

6. APPEALS UPDATE

6.1 APPEALS LODGED

Appeals received by Dacorum Borough Council between 28 February 2022 and 17 April 2022.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	21/04792/ROC	W/22/3294068	Highlands, Kings Road, Berkhamsted	Written Representations
2	21/03999/RET	D/22/3294559	The Spinney, Hempstead Road, Bovingdon	Householder
3	21/04223/RET	W/22/3294517	Land at Berry Farm, Upper Bourne End Ln, Bovingdon	Written Representations
4	20/01889/FUL	W/22/3294485	Land at Birch Lane, To side of Annexe of 96/97 Flaunden	Written Representations
5	21/02639/FUL	W/22/3294476	Land to r/o Chertford, 126 Cross Oak Road, Berkhamsted	Written Representations
6	21/03846/FHA	D/22/3296120	4 Nettleden Road North, Little Gaddesden	Householder
7	21/04414/ROC	W/22/3296310	Honeysuckle Barn, Birch Lane, Flaunden	Written Representations
8	21/04454/ROC	W/22/3296561	Barn A, Birch Lane, Flaunden	Written Representations
9	21/03229/FUL	W/22/3296750	Startop Farm, Long Barn, Lower Icknield Way, Marsworth	Written Representations
10	21/04453/FHA	D/22/3297019	16 Cowper Road, Berkhamsted	Householder

6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 28 February 2022 and 17 April 2022.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	20/01008/FUL	W/20/3256027	Land E Watling Girth, Old Watling Street, Flamstead	Written Representations
	Date of Decision:		28/02/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3257673&CoID=0			
	Inspector's Key conclusions:			
	<p>[This was a conjoined appeal with the two appeals detailed below and the Enforcement Notice appeal, with a conjoined Decision Letter for all 4 appeals.]</p> <p>This appeal related to the erected of a chicken coop.</p> <p>Turning to the chicken coop and attached run, the Council argue that it is for domestic purposes rather than agriculture. Overall, I accept there is a potential or egg production in excess of that needed for domestic use, and this might be seen as an agricultural use. The coop and attached run are a reasonably substantial construction clearly visible from Old Watling Street, and from Watling Garth the adjacent house to the west. The construction has a greater impact upon the openness of the Green Belt than the existing development. In my view, even if it is for an agricultural purpose, its presence diminishes the openness of the site both visually and spatially and must be seen as inappropriate.</p> <p>The house adjacent to the western site boundary I understand it is about 15 metres from the poultry coop at its closest. However, the attached run extends virtually to the boundary. In my experience keeping a few hens for domestic purposes in a nearby garden can lead to noise and odour nuisance, as well as infestations of insects. Watling Garth is a relatively isolated house in countryside surroundings, I consider its occupants can expect reasonable peace and quiet in their day-to-day lives. I consider that keeping 30 birds in such close proximity to the house and its garden is likely to result in significant harm to the living conditions of occupants in terms of noise and odours.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
2	20/01009/FUL	W/20/3256029	Land E Watling Girth, Old Watling Street, Flamstead	Written Representations
	Date of Decision:		28/02/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3257673&CoID=0			
	Inspector's Key conclusions:			
	[This was a conjoined appeal with the appeal detailed above and below and			

