due to existing trees and hedges is barely visible within the rural landscape. By contrast, the proposed development would introduce a substantial building, which would by virtue of its siting result in the encroachment of development into the open countryside, which is contrary to the aims of the framework. The proposed development would lead to an unacceptable reduction, both spatially and visually to the openness of the Green Belt. For these reasons, the proposal would have a moderately harmful effect on the openness of the Green Belt.
19. Whilst the appellant disputes the findings of the previous appeal decision, I have not been presented with any substantive evidence to contradict the findings of the previous Inspector. Nevertheless, as this was determined in 2012 and under a different local plan, I can only afford it very limited weight. Nonetheless, it does not alter my above findings.
20. My attention has been drawn to two appeal decisions within different local authority areas. The first in Basildon<sup>3</sup> relates to a much larger scheme for 43 dwellings, and as such it is not considered comparable to the appeal proposal. The second decision relates to a scheme in Milton Keynes<sup>4</sup> for 14 dwellings, which again is of a much larger scale than the appeal proposal and as such is also not comparable to the appeal proposal. These appeal decisions also relate to different locations, planning policy context and circumstances. I therefore attach very little weight to their findings.
21. For the reasons stated above, I conclude that the proposal would not represent limited infilling in a village, nor would it comprise the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development. It would comprise inappropriate development in the Green Belt that would, by definition, be harmful to the Green Belt. Thus, it

---

<sup>3</sup> Appeal Ref: APP/V1505/W/22/3296116

<sup>4</sup> Appeal Ref: APP/Y0435/W/17/3178790

would be contrary to the Framework and Policy GBR1 of the EHDP which, amongst other things, requires that planning applications within the Green Belt are considered in line with the provisions of the Framework.

### *Sustainable Design*

22. Policy DES4(I)(d) of the EHDP states that all development proposals will be expected 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.
23. Policies CC1 and CC2 of the EHDP also require all new development to demonstrate how the design, materials, construction and operation of the development would minimise overheating in summer and reduce the need for heating in winter and demonstrate how carbon dioxide emissions will be minimised across the development site, taking account of all levels of the energy hierarchy. Policy CC2 of the EHDP further states that achieving standards above and beyond the requirements of Building Regulations is encouraged and that Carbon reduction should be met on-site unless it can be demonstrated that this is not feasible or viable.
24. Policy WAT4 of the EHDP 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.
25. The Sustainability, Energy and Water Report<sup>5</sup> submitted with this appeal indicates that a fabric first approach to design has been taken, and the proposal will incorporate renewable energy technologies including an air source heat pump, ground source heat pump and solar panels. However, whilst the report is supported by quotations, these aspects of the proposed development are not shown on the originally submitted plans, nor the amended plans submitted with the appeal. As these measures are likely to affect the overall design and appearance of the proposed dwelling, it would not be appropriate to require further details to be submitted through the imposition of planning conditions.
26. For these reasons, I find that it has not been demonstrated that the proposed development would deliver sustainable design that would be adaptable to climate change. Thus, it would be contrary to Policies DES4, CC1, CC2 and WAT4 of the EHDP. These policies require, amongst other things, that new development incorporates high quality innovative design, new technologies and construction techniques, including zero or low carbon energy and water efficient, design and sustainable construction methods.

### *Protected Species*

27. Policy NE1 of the EDHP states that evidence will be required in the form of up-to-date ecological surveys undertaken by a competent ecologist prior to the submission of an application. The type of evidence required will be commensurate to the scale and location of the development and the likely impact on biodiversity, the legal protection or other status of a site. Where insufficient data is provided, permission will be refused.

---

<sup>5</sup> Detailed Sustainable Construction, Energy and Water Statement prepared by AAD Architects (dated 13 March 2024)

28. Policy NE3 of the EDHP states that development should always seek to enhance biodiversity and to create opportunities for wildlife. Proposals must demonstrate how the development improves the biodiversity value of the site and surrounding environment. Evidence will be required in the form of up-to-date ecological surveys undertaken by a competent ecologist prior to the submission of an application.
29. The Ecological Appraisal relies upon information collected during a site visit which took place in June 2021, as such it is out-of-date. The report concluded that the proposed development has the potential to impact foraging and roosting bats and recommended that further survey work is undertaken. However, based on the evidence before me, no further surveys or inspections have been carried out.
30. The Conservation of Habitats and Species Regulations 2017 imposes a duty to consider whether there is a reasonable likelihood of European Protected Species (EPS) being present and affected by the proposal. Bats are listed as an EPS under these regulations.
31. Natural England's (NE) standing advice indicates that survey work should be undertaken if a development proposal is likely to negatively affect bats or their roost, foraging or commuting habitats. Circular 06/20056 also states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by development is established before planning permission is granted. The Circular states that the need to ensure ecological surveys are carried out should only be left to coverage under planning conditions in exceptional circumstances. I am not convinced that any such circumstances exist in this case.
32. Therefore, I find that insufficient information has been provided to demonstrate that the proposed development would not have an unacceptable adverse effect on protected species. Furthermore, if protected species were affected, I cannot be certain as to what mitigation, if appropriate, may be required. Thus, the proposed development would be contrary to Policies NE1 and NE3 of the EHDP which require, amongst other things, up-to-date ecological surveys to be submitted and requires that proposals seek to enhance biodiversity and to create opportunities for wildlife.

### *Biodiversity Net Gain*

33. The application pre-dates the introduction of a statutory requirement for biodiversity net gain on small sites. However, Policy NE2 of the EDP states that all proposals should achieve a net gain in biodiversity where it is feasible and proportionate to do so, as measured by using and taking into account a locally approved Biodiversity Metric, and avoid harm to, or the loss of features that contribute to the local and wider ecological network.
34. The Biodiversity Net Gain<sup>6</sup> report submitted with the appeal sets out that the proposed development scheme would achieve biodiversity net gain of greater than 10% in respect of both habitat units and hedgerow units.
35. The report also concludes that Trading Rules have not be satisfied with insufficient trees planted within the area of grassland within the retained field. However, the report goes on to state that the trading rules can be satisfied

---

<sup>6</sup> Biodiversity Net Gain Report – Issued by Wychwood Environmental Ltd (Dated March 2024)

through the planting of seven small native trees within the grassland at a distance to each other so that they form a continuous canopy as they mature.

36. Policy NE2 does not specify an amount of biodiversity net gain that is expected to be achieved, nor does it specify that it requires trading rules to be satisfied. Furthermore, the Council has provided little evidence to show that biodiversity net gain could not be achieved on the site or that this matter could not be dealt with by way of a condition.
37. On this basis, subject to the imposition of an appropriate pre-commencement condition, I am satisfied that the proposed development could deliver biodiversity net gain and thus it would comply with Policy NE2 of the EHDP.

#### *Landscaping & Tree Protection Measures*

38. Policy DES3 of the EHDP states that (I) development proposals must demonstrate how they will retain, protect and enhance existing landscape features which are of amenity and/or biodiversity value, in order to ensure that there is no net loss of such features, and (II) where losses are unavoidable and justified by other material considerations, compensatory planting or habitat creation will be sought either within or outside the development site. It further states that replacement planting schemes should comprise mature, native species appropriate to the local conditions and landscape character, supported by a monitoring and replacement programme.
39. As noted above, the appeal site is surrounded by mature vegetation and trees. A Tree Survey was submitted with the planning application, which was dated 29 January 2021 and therefore by the time the application was determined deemed to be out-of-date. This led the Council to conclude that there was insufficient information to fully assess the effects of the proposed development on trees with and adjoining the site.
40. An amended Tree Survey and Arboricultural Report<sup>7</sup> has been submitted with this appeal. This confirms the removal of a Cypress Hedgerow (H1005) and sets out the proposals for additional tree and hedgerow planting. It also sets out measures for the protection of retained trees and hedgerows. On this basis, subject to the imposition of suitably worded planning conditions relating to the landscape proposals and tree protection measures, the proposed development would not result in any adverse effects on trees within or adjoining the site.
41. For these reasons, I am satisfied that the proposed development will retain, protect and enhance existing landscape features, and where losses will occur, these will be offset by the creation of additional planting within the wider proposals. Thus, the proposal would comply with Policy DES3 of the Local Plan, which aims amongst other things, to ensure proposals protect existing landscaping features.

#### *Other Considerations*

42. The Framework seeks to significantly boost the supply of housing and recognises that small sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.

---

<sup>7</sup> BS5837:2012: Tree Survey, Tree Constraints Plan and Arboricultural Implications Assessment prepared by Wilson Tree Surveys (dated 13 March 2024)

However, in providing for one additional dwelling, the proposal would only make a small contribution towards housing supply, and therefore I can only attribute this moderate weight.

43. Whilst the appellant states that the proposed development would be for self-build or custom build housing, there is no substantive evidence to support this. Furthermore, I have not been presented with any mechanism by which to secure this. As such, I attribute this very little weight.
44. The Council found that the proposed development would be acceptable in terms of its effect on the living conditions of neighbours, highway safety, noise, waste, contamination, lighting and air quality. The Council also found that the design of the proposed dwelling to be acceptable. However, these are neutral matters which neither weigh for or against the proposal.

### **Green Belt Balance**

45. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt and 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.
46. In this case, I have found harm to the Green Belt by reason of the proposed development's inappropriateness, and harm to the openness of the Green Belt.
47. Balanced against that are the other considerations discussed above. However, for the reasons given, I find that the other considerations in this case, taken cumulatively, do not clearly outweigh the totality of the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist and the proposed development would be contrary to the Framework and Policy GBR1 of the EHDP which seek to protect the Green Belt.

### **Other Matters**

48. The proposed development would involve the loss of an equestrian facility. Policy CFLR6 of the EHDP states that proposals that result in the loss of equestrian facilities should be accompanied by an Equestrian Needs Assessment which demonstrates that the facilities are no longer needed. The Equestrian Needs Assessment sets out that the use of the site ceased in around 2013 and the stables are redundant. On this basis, the Council found that the loss of the equestrian facility would accord with Policy CLFR6. Based on the evidence before me I see no reason to disagree.
49. Thundridge House and adjoining Stable Block is a Grade II Listed Building<sup>8</sup>. The listing description notes that the house was built in 1855, with later additions. It was formerly a vicarage but now a private dwelling. It is described in the listing description as being a balanced asymmetrical Tudor style 2-storeys house with 2 barge boarded gables of different size on front with Tudor arched door to left and main entrance porch, with stone gable coping and finial, set diagonally in the re-entrant angle on the right where a set-back range was extended in matching style.

---

<sup>8</sup> List Entry Number: 1077954

50. The Garden Wall at Thundridge House is also a Grade II listed building<sup>9</sup>. The listing description describes this as a sub-rectangular walled garden between house and road, enclosed on 4 sides by shoulder height wall with triangular buttresses at intervals, and square gate piers in middle of side nearest house. Of special interest for the exclusive use of several different types of the large bricks patented by Caleb Hitch of Ware in 1828, roughly 12" x 6" x 6", each brick having flanges and cavities interlocking to economise in mortar and increase structural strength.
51. The statutory duty contained within section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving listed buildings, their settings and any features of special architectural or historic interest which they possess. The Council concluded that the proposed development, by virtue of its distance and heavy vegetation, would not cause harm to the significance or setting of the listed buildings. Based on the evidence before me and my own observations, I see no reason to disagree with this conclusion.

### **Conclusion**

52. For the reasons given, the proposal would therefore not accord with the development plan when taken as a whole. There are no material considerations of sufficient weight that indicate the appeal should be determined other than in accordance with the development plan. Therefore, the appeal is dismissed.

