Planning Inspectorate

Appeal Decision

Site visit made on 17 December 2025

by Timothy Parton BA(Hons) MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 MARCH 2026

Appeal Ref: APP/J1915/W/25/3374708
Bythorne Cottage, Classified Road C10 north from B1038 to Mill Lane, Brent Pelham, Hertfordshire SG9 0AP

- 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 Featherstone against the decision of East Hertfordshire District Council.
- The application Ref is 3/25/0447/FUL.
- The development proposed is to demolish existing stables and attached outbuildings and erect a single dwelling house C3 in similar location utilising the existing and lawful access.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's reasons for refusal referred to the need for further information relating to the loss of equestrian facilities associated with the proposed demolition of existing stables. The appellant submitted additional information with the appeal that has satisfied the Council's concerns. There is no reason for me to come to a different view. Accordingly, I do not need to consider this matter further.

Main Issues

3. The main issues are:

   i. whether the proposed development would make adequate provision for biodiversity net gain; and

   ii. whether the appeal site would be an appropriate location for the proposed development, having regard to the accessibility of services and facilities.

Reasons

Biodiversity Net Gain

4. Biodiversity Net Gain (BNG) is a mandatory requirement of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Under this statutory framework, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met, referred to as 'the biodiversity gain condition'. This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

5. The planning application for the appeal proposal stated that the biodiversity gain objective would not apply due to the development being subject to the de minimis exemption. However, as the proposed development is positioned outside of the footprint of the existing stables, the proposal would impact an area of existing habitat over the de minimis threshold. The proposal would not therefore be exempt from the biodiversity gain objective as a result of the size of the proposed development.

6. The planning application for the appeal proposal stated that it would be a self-build or custom-build dwelling, a type of development which may be exempt from the biodiversity gain objective. However, planning permission for a self-build or custom-build dwelling must include a mechanism to ensure that the development would in fact be constructed as such, in order to meet the legal definition set out in the Self-build and Custom Housebuilding Act 2015 (as amended).

7. The Council suggested a condition to secure the proposal as a self-build or custom-build dwelling. However, the definition of self-build requires a specific individual to build (or design and instruct persons to build) and then live in the dwelling for which permission is granted. It would neither be reasonable or enforceable to impose a condition that would require the person who built the dwelling to occupy it.

8. I am therefore not satisfied that the suggested condition would be enforceable, and as such it would not meet the tests set out in paragraph 57 of the National Planning Policy Framework (the Framework). I have also noted that the Council themselves have indicated that they no longer use such a condition and now seek to secure self-build or custom-build proposals through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).

9. The Planning Practice Guidance states that a positively worded condition requiring an appellant to enter into a planning obligation under section 106 of the Town and Country Planning Act 1990 is unlikely to satisfy the test of enforceability. The Guidance also states that a negatively worded condition requiring a planning obligation to be completed before development may commence may be appropriate only in exceptional circumstances. Given the nature of the site and the proposed development, there are no exceptional circumstances in this case and thus a condition of this nature would not be appropriate.

10. Accordingly, there is no mechanism before me to ensure that the proposal would be constructed as a self-build or custom-build dwelling and thus, I have not considered it as such. Therefore, the self-build and custom-build related exemption to the biodiversity gain objective would not apply.

11. I have not been provided with any site-specific biodiversity information, and the proposal does not include any details regarding biodiversity gains associated with the proposed development in accordance with the requirements of Schedule 7A of the Town and Country Planning Act. I have therefore been unable to establish that the proposed development could achieve at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

12. Accordingly, the biodiversity gain objective would not be met and the proposed development would not comply with Schedule 7A of the Town and Country Planning Act 1990. In turn, this results in conflict with Policy NE3 of the East Herts District Plan 2018 (the Plan), which states that development should always seek to

enhance biodiversity and to create opportunities for wildlife. It would also conflict with paragraph 187d) of the Framework, which seeks to ensure development provides biodiversity net gains.

Location

13. Policy DPS2 of the Plan sets out the Council's strategy for delivering sustainable development through a hierarchy of options. Development is directed firstly to sustainable brownfield sites (previously developed land), followed by sites in urban areas, urban extensions, and finally limited development in the villages.

14. In addition, the Plan classifies villages into three groups through a village hierarchy, with the purpose of directing housing development to the most sustainable locations. Villages are classified based on an assessment of their range of services and facilities, accessibility to higher order settlements, and provision of public transport services. The appeal site is located within the village of Brent Pelham, which is classified as a Group 3 village. The Plan considers these to be the least sustainable options for housing development due to the availability of services and facilities.

15. Policy VILL3 of the Plan applies to Group 3 villages and permits only limited infill development identified in an adopted neighbourhood plan. I am not aware of any adopted neighbourhood plan for the area. The proposed development is therefore not supported by Policy VILL3.

16. However, the appeal site is located within the Rural Area Beyond the Green Belt, where specified types of development are permitted as outlined within Policy GBR2 of the Plan. Provided proposals are compatible with the character and appearance of the area, Policy GBR2 permits the partial or complete redevelopment of previously developed sites in sustainable locations.

17. Being within the curtilage of developed land associated with the existing dwelling and equestrian stables, and not within a built-up area taking into account that the site is currently a residential garden, the appeal site is previously developed land. The development of previously developed land within the Rural Area Beyond the Green Belt is supported by Policies DPS2 and GBR2, subject to the proposal being compatible with the character and appearance of the area, delivering sustainable development, and being in a sustainable location.

18. The Council has confirmed that the proposed development would preserve the rural village character and has raised no objection regarding its effect on character and appearance. I see no reason to disagree. The consideration of compliance with Policies DPS2 and GBR2 therefore turns on whether the proposal would constitute sustainable development and whether it is in a sustainable location.

19. Based on the Council's reasons for refusal and reference to Policy TRA1, the consideration of whether the proposal constitutes sustainable development and is in a sustainable location relates solely to the accessibility of services and facilities. Policy TRA1 of the Plan requires, amongst other things, for development proposals to be primarily located in places which enable sustainable journeys to be made to services and facilities, and to provide future occupants with a range of sustainable transport options.

20. Within a short walking distance from the appeal site there are services and facilities within the village, including a bus stop, public house, church, and village hall. Walking or cycling routes would be on a road, however this is not uncommon in the context of a rural village. The roads are mostly straight allowing for good visibility, and the amount and speed of traffic on these village roads allows for sufficiently safe walking and cycling routes.

21. Sustainable transport options within the village comprise a regular bus service to surrounding larger settlements with a good provision of services and facilities, and the Lynx Bus Service which offers a virtual bus stop near the site. While the frequency of buses serving the village is limited, the existence of this service does provide an alternative to the car which can enable sustainable journeys to be made to services and facilities.

22. Paragraph 110 of the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. While sustainable transport options are limited in this rural village location, future occupants of the proposed development would nonetheless have access to a range of sustainable transport choices, enabling sustainable journeys to services and facilities. Therefore, the proposed development does not conflict with Policy TRA1 of the Plan.

23. I have been directed to a number of decisions where proposals have been approved or allowed in surrounding Group 2 and 3 villages, where it is suggested that accessibility to services and facilities are similar to the appeal site. There are differences in the specific circumstances of the examples provided, including the locations and types of development. These differences have resulted in varying conclusions being made regarding the sustainability of new development in relation to access to services and facilities, which do not allow for direct comparisons to be made with the appeal site. Each scheme must be considered and determined on its own individual merits. Broadly however, the examples provided do demonstrate that the consideration of sustainable development relating to access to services and facilities is context specific and dependent on a range of factors.

24. In conclusion, as I have found no conflict with Policy TRA1 of the Plan, the proposed development would constitute sustainable development in a sustainable location. The appeal site would therefore be an appropriate location for the proposed development, having regard to the accessibility of services and facilities.

25. Although the proposal is not supported by Policy VILL3, the location of the proposed development still accords with the spatial strategy in the Plan and supports the aims of the Framework to promote sustainable development. Consequently, I find no conflict with Policies DPS2 and GBR2 of the Plan, the requirements of which are set out above.