<p>the Enforcement Notice appeal, with a conjoined Decision Letter for all 4 appeals.] This appeal related to the widening of the existing access onto Old Watling Street to include added gabions and planting, plus gates.</p> <p>Regarding the works to the access onto Old Watling Street, again these are not within the exceptions listed in NPPF paragraph 145. In my view they reduce openness as a result of introduction of an urbanising feature in what otherwise is a largely rural lane.</p> <p>I find the laurel hedge to be an unsympathetic and rather formal and uniform introduction in the context of the former mixed and informal boundary treatment. Furthermore the gabions and the extent of hard surfacing of the access are jarring features in this rural scene. Overall, the loss of a significant section of old mixed hedging/trees, the urbanising features of the laurel hedges, the hard surfacing and the gabions cause significant harm to the character and appearance of this formerly rural section of Old Watling Street.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	20/01305/FUL	W/20/3256631	Land E Watling Girth, Old Watling Street, Flamstead	Written Representations
Date of Decision:			28/02/2022	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3257673&CoID=0				
Inspector's Key conclusions:				
<p>[This was a conjoined appeal with the two appeals detailed above and the Enforcement Notice appeal, with a conjoined Decision Letter for all 4 appeals.]</p> <p>This appeal related to the erection of two pairs of double gates on the southern boundary of the site to recreate previous access points.</p> <p>The access points and double gates onto the A5183 are not amongst the exceptions identified in NPPF paragraph 145 and are therefore inappropriate development that is by definition harmful. The western access is at an early stage of construction, with the verge still intact, and has yet to be properly formed. However, it appears to me that the hard surfacing of the new eastern access causes a clear reduction in openness. This is as compared with the hedging and trees that were there formerly and contributed to the rural character to the appeal site. While land to the east of the site is developed for various commercial purposes, and there is sporadic residential development on Old Watling Street, the appeal site and surroundings are very much a part of the countryside.</p> <p>The Highway Authority advice is there should be 160 metres visibility to either side of the access taken from a point 9 metres back from the highway edge. This access provides so very much lower visibility than that advice that I conclude the development is likely to cause serious harm in terms of</p>				

	highway safety for users of the appeal site and nearby roads.			
No.	DBC Ref.	PINS Ref.	Address	Procedure
4	4/01278/18/FUL	W/21/3278371	Units 1 & 2 Richmond Square, Hicks Road, Markyate	Written Representations
	Date of Decision:		16/03/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3278371			
	Inspector's Key conclusions:			
	<p>Hicks Road is one of three roads into Markyate from the A5183 and at the time of my mid-afternoon site visit it seemed reasonably busy. The road is not particularly wide and at my site visit I saw that there were vehicles parked along the south side of the road, opposite the site, which reduced the effective carriageway to a single car's width.</p> <p>In terms of servicing, the appellant has advised that the A1 use would generate a need for four to six deliveries each day. The development would provide one loading bay perpendicular to Hicks Road. The appellant's Delivery and Servicing Management Plan states that its use by non-delivery vehicles would be prevented by the presence of a retractable bollard. Using pre-arranged delivery windows, logistics planning programmes and GPS, staff on site can be made aware of when a delivery is imminent and so can lower or remove the bollard in readiness. Such measures will also be used to endeavour that no more than one delivery vehicle is at the site at any one time.</p> <p>Whilst in theory this would be satisfactory, I have concerns over its practicability...it is possible that more than one delivery vehicle would be at the site simultaneously, even taking account of the fact that each delivery would only be for a short time, which also may result in a delivery vehicle waiting on the road. Due to the proliferation of parking opposite and on nearby roads, there would most likely be nowhere for vans or lorries to safely park whilst waiting. A waiting delivery vehicle would therefore, due to the narrow width of the road, most likely block the road entirely. Given the level of use of the road, this could quickly lead to congestion. [This] would have severe adverse consequences for traffic flow and highway safety.</p> <p>Overall, I consider a departure from the parking standards set out in the SPD would be justified. Nonetheless, I do not consider that the measures suggested in the Delivery and Servicing Management Plan for the operation of the loading bay would ensure that deliveries to the A1 unit would not compromise highway safety.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
5	20/02711/FUL	W/21/3274531	Land Adj No 8 Red Lion Lane, Bridens Camp,	Written Representations