*K Lancaster*

INSPECTOR

---

<sup>9</sup> List Entry Number: 1077955



## Costs Decision

Site visit made on 13 November 2024

**by K Lancaster BA (hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9 December 2024**

---

### **Costs application in relation to Appeal Ref: APP/J1915/W/24/3340841 Stables and land adjoining Thundridge House, Poles Lane, Thundridge, Ware, Hertfordshire SG12 0SQ**

- 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 Norman Sheldrake for a full award of costs against East Hertfordshire District Council.
  - The appeal was against the refusal of planning permission for the change of use from stables and paddock and construction of 1 new, 2 storey house, triple garage, landscape, parking with amended access.
- 

### **Decision**

1. The application for an award of costs is refused.

### **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. The type of behaviour that can lead to a costs award includes both substantive and procedural matters relating to issues arising from the planning merits of the appeal or relating to process.
3. The applicant contends that the Local Planning Authority (the LPA) has acted unreasonably in failing to justify their reasons for refusing the application. The applicant also states that the LPA has made inaccurate statements in their officer report and omitted other relevant information, which had been brought to their attention but not addressed. The LPA disputes this stating that the report contains no omissions or falsehoods and state that they have clearly set out their position for each of the reasons for refusal.
4. Whilst it is clear from the evidence submitted with the appeal that there is a difference of opinion in relation to the mains issues and in particular whether or not the proposed development lies within the village of Thundridge, these are matters of planning judgment. It is not unusual for parties to reach different conclusions and although I appreciate that the applicant is frustrated by the lack of opportunity to discuss this with the LPA whilst the application was being considered, based on my findings in my appeal decision, I am not persuaded that this would have resulted in a different outcome.
5. The applicant also contends that the LPA has failed to include the detailed benefit of Paragraph 154(e) of the National Planning Policy Framework (the



- Framework) and that the LPA has referred to wording within Paragraph 154(g) of the Framework which is not relevant to this matter. The LPA in response states that they assessed the proposal based on national and local policies relevant to the case.
6. I note that the applicant has sought to justify the proposal on the basis of Paragraph 154(e) of the Framework, which I have considered within my appeal decision. However, it is not uncommon for a proposed development to fall into more than one of the exceptions listed in Paragraph 154 or 155 of the Framework.
  7. Paragraph 154(g) of the Framework relates to limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would either not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. In this particular case, it is not disputed that the appeal site forms previously developed land, and therefore I find that Paragraph 154(g) is a relevant consideration.
  8. I acknowledge that the LPA's reason for refusal does not set out conflict with a specific paragraph of the Framework. Nevertheless, it is clear that they found that the proposal did not meet the exceptions outlined in either Paragraph 154(e) or 154(g) of the Framework. Therefore, I find that the LPA has not acted unreasonably in considering whether or not the proposal would meet the exception set out in Paragraph 154(g) of the Framework.
  9. The applicant also suggests that the LPA failed to be proactive and constructive. Paragraph 38 of the Framework states that local planning authorities should approach decisions on proposed development in a positive and creative way. Whilst there is some evidence provided by the appellant, which indicates that some of the concerns regarding missing or inaccurate information were addressed to the LPA in various email exchanges, I have not been provided with any evidence of specific points which were brought to the attention of the LPA, and which were not addressed.
  10. Furthermore, whilst the appellant claims that there has been a lack of communication from the LPA dating back to June 2022, I note that the application to which this appeal relates was not submitted until July 2023. Both the appellant and the LPA has provided copies of some email correspondence which took place after the application was submitted, and the application was determined shortly after. Therefore, whilst I understand the appellant's frustrations with the overall process of trying to obtain planning permission on this site, I have not been presented with any compelling evidence that the LPA failed to act in a reasonable manner.
  11. Furthermore, as the LPA's first reason for refusal relates to a matter of principle, I also find that it was not unreasonable of the LPA to determine the application based on the information as submitted. It is not the responsibility of the LPA to ensure a proposal complies with all relevant policy requirements.
  12. Therefore, I consider that there is no compelling evidence that the LPA acted unreasonably by failing to behave proactively during the planning application

process. In any case, I have no firm evidence that more positive engagement from the LPA would have resulted in the appeal being avoided.

**Conclusion**

13. For the above reasons, I conclude unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

*K Lancaster*

INSPECTOR



---

# Appeal Decision

Site visit made on 2 October 2024

by **L Reid BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 27 November 2024**

---

**Appeal Ref: APP/J1915/W/24/3340054**

**Monks Green Farm, Ash Tree Barn 1, Mangrove Lane, Brickendon, Hertfordshire SG13 8QL**

- 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 William Ashley, Monks Green Farm LTD against the decision of East Hertfordshire District Council.
  - The application Ref is 3/23/1233/FUL.
  - The development is change of use of 1-6 Ash Tree Barn from Class E (formerly B1) to C3 residential dwellings.
- 

## Decision

1. The appeal is allowed and planning permission is granted for the change of use from Class E (formerly B1) to C3 residential dwellings at Ash Tree Barn 1-6, Monks Green Farm, Mangrove Lane, Brickendon, Hertfordshire SG13 8QL in accordance with the terms of the application, Ref 3/23/1233/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

## Preliminary Matters

2. The address in the banner heading above is taken from the planning application form. I have used the address from the Council's decision notice in my formal decision as it is more accurate. I have removed the terms "retrospective" and "resubmission" from the development description as these are not acts of development. I have also removed the reference to 1-6 Ash Tree Barn in the description as this is included in the address.
3. The appeal site is part of a larger building which forms Ash Tree Barn. Planning permission was previously granted to convert, extend and alter Ash Tree Barn to provide six live/work units<sup>1</sup>. There is a dispute between the parties as to whether this permission has been implemented. However, this and the enforcement of condition 11 of that consent is a matter between the parties. I have determined the appeal in accordance with the description of development set out on the application form and in the formal decision of the Council and in respect of that part of Ash Tree Barn which is identified on the submitted plans.
4. It was apparent from my site visit that the change of use has occurred. For clarity, I have based my decision on the submitted plans.

---

<sup>1</sup> Council Ref: 3/11/1808/FP

5. Following the submission of final comments, the appellant submitted an appeal decision<sup>2</sup> which concluded that the Council could not demonstrate a five-year housing land supply. The appeal decision is dated 22 August 2024. Consequently, it could not have been submitted in accordance with the appeal timetable. In the interests of natural justice, both main parties have had the opportunity to make representations on this evidence. I have taken this evidence and the comments received in response into account.
6. The appeal site is within the Metropolitan Green Belt. The main parties have agreed that the development would not represent inappropriate development in the Green Belt as defined in Policy GBR1 of the East Herts District Plan 2018 (the District Plan) and the National Planning Policy Framework (the Framework). Based on the evidence before me, I have no reason to reach a contrary view.

### **Main Issues**

7. The main issues are:
  - the effect of the development on employment land supply and the rural economy; and,
  - whether the development provides acceptable living conditions for the occupiers of units 2-5, with regard to the provision of private amenity space.

### **Reasons**

#### *Employment uses*

8. Policy ED1 of the District Plan seeks to protect employment uses and sets out the criteria where the loss of an existing site/premises which is currently, or was last, in employment use (Classes B1, B2, B8 or related Sui Generis), will be permitted. This includes where the retention of the site or premises for Use Classes B1, B2 and B8 has been fully explored without success. This should also consider whether improvements to the existing site/premises would make it more attractive to alternative B1, B2 or B8 uses and evidence of a period of marketing of at least 12 months must be provided.
9. Policy ED1 is supported by Policy ED2 of the District Plan. Policy ED2 sets out the evidence which will be required where the proposal results in the loss of an employment use in a rural area or a change of use to a non-employment generating use. Amongst other things, the evidence is required to demonstrate that the current employment use is no longer needed or viable, that improvements to the site/premises would not make alternative employment generating uses viable and the retention of the employment generating use is unable to be facilitated by the partial conversion to a non-employment generating use.
10. The appellant asserts that marketing was undertaken and began in 2012. Several estate agents were engaged, however, limited details regarding the times and durations of this marketing exercise in which these estate agents marketed the development have been provided.

---

<sup>2</sup> Appeal Ref: APP/J1915/W/24/3340497

11. Marketing evidence submitted with the application includes copies of a generic marketing brochure which advertises Ash Tree Barn as a commercial (B1 Use). The appellant states that this advertisement example covers various months and years, but these marketing brochures are not dated. Another marketing brochure advertising live-work opportunities at the site includes the first release date of October 2012 but does not include the dates on which this brochure was used for marketing.
12. A letter from the company that marketed the development explains that marketing in the form of local press, the internet and distribution via a mailing list was carried out. However, no specific evidence of this marketing has been provided and the length of time the marketing was carried out is unclear.
13. Email exchanges between the applicant and The Live Work Network demonstrate that an advert was placed to market the development for an intended period of 12 months. A copy of this newsletter advertising the development has been provided but it is dated November 2012 and no further copies of this newsletter have been provided to show that the marketing did cover 12 months or the results.
14. Reference is made to the attempts to improve the units to make them more attractive which included various financial incentives and that the site could not be improved to address the feedback received from prospective tenants which included the need for more internal space and parking. Whilst I recognise the constraints of the appeal site, no substantive evidence of interest from prospective tenants and these discussions have been provided to support these assertions.
15. Comments are made in another letter from the company who marketed the development regarding the current market and whether the concept of live/work units still exist but there is little information to demonstrate that the employment use is no longer needed or viable. As it is not clear what the financial implications would have been for pop-up businesses and short-term contracts to be discounted, this does not robustly show that alternative employment uses were not viable.
16. Whilst some marketing evidence has been submitted, it is unclear whether this covered a period of at least 12 months. It has also not been sufficiently demonstrated that improvements to the appeal site could not be carried out to make an alternative employment generating use operating from the appeal site viable. The loss of an employment use has therefore not been fully justified.
17. For these reasons, I conclude that it has not been demonstrated that the loss of the employment use is not harmful to employment land supply and the rural economy. The development therefore conflicts with Policies ED1 and ED2 of the District Plan.

#### *Private amenity space*

18. The amenity space for units 2 – 5 consists of open grassed areas to the front of the building that are adjacent to the car park and intersected by the path to each unit. The units are located along a cul-de-sac which only leads to the appeal site. The paths also provide a degree of segregation between the areas. Bearing in mind the limited space around the appeal building and that the

development is for one-bedroom units which have a sizeable internal living environment, the grassed areas do provide occupants with some outdoor space that is conducive to use as amenity space, despite the lack of enclosure.

19. Although the amenity spaces are not strictly private, outdoor space that is screened from view is not an express requirement of Policy DES4 of the District Plan which is identified in the reason for refusal. I am therefore unable to identify any conflict with this policy.
20. I therefore conclude that the development provides acceptable living conditions for the occupiers of units 2-5, with regard to the provision of private amenity space. The development complies with the Framework, which amongst other things, states that decisions should ensure that developments create places with a high standard of amenity for existing and future users.

### **Other Matters**

21. Both main parties refer to an appeal decision at land off Old Turnpike Road<sup>3</sup> which is within a different local authority. The main issue in this case related to the definition of a live/work unit as defined by the development plan and the location of the appeal site. Reference is also made to a Court case<sup>4</sup> which also relates to the definition of live/work and breach of covenant. This appeal decision and judgement neither weigh in support or against the appeal scheme given the main issues that are in dispute.

### **Other Considerations**

22. Set against the harm, the development provides six homes, each of which has a good standard of accommodation, and would re-use a brownfield site. Occupants of the development are also likely to bring some trade to nearby shops and services which would support the rural economy. Given the quantum of development under consideration, I give these benefits moderate weight.
23. It is proposed to install electric charging points, air source heat pumps and rainwater harvesting systems. I give these environmental benefits limited weight on account of the scale of the development.
24. The appellant advises that the units are insulated, have double glazing, energy saving appliances and recycling facilities are available. However, this would be expected in order to provide suitable living accommodation.
25. The Council confirm that a lawful development certificate for operational development has previously been granted which relates solely to building operations at the appeal building<sup>5</sup>. The appellant highlights a fallback position where an application for a lawful development certificate for the existing use of the units as residential could be submitted. However, it is not for me within the context of this appeal to determine lawfulness.
26. The payment of Council Tax would be required anyway under the relevant legislation and requirements. The Highway Authority raised no objection to the development, and the appellant asserts that no accidents have been recorded. However, compliance with relevant national and local planning policies on

---

<sup>3</sup> Appeal Ref: APP/H1840/W/19/3230487

<sup>4</sup> AHGR Limited v Kane-Laverack (2023) EWCA Civ 428

<sup>5</sup> Council Ref: 3/23/1950/CLEO

transport grounds would be required in any case. These are therefore neutral matters and neither weigh in favour nor against the development.

### **Planning Balance**

27. It has not been demonstrated that the loss of the employment use is not harmful to employment land supply and the rural economy. The development conflicts with Policies ED1 and ED2 of the District Plan. This conflict means that the development conflicts with the development plan as a whole.
28. The Council has confirmed that they are currently unable to demonstrate a five-year supply of deliverable housing sites. With a supply of around 4.5 years, the shortfall is judged to be moderate in this instance. Consequently, because of the provisions of footnote 8, paragraph 11 d) (ii) of the Framework should be applied. The policies which are most important for determining the application are deemed out-of-date and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
29. Policies ED1 and ED2 are consistent with the Framework in supporting economic growth and a prosperous rural economy. Therefore, the level of conflict between the development and Policies ED1 and ED2 should be given significant weight in this appeal.
30. The Framework states that significant weight should be placed on the need to support economic growth and decisions should enable the sustainable growth of all types of businesses in rural areas and the development and diversification of other land-based rural businesses. However, it also refers to how small and medium sized sites can make an important contribution to meeting the housing requirements of an area, advises support should be given to the development of windfall sites and a positive approach should be adopted for alternative uses of developed land. This includes the use of employment land for homes in areas of high housing demand, provided that this would not undermine key economic sectors.
31. The development results in a loss of an employment use which harms the supply of employment land. I have concluded that the loss of the employment use in this case has not been fully justified. In that context, I attach moderate weight to this harm.
32. In respect of the impact on the rural economy, the current residential use would have a positive effect. Consequently, in the absence of any evidence to the contrary, I consider the current use and the previous employment use would have similar effects on the rural economy. Similarly, the site is brownfield land and either its use as employment land or a residential use would be beneficial. Consequently, these matters have a neutral effect in the planning balance.
33. The development provides additional homes which make a modest but not insignificant contribution to the supply of housing. This would be in accordance with the Government's objective of significantly boosting the supply of homes. Furthermore, the use of employment land for housing, where the demand is high accords with national policy. These considerations each attract moderate weight in favour of the appeal.

34. On balance, taking all of the above into account, the adverse impacts of the loss of an employment use would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does apply.