Other Matters

26. The appeal site is located northwest of Bythorne Cottage, and is one of a number of 16th and 17th century Grade II listed buildings in this area of the village. The appeal site is also located within the Brent Pelham Conservation Area. Accordingly, I have had special regard to the desirability of preserving the listed

building or its setting or any features of special architectural or historic interest which it may possess, as required under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). I have also paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area under section 72(1) of the Act.

27. The proposed development would be a modest dwelling which would reflect a traditional cottage in its form, design and materials. The design of the proposal would preserve the rural village character of the site and the Conservation Area. Where the ridge height of the proposed dwelling would be below that of Bythorne Cottage, despite its position on higher ground, it would appear subservient to the listed building. The proposed dwelling would therefore not detract from the significance of Bythorne Cottage.

28. Other surrounding listed buildings are a sufficient distance away, with intervening landscape, that there would be no impact on their significance. While minor design amendments were proposed by the Council's Conservation Officer, there was no objection raised regarding the impact of the proposed development on the Brent Pelham Conservation Area and the heritage significance of Bythorne Cottage and surrounding listed buildings. I have no reason to disagree with these findings.

Planning Balance and Conclusion

29. A decision on whether to grant permission must be made in accordance with the relevant policies in the development plan, unless material considerations indicate otherwise.

30. The Council cannot demonstrate a five-year supply of deliverable housing sites and therefore paragraph 11d) of the Framework is engaged. This means that planning 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.

31. The proposal would create an additional dwelling that would help reduce the Council's housing deficit and would accord with one of the Framework's aims of boosting housing supply. The proposal would also provide some associated socio-economic benefits that would arise from the construction of the dwelling and from future occupants using and supporting local services. However, given that this development is for a single dwelling, each of these benefits have moderate weight.

32. Notwithstanding the above considerations, the development would conflict with the aims of the Framework which require net gains for biodiversity. Where the proposal does not demonstrate any improvement in the biodiversity value of the site and the surrounding environment, it is also contrary to Policy NE3 of the Plan.

33. By failing to meet the biodiversity gain objective, the proposed development would not comply with Schedule 7A of the Town and Country Planning Act 1990. Taken together, the adverse impacts of these biodiversity-related conflicts attract substantial weight, which would significantly and demonstrably outweigh the benefits of the proposal.

34. The proposal would therefore fail to meet the necessary statutory requirements and would conflict with the development plan as a whole. There are no material

considerations, including the Framework, which would indicate the decision should be made other than in accordance with the development plan.

35. For the reasons given above, the appeal should be dismissed.

Timothy Parton

INSPECTOR

Planning Inspectorate

Appeal Decision

Site visit made on 17 February 2026

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 30 March 2026

Appeal Ref: APP/J1915/D/25/3375875
88 Havers Lane, Bishop's Stortford, Hertfordshire CM23 3PD

- 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 Jamie Foster and Emma Foster-Snooks against the decision of East Hertfordshire District Council.
- The application Ref 3/25/1486/HH, dated 15 September 2025, was refused on 6 November 2025.
- The development proposed is a first-floor side extension, ground floor rear extension, garage conversion and fenestration alterations.

Decision

1. The appeal is allowed and permission is granted for a first-floor side extension, ground floor rear extension, garage conversion and fenestration alterations at 88 Havers Lane, Bishop's Stortford, Hertfordshire CM23 3PD, in accordance with the terms of the application, Ref 3/25/1486/HH, dated 15 September 2025, subject to the attached schedule of conditions.

Main Issue

2. The main issue is the effect of the first-floor side extension on the character and appearance of the host property and the street scene.

Reasons

3. The proposal is for the erection of a first-floor side extension, single storey rear extension, conversion of the attached garage to habitable space and various changes to the fenestration at No 88, a detached house on the northern side of Havers Lane. There is no objection to the latter three of these, so the dispute and this appeal relate solely to the first-floor side extension. This would be above the converted flat roof garage and would provide further bedroom accommodation. Built alongside the next-door property No 90, with no overlooking side facing windows, and the outlook from No 90 being unaffected, the first-floor extension would not adversely affect the living conditions of adjacent occupiers.

4. The Council's objection relates to the visual impact of the first-floor extension on the character and appearance of the host property and the street scene. This section of Havers Lane is lined by two-storey detached and a few semi-detached houses set back behind front gardens. There is some variation in house types but tiled pitched roofs are a consistent feature, either hipped or, as in the case of No 88, almost pyramidal in form with a wide front facing gable above bay windows.

5. The first-floor side extension above the garage would be set back from the front elevation by about 0.7 m with the ridge about 1.1 m below that of the original

dwelling, in both respects an improvement on a previous refused design which had no set back and a small section of flat 'crown' roof, a poor design feature[1]. The extension would not be as wide as the garage below, setting it in further from the common boundary with the next-door property No 90, again reducing its impact. Thus, when No 88 is viewed directly from the front, the first-floor extension would appear suitably subservient to the original dwelling and not out of place.

6. The Council's primary objection is to the roof form resulting from the 8.1 m depth of the extension. This depth necessitates an unusual double pitched roof which when seen from the side would have a wide ʍ shape with the middle valley higher than the main eaves. This would appear slightly odd and visually unfortunate in the street scene but would only be seen obliquely from the road for a few metres when walking past.

7. However, several other properties on the northern side of Havers Lane have remodelled roof forms to facilitate side and rear extensions and conversions of the roofspace. These include No 68, with a first-floor side extension to the rear, Nos 78/80, semi-detached properties with large extensions removing the hipped roof and No 92, with a large side extension and roof hipped at just one end. Most comparable is No 84, just two doors away and until recently very similar to No 88, which now has a deep first floor side extension above the garage albeit with a more straightforward roof[2].

8. For a passer-by closely observing the roofscape this variety and the numerous extensions are readily apparent. Whilst the double roof on the side of No 88 would be slightly odd and visually unfortunate it would only be seen for a few metres and thus would not appear unduly prominent or jarring in the street scene.

Conclusion

9. For these reasons the first-floor side extension would not significantly affect the character and appearance of the host property or the street scene. It would therefore comply with Policies DES4 and HOU11 of the East Herts District Plan 2018 and Policy HDP2 of the relevant Neighbourhood Plan[3]. These require extensions to be of a high design standard to reflect local distinctiveness, to be of a size, scale, form and design that are appropriate to the character of the existing dwelling and surrounding area, and to appear as a subservient addition.

10. Three conditions are necessary. In addition to the standard implementation time limit it is necessary to define the approved plans in the interests of certainty and to require matching materials to ensure the satisfactory appearance of the development in the street scene.

11. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR

[1] Application 3/25/1031/HH
[2] The delegated officer report states that No 84 is of matching design to No 88 but this is no longer the case.
[3] Bishop's Stortford Neighbourhood Plan for All Saints, Central, South and Part of Thorley

Schedule of conditions

1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan
Proposed Site Block Plan
Block Plan
Existing Plans and Elevations Drawing no. NHP25985/01
Proposed Plans and Elevations Drawing no. NHP25985/02
Street Scenes Drawing no. NHP25985/03

3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Planning Inspectorate

Appeal Decision

Site visit made on 6 March 2026

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 MARCH 2026

Appeal Ref: APP/J1915/D/25/3376729
51 Cecil Road, Hertford, Hertfordshire SG13 8HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Nick Willis against the decision of East Hertfordshire District Council.
- The application ref is 3/25/1542/PNHH.
- The development proposed is a single-storey rear extension.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended ('the GPDO'), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.

3. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply with the conditions, limitations or restrictions applicable to the development. This is the case here, and the Council have refused the application, stating the proposal would not meet the criteria for permitted development.