		Hemel Hempstead
	Date of Decision:	23/03/2022
	Link to full decision:	
		https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3274531
	Inspector's Key conclusions:	
	<p>The proposal would form a line of houses along most of the Red Lion Lane frontage and continue tangentially along the first half of the bridleway frontage. This would create a substantial line of buildings close to and along the two prominent sides of the site. Both these frontages have hedges, but the proposed dwellings being 2 storey and closely sited would be visible at these viewpoints. The proposal would fundamentally change the site's character from undeveloped countryside to an extensive row of houses, with only one significant gap, a garden, in between the plots. The extent of development would be perceived as urban in form and out of keeping with a rural area.</p> <p>The block plan indicates that there would be very restricted space in between the houses particularly after a physical boundary has been formed and space left for access to the rear. There would be very limited scope for conspicuous landscaping in between the plots to soften the length of development.</p> <p>The submitted LVIA notes that the site is not prominent from distant vantage points. I concur, but there is nonetheless the above impact at close views. The LVIA also mentions the use of vernacular architecture and the Design and Access Statement explains the intention is to replicate the simplicity of the estate workers cottages. However irrespective of the particular elevational design, the presence and extent of the proposed dwellings would be intrusive.</p> <p>I therefore conclude that the proposal would harm the character and appearance of the area and harm the AONB. I find that this would be significant harm due to the proximity of the development to public views, the nature of those views, the context of the views and the views being publicly accessible on a road and bridleway.</p> <p>The proposal would lead to hard surfaces over most of the site and a loss of vegetative cover for the wildlife. Additionally, there would be disturbance by vehicles and people. Moreover, the ecological report is cautionary about the impact of external lighting on the bats. The houses and their domestic curtilages would inevitably be likely to generate significant light spillage across the site boundaries. No dark corridor has been identified and would be unlikely given the expanse of development. Given the above, I therefore find that the proposal would impair the movement of wildlife. In addition, the proposal would entail tree and shrub clearance which would be likely to reduce the foraging and shelter for bats. I therefore conclude that based on the submitted evidence, including the lack of precise and detailed mitigation measures, the proposal has the potential to harm protected species and would lead to the loss of biodiversity.</p> <p>Taken as a whole I find that the proposal would lead to a slightly adverse</p>	

<p>impact on highway safety.</p> <p>I...find that in terms of privacy the proposal would be acceptable. I find that the gardens would be a reasonable size and shape, which would be capable of accommodating toddlers play and sitting out, as well as hanging out washing. I therefore conclude that the proposal would provide satisfactory living conditions for the occupants.</p> <p>The Council cannot show a 5 year Housing Land Supply, the supply being 2.8 years or 3.2 depending on the buffer used. The site is within and harmful to the AONB, so paragraph 11(d) of the Framework is not triggered under footnote 7.</p> <p>On overall balance I therefore find that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. An appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not therefore required.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
6	20/03932/UPA	D/21/3275458	10 Delmar Avenue, Hemel Hempstead	Householder
Date of Decision:			23/03/2022	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3275458				
Inspector's Key conclusions:				
<p>Paragraph AA.2(3)(a)(ii) of Class AA of Part 1 of Schedule 2 of the GPDO refers to the external appearance of the dwellinghouse. In this regard, the <i>CAB Housing Ltd</i> judgment confirmed that the control of the external appearance of the dwelling house is not limited to impact on the subject property itself, but also includes impact on neighbouring premises and the locality.</p> <p>The proposal, to create an additional floor to the appeal property, would in effect create a 3-storey dwelling. Due to its position amongst the row of 2-storey dwellings, the extended appeal property would appear notably conspicuous in the street scene. Its incongruity in its context would be particularly evident in views from where Delmar Avenue turns the corner, considering the run of properties with similar ridge heights which are positioned on that side of the street. Similarly, although its roof form and window arrangements would be appropriate, the extended appeal property would present as being unduly large in terms of its scale, bulk and massing in its immediate context. Accordingly, as the extended dwelling would appear noticeably out-of-place in this location it would undermine the character and appearance of the local area.</p> <p>I therefore find that the proposal would have an unacceptable and harmful effect on the external appearance of the dwellinghouse, in conflict with paragraph AA.2(3)(a)(ii) of Class AA of Part 1 of Schedule 2 of the GPDO.</p> <p>The proposal would not be likely to cause material harm to the living conditions of the occupiers of No 8 with respect to loss of light.</p>				

The existing side elevation of the appeal property, facing No 12, likely constrains the amount of sunlight that reaches the windows on the flank elevation of No 12 at first-floor level, which serve a habitable room. The proposal would add an additional storey to the appeal property which would mean that an additional long expanse of built form would be placed above those windows, in close proximity to them. Due to the orientation of the appeal property relative to No 12 this would obscure a notable proportion of sunlight for part of the day. I have had regard to the correspondence submitted by the current occupiers of No 12 in relation to this matter. However, in my view a reduction in sunlight of this magnitude would cause significant harm the living conditions of the occupiers of No 12. For these reasons, I therefore find that the proposal would not comply with paragraph AA.2(3)(a)(i) of Class AA of Part 1 of Schedule 2 of the GPDO.