### **Conditions**

35. The Council has supplied a list of conditions that it considers would be appropriate. I have considered these in light of the tests within the Framework and Planning Practice Guidance (PPG). Where appropriate, I have adjusted the wording of the conditions to improve relevance, precision and enforceability. The parties have been invited to comment on the conditions.
36. In the interests of clarity and precision it is necessary to impose a condition specifying the approved plans [1].
37. To protect the character and appearance of the area, it is necessary to require details of all boundary treatments and hard and soft landscaping to be submitted. In the same regard and to protect the living conditions of residents, it is necessary to require details of the refuse facilities.
38. Details of the measures to reduce the need for cooling in the summer, heating in the winter, carbon emissions and water consumption are necessary to comply with Policies CC1, CC2 and WAT4 of the District Plan.
39. To provide ecological and biodiversity enhancements to comply with Policy EN2 and NE3 of the District Plan, it is necessary to require bat and bird boxes to be installed and a landscape and ecological management plan to be secured and implemented. As Policy NE2 of the District Plan also requires proposals to achieve a net gain in biodiversity, it is necessary to require this to be demonstrated. The Council has suggested this includes a completed small site biodiversity net gain metric in accordance with Natural England guidance. However, this is not required by the policy and the submission of the application pre-dates the statutory biodiversity net gain requirements.
40. In the interests of air quality, details of electric vehicle charging provision and installation are necessary. To promote sustainable transport modes, it is necessary to require details of the cycle parking facilities.
41. The above listed details have been merged into one condition [2]. This condition is imposed to ensure that the required details of the scheme are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of these before the development takes place.
42. The condition will ensure that the development can be enforced against if the required details of the scheme are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.



43. To protect against light pollution, it is necessary to impose a condition preventing external lighting from being installed without prior agreement from the Council [3].
44. The Council has suggested a condition removing various permitted development rights. As set out in the PPG and the Framework, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. I consider that removing permitted development rights under Class B would be reasonable, necessary and justified to protect the openness of the Green Belt [4].
45. To ensure adequate parking provision, it is necessary to impose a condition to require the parking areas to be used for this purpose only [5].
46. The limitations and conditions of permitted development restrict the area of ground covered, the size and position of development allowed and provide some restrictions to protect neighbour's amenity. The site circumstances do not justify the removal of the other permitted development rights as suggested by the Council. Removing these permitted development rights would therefore not be necessary or reasonable.

### **Conclusion**

47. The development would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it. Therefore, the appeal should be allowed.

*L Reid*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with drawing nos:

Site Plan – Prepared by: W Ashley 01-09-2022,  
Location Plan – Prepared by: W Ashley 01-09-2022,  
PLANS AS EXISTING & PROPOSED: ASH TREE BARN – ATB01,  
FIRST FLOOR LAYOUT UNITS R1 & R2 - 11/MGF/SC/15,  
FIRST FLOOR LAYOUT UNITS R1 & R2 - 11/MGF/SC/16,  
ELEVATIONS SHEET 2 – 11/MGF/SC/25,  
GROUND FLOOR LAYOUT UNITS 3, 4, 5 & 6 – 11/MGF/SC/11 Rev C,  
GROUND FLOOR LAYOUT UNITS 7, 8, 9 & 10 – 11/MGF/SC/12 Rev B.

- 2) The use hereby permitted shall cease and all structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 3 months of the date of failure to meet any one of the requirements set out in i) to iv) below:

- i) Within 3 months of the date of this decision a Detailed Design Scheme shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation. The scheme shall include the following details of:
- a) existing and proposed boundary walls, fences or other means of enclosure
  - b) bin storage facilities
  - c) measures to reduce the need for cooling in the summer, heating in the winter and to reduce carbon dioxide emissions and water consumption across the development
  - d) bat and bird boxes to be implemented
  - e) electric vehicle charging provision
  - f) cycle parking facilities
  - g) hard and soft landscaping, finished levels or contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting
  - h) a landscape and ecological management plan including demonstration of biodiversity net gain on the site with a non-mandatory target of providing a net gain in biodiversity of 10%
- ii) If within 11 months of the date of this decision the local planning authority refuse to approve the Detailed Design Scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted Detailed Design Scheme shall have been approved by the Secretary of State.

- iv) The approved Detailed Design Scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved Detailed Design Scheme specified in this condition, that scheme shall thereafter be retained. Any trees or plants that, within a period of five years after planting, are removed, die or become, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved.

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

- 3) No external lighting shall be installed unless a scheme for such lighting has been submitted to and approved in writing by the local planning authority.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Class B of Part 1 of Schedule 2 to the Order shall be undertaken.
- 5) The parking area shown on the Site Plan – Prepared by: W Ashley 01-09-2022 shall be kept available at all times for the parking of vehicles by the occupants of the development and their visitors and for no other purpose.

**END OF SCHEDULE**



## Appeal Decision

Site visit made on 13 November 2024

**by A Knight BA PG Dip MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 02 December 2024**

---

**Appeal Ref: APP/J1915/W/24/3342715**

**Land at Orchard Road, Tewin, Hertfordshire AL6 0HN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Mr & Mrs Morrisroe against the decision of East Hertfordshire District Council.
  - The application Ref is 3/24/0018/OUT.
  - The development proposed is erection of a detached dwelling with a new vehicle entrance/crossover.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appeal scheme relates to an outline proposal, with access, layout, and scale to be considered at this stage, and with appearance and landscaping reserved for future consideration. I have determined the appeal accordingly. A plan has been submitted as part of the appeal which shows the proposed dwelling on the site. Other than in respect of access, layout, and scale, I have taken this plan into account for indicative purposes only.

### Main Issues

3. The main issues are:
  - whether the appeal site would be a suitable location for the proposed development, having regard to local and national policy; and
  - whether the proposal conflicts with the policy that controls the loss of equestrian facilities.

### Reasons

#### *Location*

4. Policies DSP2 and VILL3 of the East Hertfordshire District Plan 2018 (the District Plan) prioritise sustainable development at brownfield sites, then urban areas, then urban extensions, allowing for limited development in villages if, in the case of Group 3 villages, in accordance with an adopted Neighbourhood Plan. The appeal site is in a Group 3 village without a Neighbourhood Plan and, as such, the appeal proposal does not have the support of these strategic policies. District Plan Policy TRA1 seeks, amongst other things, to promote sustainable transport by focusing development in places which enable

sustainable journeys to be made to key services and facilities, to help aid carbon emission reduction.

5. The National Planning Policy Framework (the Framework) describes the purpose of the planning system as being “to contribute to the achievement of sustainable development”, an aim containing an environmental objective of mitigating and adapting to climate change. This includes moving to a low carbon economy achieved, in part, by the promotion of walking, cycling and public transport. Paragraph 159 of the Framework requires new development to avoid increased vulnerability to the range of impacts arising from climate change. As such, there is a high degree of correlation between the cited District Plan policies and the aims of the Framework.
6. The appeal site is within walking distance of Burnham Green, but I have no evidence that any services and facilities beyond a public house and beauty salon exist there. My attention has been drawn to the settlements of Tewin, Knebworth, and Welwyn Garden City. Tewin is classified as a Group 2 village in recognition of its limited range of services and facilities, but it is over a mile from the appeal site. Knebworth and Welwyn Garden City are over two and three miles from the appeal site respectively. Significant parts of the roads leading to all of these settlements from the appeal site are unlit and without pavements.
7. The characteristics described above would discourage future occupiers of the proposed dwelling from walking or cycling, particularly in hours of darkness or poor weather. The appeal site is close to a bus stop, but the service is extremely limited. I have no evidence that occupants of the proposed dwelling would have access to any other forms of public transport nearby. Overall, it is highly likely that occupants of the proposed dwelling would rely heavily on the private car for access to services and facilities.
8. Paragraph 83 of the National Planning Policy Framework (the Framework) states that rural housing should be located where it will enhance or maintain the vitality of rural communities, and that where there are groups of smaller settlements, development in one village may support services in a village nearby.
9. Whilst occupants of the proposed dwelling might use services and facilities in nearby villages, I have no evidence that nearby villages contain all of the services and facilities required. Moreover, given the far greater range of offerings in Knebworth and Welwyn Garden City, it is likely that occupants of the proposed dwelling would rely at least in part on those larger settlements for services and facilities rather than nearby villages. As such, the appeal proposal is not development of the type paragraph 83 of the Framework seeks to support.
10. For the reasons set out above, the appeal site would be an unsuitable location for the proposed development, having regard to local and national policy, as it would encourage dependence on the private motor car and undermine a planned approach to housing development. As such, the proposal conflicts with Policies DPS2, VILL3 and TRA1 of the District Plan, as well as with the similar aims of the Framework.

### *Equestrian facilities*

11. Policy CLFR6 of the District Plan requires that proposals resulting in the loss of equestrian facilities be accompanied by an Equestrian Needs Assessment, to demonstrate that the facilities are no longer needed. In assessing the ecological implications of the proposed development, the County Council have described the site as being previously utilized as a horse paddock. The reason for this assertion is not provided. The appellant states that the site was used for some eight years to graze and shelter alpacas and is now unused. No Equestrian Needs Assessment has been provided.
12. I have no evidence to support the assertion that the site was an equestrian facility. As such, I have no evidence that Policy CLFR6 is applicable to the appeal proposal. I can find no conflict with that policy, therefore.

### **Planning Balance**

13. The Council could not demonstrate a five-year supply of deliverable housing sites at the time of the decision. That is no longer the case and, as such, the provisions of paragraph 11(d) of the Framework do not apply.
14. Notwithstanding the above, the benefits of the scheme are material in my determination. The proposal would yield a net gain of one new house towards the Government's aim of significantly boosting supply, and it could be built quickly. The prompt delivery of new housing carries significant weight but is tempered in this case by the modest scale of the scheme.
15. Vehicular access to the site could be arranged safely, and the proposed dwelling would adhere to the prevailing local character in respect of layout, and scale. These are policy expectations rather than benefits and, as such, carry very limited weight. There would be temporary economic benefits associated with the construction phase as well as the prospect of work-related training for site operatives. Thereafter, there would be ongoing local economic activity relating to the occupation of the site, to the benefit of the nearest facilities and services. Nevertheless, given the relatively modest scale of the proposal and the small number of new residents brought about, these benefits would be minor.
16. Overall, the significant harms resulting from high dependency on car travel, and from undermining a plan-led approach to housing, would outweigh the benefits.

### **Conclusion**

17. Whilst I have found no evidence of conflict with Policy CLFR6 of the District Plan, the proposal conflicts with the development plan as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is dismissed, therefore.

*A Knight*

INSPECTOR



## Appeal Decision

Site visit made on 2 December 2024

**by J Pearce MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19<sup>th</sup> December 2024**

---

**Appeal Ref: APP/J1915/W/24/3343318**

**A120 Veterinary Hospital, Standon Road, Little Hadham, Hertfordshire  
SG11 2DF**

- 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 & Mrs Ali against the decision of East Hertfordshire District Council.
  - The application Ref is 3/24/0059/FUL.
  - The development proposed is the demolition of redundant storage buildings, timber apex shed and concrete walls. Erection of new single storey buildings containing workshops (use class E(g)), together with the provision of new parking spaces and 4 EV charging points.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application form.
3. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024 and is a material consideration in planning decisions. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version. As a result, I consider that there is no requirement for me to seek further submissions in respect of these matters, and I am satisfied that no party's interests would be prejudiced by taking this approach. Where references are made to paragraph numbers of the Framework, these are references to the most recent version.

### Main Issue

4. The main issue is whether the site is suitable for the proposed development having regard to development plan policy and the accessibility of the site.

### Reasons

5. The appeal site comprises a group of buildings accessed from the A120. The buildings at the site include those used for a veterinary centre and dog groomers with further buildings the side of the veterinary centre. The site is

outside of the settlement of Little Hadham and is designated by the East Herts District Plan 2018 (DP) as being within the Rural Area Beyond the Green Belt.