Main Issue

4. The main issue is whether the proposal meets the criteria for permitted development.

Reasons

5. The Council cite the proposal would not comply with criteria (j) of Class A. This states that the works would not be permitted development if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwelling house, and would i) exceed 4m in height, ii) have more than a single storey, or iii) have a width greater than half the width of the original dwellinghouse.

6. The proposed extension would be positioned alongside an existing rear projection behind the garage. The Council consider that to be an existing extension, rather than part of the original house and, based on the evidence before me and the findings of my site visit, I have no strong reason to reach a different view.

7. While there would be a very narrow gap between the proposed extension and the existing, the extensions would not be joined. Given the notable difference in their eaves, roof designs and ground levels, I do not consider they would be perceived together as one extension. Furthermore, I observed the existing extension to have undergone significant refurbishment works and I have no reason to believe that these would be reversed to merge with the new extension. In reaching this view I have had regard to the appeal decision referred to by the Council[1], which related to two proposed extensions, as well as the Technical Guidance[2]. Given these factors, the proposal would not extend beyond a wall forming a side elevation of the original house and would therefore comply with criteria j).

8. Despite this, it is relevant that works have been undertaken on the site. The main parties were invited to comment on the implications of this, and the appellant accepts that works were undertaken in the form of excavation and installation of foundations for the proposed extension. Paragraph A.4 of Class A sets out additional conditions which apply to the proposal. This includes at point (10) that the development must not begin before the occurrence of one of the following, relating to the receipt of written notice that prior approval is not required, that prior approval is given, or following the expiry of 42 days without notification as to whether prior approval is given or refused. Based on the information before me, since the Council refused prior approval, none of those circumstances occurred.

9. For this reason, the proposed development does not comply with the conditions applicable to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g). Accordingly, the appeal must be dismissed.

10. I appreciate the circumstances described and the reassurances provided by the appellant. However, these do not allow for a decision other than in accordance with the requirements of the GPDO as set out above.

Conclusion

11. For the reasons given, the appeal is dismissed.

C Shearing

INSPECTOR

[1] APP/N0410/X/23/3317280
[2] Permitted development rights for householders: Technical Guidance September 2019

Planning Inspectorate

Appeal Decision

Site visit made on 6 March 2026

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2026

Appeal Ref: 6002781
15 Valeside, Hertford, Hertfordshire SG14 2AS

- 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 Ms S Jones against the decision of East Hertfordshire District Council.
- The application ref is 3/25/1394/HH.
- The development proposed is erection of a first floor front extension with associated fenestration, addition of one window, and alterations to solar panel location.

Decision

1. The appeal is allowed and planning permission is granted for erection of first floor front extension with associated fenestration, addition of one window and alterations to solar panel location at 15 Valeside, Hertford, Hertfordshire SG14 2AS in accordance with the terms of the application, ref 3/25/1394/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: P001, P002, P003, P004, P005.

Preliminary Matter

2. The description of development used above is taken from the Council's decision notice, rather than the application form, since this describes the proposed development in its entirety.

Main Issue

3. The main issue is the effect of the proposed first floor front extension on the character and appearance of the semi-detached pair and group of properties of which it forms a part.

Reasons

4. The appeal site is part of a group of four semi-detached pairs of similar form on the northern side of Valeside. These pairs share a projecting front gable feature to their eastern side, and a flat roofed front projection to their western side. Other than these elements, however, there is little consistency in the appearance of these properties. They display differing materials, including brick tones and cladding, and have been subject to extensions and alterations over time, including to their front elevations. As a consequence, any continuity in their appearance has been heavily diluted and I consider their consistency is not a factor which makes a

strong contribution to the character of the area. The rest of the cul-de-sac comprises residential properties of varied design, scale and appearance.

5. The proposed first floor front extension would entail the loss of the flat roofed front projection, and the introduction of a front extension and smaller gable feature, not mirrored on other properties in this group. However, its height and width would be modest, its roof form would be set substantially below that of the existing house, and it would not dominate the front elevation. Taken together with the varied character of this group of properties, unacceptable harm to the character and appearance of the property, the group or this part of Valeside, would not occur, even accounting for the appeal site's elevated position.

6. For the reasons given, the proposal would comply with policies HOU11 and DES4 of the East Herts District Plan 2018, which include that development should be a high standard of design, appropriate to the character of the dwelling and the area, and that extensions generally should appear as subservient additions.

Other Matters

7. The Council's Officer Report sets out why no concerns are pursued in relation to other aspects of the proposal, including the relocated solar panels and new window. Based on the findings of my site visit I have no strong reason to reach a different view.

Conditions

8. In the absence of any substantive reason or evidence of the likelihood of bats on the site, I have not imposed restrictions in this regard. In addition to the time limit condition, I have listed the approved drawings to provide clarity to all parties. Those drawings include adequate annotations relating to materials to be used, and I do not find any other conditions would meet the test of necessity.

Conclusion

9. The proposal would comply with the development plan and the appeal is allowed.

C Shearing

INSPECTOR

Planning Inspectorate

Appeal Decision

Site visit made on 13 March 2026

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th March 2026

Appeal Ref: 6002981
11 New Street, Sawbridgeworth, Hertfordshire CM21 9BA

- 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 M Kingston Pack against the decision of East Hertfordshire District Council.
- The application Ref is 3/25/1126/HH.
- The development proposed is side and rear single and two storey extensions.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The compass points described in the written evidence before me appear to be correct whereas those shown on the drawings do not. I have therefore proceeded to determine the appeal based on those in the written evidence.

Main Issues

3. The main issues in this appeal are the effects of the proposed development on the living conditions of the occupants of Numbers 1, 7 and 13 New Street, with particular regard to their outlook and access to natural light.

Reasons

4. Policy DES4 of the East Herts District Plan 2018 ("the EHDP") expects all development, including extensions to existing buildings, to be of a high standard of design and to avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties.

5. In its refusal reason, the Council refers to the effects of the proposed development on natural light reaching several rooms within Numbers 1, 7 and 13 New Street. As no technical study has been undertaken to model those potential effects, I have reached my own judgements based on the evidence before me and my observations at my visit.

Number 7

6. Number 7 is set further back from New Road than the appeal building and on lower ground where its front wall faces the appeal site. Given the relationship between them, the effects of the proposed development, in terms of outlook and access to light, would be expected to be greatest from the rooms in Number 7 that are served by the modestly sized ground and first floor windows that are

positioned closest to its end gable. I have focussed my assessment on those windows which are clear glazed and likely to serve habitable rooms.

7. The existing outlook from that ground floor window in Number 7 would be towards the appeal site and above the tall brick wall that separates them. In those views, the built form of the appeal building, including the single storey office/garage which stands more or less directly in front of Number 7, has an imposing presence, particularly as it stands on elevated ground and rises well above that brick wall. The outlook from the first floor window of Number 7 would be from an elevated level and therefore just above and across the single storey office/garage of the appeal building.

8. Currently, the two-storey core of the appeal building does not sit directly between the front wall of Number 7 and the road. However, this would change with the introduction of the part two-storey side extension, which would occupy the space above the existing single-storey office/garage where no built form currently exists. Positioned on elevated ground directly in front of those front windows of Number 7, the height and massing of the proposed extension would result in the appeal building, in its proposed extended form, having an overbearing effect in those relatively short distance views from the rooms served by those windows.

9. In addition, the proposed rear extension would bring the two-storey core of the appeal building closer to Number 7. Although it would be offset from the front windows of Number 7, it would be clearly visible in views from those windows given its size, their close relationship and the differences in land levels. The combined massing of those sizeable two-storey extensions and their close relationship with Number 7, would give the appeal building, in its proposed extended form, a dominating presence and an oppressively overbearing impact in views from out of those front windows in Number 7.

10. I have taken account of the path of the sun as it moves through the sky during the day, including its position at a lower angle in the sky during the afternoon and into the early evening. Given its close relationship with Number 7, I am satisfied that the built form of the appeal dwelling, as it is proposed to be extended with those sizeable additions to the rear and side, would be expected to restrict sunlight reaching those windows in the front wall of Number 7, causing an overshadowing effect within the rooms they serve. No technical evidence has been advanced to the contrary. In my judgement, the effect would be relatively prolonged and together with the overbearing effect described above would have a significant detrimental effect on the living conditions of the occupants of Number 7.