No.	DBC Ref.	PINS Ref.	Address	Procedure
7	21/04397/FHA	D/22/3290070	4 Parkfield, Markyate	Householder
	Date of Decision:		01/04/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3290070			
	Inspector's Key conclusions:			
	<p>The proposal is to enlarge No 4 with a part single storey, part 2-storey extension at the front that would be evident from Parkfield, in both directions. When seen from this highway, the new 2-storey element with a hipped end facing the road would be a significant and prominent feature. It would be a sizeable addition, extending outwards by 3-metres from the main front wall and across much of the building's width. In combination, the design and scale of the new 2-storey extension would cause it to overwhelm the simple form, modest proportions and general style of the existing dwelling notwithstanding the use of matching external materials.</p> <p>By introducing a large 2-storey front projection with mono-pitched roofs on either side, the proposal would exacerbate these differences and further unbalance the built form of No 4 and its attached counterpart. This imbalance would be so great as to draw the eye in the local street scene. For all these reasons, the proposal would spoil the intrinsic character of the existing dwelling and be obtrusive even among the varied built form within the local area.</p> <p>I conclude that the proposed development would be out of keeping with the character and appearance of the local area.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
8	21/03708/FHA	D/22/3292490	3 Epping Green, Hemel Hempstead	Householder
	Date of Decision:		04/04/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3292490			
	Inspector's Key conclusions:			

The appeal is dismissed insofar as it relates to the erection of a front second floor extension. The appeal is allowed and planning permission is granted for the erection of a rear single storey extension & garage extension.

The appeal dwelling stands within a short line of similar properties that address the same side of Epping Green. Despite some changes to the properties in this row, they all retain the dormer and a ground floor forward projection at the front. When seen from the adjacent highway, the broadly consistent roof profile of this grouping and their stepped front elevations establishes a broad consistency and a noticeable rhythm to existing development, which is locally distinctive.

The proposal would be a sizeable addition with the new front elevation perceived as more substantial in-built form than the dwellings on either side. The new 2-storey gable would be a significant and conspicuous feature of the new front elevation that would also differentiate the completed dwelling from others in the same row. Taken together, I consider that the marked contrast in the scale and design of the finished dwelling compared to others in the same row would cause No 3 to stand uncomfortably in the local street scene. By unduly disrupting the distinctive pattern of existing development along this section of Epping Green, the proposal would be obtrusive in the streetscape and detrimental to the area's visual character.

I conclude that the proposed first floor extension would cause significant harm to the character and appearance of the local area.

As the proposed rear and garage extensions would be consistent with the character and appearance of the host building and the local area, they would comply with the policies cited by the Council. These elements of the proposal are clearly severable to the proposed front extension and so I am able to issue a split decision that grants planning permission solely for them.

[This appeal was part allowed. However, the element of the development that the Council refused was dismissed].

No.	DBC Ref.	PINS Ref.	Address	Procedure
9	21/01961/FHA	D/21/3287227	Moorings, 13 Anglefield Road, Berkhamsted	Householder
Date of Decision:			05/04/2022	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3287227				
Inspector's Key conclusions:				
<p>The Council appears to find the rendered piers placed on either side of the gates acceptable. From the submitted evidence, I have no reason to disagree with that finding. Consequently, the main issue is the effect of the fence and gates on the character and appearance of the local area.</p> <p>For the most part, the highway frontages of existing properties along this road are marked by hedgerows of varying height, open driveways, fences,</p>				