6. The proposal is for the erection of two buildings to accommodate four units to be used for workshop purposes following the demolition of the existing buildings. Policy GBR2 of the DP seeks to maintain the Rural Area as a valued countryside resource and sets out the type of development that will be permitted. This includes new employment generating uses where they are sustainably located, in accordance with Policy ED2.
7. Policy ED2 of the DP supports proposals that create new employment generating uses where they are appropriately and sustainably located. In addition, Policy ED1 provision of new employment uses will be supported in principle, where they are in a suitable location where access can be achieved by a choice of sustainable transport. Furthermore, Policy TRA1 requires that development proposals should primarily be located in places which enable sustainable journeys to be made to key services and facilities to help aid carbon emission reduction.
8. The site is detached from the nearest settlement of Little Hadham, which is accessed from the site via the A120. The appellant states that the closest bus stops to the site are located 1200 metres away from the site within Little Hadham. The bus stops are provided with relatively infrequent services to larger settlements, including Hertford and Bishop's Stortford. The A120 is heavily trafficked and is subject to a 60mph speed limit. Moreover, the A120 has no dedicated footpath or cycleway and there is no street lighting. Consequently, given the distance to the bus stops from the site, the inconvenience of the walking and cycling route and the infrequent services, it is not realistic to expect that users of the appeal site would travel by bus whilst the walking and cycling routes would not offer attractive alternatives to the private car.
9. The submitted Transport Technical Note<sup>1</sup> (TTN) forecasts that the proposal would be likely to generate 19 trips per day. While this is a limited amount of vehicle movements, it does not demonstrate that the site is a suitable location for the proposal having regard to the need to locate development at sites that offer a choice of transport options. Moreover, a wide range of users could potentially occupy the buildings if this development were permitted, and different types of businesses or enterprises would likely result in varying levels of associated traffic generation. Given that eight car parking spaces are proposed, I cannot conclude that the proposal would not result in a significant number of vehicle movements to and from the site.
10. The Framework expects planning decisions to enable the sustainable growth and expansion of businesses in rural areas. Paragraph 89 of the Framework recognises that sites to meet local business needs in rural areas may have to be found in locations that are not well served by public transport. However, there is no substantive evidence before me to demonstrate that there is a local need for workshop floorspace to be located on the appeal site that cannot be met in locations which are well served by public transport.
11. My attention has been drawn to the planning permission granted under application reference 3/23/1985/FUL for the demolition of an agricultural barn

---

<sup>1</sup> Dated November 2023, prepared by EAS.



and erection of a replacement building to be used for use Class B8 at the site. While I have been presented with only limited details of this scheme, I note that that development was for a specified business where the Council could consider the precise nature of the proposal, including the number of vehicle movements and employment benefits.

12. The appellant has suggested that a condition could be included that requires the Council to agree to any future occupiers or requires future business occupiers to provide a Travel Plan. However, such a condition would not alter the accessibility of the site and would not make the proposal acceptable in planning terms. Accordingly, it would not meet the tests set out in Paragraph 57 of the Framework.
13. I conclude that the site would not be a suitable location for the proposed development, having regard to development plan policy and the accessibility of the site. The development therefore conflicts with Policies GBR2, ED1, ED2 and TRA1 of the DP, as set out above.

### **Other Matters**

14. The proposal would contribute to the rural economy through the potential for employment creation. However, there is no definitive evidence before me that demonstrates the level of employment that would be created by the proposal. Given that the proposal is for a small number of workshops, the economic benefits of the scheme would be unlikely to be significant.
15. The proposal would not harm the character and appearance of the area and would have an unacceptable impact on highway safety. In addition, the proposal could provide increase biodiversity and the buildings may encourage energy efficiency. Nevertheless, these would not outweigh the harm that I have identified.

### **Conclusion**

16. The proposal conflicts with the development plan as a whole. Material considerations do not indicate that a decision should be made other than in accordance with it. For the reasons given above the appeal should be dismissed.

*J Pearce*

INSPECTOR



---

## Appeal Decision

Site visit made on 5 December 2024

**by J Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 December 2024**

---

**Appeal Ref: APP/J1915/D/24/3344600**

**Rumballs Barn, Rumballs Court, Bishop's Stortford, Hertfordshire, CM23 4DQ**

- 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 Tamsin Joiner against the decision of East Hertfordshire District Council.
  - The application Ref is 3/24/0216/HH.
  - The development proposed is two storey and part single storey rear extension to garage /annex.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a two storey and part single storey rear extension to garage/annex at Rumballs Barn, Rumballs Court, Bishop's Stortford, Hertfordshire CM23 4DQ in accordance with the terms of the application, Ref 3/24/0216/HH, 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 drawing nos; RB/001; RB/002; RB/003; RB/004; RB/005 and RB/006.
  - 3) The external materials of the extension hereby permitted shall match those used in the existing building.
  - 4) The garage/annexe extension shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Rumballs Barn.

### Preliminary Matters

2. For the purposes of accuracy, the Council's description of the proposal has been used instead of the appellants. However, the reference to the rooflights has been omitted as this does not require planning permission. Consultation responses on the justification for the extended garage/annexe have been considered in my reasoning in this decision.

### Main Issues

3. The main issues are (a) the effect of the proposal on the character and appearance of the area, (b) whether the proposal would result in ancillary accommodation to the main dwelling and (c) the effects of the proposal on the setting of a Grade II listed building, known as Rumballs Barn.

## Reasons

### *Character and appearance*

4. The appeal site comprises a dwelling, the converted listed building, and a detached double garage to the side in a residential cul-de-sac, known as Rumballs Court. This cul-de-sac comprises family sized dwellings of traditional design which date to the late 20th century. On one side of the entrance into the cul-de-sac, there is a small scaled thatched building and the much larger listed Rumballs Farmhouse. The residential development of the area has resulted in a tight-knit and dense urban quality.
5. The extensions would also be discretely located to the rear of the existing garage. Lack of public view is not the sole determinant of judging acceptable visual and character impact. However, the extended garage would be smaller in footprint and floorspace, and it would be no higher than the main barn. It would be externally finished in materials that match the existing garage. As a result, the scale and design of the extension would be subservient and not dominate the main dwelling, the converted barn.
6. For all these reasons, the extensions would not harm the character and appearance of the area in accordance with Policies HOU11 and DES4 of the East Herts District Local Plan (EHDLP) 2018, which amongst other matters, require development to be of a size, scale, mass, form, siting, design and materials of construction that are appropriate to the character, appearance and setting of the existing dwelling and surrounding area, extensions to generally appear as a subservient addition, with a high standard of design and layout reflecting local distinctiveness.

### *Ancillary accommodation*

7. The extended garage would comprise two bedrooms, bathroom and WC at the first floor, and kitchen, WC and entrance at the ground floor, as well as the garage and associated store. The accommodation entrance would be to the side facing the entrance to the main dwelling which is located to the rear of the listed converted barn. There is an access path separating the entrances which leads to the rear garden of the dwelling.
8. The extension would primarily be for an ill close family member in need of supervisory medicinal support by the appellant and provide a home for that member enabling independent living, stability and enhanced well-being compared to a residential home. Additionally, it would provide living space for the appellant's growing family. By reason of its siting and entrance relationship, the extended building would be close to and well related to the main dwelling. It would have a clear functional link to the main dwelling due to the identified family connections and given the range of family requirements, it would be the minimum level of accommodation required to support the appellant's needs.
9. For all these reasons, the extended annex would be justifiably used in connection with the main dwelling in accordance with Policies HOU13 and HOU11 of the EHDLP, which collectively and amongst other matters, require accommodation to form an extension to the main dwelling, capable of being used as an integral part of the dwelling or form a separate outbuilding which is close-well related and having a clear functional link to the main dwelling.

### *Setting of the listed building*

10. The timber barn dates back to the late 17th century to early 18th century with later bay addition and outshots. The statutory list entry (list entry number 1271528) detailed the barn as timber framed with weatherboard exterior, thickly tarred, corrugated metal roof, four bays with brick outshots, cart entrance in original central bay and an open end from the removal of a later addition. There are double cart doors at the north side, brick outshot at the south side with rounded corner and decorative ventilation holes in brickwork and plank door to outshot with similar hinges to east door and cart doors. There are also significant timber joinery features within the building further identifying the barn's age and character.
11. The barn was granted planning permission to a residential property in 2001. The corrugated roof has been replaced with clay tiles, windows in the form of dark timber casements and larger openings have been infilled, including the entrance opposite the garage, with glazing. New exterior boarding is heavily stained in a dark colour. Whilst there has been a domestication of the barn's character and appearance, the conversion has retained agrarian qualities, its overall form, evidential fabric and historic integrity, relevant to its historical and architectural significance and special interest.
12. However, the appreciation of the barn's agricultural qualities has been significantly reduced with the surrounding estate-like housing, in place of former open fields, and its boundary separation from the 19th century farmhouse, Rumballs Farmhouse, including its thatched barn and cartshed. As a result, understanding the barn's agricultural past is largely confined to close-to and immediate views of the barn itself. Within its context, the garage provides very little contribution to the appreciation of the Barn's significance and special interest by reason of its domestic nature and features, for instance the car doors.
13. The proposed extensions would be to the rear of the garage facing the rear end of the Barn. They would not be visible from the main public frontage where the architectural and historical significance and special interest of the listed Barn is mainly appreciated. Public views of setting areas are not sole determining factors in understanding a listed building but, in this case, the extensions to the side and rear would be to a building that contributes little to setting. The extended building would also appear subservient with a high standard of design.
14. The Councils Conservation and Urban Design Officer has requested a reduction in depth of the extension but states that the proposal has a neutral effect on the setting of the listed building. For all these reasons, the setting of the listed Barn would not be harmed, and the proposal would comply with Policies HA7, HOU11 and DES4 of the EHDLP, which collectively and amongst other matters, requires extended buildings to be subservient and a high standard of design.

### *Other matters*

15. To the rear, the occupiers of neighbouring properties on Salters have objected on grounds of loss of privacy and lighting pollution/glare. However, there would be a substantial separating distance between the extended garage and the houses of the residents which would prevent significant loss of privacy and light pollution/glare.

### **Conditions**

16. Suggested conditions have been considered in light of the advice contained in Planning Practice Guidance. Some have been amended, shortened and amalgamated in the interests of clarity and precision taking into account the guidance. A condition requiring the development to be carried out in accordance with the details shown on the plans is necessary in the interests of proper planning and for the avoidance of doubt. In the interests of the character and appearance of the area, a condition is necessary to ensure matching materials to the existing garage. A condition is necessary to ensure the outbuilding would be ancillary to the main dwelling, the Barn.

### **Conclusion**

17. There are no material considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and therefore, planning permission should be granted. For the reasons given above the appeal should be allowed.

*J Parsons*

INSPECTOR



---

## Appeal Decision

Site visit made on 9 October 2024

**by Ian McHugh DipTP MRTPI**

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

**Decision date: 5 November 2024**

---

### **Appeal Ref: APP/J1915/Z/24/3348053**

### **110 High Street, Ware, SG12 9AP**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Mrs Angela Holtam, Thickbroom Chartered Accountants, against the decision of East Herts District Council.
  - The application Ref 3/24/0344/ADV, dated 21 February 2024, was refused by notice dated 17 June 2024.
  - The advertisement proposed is an internally illuminated window LCD display.
- 

### **Decision**

1. The appeal is dismissed.

### **Main Issue**

2. The main issue is the effect of the proposal on the character and appearance of the Ware Conservation Area (CA).

### **Reasons**

3. The appeal relates to the ground floor of the appellant's business premises, which are situated in terrace, within the town centre and the CA. Commercial uses predominate in the vicinity of the appeal site and, consequently, advertising, both illuminated and non-illuminated are common. There is also a mix of external and internal illumination.
4. The proposal is to retain an illuminated LCD display within the main office window facing the High Street. The display would serve a number of functions in addition to advertising the business. For example, it would also display community notices and local events.
5. The Council considers that the proposed display would detract from the character of the streetscene and would fail to preserve or enhance the character of the CA. It cites policies HA1, HA4 and HA6 of the East Herts District Plan 2018 (DP). Policies HA1 and HA4 generally seek to ensure that proposals preserve or enhance the character or appearance of the CA, whilst Policy H6 lists criteria for determining advertisement proposals in the CA. These include a preference for non-illuminated signage or discreet external illumination if necessary.
6. The DP policies are not determinative when considering proposals for advertisement consent, which should be considered solely with regard to

- amenity and public safety. Nevertheless, the policies help to guide decision makers, when assessing a proposal.
7. The appeal property is part of an attractive terrace at the end of the High Street, which has retained several original features. It appears to have both some architectural and historic merit. In my opinion, some of the shopfronts and existing signage in the locality detract from the character and appearance of the CA and the existence of other displays should not act as a precedent for this appeal proposal.
  8. I consider that the proposed LCD display would detract from the character and appearance of the premises and this part of the CA, due to its prominent position within the front of the building and the contemporary means of display. It would appear alien and out of context with the property, given the age and appearance of the building.
  9. In reaching my decision, I have noted both the local support for the proposal and that the previous tenant may have displayed a similar/larger advertisement. I also recognise that the matters such as display timings and a restriction on moving images could be controlled by conditions. Furthermore, I accept that there are other illuminated window displays in the locality. Notwithstanding, I have determined the proposal on its individual merits and I find it to be unacceptably harmful for the reasons given above.
  10. Finally, the harm that I have identified is not outweighed by any public benefits that can be attributed to the display, including the possibility of advertising public and community events.

### **Conclusion**

11. It is concluded that the appeal be dismissed.

*Ian McHugh*

INSPECTOR



---

## Appeal Decision

Site visit made on 9 October 2024

**by Ian McHugh DipTP MRTPI**

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

**Decision date: 25 November 2024**

---

### **Appeal Ref: APP/J1915/Z/24/3348015**

### **34 Amwell End, Ware, SG12 9HW**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Mr Peter Jowett, Betting Shop Operations Ltd against the decision of East Herts Council.
  - The application Ref 3/24/0351/ADV, dated 19 February 2024, was refused by notice dated 21 May 2024.
  - The advertisement proposed is two externally illuminated fascia signs.
- 

### **Decision**

1. The appeal is dismissed.

### **Main Issue**

2. The main issue is the effect of the proposal on the amenity of the area, including the effect on the character and appearance of the Ware Conservation Area (CA).