11. For those reasons the proposed development would result in significant harm to the living conditions of the occupants of Number 7, contrary to EHDP Policy DES4, insofar as it expects significant detrimental impacts on the amenity of occupiers of neighbouring properties to be avoided.

Number 1

12. The north facing side elevation of the appeal property is currently directly in front of the ground floor conservatory in the principal elevation of Number 1, including the clear glazed first floor window above it, and another first floor window to its east. The baseline outlook from the conservatory and the rooms served by those windows would be more or less towards the side elevation of the appeal building,

and across the garden that separates them. There is little difference in the levels of the land on which they are built.

13. The proposed side extension would bring the north facing side elevation of the appeal building closer to the front of Number 1, especially at first floor level and above. This would reduce the separation distance between the two properties and would be apparent in views from the first floor windows and the ground-floor conservatory at Number 1. However, compared to the baseline views from those windows, I am satisfied that the gap would remain of a sufficient size to ensure that the extension does not appear dominant or overbearing to the occupants of Number 1 when viewed from those rooms.

14. Furthermore, whilst the gap between them is shortest at ground floor level, the large areas of glazing would continue to provide occupants with relatively wide angled views from out of the conservatory, including across the garden of the appeal site and towards the road. Sufficient natural light would continue to reach those windows and the conservatory through the retained gap between those buildings, particularly given the angle of the sun as it moves through the sky.

15. For those reasons the proposed development would not result in significant harm to the living conditions of the occupants of Number 1, and there would be no conflict with EHDP Policy DES4.

Number 13

16. The proposed rear extension would be visible at close distances in views looking out of the ground floor windows in the large kitchen/diner to Number 13 that face the appeal site, and from the rear facing glazed door serving the playroom. The evidence suggests those rooms form part of an internally connected open plan style space served by wide glazed bifold doors. Those doors provide the principal outlook to the garden and access to light to those internal spaces, which are supplemented by existing south facing windows that would face the sun for a large part of the day.

17. The side windows and door in Number 13 that are in close proximity to the tall boundary fence with the appeal site are therefore much less important in terms of access to light and outlook from those internal spaces. That being the case the considerable built form of the proposed rear extension would not have a significant overbearing effect on the occupants' outlook from the rooms served by those windows and the door. Furthermore, given that the extension would be positioned more or less to the north of those windows and the door, any effects arising from a decrease in light reaching them and overshadowing would be limited and have little effect on the occupants' living conditions.

18. The appeal dwelling, in its existing form, restricts light reaching the narrow first floor bedroom window in the north facing wall of Number 13. Any further restriction caused by the proposed rear extension to light reaching that room would have a negligible effect on the occupants' living conditions, particularly as the bedroom is also served by a rooflight and front facing window.

19. For those reasons the proposed development would not result in significant harm to the living conditions of the occupants of Number 13, and there would be no conflict with EHDP Policy DES4.

Other Matters

20. Having assessed the proposal against the development plan, taking account of the material before me and my observations at my visit, the absence of objections from other parties does not alter my conclusions on the main issues. I have necessarily determined the appeal on the same drawings as the Council and therefore earlier proposals for a larger extension have no bearing on my consideration of the appeal.

21. Despite the annotations on the drawings, I am not satisfied on the evidence before me that two storey extensions of a comparable scale to those in this appeal could be erected under permitted development rights. Permitted development rights therefore have limited relevance and weight to my considerations. Through this appeal it is not for me to make a formal determination on the lawfulness of any development and the appellant has the option to apply for one under Section 192 of the Town and Country Planning Act 1990, which has its own process.

22. Avoiding harm to the street scene would be a policy requirement of any comparable development and it does not weigh positively in favour of the appeal. Even if I were to agree that the proposed extensions would be subservient in appearance to the host dwelling when considered in isolation of its context, it would not alter my conclusions on the main issues above.

23. As the dwelling at Number 13, which has also been extended, is set further away from Number 7, it does not have comparable effects to the appeal scheme. There is nothing of substance to indicate that any historic planning approvals to extend Number 1, which are not before me, would have comparable effects to the appeal proposal.

Conclusion

24. The appeal proposal would be consistent with some policies of the development plan. However, the significant harm to the living conditions of the occupants of Number 7 brings the development into conflict with EHDP Policy DES4 and the development plan as a whole. It would also conflict with Paragraph 135 of the National Planning Policy Framework insofar as decisions should ensure that development creates places with a high standard of amenity for existing users.

25. I therefore conclude that the proposed development conflicts with the development plan as a whole. The material considerations do not indicate that the appeal should be decided other than in accordance with the development plan. The appeal should be dismissed.

G Sylvester

INSPECTOR

Planning Inspectorate

Appeal Decision

Site visit made on 6 March 2026

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2026

Appeal Ref: 6003489
108 Cowper Crescent, Hertford, Hertfordshire SG14 3EB

- 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 G Simpson against the decision of East Hertfordshire District Council.
- The application ref is 3/25/1250/HH.
- The development proposed is hip to gable loft conversion with 3 rooflights to front and rear dormer.

Decision

1. The appeal is allowed and planning permission is granted for a hip to gable loft conversion with 3 rooflights to front and rear dormer at 108 Cowper Crescent, Hertford, Hertfordshire SG14 3EB in accordance with the terms of the application, Ref 3/25/1250/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 ELA1/A, ELA/2A, ELA/3A, ELA/6A, ELA/13A, ELA/14A, ELA/18A.

Preliminary Matters

2. The description of development used above is taken from the decision notice, rather than the application form, as this more accurately describes the proposal in its entirety.

Main Issue

3. The main issue is the effect of the proposed rear dormer on the character and appearance of the host property.

Reasons

4. Policy HOU11(d) of the East Herts District Plan 2018 (the DP) states that roof dormers may be acceptable if appropriate to the design and character of the dwelling and its surroundings. It adds that dormers should generally be of limited extent and modest proportions, so as not to dominate the existing roof form. The proposed rear dormer would occupy nearly the full width of the property, and include only very modest set backs from the existing eaves and ridgeline. As a consequence it would be a substantial addition which would dominate the existing roof form and would be contrary to Policy HOU11(d).

5. Despite this, the site lies in an area of residential properties of varying character and design, displaying a variety of roof forms and extensions including flat roofed rear dormers. While many of the nearby roof extensions may pre-date the current development plan, together they contribute to an area of varied character and there is very little consistency in the roof forms on the street. The appeal site adjoins tall woodland to the rear including conifer trees, through which there would be very limited, if any, visibility of the rear dormer. The full extent of the dormer would therefore be apparent from only a few private viewpoints, in nearby gardens. From the road, the depth of the dormer would be visible only in limited glimpses through the gap between no.108 and 110. The visual effects of the dormer's dominance on the property would therefore be very limited.

6. Considered in combination, these factors lead me to conclude that the site specific circumstances of the appeal site amount to material considerations of sufficient weight to make a decision other than in accordance with the development plan.

Other Matters

7. The Council's Officer Report sets out the reasons why the proposed hip to gable extension and proposed rooflights are acceptable, drawing on the existing lack of symmetry in this semi detached pair and the varied character of the area. Based on the findings of my site visit I agree with those conclusions.

Conditions

8. In addition to the statutory time limit condition, I have imposed a condition listing the approved drawings to provide clarity to all parties. As those drawings include annotations of the facing materials and projection of the rooflights, I do not consider further conditions covering those matters are necessary.