	<p>walls and some gates, many of which are low level. These features, coupled with the gaps between buildings and the grass verges on each side of the highway, give Anglefield Road a spacious, informal and verdant character, which is locally distinctive.</p> <p>The solid form and considerable length of the timber fence and the solidity of the electronic timber gates, coupled with their slightly elevated position to the highway, means that they are significant and prominent features when seen from Anglefield Road. From this highway, the fence and gates draw the eye as a rather stark, solid and formal barriers. As a result, they have an overly imposing presence in the street scene in marked contrast with the more low-key and informal appearance of the front boundary treatments prevailing along Anglefield Road. For these reasons, the fence and gates are obtrusive and have a deleterious effect on the character and appearance of the local area.</p> <p>I am unable to share the appellant's opinion that the landscaped line to the new boundary and the retention of the grass verge maintains the prevailing soft and verdant character of the street scene.</p> <p>There are examples of close-boarded fencing and solid gates that mark the boundaries to some properties along Anglefield Road including those to which the main parties have referred. From what I saw, these cases are not a predominant characteristic of the front boundary treatment along that part of Anglefield Road to which the site belongs. Furthermore, in some instances, the examples exemplify the harm to which I have referred. Consequently, these cases do not lend support to the appeal.</p> <p>I conclude that the development is out of keeping with the character and appearance of the local area.</p>
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6.3 PLANNING APPEALS ALLOWED

Planning appeals allowed between 28 February 2022 and 17 April 2022.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	21/01366/ROC	W/21/3281296	Wagon And Horses, London Road, Flamstead	Written Representations
	Date of Decision:		07/03/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3281296			
	Inspector's Key conclusions:			
	Paragraph 150 of the Framework states that a material change in the use of land is not inappropriate in the Green Belt providing it preserves its openness and does not conflict with the purpose of including land within it. Policy CS5 of the Dacorum Core Strategy is consistent with this. As the change of use of			

the land to a Class E use has already been granted, it is only the effect of removing condition 3 that needs to be considered in terms of the Framework and policy CS5.

Clearly were the office in use by a business which had no commercial vehicles and had no associated plant or equipment, then it is possible that the whole of the hardstanding area would be occupied by cars. Indeed that is allowed for in condition 3. Furthermore, from the plans, it appears that when in use as a pub, much of the site was covered in asphalt and so would most likely have used for customer car parking. As a result, the principle of the parking of vehicles across much of this large open part of the site has been established.

The trucks used by the appellant are visibly larger vehicles than cars. However there are few of them, and so their additional impact on the openness of the Green Belt is limited. Likewise the storage of a few diggers and other highway equipment has a very minimal effect on openness. I recognise there would most likely always be plant, equipment or commercial vehicles on the site including overnight, and in this respect the development differs to office parking or pub customer parking. Nonetheless, the limited number of trucks, plant and equipment and the fact that all these items are not built form and are moveable, leads me to consider that their impact on the openness of the Green Belt is limited.

Overall the effect of the site being used to accommodate some commercial vehicles, plant and equipment as opposed to car parking is limited. I consider the development preserves the openness of the Green Belt and does not conflict with any of the five purposes of the Green Belt set out in paragraph 138 of the Framework. As such it is not inappropriate development and so accords with policy CS5 and the Framework as set out above. Consequently, condition 3 is unnecessary.

No.	DBC Ref.	PINS Ref.	Address	Procedure
2	21/01696/FHA	D/21/3282270	Honeysuckle Barn, Birch Lane, Flaunden	Householder
	Date of Decision:		08/03/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3282270			
	Inspector's Key conclusions:			
	<p>The appeal is allowed and planning permission is granted for alterations to an existing dwelling involving raising the roof and changes to the fenestration.</p> <p>The raising of the barn's roof by between 0.5 and 1.13 metres has increased its volume from 649.18 to 753.90 cubic metres. The raising of the barn's roof has increased its original volume by 16%. I consider that volumetric change has not resulted in a disproportionate addition over and above the size of the original building and that there has been no consequent harm to the Green Belt's openness. I therefore conclude that the development is not inappropriate development within the Green Belt.</p>			