### **Reasons**

3. The appeal relates to the appellant's business premises, which is a betting office situated within both the town centre and the CA. Commercial uses predominate in the vicinity of the appeal site and, consequently, advertising, both illuminated and non-illuminated are common. There is also a mix of external and internally illuminated signs in the locality.
4. The CA covers much of the town centre and its historic core. The ages, scale, and design of buildings within the CA vary. The appeal property itself is a relatively modern building, which is of no particular architectural merit. However, it is situated in a prominent corner position at the edge of the CA and, as a result, it impacts on the appearance of the streetscene.
5. The current appeal proposal is effectively a resubmission following an earlier refusal and appeal dismissal (APP/J1915/Z/23/3319994) for internally illuminated fascia signs. In reaching my decision, I have considered the relevant history and I have also taken into account that the proposal is similar to the fascia signage that previously existed on the building.
6. The proposal is now to retain two externally illuminated fascia signs, which have been installed on the front and on part of the side elevations. They were not illuminated at the time of my site visit, but the proposal is for illumination



- by trough lighting. The lettering and symbol on the signs are green, white, and red, set against a black background.
7. The Council considers that the proposed display would detract from the character of the streetscene and would fail to preserve or enhance the character of the CA. It cites policies HA1, HA4, HA6, DES4 and DES6 of the East Herts District Plan 2018 (DP). Policies HA1 and HA4 generally seek to ensure that proposals preserve or enhance the character or appearance of the CA, whilst Policy HA6 lists criteria for determining advertisement proposals in the CA. These include a preference for non-illuminated signage or discreet external illumination if necessary. Policies DE4 and DE6 seek to ensure good design and for adverts to respect the character and appearance of the environment.
  8. The DP policies are not determinative when considering proposals for advertisement consent, which should be considered solely with regard to amenity and public safety. Nevertheless, the policies help to guide decision makers, when assessing a proposal. I note that the Council has no concerns about public safety and I have no reason to depart from that view.
  9. Whilst the building is of little architectural merit, its position on the corner of Amwell End and Broadmeads means that it is a prominent feature in the streetscene. It is a location in which I observed large numbers of pedestrians and vehicular traffic entering the town centre from, amongst other places, a college, the town's railway station and Hertford Road.
  10. Although the appellant has sought to address the concerns of the earlier appeal inspector, by proposing external illumination, I consider that the form, depth, and extent of the signage to be unduly dominant on the building and it detracts from the amenity of the area.
  11. In reaching my decision, I have considered the nature and form of other signage in the vicinity of the appeal site and the comparable types of illumination. Notwithstanding, it is the prominent position of the appeal building that primarily sets it apart from others.
  12. I have also considered the possible benefits of increased public safety, due to the external lighting and the benefits of advertising to the appellant's business. However, these could be achieved in other ways, or by a different form of signage.

### **Conclusion**

13. It is concluded that the proposal is harmful to the amenity of the area and to the character and appearance of the CA. The harm is not outweighed by any public benefits and accordingly, the appeal is dismissed.

*Ian McHugh*

INSPECTOR



# Appeal Decision

Site visit made on 13 November 2024

**by A Knight BA PG Dip MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 2<sup>nd</sup> December 2024**

---

**Appeal Ref: APP/J1915/D/24/3345265**

**97 Datchworth Green, Datchworth, Hertfordshire SG3 6TL**

- 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 & Mrs Balchin against the decision of East Hertfordshire District Council.
  - The application Ref is 3/24/0568/HH.
  - The development proposed is single storey rear extension.
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. 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 any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

## Reasons

### *Whether inappropriate development*

3. The appeal site (the site) includes a detached dwelling. The land behind the site is largely undeveloped, and includes residential garden land, agricultural fields and sports pitches, all of which are on higher ground than the appeal site dwelling.
4. Policy GBR1 of the East Herts District Plan 2018 (the Local Plan) states that planning applications in the Green Belt will be considered in line with the provisions of the Framework. As such, the former is consistent with the latter.
5. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to exceptions set out in paragraph 154. One such exception 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.

6. The Framework does not define 'disproportionate additions' and 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.
7. The appeal site dwelling has been extended previously. Figures provided by the Council and not contested by the appellant show the proposal, taken alongside the previous extensions, would result in a total of some 115m<sup>2</sup> of floorspace added to a building originally containing around 157m<sup>2</sup>; an addition of some 73%. The footprint of the dwelling would be increased from around 127m<sup>2</sup> originally to over 182m<sup>2</sup>, an increase of some 43%.
8. The Council cites an approach in which increases are limited to 50% of the original. It is not clear which metric this threshold is applied to, and I have no evidence that the approach is supported by policy. Nevertheless, the Framework prohibits disproportionate additions over and above the *size* of the original building [my emphasis] without specifying a metric. Even if assessed on footprint alone, when taken together the existing and proposed extensions amount to a substantial addition which I find to be disproportionate over and above the size of the original building. Whether the proposed addition is disproportionate to its setting is not a factor in whether it constitutes inappropriate development in the Green Belt.
9. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with Policy GBR1 of the Local Plan, and with the Framework.

### *Openness*

10. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The proposed extension would comprise a building where one did not previously exist and, as such would have a spatial effect on openness. Though not visible from the road, the extension would be visible from neighbouring homes and gardens, as well as from the land behind the site and so has a visual effect on openness. Given the above, the proposal would result in a harmful loss of openness, albeit one which would be limited given the scale of the proposal.

### *Other considerations*

11. The appellants state that had they had the opportunity to revise the appeal scheme they would have amended it so that it was within the limits of permitted development. On this basis there is a greater than theoretical possibility that if the appeal does not succeed, an alternative form of extension will be carried out. In order to attract weight in favour of the development such a fallback would need to be shown to be significantly more harmful than the appeal scheme.
12. The parties are agreed that an extension of the same dimensions could be erected on a slightly different part of the rear elevation as permitted development. However, such an extension would have the same impact on the openness of the Green Belt as the appeal scheme.

13. The appellants argue that a larger extension of up to two storeys could be erected as permitted development. However, there is no evidence before me of this alternative in the form of plans or other details. Therefore, I am unable to conclude with any certainty what impact this alternative would have on the openness.
14. To conclude on the matter of fallback I do not find that any of the options before me have been shown to be more harmful to openness than the appeal scheme. Thus, the potential fallback attracts limited weight in favour of the appeal.
15. The Council refers to the potential for a larger extension with a greater impact on openness to be erected as a prior approval application. There is no evidence before me to suggest that the appellants would pursue this option. Consequently, it also attracts limited weight in favour of the appeal.

### **The Green Belt Balance and Conclusion**

16. The proposal would constitute inappropriate development in the Green Belt and would harm openness. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight, and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. The other considerations in this case are not sufficient to comprise the very special circumstances necessary to justify this development. The development is contrary to Policy GBR1 of the Local Plan, and with the Framework, which seeks to protect the Green Belt.
17. I have considered all other matters raised but none outweigh the conclusions I have reached. 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. The appeal is dismissed, therefore.

*A Knight*

INSPECTOR



---

## Appeal Decision

Site visit made on 29 October 2024

**by Sarah Colebourne MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 November 2024**

---

### **Appeal Ref: APP/J1915/D/24/3350241**

#### **60 The Wick, Hertford, SG14 3HR**

- 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 Karl Graham against the decision of East Herts Council.
  - The application Ref is 3/24/1138/HH.
  - The development proposed is described as 'Erection of part single storey, part two storey rear extension. Single storey front extension. Relocation of first floor rear balcony. Insertion of 4 rooflight windows. Addition of pitched roof to front of house. New first floor side window and alterations to fenestration.'
- 

### **Decision**

1. The appeal is allowed and planning permission is granted for the erection of a part single storey, part two storey rear extension, single storey front extension, relocation of first floor rear balcony, insertion of 4 rooflight windows, addition of pitched roof to front of house, new first floor side window and alterations to fenestration at 60 The Wick, Hertford, SG14 3HR in accordance with the terms of the application, Ref 3/24/1138/HH, subject to the following conditions:-
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 337-01, 337-02, 337-03A, 337-04A, 337-05A, 337-06B, 337-07B, 337-08B.
  - 3) Prior to the commencement of any above ground construction works, the external materials 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.

### **Reasons**

2. The appeal dwelling is a 1960's-built detached two storey house located within an estate of dwellings built in the same period. It is one of four similar dwellings within this part of the road that were built to a similar style with a staggered siting. Like others in the area, some have been extended or altered over the years resulting in some variation but each one has a main gabled front elevation and a consistency in external materials that contributes to the character of the area. The appeal dwelling and its neighbour at no 62 each have a pitched roof two storey side extension set back from the front elevation.

At the appeal dwelling, there is also a first floor balcony across some two thirds of the rear elevation.

3. The rear elevation of the appeal dwelling is set back significantly from no 62 with the long flank wall of that dwelling alongside the side boundary. The rear elevation is set forward of the property on the other side at no 58. The proposed rear extension would maintain this staggered siting and would remain set back from no 62.
4. As it would have a hipped roof that would sit well below the height of the main ridge and the two storey part would not occupy the whole of the rear elevation, it would be sufficiently subservient in size and scale to the main part of the dwelling.
5. A flat roofed rear element would project beyond that with a balcony above together with a screen and a green wall for privacy. A further element with a lean-to roof would sit to the side of the two storey extension adjacent to the boundary with no 58. However, those elements would be subservient to both the two storey extension and to the dwelling as a whole.
6. Whilst the proposed rear extension would add a sizeable volume to the dwelling, it would not be clearly seen if at all from the street and the hipped roof would reduce its bulk and massing to an acceptable degree when seen from the rear of the site and from the rear of the neighbouring properties. The proposal would retain a good sized area of rear garden and given my findings in regards to size, scale, mass and bulk, it would not result in overdevelopment of the site.
7. The Council has raised no objection to the front extensions and alterations or the window alterations and as those would be compatible with the extensions and alterations at the neighbouring dwellings, those are also acceptable.
8. I conclude then that this is a carefully designed proposal that would not result in significant harm to the character or appearance of the area. It accords, therefore, with development plan policies DES4 and HOU11 of the East Herts District Plan (2018) which together require that extensions should be of a high standard of design and should generally appear as a subservient addition to the dwelling.

### **Other matters**

9. Whilst the Council has not objected to the proposal in terms of its effect on the living conditions of neighbouring occupiers, I have had careful regard to the representations made to the planning application.
10. I agree with the Council that the proposed screen and green wall would provide sufficient screening of no 62 from the proposed balcony which is not a new element and there is already some overlooking of no 58 from the existing balcony as acknowledged by the Council. As the new balcony would be positioned further in to the garden of the appeal site than the existing, any overlooking would be of the lower part of the garden of no 58 rather than across its patio area as at present and this would be an improvement in terms of privacy.
11. Given the 2.5m distance of the two-storey extension from the side boundary with no 58 and the limited height of the single storey extension, there would

not be any significant impact in terms of light or outlook to that property either.

12. I conclude then that the proposal would not cause significant harm to the living conditions of the neighbouring occupiers and would accord with development plan policy HOU11 that also seeks to ensure that proposals do not significantly affect the amenity of neighbours.

**Conditions**

13. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, in order to provide certainty. A condition is also necessary for the approval of external materials as the application does not provide full details of those and in the interests of the character and appearance of the area.

**Conclusion**

14. For the reasons given above, I conclude that the proposal is in accordance with the development plan and there are no material considerations that would outweigh that. The appeal should be allowed.

*Sarah Colebourne*

Inspector



# Appeal Decision

Site visit made on 11 November 2024

by **J Pearce MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11<sup>th</sup> December 2024

---

**Appeal Ref: APP/J1915/W/24/3341758**

**Land At Brookfield Lane, Aston End SG2 7HG**

- 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 Ronan Murray against the decision of East Hertfordshire District Council.
  - The application Ref is 3/23/1348/FUL.
  - The development is described as the continued use of land for dog walking activity (Sui Generis), with proposed longer daily hours of operation (07:00 - 19:00), also to be used at weekends, the maximum number of dogs on site to be increased to 20, the private rental of the site for a maximum of 2 members of the public to exercise their dogs, the designation of a portion of the site to agricultural use, and car parking to take place within the site.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application form and appeal form state that the appeal site address is '1 Brookfield Lane', whereas the decision notice refers to the site as 'Land at Brookfield Lane. I have taken the address from the decision notice as this is sufficiently precise. I do not consider that this has prejudiced any of the parties and I have proceeded on this basis.
3. The application form states that the development has already taken place. I have therefore dealt with the appeal on the basis that planning permission is being sought retrospectively for the change of use.

## Main Issue

4. The main issue is effect of the proposed development on highway safety, with regard to access and the provision of parking.

## Reasons

5. The appeal site comprises part of a large field accessed from Brookfield Lane. The existing access is set back from the edge of the carriageway beyond an informal layby. An area of land covered by protective matting provides access to the dog walking area. Planning permission has been granted under reference 3/22/0378/FUL for the use of the site for dog walking purposes. The permission limits the number of dogs to 10 accompanied by two members of staff using one vehicle.