Conclusion

9. For the reasons given, the appeal is allowed.

C Shearing

INSPECTOR

Planning Inspectorate

Appeal Decision

Site visit made on 26 February 2026

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2026

Appeal Ref: APP/J1915/C/24/3341393
Ivy Farm, Cradle End, Little Hadham, Ware SG11 2ER

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Paul Bryan of Bryan Builders against an enforcement notice issued by East Hertfordshire District Council.
- The notice was issued on 27 February 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the erection of a garage.
- The requirements of the notice are to:
  A. Remove the unauthorised garage in its entirety.
  B. Remove all debris, waste and materials resulting from A.
- The period for compliance with the requirements is 6 months from the date this notice is effective
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural Matter

2. On 12 December 2024, the Government published a revised National Planning Policy Framework (the Framework). Given the changes to Green Belt policy within the Framework, the parties were invited to comment on whether Paragraph 155 of the Framework has any relevance to the case. The comments received have been considered in my assessment.

Appeal on Ground (a) and the Deemed Planning Permission

3. An appeal under ground (a) is that planning permission should be granted for the matter alleged. The **main issues** are:

- whether the garage is inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework (The Framework);
- the effect of the garage on the openness of the Green Belt;
- the effect of the garage on the character and appearance of the area;

- the effect of the garage on the significance of the Farmhouse at Ivy Farm as a Grade II listed building, through development in its setting; 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

4. The site is located within the Green Belt. Paragraph 153 of the Framework sets out that substantial weight should be given to any harm to the Green Belt, and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework states development in the Green Belt is inappropriate unless exceptions apply. One of these exceptions is the extension or alteration of a building, provided it does not result in disproportionate additions over and above the size of the original building.

5. Policy GBR1 of the East Herts District Plan 2018 (Local Plan) aligns with the Framework detailing that planning applications in the Green Belt will be considered in line with the provisions of the Framework.

6. The main farmhouse is a two-storey detached dwelling that has been substantially extended over time. It benefits from a two-storey rear extension, two-storey side extension, and a detached single garage. The new garage that is the subject of this appeal is notably large and broadly comparable in width to the original farmhouse. Although single storey, its overall footprint and massing are considerable in relation to the host building. When viewed in conjunction with the existing extensions and the original single garage, the combined development results in a cumulative level of built form that constitutes disproportionate additions over and above the size of the original building.

7. A further exception under paragraph 154 of the Framework relates to buildings required for agriculture or forestry. Although the appeal form states that the garage was erected for farm storage purposes, on the basis that the surrounding land is unsuitable for storing animal feed or housing livestock, the evidence before me does not support this claim. During my visit, it was apparent that a substantial proportion of the garage is used for the parking of domestic vehicles. I observed no livestock on the site, and the photographs submitted confirm that the garage is not used for housing animals. Moreover, aside from a small number of hay bales, there is little indication that the garage is used for the storage of animal feed. Accordingly, it has not been sufficiently demonstrated that the garage is used for agricultural or forestry purposes, and it therefore does not fall within this exception.

8. Paragraph 155 of the Framework details that other development in the Green Belt should not be regarded as inappropriate where all the following apply, a) the development would utilise Grey Belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, b) there is a demonstrable unmet need for the type of development proposed, c) the development would be in a suitable location, with particular reference to paragraphs 110 and 115 of the Framework and d) where applicable

the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 of the Framework.

9. Whilst the Council assert that Paragraph 155 does not apply to householder applications, this is not a position supported by the wording of the Framework, which does not expressly exclude such development. However, in the absence of any supporting evidence that the garage accords with each of the requirements set out in paragraphs 156–157 of the Framework, it has not been demonstrated that the garage would meet the conditions necessary for development to be regarded as not inappropriate under Paragraph 155.

10. As a result, the garage does not fall within the exceptions to inappropriate development listed in the Framework, it would therefore comprise inappropriate development in the Green Belt.

Openness

11. Openness is identified in the Framework as one of the Green Belt's essential characteristics, it has both spatial and visual dimensions. The spatial impact of the garage is significant, as it introduces a substantial volume of built form onto a previously undeveloped part of the site, thereby reducing the spatial openness of the Green Belt.

12. In terms of visual openness, the garage is visible from the main road and from the public footpath that runs to the rear of the structure. Given the dark material evident between the cladding, which contrasts noticeably with the lighter cladding itself, together with the building's height and width, the garage presents as an obvious feature within these public views. Its design, scale and siting therefore result in a clear reduction in the visual openness of the Green Belt. The garage consequently causes an adverse effect on openness, resulting in significant harm to the Green Belt. For the above reasons the garage is contrary to Policy GBR1 of the Local Plan.

Character and appearance

13. The appeal site is set within extensive open agricultural fields that give the area a distinctly rural character. Built form is sparse and consists mainly of rendered detached dwellings within generous plots, alongside a small number of agricultural buildings. These buildings typically feature pitched, tiled roofs. This pattern of development creates a strong sense of openness and spaciousness, reinforcing the rural character and appearance of the surrounding area.

14. Within this context, the garage appears as an incongruous addition. Its flat-roofed, elongated form, design, and overall scale contrast starkly with the traditional rendered dwellings and the horizontally clad and tiled agricultural structures that typify the area. Furthermore, whereas render and horizontal cladding are established materials locally, the use of vertical cladding with dark material between, introduces a starkly contemporary and utilitarian appearance. Consequently, the garage is visually prominent and fails to respect or reflect the prevailing character and appearance of the locality.

15. For the above reasons, the garage conflicts with Policies DES4 and HOU11 of the Local Plan. Among other requirements, these policies expect development to achieve a high standard of design, to reflect and promote local distinctiveness, and

to be of a size, scale, mass, form, siting and design that are appropriate to the character, appearance and setting of the existing dwelling and the surrounding area.

The effect of the garage on the significance of the Farmhouse at Ivy Farm

16. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

17. The garage is situated within the front garden of the Farmhouse at Ivy Farm, a Grade II listed building. The significance of the listed building derives primarily from its age, architectural character, and historic form, which collectively reflect its origins as a gentleman's residence associated with a small farmstead. As a result, its rural setting, characterised by open and largely undeveloped surroundings, contributes to the significance of the listed building.

18. Despite being sited to the side of the listed building, the garage's position in front of the farmhouse and on noticeably higher ground results in it being clearly perceptible from the street scene and from the public right of way to the west of the site. Its siting therefore detracts from the way the listed building is experienced and understood, as it erodes the rural character and openness that positively contributes to the significance of the listed building's setting.

19. Paragraph 205 of the Framework advises that great weight should be given to the conservation of designated heritage assets when considering the impact of development on their significance. In respect of the identified harm to the setting of the listed building and having regard to the scale and nature of the garage, the degree of harm to its significance would fall within the category of "less than substantial harm". Paragraph 208 of the Framework indicates that such harm should be weighed against the public benefits of the development. The provision of the garage is, a private benefit serving the occupiers of the property, and public benefits have not been advanced that would outweigh the less than substantial harm identified.

20. For the reasons above, the garage unacceptably affects the significance of the Farmhouse at Ivy Farm, a Grade II listed building, through development in its setting. It would therefore be contrary to Policies HA1 and HA7 of the Local Plan insofar as they require development to preserve the setting of listed buildings. It would also conflict with the duty under section 66 (1) of the LBCA.

Other Matters

21. The enforcement notice refers to Policy HOU13 of the Local Plan which relates to residential annexes. Given the garage is not a residential annexe this policy is not relevant to the determination of this appeal.

22. Reference is made to the access serving the garage and the associated hard surfacing. However, the allegation in the enforcement notice makes no reference to either the access or the hardstanding. As a result, I have not taken these elements into account in my assessment.

Green Belt Balance

23. The garage constitutes inappropriate development within the Green Belt. It also results in harm to the openness of the Green Belt, both spatially and visually. The Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, the garage has an unacceptable effect on the character and appearance of the area and results in less than substantial harm to the Grade II Listed Farmhouse, which I give great weight.

24. Very Special Circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. In this case, no such Very Special Circumstances have been demonstrated. The harm to the Green Belt, the character and appearance of the area and the setting of the Farmhouse at Ivy Farm has not been outweighed. The Very Special Circumstances necessary to justify the retention of the garage do not, therefore, exist.

25. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

V Goldberg

INSPECTOR

Planning Inspectorate

Appeal Decisions

Site visit made on 10 March 2026

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 MARCH 2026

Appeal A Ref: APP/J1915/C/25/3375663
Appeal B Ref: APP/J1915/C/25/3375664
Land at Riversmeet, Station Road, Braughing, Hertfordshire, SG11 2PB

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- Appeal A is made by Mr N Brede and Appeal B is made by Ms T Beeby against an enforcement notice issued by East Hertfordshire District Council.
- The notice was issued on 16 October 2025.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of the land to a residential Gypsy and Traveller caravan site, comprising the siting of one prefabricated residential structure and the formation of a hardstanding.
- The requirements of the notice are to 1) remove the prefabricated residential structure from the land and cease the use of the land for residential purposes, 2) break up and remove the hardstanding formed on the land, 3) restore the land to its condition before the breach occurred, including grading and levelling the ground, replacing and compacting topsoil; reseeding or replanting with grass, 4) remove from the land all the resultant materials following compliance with 1-3 above, 5) remove from the land all domestic paraphernalia associated with the use as a residential Gypsy and Traveller caravan site.
- The period for compliance with the requirements is 9 months.
- Appeal A is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Appeal B is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a) for Appeal A, an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decisions

Appeal A Ref: APP/J1915/C/25/3375663

1. It is directed that the enforcement notice is varied by (i) the deletion of the words *"Remove the prefabricated residential structure from the land and cease the use of the land for residential purposes"* in section 5(1) and their substitution with the words *"Remove the prefabricated residential structure from the land and cease the use of the land as a residential Gypsy and Traveller caravan site*", and (ii) the deletion of the words *"The period for compliance is 9 months from the date on which this notice takes effect"* in section 6 and their substitution with the words *"The period for compliance is 12 months from the date on which this notice takes effect".* Subject to the variations, the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B Ref: APP/J1915/C/25/3375664

2. It is directed that the enforcement notice is varied by (i) the deletion of the words *"Remove the prefabricated residential structure from the land and cease the use of the land for residential purposes"* in section 5(1), and their substitution with the

words *"Remove the prefabricated residential structure from the land and cease the use of the land as a residential Gypsy and Traveller caravan site*", and (ii) the deletion of the words *"The period for compliance is 9 months from the date on which this notice takes effect"* in section 6, and their substitution with the words *"The period for compliance is 12 months from the date on which this notice takes effect".* Subject to the variations, the enforcement notice is upheld.

The Notice

3. The requirement of an enforcement notice should match the breach of planning control. In this case, the breach of planning control is the *'material change of use of the land to a residential Gypsy and Traveller caravan site, comprising the siting of one prefabricated residential structure and the formation of a hardstanding'.* Requirement 5(1) of the enforcement notice is to *'remove the prefabricated residential structure from the land and cease the use of the land for residential purposes'.*

4. In the interests of precision, and, given that there is some uncertainty about the lawful use of the land prior to the unauthorised development being carried out, I shall vary requirement 5(1) of the enforcement notice so that it reads '*remove the prefabricated residential structure from the land and cease the use of the land as a residential Gypsy and Traveller caravan site'.* I am satisfied that such a variation would not cause injustice to the main parties.

Procedural and Preliminary Matters

5. A draft National Planning Policy Framework 'Plan-making and national decision-making policies' was issued by the Government for consultation on 16 December 2025 (Consultation Draft Framework). The Consultation Draft Framework has limited weight as a material planning consideration. In respect of the main issues which are pertinent to the consideration of the ground (a) deemed planning application, I have continued to afford full weight to the published National Planning Policy Framework 2024 (as amended) (the Framework) and the adopted development plan as a whole from the point of view of determining this appeal. In this case, the Consultation Draft Framework does not alter or outweigh my conclusion below on the ground (a) appeal deemed planning application.

6. The appellant's evidence includes personal circumstances outlined in an email dated 23 December 2023. Given the passage of time, I asked the appellant twice (27 January 2026 and 5 February 2026) to provide an update in terms of who was occupying the site and relevant personal circumstances. A response was not forthcoming, and no final comments were received from any of the main parties. I have therefore determined this appeal based on the evidence contained within the email dated 23 December 2023. Neither the appellant nor the Council has provided any evidence to suggest that personal circumstances have changed since this time.

7. The evidence is that the appeal site is occupied by two adults and four children. Two of the children have a disability. The Council does not dispute that the occupiers of the site meet the definition of Travellers as contained within annex 1 of the Government's Planning Policy for Traveller Sites 2024 (PPTS). I have no reason to disagree with the contention that the occupiers of the site are Travellers. The evidence is that the dwellinghouse known as Riversmeet (about 160 metres from the mobile home) is occupied by wider family. It is stated that *'the main reason we moved in with my family was to get more help and support with our 4 children'*.

It is stated that the occupier of Riversmeet became unwell and hence the appeal family moved out and occupied the appeal site. This is because there was a risk that *'picking up coughs or colds'* could be fatal in terms of the health condition of the family member occupying Riversmeet.

8. The information before me indicates that it is necessary for one child to be driven to Hemel Hempstead each day and that *'this is the only school that can meet his needs'*. In addition, the evidence is that there is reciprocal day to day and health support amongst the wider family in so far that they currently live close to one another.

Ground (a) appeal and the deemed planning application

9. The appeal made on ground (a) of section 174(2) of the Act is that planning permission ought to be granted in respect of the breach of planning control alleged in the notice.

Main Issues

10. The main issues are the effect of the unauthorised development on the (i) character and appearance of the countryside, (ii) whether the site is in a sustainable location in terms of accessibility to existing local services, (iii) the effect of the breach of planning control on biodiversity, and (iv) whether the sequential test is passed in the context that the appeal site falls within flood zones 2 and 3.

Reasons

Character and appearance

11. The appeal site falls within an area of countryside. When travelling along Station Road, the passerby experiences sporadic and tight knit built form alongside the road and surrounded by predominantly open agricultural fields, some of which include boundary vegetation. The prevailing undeveloped and rural landscape character of the area adds positively and distinctively to the way that the area is experienced by those travelling within the area.

12. The caravan or mobile home is very large. The evidence is that prior to the associated hardstanding being formed, the land was grass. Owing to the size, position and stark colour of the mobile home, as well as the extent and appearance of the hardstanding, the parking of vehicles, and the provision of likely associated domestic paraphernalia, I find that the breach of planning control has significantly eroded the otherwise more open, undeveloped and rural character of this part of the countryside. The development has had the effect of expanding the built form associated with Riversmeet and into the countryside.

13. While the dwellinghouse known as Riversmeet is well screened from large parts of Station Road, because of the existing boundary coniferous hedge, it is nevertheless seen from some parts of the road. I find that the mobile home does not assimilate well with this property in terms of its material, scale and overall utilitarian appearance. I have limited information before me to determine whether the breach of planning control relates to land which could be said to form part of the curtilage of Riversmeet. In any event, my site visit revealed that the mobile home was not closely related or aligned to this property. Indeed, there is a noticeable separation from it to the extent that the unauthorised development is visually experienced as being remote and separate from the existing development known as Riversmeet

and hence as a sprawling form of development into the otherwise more open area of countryside.

14. Contrary to the view expressed by the appellant, the breach of planning control is seen from parts of Station Road including through parts of the deciduous hedge from the narrow pavement. Moreover, there is a public footpath (Braughing footpath 022) to the north of the appeal site and, as part of my site visit, I was able to see that the large, striking and out of character mobile home was very prominent in view when experienced from it. While it may be possible to try to screen the development from public views by way of additional planting, this would likely take some time to reach maturity, may not endure forever, and would not likely screen the harmful development from all viewpoints.

15. For the above reasons, I conclude that significant harm has been caused to the character and appearance of the countryside. Consequently, the development does not accord with the design, landscape character and appearance requirements of policies GBR2, DES2 and HOU9(g) of the East Herts District Plan 2018 (DP), and chapter 12 of the Framework.