	<p>While the raising of the barn's roof has increased its height and mass, I am of the view that the making of this change to the barn has not harmed its appearance. In that regard I consider that the barn has not become too heavy or unduly bulky and that the height and roof form remain in sympathy with this building's original character. I also consider that the changes to the fenestration, compared with what was originally permitted, have not harmed either the barn's or the Conservation Area's appearance.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	21/01236/FHA	D/21/3280747	The White House, Potten End Hill, Water End	Householder
	Date of Decision:		08/03/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3280747			
	Inspector's Key conclusions:			
	<p>The appeal is allowed and planning permission is granted for a garden room.</p> <p>Seven types of built development listed in paragraph 149 of the Framework may be treated as exceptions to inappropriate built development in the Green Belt. However, outbuildings are not included amongst those exceptions. Outbuildings...are not identified as being permissible for the purposes of Policy CS5. I therefore conclude that the outbuilding would be inappropriate development within the Green Belt. I attach substantial weight to that harm.</p> <p>The outbuilding would add a little to the built development in the Green Belt, given its area of 20 sq.m. However, as the outbuilding would be within TWH's rear garden and TWH is one of a number of dwellings that make up Water End, I consider this development would not constitute urban sprawl. The change to Green Belt openness, in relative terms, would be very modest and I find it would not be harmful.</p> <p>Ordinarily the outbuilding's siting would benefit from permitted development (PD) rights, deemed to be granted under the provisions of Class E of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, TWH no longer benefits from those PD rights because condition 3 imposed on the 2003 permission has withdrawn them. As the reason for condition 3's imposition had nothing to do with avoiding Green Belt harm and were it not for that condition express planning permission for the outbuilding would be unnecessary, I consider those are considerations weighing substantially in favour of the proposed development.</p> <p>I conclude that very special circumstances exist to justify planning permission being granted for the outbuilding.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
4	21/04354/FHA	D/22/3291812	4 Reson Way, Hemel Hempstead	Householder

Date of Decision:	31/03/2022
Link to full decision:	
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3291812
Inspector's Key conclusions:	
	<p>The appeal is allowed and planning permission is granted for the erection of a rear dormer including rooflights in front roof slope, new rooflights in rear pitch and outbuilding.</p> <p>The Council appears to raise no objection to the proposal aside from the new dormer extension. The elevated position of the new rear dormer would lead to a greater level of overlooking towards the rear of 2 Thistlecroft, which is residential property that backs onto the site, than would be possible from the existing upper rear windows of No 4. Having viewed the site from No 2, I can appreciate that the presence of the new dormer would also heighten a sense of being overlooked given that it would be visible from the rear of this neighbouring dwelling. That perception would be reinforced by the position of the new dormer roughly just above eye level when seen from the rear garden and patio of No 2 and its ground floor rear windows, which serve habitable rooms, due to the notable difference in ground levels.</p> <p>In my experience, some overlooking of this type is a common characteristic of the relationship between residential properties in main built-up areas. In this case, a reasonably generous distance would separate the new dormer and the rear windows of No 2, which the Council estimates to be about 27 metres. The intervisibility between the new dormer and the rear of No 2 would also be filtered through the foliage of some trees, which are mostly within the back garden of this adjacent property. Tree cover may reduce in the winter months when some specimens are not in leaf, which the appellant's visualisations show. Vegetation can also be cut back or removed at any time. However, the separation distance between Nos 2 and 4 would remain in either eventuality and, on balance, it would still maintain an adequate level of privacy for the occupiers of No 2.</p> <p>Overall, I conclude on the main issue that the new dormer extension would not cause significant harm to the living conditions of the occupiers of No 2.</p>

6.4 PLANNING APPEALS WITHDRAWN

Planning appeals withdrawn between 28 February 2022 and 17 April 2022.

None.

6.5 ENFORCEMENT NOTICE APPEALS LODGED

Enforcement Notice appeals lodged between 28 February 2022 and 17 April 2022.

None.