6. The development is for the increase in the maximum number of dogs to 20, the extending of operating hours to 0700 to 1900 and the additional use of the dog walking area by private clients when not in use by the appellant's business. The appellant states that the dog walking area is used by up to two households at any one time and that appointments are separated by a 10-minute buffer.
7. The use of the field by members of the public increases the vehicle movements at the access. The submitted plans do not provide a layout of the site, including the position of the access, including the gates, and whether vehicles would not overhang the highway if the gates are closed. There is no indication of the number or position of the parking spaces to accommodate the additional visitors at the site. Moreover, the plans do not include a layout of the manoeuvring area that demonstrates that vehicles can enter and exit the site in a forward gear.
8. The Council has suggested, in the event that the appeal is allowed, a condition requiring the submission of a plan detailing the size and siting of the parking and manoeuvring arrangements in relation to the existing access. However, the submitted details do not provide sufficient information regarding the potential number of vehicles that would visit the site and do not demonstrate that vehicles could enter and exit the site in a forward gear without obstruction. Given that there is no substantive evidence before me in respect of the levels of use associated with the development, I cannot be certain that safe and suitable access can be achieved for all users.
9. I conclude that it has not been demonstrated that the proposal does not have an unacceptable effect on highway safety. The development therefore conflicts Policy TRA2 of the East Herts District Plan 2018, which requires that development proposals should ensure that safe and suitable access can be achieved for all users.

### **Other Matter**

10. The Council have not raised concerns in respect of the number of dogs or the hours of operation. Based on the evidence before me, I see no reason to disagree. Nevertheless, the absence of harm is a neutral factor and does not outweigh the unacceptable effect on highway safety.

### **Conclusion**

11. The development conflicts with the development plan. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

*J Pearce*

INSPECTOR



## Appeal Decisions

Site visit made on 24 October 2024

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 19 November 2024**

---

### **Appeal A Ref: APP/J1915/W/23/3332238**

#### **8 Pole Hole Farm, Pye Corner, Gilston, Hertfordshire CM20 2RP**

- 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 Magri Builders Ltd against the decision of East Hertfordshire District Council.
  - The application Ref is 3/23/1396/FUL.
  - The development proposed is conversion of existing agricultural building to a residential unit.
- 

### **Appeal B Ref: APP/J1915/W/24/3339561**

#### **8 Pole Hole Farm, Pye Corner, Gilston, Hertfordshire CM20 2RP**

- 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 Magri Builders Ltd against the decision of East Hertfordshire District Council.
  - The application Ref is 3/23/2190/FUL.
  - The development proposed is conversion of existing agricultural building to a residential unit.
- 

### **Decisions**

1. Appeal A is dismissed.
2. Appeal B is allowed, and planning permission is granted for conversion of existing agricultural building to a residential unit, at 8 Pole Hole Farm, Pye Corner, Gilston, Hertfordshire CM20 2RP, in accordance with the terms of the application, Ref 3/23/2190/FUL, subject to the conditions in the attached schedule.

### **Preliminary Matters**

3. This decision letter addresses two appeals at the same site, as set out in the banner headings above. Both appeals concern similar proposals with some minor differences. While I have determined each appeal on its own merits, I have addressed the common issues together to ensure conciseness and avoid duplication.
4. The application under Appeal A was determined before the application under Appeal B was submitted. The Appeal B application included additional evidence, which the Council's officer report confirms addressed the reason for refusal of the Appeal A application concerning the loss of an agricultural building. Given the similarities between the two proposals, I am satisfied that this conclusion can be applied to both appeals, and this issue is no longer in dispute between the main parties.

## **Main Issues**

5. The main issues in the case of both appeals are:
  - whether the appeal site is a suitable location for housing, having regard to access to services and sustainable transport; and
  - whether the proposal would be inappropriate development in the Green Belt, and if so, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations that would amount to the very special circumstances required to justify the proposal.
6. Additional main issues in the case of Appeal A only are:
  - whether the proposal would have an acceptable effect on the character and appearance of the area; and
  - whether the proposal would make adequate provision for biodiversity.

## **Reasons**

### *Suitability of location*

7. The appeal site consists of a detached single-storey building within a gated complex comprised predominantly of residential units. The complex occupies the site of a former dairy farm, and the appeal building itself remains designated for agricultural use.
8. The site is located outside of a settlement and lies within the countryside. However, it is situated within a cluster of existing residential properties and is reasonably close to the nearby settlements of Gilston and High Wych, which have a range of local services and facilities. The larger settlement of Harlow, which provides a broader selection of amenities and public transport links, is located further to the south.
9. Despite the site's reasonable proximity to settlements, I observed during my visit that accessing them without a private car would be challenging. The site is adjacent to the main road linking High Wych, Gilston and Harlow. However, this road has a 60mph speed limit, is unlit, and lacks a footpath. The grass verges on either side were muddy and slippery during my visit and appeared unsuitable for individuals with pushchairs, wheelchairs or other mobility aids. The road itself is busy, relatively narrow, winding and undulating, with some vehicles travelling high speeds. I also observed conflicts between cyclists and vehicles, and these issues would likely worsen after dark, further deterring cyclists.
10. The appellant has highlighted that the road is served by bus routes providing access to larger settlements such as Harlow. However, reaching the nearest bus stops would still involve walking along unlit, footpath-free roads. While there are public rights of way connecting the site to nearby settlements, these routes appear largely unpaved, unlit, and in some places across challenging terrain.
11. The appellant also points to a development plan allocation and undetermined planning applications for several thousand dwellings and associated infrastructure on land to the opposite side of the adjacent road, known as

Gilston Garden Village. While this development may improve accessibility to the appeal site in the future, I am provided with limited detail of the proposal, its certainty, or its delivery timeline. As such, I can give limited weight to this matter and must base my observations on the current conditions and my observations during my visit.

12. Policy DPS2 of the East Herts District Plan, October 2018 (the DP) summarily seeks to deliver sustainable development by directing development towards – in hierarchical order – sustainable brownfield sites, sites in urban areas, urban extensions, and limited development in villages.
13. The appellant contends that the site is brownfield land. However, the National Planning Policy Framework (the Framework) explicitly excludes land that is or was last occupied by agricultural or forestry buildings from its definition of brownfield land. Accordingly, I do not find the site to be brownfield land, and it does not sit within the hierarchy defined by Policy DPS2.
14. Policy TRA1 of the DP summarily seeks to locate development in places which enable sustainable journeys to be made to key services and facilities, and to ensure that a range of sustainable transport options are available to occupants or users.
15. In light of the above considerations, I conclude that private car travel would likely be the default mode of transport for future occupiers of the proposed development. Accordingly, the development proposals subject to both appeals would not be suitably located in terms of access to services and sustainable transport, resulting in conflict with Policies DPS1 and TRA1 of the DP, the aims of which have previously been set out.

*Whether inappropriate development in the Green Belt*

16. The site is located within the Green Belt. Paragraph 152 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
17. Paragraph 155 of the Framework identifies certain forms of development that are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. One such form of development is the re-use of buildings, provided they are of permanent and substantial construction. In this case, both parties agree that the proposals qualify as such development. Therefore, the question of inappropriateness rests on the respective effects of the proposals on the openness of the Green Belt.
18. Both appeals propose timber enclosures for the storage of bicycles and refuse bins. During my visit, I observed that the refuse enclosure was in position adjacent to the front of the building. It was modest in scale, constructed of materials closely matching the building it served, and was similar to structures found at neighbouring dwellings. Although the proposed bicycle storage was not yet in place, it too would be modest in scale and materiality, and would blend in with the adjacent tall brick wall forming part of the wider gated complex. Given their modest scale, compatibility with the existing built environment, and integration into the wider surroundings, these structures would preserve the openness of the Green Belt in both spatial and visual

terms. They would also not conflict with any of the five purposes of including land within it, as outlined in the Framework.

19. The Council has raised concerns about the potential addition of other domestic paraphernalia, such as play equipment or washing lines. However, these hypothetical scenarios are not part of the proposals before me. Furthermore, if the building were returned to its lawful agricultural use, similar paraphernalia associated with that use could have comparable effects on the openness of the Green Belt.
20. The primary distinction between the two appeal proposals lies in the proposed boundary treatments for the garden area. The Appeal A scheme includes close-boarded fencing, while the Appeal B scheme proposes a hedgerow.
21. The garden area is situated to the front and side of the existing building. It is currently partly enclosed between the side wall of the building and a brick wall adjacent to the entrance to the complex. Under the Appeal B scheme, the proposed hedgerow would provide a natural and verdant enclosure that would complement the existing surroundings without adversely affecting the openness of the Green Belt. In contrast, the close-boarded fencing proposed in Appeal A would introduce a solid, visually imposing boundary that would create an undue sense of enclosure. This would appear as a dominant physical feature, detracting from the visual and spatial openness of the Green Belt.
22. As such, the boundary treatment in Appeal A would fail to preserve the openness of the Green Belt and would constitute inappropriate development. This would conflict with Policy GBR1 of the DP, which requires development proposals within the Green Belt to be considered in line with the provisions of the Framework, which have previously been set out.
23. Conversely, the Appeal B proposal would preserve the openness of the Green Belt. For the reasons set out previously, I conclude that it would not be inappropriate development in the Green Belt and would accord with Policy GBR1 of the DP.

#### *Character and appearance*

24. The neighbouring dwellings within the complex feature frontages that are largely open, blending seamlessly into their front gardens and the communal areas beyond. Soft landscaped elements, such as hedges and lawns, contribute to the green and spacious character that defines the complex.
25. The solid boundary treatments proposed in Appeal A would introduce a prominent and uncharacteristically enclosed feature around the front garden. This would disrupt the open and spacious character of the complex, creating a stark contrast with the prevailing sense of openness and greenery in the surrounding area.
26. For these reasons, I conclude that the Appeal A proposal would harm the character and appearance of the area. It would therefore conflict with Policy DES4 of the DP, which summarily requires all development proposals to be of a high standard of design and layout to reflect and promote local distinctiveness.

### *Biodiversity*

27. Policies NE2 and NE3 of the DP require all proposals to achieve a net gain in biodiversity, where it is feasible and proportionate to do so. While the Council is satisfied that the additional soft landscaping included in the Appeal B proposal would meet these policies, it considers that the Appeal A proposal falls short of compliance.
28. The appellant notes that the site previously had minimal biodiversity value. I acknowledge that the building has recently been renovated, with previous planning permission allowing for landscaping enhancements that may have improved its biodiversity value. However, my assessment must focus on the current proposal, which provides limited evidence of additional biodiversity enhancement.
29. Although the appellant suggests that biodiversity improvements could be secured through a planning condition, the lack of detail in the current proposal makes it uncertain whether such enhancements could be delivered without requiring alterations to other aspects of the scheme. Imposing such a condition would not meet the tests set out at paragraph 56 of the Framework, which requires planning conditions to be reasonable and enforceable.
30. For these reasons, I conclude that the Appeal A proposal fails to provide sufficient evidence to demonstrate a net gain in biodiversity. As such, it would conflict with Policies NE2 and NE3 of the DP, the aims of which have previously been set out.

### **Planning Balance**

31. The Council confirms it cannot demonstrate a five-year supply of deliverable housing sites. While the full extent of the shortfall has not been provided, footnote 8 of the Framework makes clear that in such circumstances, the tilted balance set out at paragraph 11 d) of the Framework is engaged. This requires that development proposals be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework as a whole.
32. The appeal site lies within an existing predominantly residential complex, and the building's external appearance is consistent with the neighbouring residential properties. Given the viability challenges associated with reusing the building for agricultural purposes or alternative employment-generating uses, its reuse for residential purposes would align with its surroundings and make effective use of the land, reflecting a key objective of the Framework.
33. The proposals would also contribute positively to the supply of housing in an area with an identified shortfall, which supports the Government's objective to significantly boost the supply of homes. While this contribution would be modest in scale, it nonetheless carries significant weight in the context of the paragraph 11 d) balance.
34. In terms of Appeal A, the proposal would conflict with the policies of the development plan and the Framework in several respects including its location, its effects on biodiversity and the character and appearance of the area. Furthermore, the proposal would constitute inappropriate development in the Green Belt, which the Framework directs must be given substantial weight. I have identified no specific considerations that would amount to the very

special circumstances required to justify the proposal. Taking these issues cumulatively, I conclude that the adverse impacts of approving the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

35. Turning to Appeal B, and the harm arising from this proposal is limited to its location, with specific regard to access to services and sustainable transport. While this does conflict with the development plan, I give significant weight to the benefits of the proposal set out above. Moreover, using the building for its lawful purpose or a similar alternative use would likely face similar challenges in terms of accessibility and sustainable transport. Therefore, I find that the adverse impacts of the Appeal B proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently, I conclude that the proposal can be supported as sustainable development under paragraph 11 d) of the Framework.