Whether a sustainable location

16. The nearest bus stop is about 500 metres away from the site on Station Road and in the direction of Puckeridge. The appellant does not dispute the Council's evidence that the *'services are infrequent'* to Buntingford, Puckeridge, Royston via Ware and Hertford. There is also a Herts Lynx bus service which is on demand and has virtual bus stops in Braughing and Puckeridge. There is a very narrow footpath on one side of Station Road, and it is unlit. Consequently, even if the occupiers of the site were to use the infrequent bus services, I envisage that this would likely be confined to daylight hours given the unlit footpath.

17. Moreover, Station Road is a 60mph road. I noticed on my site visit that vehicles travelled at high speeds. Owing to this, coupled with the absence of streetlights, and the distances involved to the nearest settlements where there are a reasonable number of day-to-day local services amenities, I do not find that the occupiers of the site would likely cycle or walk on a regular basis.

18. In my judgement, and, for the above reasons, I conclude that the site is not accessible to a reasonable number of local services and amenities. I find that the occupiers of the site would likely to be heavily reliant on the private motor vehicle from the point of view of travelling to settlements which have a reasonable range of day-to-day services and amenities. Consequently, I do not find that the site is in a sustainable location in terms of its accessibility to existing local services.

19. I acknowledge that paragraph 110 of the Framework states that *'opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision making'*. In this case, however, the evidence indicates that a regular potential to access an acceptable level of amenities and services in surrounding settlements, on foot, by bicycle, and by public transport, is significantly inhibited for the reasons outlined above. Owing to the likely car dependency, I therefore find that the residential element of the breach of planning control conflicts with the environmental requirements of the Framework, even accounting for the more flexible approach to be applied to rural areas.

20. I find that the occupiers of the site would be heavily reliant on the private motor vehicle for most day-to-day journeys and to reach a range of amenities and services which are some distance away. This is not a sustainable mode of transport. In this case, the use of sustainable modes of transport to reach day-to-day services and amenities would be limited. Therefore, I conclude that the development does not accord with policy HOU9(a) of the DP which states that for Traveller proposals on non-allocated sites, it is necessary that the *'site is in a sustainable location in terms of accessibility to existing local services'.*

Biodiversity

21. Policy NE3 of the DP states that development should always seek to enhance biodiversity and to create opportunities for wildlife. While I acknowledge that deemed planning applications are not required to satisfy the statutory requirement to achieve 10% biodiversity net gain (BNG), policy NE3 of the DP nonetheless 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' and 'the biodiversity value of the site pre and post development will be determined by applying a locally approved Biodiversity Metric'* and *'where insufficient data is provided, permission will be refused'*. Policy NE3 of the DP is consistent with paragraph 187(d) of the Framework which states that planning decisions should contribute to and enhance the natural and local environment by *'minimising impacts on and providing net gains for biodiversity'.*

22. The evidence is that an extensive area of hardstanding was formed to facilitate the material change of use of the land. The appellant has not submitted an ecological survey as part of the ground (a) appeal and, moreover, there is an absence of pre and post development biodiversity data. Consequently, I am unable to conclude what effect the development has had on the biodiversity value of the site and hence the extent to which it would be possible to provide any necessary biodiversity enhancement. Consequently, I conclude that the development does not accord with the biodiversity requirements of policy NE3 of the DP, or paragraph 187(d) of the Framework.

Flooding and the Sequential Test

23. The evidence is that the appeal site falls within flood zones 2 and 3 as shown on the Environment Agency (EA) Flood Risk map. Despite the red edged site plan associated with the issued enforcement notice, the actual development which is the subject of the appeal falls within flood zone 2. The site is being used for the siting of an oversized residential caravan or what might be better described as a residential mobile home. There are no other oversized residential caravans or mobile homes on the site and so, irrespective of the description of the breach of planning control, it is clear what the notice is attacking. Either way the development amounts to a highly vulnerable residential use having regard to annex 3 (flood risk vulnerability classification) of the Framework. It is not exempt from the need to satisfy the sequential or exceptions tests by virtue of footnote 62 of the Framework.

24. Moreover, there is a need for a site-specific flood risk assessment (FRA) and, given the highly vulnerable classification, it is necessary for the appellant to satisfy the sequential and exception tests given the requirements of Table 2 (Flood risk vulnerability and flood zone 'incompatibility') of the flood risk and coastal change guidance in the Government's Planning Practise Guidance.

25. As part of the appeal, the appellant has submitted an FRA. I obtained comments from the EA as a statutory consultee. Such comments are in addition to those provided by the EA on 23 December 2025 and which pre-dated the receipt of the appellant's FRA.

26. The Environment Agency has provided comments as part this appeal and do no raise an objection to the development on flood risk safety grounds. Nonetheless, both policy WAT1 of the DP, and paragraphs 173-176 of the Framework, require development proposals that are in flood risk areas such as that relating to the appeal site to include a flood risk sequential assessment. The objective of the sequential assessment is to steer new development areas with the lowest risk of flooding from any source.

27. In the absence of a flood risk sequential assessment, I am unable to conclude that the sequential test is passed. The breach of planning control does not therefore accord with the flood risk requirements of policy WAT1 of the DP, and paragraphs 173-176 of the Framework.

Other Considerations

Gypsy and Traveller pitch need and provision

28. There is no dispute between the main parties that the local planning authority cannot demonstrate a five-year supply of deliverable Gypsy and Traveller sites. The evidence is that there is unmet need for Gypsy and Traveller pitches in the area based on the most up-to-date assessment of need which is the Gypsy and Traveller Accommodation Needs Assessment, May 2022 (GTANA). The GTANA indicates a need for 43 pitches that meet the planning definition of a Traveller and 9 pitches for those that do not mean the planning definition of a Traveller for the period 2022-2037 (NB. the definition of a Traveller is now broader in scope in the PPTS).

29. Paragraph 28 of the PPTS states that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable Traveller sites, the provisions in paragraph 11(d) of the Framework apply. This means that planning permission should be granted unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination'.*

30. I deal with the above matter as part of the planning balance and conclusion below. I also emphasise that the Framework states, at paragraph 4, that *'the Framework should be read in conjunction with the Government's planning policy for traveller sites'.*

Previously Developed Land

31. The appellant makes the claim that the land falls within the curtilage of Riversmeet and hence is previously developed land (PDL). On the evidence that is before me, I cannot conclude on the balance of probability that the land is lawfully a garden falling within the curtilage of Riversmeet. Hence, I cannot reach a certain view that the mobile home and hardstanding are positioned on PDL with reference to the

definition of PDL contained within annex 2 of the Framework. It is noteworthy that according to the Council's enforcement authorisation report *'the Parish Council have stated that the land was previously part of Watercress Farm and that aerial photos 24 years ago show some structures on the land closer to Station Road but not on the site occupied by the prefabricated residential structure. This would appear to point to an historic agricultural use rather than within the residential curtilage of Riversmeet'*.

32. Whether the appeal land comprises part of the curtilage of Riversmeet is a matter of fact and degree. Caselaw indicates that matters such as (i) physical layout, (ii) ownership (past and present), and (iii) use or function (past and present) are relevant considerations. The appellant's evidence is not sufficiently precise or unambiguous for me to determine whether the appeal land falls within land which was lawfully part of the residential curtilage of Riversmeet. The route to confirming the lawful status of the land would be for the appellant to separately apply for a certificate of lawful development.

33. For the above reasons, I am unable to find that the mobile home falls within PDL. Consequently, I am unable to attach positive weight to the use of PDL in the context of paragraph 27(a) of the PPTS.

Personal circumstances including the best interests of the child

34. Article 8 of the European Convention on Human Rights, as incorporated into the Human Rights Act 1998 (HRA), states that everyone has a right to respect for private and family life, their home and correspondence. This is a qualified right, whereby interference may be justified in the public interest, but the concept of proportionality is crucial.