6.6 ENFORCEMENT NOTICE APPEALS DISMISSED

Enforcement Notice appeals dismissed between 28 February 2022 and 17 April 2022.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	E/20/00088/NPP	C/20/3257673	Land E Watling Girth, Old Watling Street, Flamstead	Written Representations
	Date of Decision:	28/02/2022		
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3257673&CoID=0			
	Inspector's Key conclusions:			
	<p>[This was a conjoined appeal with the three planning appeals detailed above, with a conjoined Decision Letter for all 4 appeals].</p> <p>[For the Ground (a) appeal "<i>that planning permission should be granted</i>", please also refer to planning appeals above. Overall conclusion: none of these considerations (economic output of egg production & social aspect of sustainability) outweigh the harm to the Green Belt by reason of inappropriateness and the other harms identified, and do not amount to the very special circumstances necessary to justify the development].</p> <p>Appeal under Ground (b) "<i>that the breach of planning control has not occurred as a matter of fact</i>". The appellant has put in no photographic evidence of the dropped kerbs, and the Council's 'Streetview' images from 2012 are indistinct. It might be expected that more thorough photographic evidence and perhaps plans to show the previous existence of the accesses would be submitted. Overall, the appellant's evidence is very thin indeed, and does not constitute the degree of precision or lack of ambiguity I would expect in a ground (b) appeal. I conclude that on the balance of probabilities the ground (b) appeal should not succeed.</p> <p>Appeal under Ground (c) "<i>that there has been no breach of planning control</i>". The appellant argues that the land is agricultural, where a hardstanding of not more than 1000 square metres on a piece of such land in excess of 0.5 of a hectare is permitted development. There is no evidence to show that the appeal site is being used agriculturally as a trade or business. Although the appellant says he intends to pursue his plan to keep poultry and to sell eggs locally, this has yet to materialise. Furthermore, I am not at all satisfied the appellant has demonstrated the hardstanding is reasonably necessary for</p>			

the purposes of agriculture within the unit. Also, the part of the hardstanding to the south of the site is within 25 metres of the trunk road, and therefore the entire area is precluded from the allowance under the provisions of paragraph B.1(c). For all these reasons I find that on the balance of probabilities the construction of hardstanding is not permitted under the GPDO, and that the ground (c) appeal must fail.

The requirement to *'reinstate a boundary treatment'* rather than a requirement to *'restore the land to its previous condition'* appears to me to give the appellant considerably greater flexibility in the type of boundary treatment to employ. As to infilling the holes/foundations after removal of the gate-posts, these holes and any foundations are clearly part and parcel of the development of the accesses. The requirement is therefore part of the restoration of the land. Whether or not the holes/foundations would require planning permission is a matter of fact and degree but is in any case irrelevant to the question of whether infilling/removal is part of the restoration. Overall, I conclude that the ground (f) appeal must fail.

It is argued that the period for all the requirements should be extended to 12 months. The Council say the various periods were calculated to ensure each step could be undertaken without 'over-stepping' each other. I agree this is a rational approach. It would, for instance be undesirable to require the Old Watling Street access to be reinstated before removal of the hardstanding. The periods allowed appear to me quite practically feasible, and I see no reason to extend any of them. The appeal on ground (g) therefore fails.

6.7 ENFORCEMENT NOTICE APPEALS ALLOWED

Enforcement Notice appeals allowed between 28 February 2022 and 17 April 2022.

None.

6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN

Enforcement Notice appeals withdrawn between 28 February 2022 and 17 April 2022.

None.

6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2022 (up to 17 April 2022).

APPEALS LODGED IN 2022	
PLANNING APPEALS LODGED	22
ENFORCEMENT APPEALS LODGED	1
TOTAL APPEALS LODGED	23

APPEALS DECIDED IN 2022 (excl. invalid appeals)	TOTAL	%
TOTAL	33	100
APPEALS DISMISSED	19	57.6
APPEALS ALLOWED	12	36.4
APPEALS PART ALLOWED / PART DISMISSED	2	6.1
APPEALS WITHDRAWN	0	0

	TOTAL	%
APPEALS DISMISSED IN 2022		
Total	19	100
Non-determination	0	0
Delegated	18	94.7
DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	1	5.3

APPEALS ALLOWED IN 2022	TOTAL	%
Total	12	100
Non-determination	0	0
Delegated	11	91.7
DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	1	8.3

6.10 UPCOMING HEARINGS

No.	DBC Ref.	PINS Ref.	Address	Date
1	19/02588/MFA	W/21/3275429	Lilas Wood Wick Road Wigginton	18 May 2022
2	E/21/00041/NPP	C/22/3290614	The Old Oak, Hogpits Bottom, Flaunden	tbc

6.11 UPCOMING INQUIRIES

None.

6.12 COSTS APPLICATIONS GRANTED

Applications for Costs granted between 28 February 2022 and 17 April 2022.

None.

6.13 COSTS APPLICATIONS REFUSED

Applications for Costs refused between 28 February 2022 and 17 April 2022.

None.