### **Conditions**

36. The Council has provided a list of suggested conditions that I have considered against the tests set out in the Framework and the Planning Practice Guidance (the PPG). To ensure compliance with the tests I have amended, and in some cases omitted, certain conditions.
37. Conditions relating to the standard time limit for the commencement of development and to specify approved plans are necessary in the interests of certainty. It is not necessary to add a separate condition relating to the construction of the external areas, as these details are secured through the plans condition.
38. A condition requiring the submission and approval of a scheme of landscaping is necessary in the interests of biodiversity and the character and appearance of the area. Given the building subject to the development is already in situ and limited physical changes are proposed, it is not necessary for this to be a pre-commencement condition. These details can therefore be secured prior to occupation.
39. A condition requiring the installation of an electric vehicle charging point prior to the occupation of the development is necessary in the interests of promoting sustainable transport and technology.
40. The appellant considers that the Council's suggested condition relating to water consumption is not necessary because this matter can adequately be dealt with under the Building Regulations. However, Policy WAT4 of the DP specifically requires residential development to be designed so that mains water consumption meets a target of 110 litres or less per head per day. As this is a requirement of the adopted development plan, it is not appropriate to rely on its requirements being delivered through Building Regulations. Subject to some minor revisions, I therefore find the suggested condition reasonable and necessary in the interests of minimising water consumption.

### **Conclusions**

41. In the case of Appeal A, I have identified conflict with the development plan and there are no other considerations that would lead me to a decision other

than in accordance with the development plan. I therefore conclude that Appeal A should be dismissed.

42. In the case of Appeal B, although there is conflict with the development plan, the material considerations I have identified are sufficient to lead me to a decision other than in accordance with the development plan. Therefore, having regard to all matters, including the provisions of the Framework, I conclude that Appeal B should be allowed subject to the conditions listed in the attached schedule.

*P Storey*

INSPECTOR



### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:  
PHF5/OS Rev C – Location Plan Building 5  
PHF5/P/31 Rev A – Proposed Plans Building 5  
PHF5/P/32 Rev B – Proposed Elevations Building 5
- 3) Prior to first occupation of the development hereby approved, details of landscaping shall be submitted to and approved in writing by the local planning authority. This shall include full details of soft and hard landscape proposals, planting plans, schedules of plants, species, planting sizes, density of planting, and a timetable for implementation and maintenance. The scheme shall thereafter be implemented and maintained in accordance with the approved details.
- 4) Prior to first occupation of the development hereby approved, a scheme of measures to ensure the development meets a mains water consumption target of 110 litres or less per person per day shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development and retained as such thereafter.
- 5) Prior to first occupation of the development hereby approved, one electric vehicle charging point shall be provided and thereafter retained for the use of occupiers.

\*\*\*\* End of conditions \*\*\*\*

---

# Appeal Decision

Site visit made on 2 September 2024

by **R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL**

an Inspector appointed by the Secretary of State

Decision date: 20 November 2024

---

## Appeal Reference: APP/J1915/D/24/3342301

### Land at 'Little Gobions', Stapleford, Hertfordshire SG14 2BF

- 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. D. Shipton against the decision of East Herts Council.
  - The application reference is 3/23/1557/HH.
  - The development proposed is described in the application form as "*the demolition of the existing stables and garage building and its replacement with a new studio, changing facilities, garage and garden store plus adjoining swimming pool*".
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr D. Shipton (the Appellant) against East Herts Council. This application is the subject of a separate Decision.

### Preliminary points

3. A Written Ministerial Statement entitled "Building the homes we need" was published on 30 July 2024, together with a consultation on "Proposed reforms to the NPPF and other changes to the planning system". In this case, however, I am satisfied that they do not materially affect the considerations that have led me to my decision. I am convinced, therefore, that there is no requirement to seek further submissions on these publications and that no party would be disadvantaged by such a course of action.

### Main issues

4. The first main issue to be determined in this appeal is whether the proposal is "inappropriate development" having regard to the 'National Planning Policy Framework' and any relevant development plan policies. If so, in this case, it is necessary to consider the effect of the proposed development on the openness of the Green Belt as well as the impact of the proposed development on the surroundings. It is then necessary to determine 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 that are required to justify inappropriate development in the Green Belt.

5. If the proposed development is to be categorised as “not inappropriate”, it is nonetheless necessary, in this case, to consider the impact of the proposed development on the character and appearance of the surroundings.

## **Reasons**

### *Background*

6. The appeal site is located in the countryside, some distance to the north of Hertford. It lies to the west of the A119, between the villages of Waterford and Stapleford, and is reached by way of a driveway from the main road through an area of woodland. The driveway serves two residential properties and provides access to adjoining farmland as well as to the woodland itself. ‘Little Gobions’ has a side boundary with another residential property at ‘Hubbards’ but is otherwise surrounded by agricultural land in a rural landscape. The area lies within the Green Belt.
7. The existing dwelling at ‘Little Gobions’ is a substantial bungalow with rendered walls under a slate roof. Prior approval has been granted for certain extensions and alterations to it, although these had not been carried out at the time of the site visit. The bungalow is located towards the rear of its large plot, with a garden that is mainly laid to grass, with trees and shrubs. The land rises gently towards the rear (southern) boundary, adjacent to which there is a separate single-storey outbuilding. This is constructed as a double garage together with stables for several horses but it is now in use primarily for domestic uses ancillary to the residential use of the site, including as a dance studio. The outbuilding is also largely rendered, with a pitched slate roof.
8. It is now proposed to demolish the existing stables and garage building and to clear away the building from this part of the site. A new detached outbuilding would be constructed elsewhere, to include a new studio, changing facilities, garage and garden store. The new building would be sited in front of the bungalow, alongside the western side boundary of the property and adjoining agricultural land. A new swimming pool would be created near to the front boundary. The site drawing included with the planning application also includes a garden landscaping design.

### *Policy context*

9. The ‘National Planning Policy Framework’ makes it plain, at paragraphs 152-156, that the construction of new buildings is not normally acceptable in the Green Belt and that they should only be permitted in “very special circumstances”, subject to certain exceptions. Nevertheless, the replacement of an existing building in the Green Belt can be acceptable, as one such exception, “provided the new building is in the same use and not materially larger than the one it replaces”. Moreover, the partial or complete redevelopment of previously developed land may also be acceptable, if it would “not have a greater impact on the openness of the Green Belt than the existing development”.
10. More generally, the ‘National Planning Policy Framework’ also emphasises the aim of “achieving well designed places” in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, by adding to

the overall quality of the area and being visually attractive and sympathetic to local character and history (while not preventing or discouraging appropriate innovation or change).

11. The 'East Herts District Plan October 2018' confirms, at Policy GBR1 that planning applications within the Green Belt "will be considered in line with the provisions of the 'National Planning Policy Framework'". Other policies focus on broader design issues. Policy DES4 is concerned with "Design of Development" in broad terms, promoting a "high standard of design and layout", while Policy HOU11 specifically addresses "Extensions and Alterations to Dwellings, Residential Outbuildings and Works Within Residential Curtilages", with the aim that such development should be "appropriate to the character, appearance and setting of the existing dwelling and/or the surrounding area", among other things.

*Green Belt considerations*

12. The proposed new outbuilding would be clearly separate from the existing dwelling at 'Little Gobions', as is the existing outbuilding. I acknowledge that, in some cases, it may be appropriate to treat a domestic outbuilding as an extension to its host building, but in this case, bearing in mind the scale, nature and layout of the different buildings, I have treated the proposed new outbuilding in this case as a replacement building rather than as an extension to the dwelling.
13. The new outbuilding would be used for purposes ancillary to the residential use of the property as a whole, as is the existing outbuilding. Its gross external area ("GEA") is given as 161 square metres, whereas the gross external area of the existing stables and garages, "as currently built", is given as 127 square metres. The proposed and existing outbuildings would have similar ridge heights, however.
14. In this case, it is necessary to consider whether the proposed building would be materially larger than the existing building that it would replace. That assessment does not take account of potential additional construction which may already have been permitted, although the circumstances may well be important as a material consideration in the overall planning analysis. In this case, I have concluded that the proposed new outbuilding would be "materially larger" than the existing garage and stables and that, therefore, the exception relating to replacement buildings (referred to above) does not apply.
15. I have also considered whether the proposal could be considered to be a partial redevelopment scheme that would not have a greater impact on the openness of the Green Belt than the existing development. The new outbuilding would be larger than the existing building and it would be more prominent visually, being located on the front part of the site. The proposed new swimming pool would also have a visual impact on openness, by comparison with the existing appearance of the site. An assessment of openness, in the Green Belt context, includes both a spatial element and a visual element and I have concluded that the finished scheme would have a greater impact on openness than the existing development. Again, therefore, it cannot benefit from the relevant exception that I have cited above.

16. In short, I have formed the opinion that the proposed development must be described as “inappropriate development” within the Green Belt, in the terms of the policies that are expressed in the ‘National Planning Policy Framework’ and the ‘East Herts District Plan October 2018’ (notably Policy GBR1), and considered on that basis.
17. In addition, the scheme as a whole would reduce the openness of the Green Belt in both a spatial and a visual sense.

*Character and appearance*

18. It is necessary, then, to consider the impact of the proposed development on the character and appearance of the surroundings. The new construction would be simple in form and detailing, making use of traditional materials and having the character of an agricultural style building. I accept that it would be a well designed building and that it would replace an existing outbuilding that serves a similar ancillary domestic purpose.
19. Nevertheless, it would be located in a more prominent part of the site, even taking account of the potential for additional screen planting on the boundaries. It would be relatively bulky, by comparison with the bungalow. Moreover, the closeness of the proposed pool to the front boundary, and the associated extensive hard surfacing would combine to suburbanise the site and detract from the rural character of the location. Hence, the proposed development would have an adverse effect on the character and appearance of the surroundings and it would fail to accord with both local and national planning policies that are intended to promote good design and respect local character (including, specifically, Policies DES4 and HOU11 of the ‘East Herts District Plan October 2018’).

*Very special circumstances*

20. It has been argued that substantial additional construction could be undertaken on the appeal site, without the need for further planning permission. Such considerations do not alter my earlier conclusions on the question whether the proposed development is to be considered to be “inappropriate” or “not inappropriate” for the purposes of applying Green Belt policies, but they may be capable of amounting “very special circumstances”.
21. Particular attention has been drawn to the permission that was granted previously for a changing room and greenhouse with a swimming pool and stables extension (under reference 3/795-74, dated 19 June 1974). That grant of permission is a material consideration (whether implemented or not) but it is an old permission and the evidence for implementation is by no means clear-cut. No application has been made for a formal Certificate of Lawfulness, which might have clarified the position.
22. It is not the purpose of this Decision to formally determine the lawfulness of a proposal to complete that earlier scheme and, in the light of the evidence submitted, I attach only limited weight to the prospect of its completion. Notwithstanding the arguments that have been presented, I am not persuaded that very special circumstances apply in this case, to justify the grant of planning permission.

*Conclusions*

23. As the proposed development is to be considered as “inappropriate development” in the Green Belt, planning harm would arise by reason of that inappropriateness. Moreover, the scheme would have an adverse effect on the openness of the surroundings and it would dominate the front of the appeal site, unduly suburbanising the setting and causing additional harm to the character and appearance of the surroundings.
24. Evidently, the proposed development would make a useful addition to the existing house and it is submitted that the potential for alternative development to be carried out would justify the proposals. Even so, I am not persuaded that other planning considerations in this case clearly outweigh the harm that has been identified (in combination), so as to amount to the very special circumstances that are required to justify inappropriate development in the Green Belt.
25. I have therefore concluded that the appeal must fail and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

*Roger C. Shrimplin*

INSPECTOR

---

## Costs Decision

Site visit made on 2 September 2024

**by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL**

an Inspector appointed by the Secretary of State

Decision date: 20 November 2024

---

### **Costs Application in relation to Appeal Ref: APP/J1915/D/24/3342301 Land at 'Little Gobions', Stapleford, Hertfordshire SG14 2BF**

- 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. D. Shipton for a full award of costs against East Herts Council.
  - The appeal was made against the refusal of planning permission for "*the demolition of the existing stables and garage building and its replacement with a new studio, changing facilities, garage and garden store plus adjoining swimming pool*".
- 

#### **Formal Decision**

1. I refuse the application for an award of costs against East Herts Council.

#### **Submissions on behalf of Mr. D. Shipton (the Appellant)**

2. The appellant argues that the Council delayed the planning application and failed to explain and justify themselves. In particular, in the context of the planning appeal, it is asserted that the Council "declined to justify why the extant permission to extend the stables is not valid despite clear evidence being presented" and applied irrelevant area calculations in their analysis of the proposed development.
3. It is therefore claimed that the Council behaved unreasonably and that the Appellant's costs of the appeal should be met by the Council.

#### **Submissions by East Herts Council**

4. The Council state that additional time was needed, in continuing discussions with the Appellant, researching the history, and awaiting consultee responses. Moreover, they argue that their concerns are clearly explained in the wording of the formal reasons for refusal. They argue that they have explained both their initial concerns and the subsequent reasons for refusal and that they have defended their refusal of planning permission based on policies in the 'National Planning Policy Framework' and the Development Plan.
5. The Council submits that the application for an award of costs should be rejected.