35. Furthermore, in exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation and to advance equality of opportunity. The Act recognises that race constitutes a relevant protected characteristic for the purposes of PSED. Romany Gypsies and Irish Travellers are ethnic minorities and thus have the protected characteristic of race. As the PSED is engaged, I will have due regard to eliminating discrimination, advancing equality of opportunity, and fostering good relations. My decision must be proportionate to achieving legitimate planning aims.

36. It is also necessary that I consider Article 3 of the United Nations Convention on the Rights of the Child, which requires a child's best interests to be a primary consideration in all actions by public authorities concerning children. In this case, I am mindful that two of the children have a disability and, moreover, at least one child attends a school some distance away Monday to Thursday. In this regard, I am mindful that the site provides a settled base for the children which is beneficial from a social, emotional and educational point of view.

37. While the evidence before me is relatively limited, as detailed above, I nonetheless find that the occupiers of the site are Travellers as per the definition in annex 1 of the PPTS. They do appear to have ceased Travelling, but I have no reason to doubt that they were born into the Travelling community and have attended horse fairs. The Council do not provide any contrary evidence in this regard.

38. I note the comments made about two of the children living on the site. I have treated their conditions as having an adverse impact on the ability to undertake day to day activities. Hence, I find that they have disabilities. In this regard, I have had due regard to the PSED contained in section 149 of the Equality Act 2010. I do not doubt that the stability of a residential base, the support of the nearby family, and the interdependency and support provided between the appellant and her mother, and the advantages of a permanent address in terms of access to health and other services, is advantageous for the wellbeing of the occupiers of the site. Moreover, I do not doubt that a settled base helps to alleviate and control some of the symptoms associated with the identified disabilities.

39. In addition, I do not doubt that a refusal of planning permission, and upholding the notice, would have the effect of causing some anxiety and distress to all those that occupy the site and who would be required to vacate the mobile home. Such distress and anxiety could arise from a possible roadside existence. Indeed, such anxiety and distress may have the potential to result in further adverse health consequences. This is a matter which weighs in favour of allowing the appeal and it is necessary that it is balanced against the identified planning harm.

40. In reaching my findings above, I am cognisant that the occupiers of the mobile home have previously lived in Riversmeet. This potentially indicates that the occupiers of the site do not have a particular aversion to living in bricks and mortar accommodation. I do not know if the occupier of Riversmeet is still unwell and whether it would be possible for the family to now live in this dwellinghouse, at least for a short time. Despite my requests, the appellant has not provided me with an update in terms of personal circumstances. However, for the purposes of determining this appeal, I have assumed that the personal circumstances have not changed since December 2023.

Availability of alternative Traveller pitches/sites

41. There is no requirement for the appellant to demonstrate that there are no alternative available Traveller sites in the area. However, it is noteworthy that the Council has not indicated that any alternative Traveller sites are available to accommodate the needs of the occupiers of the site. In this regard, I have determined this appeal on the basis that there are currently no suitable and alternative available Traveller pitches in the area for those that occupy the appeal site. Moreover, I note the comment made by the appellant that a public site in Hertfordshire was the subject of a fire and that the need arising from this site is about forty pitches when it had fifteen.

42. The absence of alternative Traveller sites is a matter which weighs in favour of allowing the deemed planning application. However, I emphasise that this needs to be considered in the context that policy HOU9 of the LP which does not prohibit the provision of new windfall Traveller sites in the district subject to meeting the requirements of criteria a) to (i). In other words, there is no evidence before me to suggest that it would not be possible for the appellant to explore the potential for securing a site elsewhere (perhaps relatively close by so as to be near to family) and obtaining planning permission for a Traveller pitch in accordance with all the requirements of policy HOU9 of the LP. Moreover, and, given that the evidence is that the family did live in Riversmeet before an occupant became unwell, it may be possible for the appellant to explore the potential to live in bricks and mortar

accommodation elsewhere, at least for the short term. I return to this matter again as part of the consideration of the ground (g) appeal.

Ground (a) Appeal Planning Balance and Conclusion

43. For the reasons outlined above, I conclude that the unauthorised development has caused significant harm to the otherwise open rural landscape character and appearance of the countryside. The conflict with policy HOU9(g) of the DP weighs very significantly against allowing the development. Furthermore, in the absence of baseline pre and post development biodiversity information, I cannot conclude that the development would be capable of delivering BNG in accordance with the requirements of policy NE3 of the DP and paragraph 187(d) of the Framework.

44. In addition, I have found that the site is not sustainably located in terms of accessibility to existing local services and amenities. I do not find that the occupiers of the site would be likely to regularly use sustainable modes of transport when accessing existing day to day amenities and services. Instead, the occupiers of the site would be heavily dependent on use of the private motor vehicle for most journeys. In this regard, the development does not accord with policy HOU9(a) of the DP.

45. Moreover, the flood risk sequential test is not passed in this case. This is not in itself sufficient to justify not granting planning permission, but nonetheless it is a material planning consideration to which I afford some limited adverse weight in the overall planning balance. I note that the evidence indicates that the development is safe from the risk of flooding. The Environment Agency has raised an objection in this regard. However, this does not obviate the need for the sequential test to be passed.

46. Weighed against the above harms, are the other considerations outlined above. These weigh in favour of allowing the appeal. However, the positive weight that I collectively afford these matters is not sufficient to justify granting permanent planning permission for the breach of planning control.

47. I have considered whether a temporary planning permission may be justified. While a temporary planning permission would mean that the identified planning harm did not endure forever, this must be weighed against the fact that the varied compliance period in the notice (see ground (g) appeal below) is now twelve months. This would afford the occupiers of the site reasonable time, if necessary, to secure planning permission for a residential use elsewhere and in accordance with the requirements of policy HOU9 of the DP. I recognise the personal circumstances of the occupiers of the site. However, neither the personal circumstances, nor the other considerations outlined above, are sufficiently weighty to justify granting temporary planning permission based on the harm that would arise from the continuation of the breach of planning control.

48. For the above reasons, I find that neither temporary nor permanent planning permission is justified. I emphasise that even if the sequential test had been passed, and/or the breach of planning control was on PDL, I would still have concluded, on balance, that neither temporary nor planning permission was justified. Therefore, I conclude that the ground (a) appeal fails. In reaching this decision and upholding the enforcement notice it would ultimately result in the family losing their home. Nonetheless, I find that the interference with their Article 8 HRA rights is proportionate and necessary in the public interest.

Ground (g) appeals

49. The ground (g) appeals are made on the basis that the period specified in the notice in accordance with section 173(9) of the Act falls short of what should reasonably be allowed.

50. The compliance period is nine months. The appellant considers that this is not a reasonable compliance period and instead requests a compliance period of twelve months. The Council does not in fact object to an increased compliance period to twelve months.

51. To minimise disruption for the family occupying the site, I find that an extended compliance period from nine months to twelve months would be reasonable and proportionate in this case. It would afford more time to the family to find or secure residential accommodation (if Riversmeet is not an option) and including a possible alternative site for a new Traveller pitch elsewhere in accordance with policy HOU9 of the DP. Such an extended compliance period would have the potential to minimise the possibility of needing to live a roadside existence having regard to the welfare of the family and including the best interests of the children. In other words, the extended compliance period would have the potential to ensure some relative stability for the family on the site and until alternative residential accommodation has been sourced.

52. I find that varying the compliance period from nine months to twelve months would strike a reasonable and proportionate balance between bringing the harmful development to an end in the public interest and balancing the interference with the Article 8 HRA rights of the family and the best interests of the children. Moreover, there is no evidence to indicate that the appellant would not be able to comply with the specific requirements of the enforcement notice within twelve months.

53. For the above reasons, I conclude that the ground (g) appeals succeed.

Conclusions

Appeal A Ref: APP/J1915/C/25/3375663

54. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with variations and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Appeal B Ref: APP/J1915/C/25/3375664

55. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with variations.

D Hartley

INSPECTOR