## **Reasons**

6. The 'Planning Practice Guidance' 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.
7. I note that the Council's responses to points raised by the applicant during the application process were inadequate in some respects and that consultation during the planning application process appears to have been difficult. Nevertheless, I am aware that the application for costs relates to unnecessary or wasted expense in the appeal proceeding, as distinct from the application process. Thus, the way in which the Council dealt with the planning application does not affect my conclusions on the application for the costs of the subsequent appeal.
8. The application of Green Belt Policy can be complex and its interpretation may not always be easy. The Council have considered the proposed outbuilding as if it were an extension to the existing dwelling but I have not adopted this approach. Nevertheless, the Council's approach to this complex area cannot be described as unreasonable.
9. Reference has also been made to an old planning permission and evidence has been submitted as to its relevance, although no application has been made for a Certificate of Lawfulness and, in the circumstances, I have not been able to attach great weight to that planning history.
10. In conclusion, while the Appeal Decision does not accept the Council's detailed reasoning, I have supported their overall approach and the appeal has been dismissed.
11. Therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the 'Planning Practice Guidance', has not been demonstrated and I hereby refuse the application for costs against East Herts Council.

*Roger C Shrimplin*

INSPECTOR





# Appeal Decision

Site visit made on 30 September 2024

by **J Pearce MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 19 November 2024**

---

**Appeal Ref: APP/J1915/W/24/3337986**

**Flat 3 29C, North Street, Bishop's Stortford, Hertfordshire CM23 2LD**

- 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 & Mrs A & P Norris against the decision of East Hertfordshire District Council.
  - The application Ref is 3/23/1750/FUL.
  - The development proposed is a second floor extension to create duplex to existing flat at front.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application states that the site address is 29c Flat 3, whereas the decision notice and appeal form refer to the site as Flat 3 29C. I have taken the address from the decision notice and appeal form as this is more precise. I do not consider that this has prejudiced any of the parties and I have proceeded on this basis.
3. The description of development within the application form refers to the proposal being a resubmission of an earlier application. The resubmission of a proposal is not an act of development under s55 of the Town and Country Planning Act 1990 and so I have not included this within the description above.
4. This appeal relates to an unlisted property. However, one of the disputed issues is with regard to the potential effect of the proposal on the adjacent Grade II listed building. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act). Section 66 (1) requires that I have special regard to the desirability of preserving the building or any features of special architectural or historic interest which it possesses where development which affects a listed building. I have proceeded with the appeal on this basis.

## Main Issues

5. The main issues are:
  - whether the proposed development would preserve or enhance the special architectural or historic interest of the Grade II listed building, No 31 North Street (No 31)<sup>1</sup>;

---

<sup>1</sup> 1307818

- whether suitable living conditions would be provided for future occupants of the proposed development, with regard to the provision of internal space; and
- whether the proposed development would deliver biodiversity net gain.

## **Reasons**

### *Listed building*

6. The appeal site comprises a two-storey property within a terrace of buildings to one side of North Street. The property is adjacent to No 31, a Grade II listed building, which is in use as a public house and dates from the 17<sup>th</sup> Century with later 19<sup>th</sup> Century alterations. Its façade displays a jettied first floor, a steep pitched roof constructed of red tile and various elements of decoration all of which contribute to the building's traditional appearance. Given the above, I find that the significance of the listed building, insofar as it relates to this appeal, to be primarily with its historic form, traditional materials and architectural interest.
7. The existing roof and upstand associated with the host property would be altered, and part of the affected roof slope and upstand is attached to both the host building and the listed building. There would potentially therefore need to be a change to the fabric of the listed building to facilitate the works. Given the historic materials and architectural significance associated with the adjacent listed building's roof form, I would expect detailed analysis in this regard. However, there is no substantive evidence before me in this regard and insufficient information has been provided to determine any potential harm to the listed building.
8. I cannot therefore be certain that the proposal would not harm the listed building, for example with regard to loss of historic fabric, or its breathability or stability. Given the potential adverse consequences of allowing the proposed works before these matters have been addressed, and my duty under S66 of the Act, I consider that it would not be appropriate to leave such detail to be controlled by conditions. Consequently, I am unable to conclude that the proposal would preserve the special interest of the Grade II listed building.
9. I conclude that it has not been satisfactorily demonstrated that the proposal would preserve or enhance the special architectural or historic interest of the listed building. The development therefore conflicts with Policies HA1 and HA7 of the East Herts District Plan 2018 (DP) and the Framework, which collectively require proposals to preserve the historic environment and requires that great weight should be given to the asset's conservation.
10. The Council has referred to Policy DES4 of the DP in its reason for refusal. This policy relates to the design of development and does not relate directly the considerations within this issue.

### *Living conditions*

11. The site includes a first floor flat consisting of a bedroom, bathroom and a combined living, kitchen and dining room. The existing accommodation is constrained and provides limited space for occupants. While the living, kitchen

and dining room provides is particularly confined, the level of existing harm is limited by the lower number of occupants.

12. The proposal would add a second bedroom and a small study area at second floor level. The Council has suggested that the proposal would provide a floor area of 63.8 square metres, which is below the minimum standards of 70 square metres set out in the Nationally Described Space Standards 2015. The appellant has not disputed this figure and there is no substantive evidence before me to find against this figure.
13. The proposed Bedroom 2 would provide a good standard of accommodation for future occupants given its size and layout. Nonetheless, the proposal would allow for an increase in the capacity of the flat with limited additional shared spaces. The living, kitchen and dining room would be particularly cramped with limited communal space for future occupants to dine or socialise within a private setting. Consequently, the proposal would provide a poor standard of accommodation for future occupants of the flat.
14. I conclude that the proposal would not provide suitable living conditions for future occupants of the development in respect of internal space. The development therefore conflicts with Policy DES4 of the DP, which requires that all internal rooms are of an appropriate size and dimension so that the intended function of each room can be satisfactorily achieved.

#### *Biodiversity*

15. Policy NE2 of the DP states that all proposals should achieve a net gain in biodiversity where it is feasible and proportionate to do so. The proposal is for an additional storey to a building within an urban setting to create further living accommodation. Consequently, and given the confined size of the site, it would not be feasible to create opportunities for wildlife and achieve a net gain in biodiversity. The proposal would therefore accord with Policies NE2 and NE3 of the DP.

#### **Other Matters**

16. The site is within the Bishop's Stortford Conservation Area (CA). As required by Section 72 (1) of the Act, I have paid special regard to preserving or enhancing the character or appearance of a conservation area. The CA is focussed on the town centre of Bishop's Stortford, with its street pattern associated with its market town function.
17. Development in North Street is varied in scale and in terms of the design and age of buildings. There is a mix of two and three-storey buildings in the area with stepped ridge lines following the gradient of the land. The roof pitches and heights also vary, particularly within the row of buildings including the site where the rooflines step down with the gradual decline of the land level.
18. The proposal would retain the roof pitch and utilise similar materials to that used in the existing building. Moreover, the proposal would maintain the stepped roofline on this side of North Street. Bearing in mind the extent, nature and location of the proposed development, the character and appearance of the CA as a whole would be preserved. I note that the Council has raised no objection in this regard, nevertheless the lack of harm weighs neutrally and does not alter my overall conclusions on the main issues.

19. I have had regard to concerns raised by the appellant about the way that the Council handled the planning application, including the Council's pre-application service. These issues are procedural points between the main parties, which are not relevant to my consideration of the case before me.

**Conclusion**

20. Paragraph 208 of the Framework states that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. The proposal would increase the size of an existing dwelling. However, the accommodation would not provide suitable living conditions for future occupants of the property. Consequently, the limited public benefits of the proposal would not outweigh the harm identified to the listed building.
21. The proposal conflicts with the development plan when considered as a whole. Material considerations do not indicate that a decision should be made otherwise than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

*J Pearce*

INSPECTOR



# Appeal Decision

Site visit made on 11 November 2024

**by J Pearce MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6<sup>th</sup> December 2024**

---

**Appeal Ref: APP/J1915/W/24/3341694**

**Land east of London Road, Spellbrook, Hertfordshire CM23 4AU**

- 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 James Laird against the decision of East Hertfordshire District Council.
  - The application Ref is 3/23/1857/FUL.
  - The development proposed is the erection of stables and associated native species planting.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application form.

## Main Issues

3. The main issues are:
  - whether the proposal would be inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework (the Framework);
  - the effect of the proposed development on the character and appearance of the area;
  - whether suitable external space would be provided for the welfare of horses; and
  - if it is inappropriate, whether the harm to the Green Belt by reason of inappropriateness, or any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

## Reasons

### *Whether the proposal is inappropriate development*

4. The Framework explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
5. The appeal site comprises a large field, primarily to the rear of a row of dwellings fronting London Road. The site extends to the rear of the frontage properties with a railway line forming the rear boundary. The site is predominantly undeveloped, other than small sheds and building materials close to the access point. The proposal is for a stables building positioned parallel to the side boundary of the site.
6. Policy GBR1 of the East Herts District Plan 2018 (DP) states that proposals within the Green Belt will be considered in line with the provisions of the Framework. Paragraph 154 of the Framework regards the construction of new buildings as inappropriate in the Green Belt. An exception to this is the provision of appropriate facilities) in connection with the existing use of the land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
7. In addition, Paragraph 155 of the Framework sets out certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes material changes of use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).
8. There is no dispute between the parties that the proposal would relate to the use of the site for outdoor recreation given the equine purposes of the proposed building. While there are buildings and piles of building materials within the site, these are limited in size and discreetly positioned close to the access track and development at the neighbouring properties such that they have a minimal effect on the openness of the site. The site is otherwise largely devoid of permanent buildings and structures.
9. The proposed building would include two stables and a tack room with hay storage space. The building would significantly increase built development where none currently exists. There would be a material, albeit limited, degree of encroachment of built development, beyond the built-up area of the settlement. In spatial terms, this would amount to a loss of openness and would also conflict with the Green Belt purpose of safeguarding the countryside from encroachment.
10. The building would be partly obscured in views from London Road by the dwellings fronting the road. The proposed boundary hedge planting would, over time, limit the visual effect of the proposal on the area. However, the building would be visible from the public right of way adjacent to the site and would be detached from the existing development fronting London Road. Accordingly, the development would adversely affect the visual openness of the Green Belt and would appear as an encroachment of development in the countryside.

11. For these reasons, I find that the proposal would fail to preserve the openness of the Green Belt and would conflict with the purposes of including land within it. The proposal fails to meet the requirements of Policy GBR1 of the DP and Paragraph 154 b) of the Framework. Therefore, the proposal would be inappropriate development which is, by definition, harmful to the Green Belt.

#### *Character and appearance*

12. The site comprises a large field to the rear of dwellings fronting London Road and extends to the railway line. Beyond the rear gardens of the properties facing London Road, the area is typically open and is partly used for grazing.
13. The proposal is for a building close to the side boundary of the site. The building would have a simple rectangular form and its design and external finish would respect the rural location of the site. However, the building would have a significant height and would be visible within the area, particularly from the public footpath close to the site. The incongruous position of the building would erode the open character of the area to the rear of the properties fronting London Road.
14. The proposal would include hedge planting to the boundaries of the site. While the hedge would soften the visual impact of the development, it would not obscure the building in views from public vantage points. Moreover, while a hedgerow would be an appropriate feature within a rural area, the building and associated hedge planting would enclose the site and reduce the overall open character of the area.
15. I conclude that the proposal would harm the character and appearance of the area. The development therefore conflicts with Policies DES3, DES4 and CFLR6 of the DP, which collectively require proposals to retain, protect and enhance existing landscape features, be of a high standard of design and layout to reflect and promote local distinctiveness and be sited or landscaped to minimise visual intrusion.

#### *Welfare of horses*

16. The proposal would include two stables within the building, indicating that there would be a maximum of two horses at the site. Policy CLFR6 of the DP requires adequate pasture to support horses. The supporting text states that regard will be had to the British Horse Society (BHS) standards for grazing.
17. Neither party has presented the BHS standards, however the parties agree that the BHS recommends between 0.4 and 0.6 hectares of grazing land per horse. The application form states that the appeal site comprises an area of 0.8 hectares, which would meet the minimum area of grazing land within the standards. Nevertheless, the appeal site includes the access from London Road and the usable area would be reduced due to the proposed development, including the parking spaces, and the hedge planting. Moreover, although the proposal includes an area for hay storage to provide additional feed, I cannot be certain that sufficient additional feed would offset the reduced area for grazing.
18. I conclude that it has not been satisfactorily demonstrated that the proposal would provide a suitable external space for the welfare of horses. The development therefore conflicts with Policy CFLR6 of the DP, requires adequate pasture to support horses.

### *Other considerations*

19. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to harm to the Green Belt and “very special circumstances” will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
20. The proposal would provide two stables for the personal use. While the site is within a countryside location where equine activity is typically suitable, the proposal for the stables building would lead to a harmful reduction in the openness of the Green Belt. Accordingly, I attribute limited weight to this consideration.
21. The proposal would not result in significant vehicle movements and would not harm the living conditions of the occupants of neighbouring properties. Moreover, the design and material finish of the building would be appropriate. Nonetheless, the absence of harm is a neutral factor that does not weigh significantly in favour of the proposal.
22. The proposed hedge planting to the site boundaries would provide an enhancement to biodiversity at the site. However, there is no substantive evidence setting out the potential for, and extent of, biodiversity net gain at the site. Accordingly, the weight I can attribute to this consideration is limited.
23. For these reasons, I find that the other considerations in this case, as set out above, do not clearly outweigh the totality of the harm to the Green Belt that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist.

### **Conclusion**

24. The proposal conflicts with the development plan. The other considerations in this case do not indicate that a decision should be made otherwise than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

*J Pearce*

INSPECTOR