

## 6. APPEALS UPDATE

### 6.1 APPEALS LODGED

Appeals received by Dacorum Borough Council between 18 April 2022 and 01 July 2022.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	21/03283/FUL	W/22/3297409	The New Forge, Maple Farm, Shantock Lane, Bovington	Written Representations
2	21/04643/FHA	D/22/3297951	Felden Orchard, Bulstrode Lane, Felden	Householder
3	21/04401/FUL	W/22/3298236	1 The Orchard, Kings Langley	Written Representations
4	21/04271/RET	D/22/3298518	6 Nettlecroft, Hemel Hempstead	Householder
5	20/03557/FUL	W/22/3298981	1 Park Road, Hemel Hempstead	Written Representations
6	21/03971/FHA	D/22/3299548	Broomhill Leys, Windmill Road, Markyate	Householder
7	22/00113/LDE	W/22/3299549	Gable End, 1 Threefields, Hemel Hempstead	Written Representations
8	22/00233/FUL	W/22/3300029	55 High Street, Markyate	Written Representations
9	21/04646/RET	D/22/3300471	136 Beechfield Road, Hemel Hempstead	Householder
10	22/00039/FHA	D/22/3300491	84 Seaton Road, Hemel Hempstead	Householder
11	21/04756/FUL	W/22/3300850	1 Dale End, Box Lane, Hemel Hempstead	Hearing
12	22/00635/FHA	D/22/3300793	Ravels, Shootersway Lane, Berkhamsted	Householder
13	22/00292/FHA	D/22/3301473	49 Crouchfield, Hemel Hempstead	Householder
14	22/00070/FHA	D/22/3301687	87 Grove Gardens, Tring	Householder
15	22/00656/FHA	D/22/3301844	16 Harcourt Road, Tring	Householder
16	21/04573/DRC	W/22/3301877	11 Bridge Street, Hemel Hempstead	Written Representations
17	22/00485/FHA	D/22/3302143	4 Southview Villas, George Street, Berkhamsted	Householder
18	22/01305/FHA	D/22/3302163	Imrie House, Doctors Commons Road, Berkhamsted	Householder

## 6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 18 April 2022 and 01 July 2022.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	<a href="#">20/03227/FUL</a>	W/21/3289126	The Plough, The Back, Potten End	Written Representations
	<b>Date of Decision:</b>		29/04/2022	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3289126">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3289126</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The appeal property was designated as an Asset of Community Value (ACV) by the Council in July 2018, as it was considered to “<i>further the social wellbeing or social interests of the local community</i>”<sup>1</sup>. This designation was attributed to its ongoing use as a public house, hosting a community library/book swap facility, and it acting as a community hub for charity and other public events. Based on the extent of representations received, it is clear that this community use prevails, and is something which is valued by local residents.</p> <p>Two offers to purchase the appeal property have been made. One offer of £400,000 was made in July 2020 by a restaurateur who hoped to extend the property and trade as a restaurant. Another offer of £415,000 was made by a local community group in November 2020, who sought to preserve the appeal property as a community run pub. Both offers were rejected by the owner as they were considered too low.</p> <p>Irrespective of the pub's viability, these offers demonstrate real and legitimate interest to purchase the appeal property, both of which would have preserved its community use. Moreover, had the appeal property been marketed at a lower price, or at a time when trading conditions were more favourable, there may have been more interest from potential buyers. It is possible that a purchaser would have come forward who was willing to invest in the pub to help secure its longer-term viability, or who sought to buy the property for some other community use or facility. On this basis, I am not persuaded that all necessary attempts to secure the continued community use of the appeal property have been adequately pursued, particularly given its status as an ACV. For these reasons, I consider that the proposed development would conflict with Policy CS23 of the CS, the overriding objective of which is to protect social infrastructure where possible.</p> <p>The visual impact would therefore be broadly similar to the existing extension. As such, it would preserve the existing sense of enclosure and intimacy that characterises the lane. The development would preserve the character and appearance of the Conservation Area.</p>			

No.	DBC Ref.	PINS Ref.	Address	Procedure
2	<a href="#">21/00964/OUT</a>	W/21/3286956	Marston Gate Meadow, Station Road, Long Marston	Written Representations
	<b>Date of Decision:</b>		03/05/2022	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3286956">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3286956</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>It is the width of the newly proposed access (in proximity to the highway) combined with the positioning/alignment of the associated track that raises concerns. Notwithstanding references made to the relevant section of hedgerow being sparsely planted and to an intention to undertake future additional planting (including of black poplars), the intended access arrangements would necessitate the punctuation of a not insignificant and distinct gap in an established buffer of roadside vegetation and would have an urbanising influence accordingly.</p> <p>Furthermore, the fenced track would cover a considerable length in a location set away from any existing field boundary to either of its sides. It would thus appear as an intrusive and unexpected addition to the green and rural location in question. To my mind, having inspected the existing access and even when acknowledging the Highway Authority's recommended access width, it has not been robustly substantiated why the existing access could not be utilised (or adapted) for the purposes of attaining access to the proposed dwelling, nor why it would not be possible/workable to run an associated track in proximity to the field's southern edge.</p> <p>The proposed access arrangements would cause harm to the character and appearance of the rural area. Indeed, the open nature and rural character of the land would not be suitably maintained. The scheme conflicts with Policies CS1, CS7 and CS12 of the Dacorum Core Strategy.</p> <p>The site lies within a recently prescribed Zone of Influence where likely significant effects upon the SAC from net increases in development due to recreational impacts cannot be ruled out. As I have found the proposal to be unacceptable for other reasons, it is not necessary for me to undertake an appropriate assessment.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	<a href="#">21/01801/FUL</a>	W/21/3283492	Land R/o 34 Great Road, Hemel Hempstead	Written Representations
	<b>Date of Decision:</b>		04/05/2022	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3283492">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3283492</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>There is an attractive spacious character to the area. The appeal proposes a detached dwelling within part of the rear garden to 34 Great Road, very close to a group of 3 fairly large trees within the adjacent garden of 32 Great Road.</p>			

These trees are not protected by Tree Preservation Order, but they are visible from the street in the gaps between dwellings as well as from surrounding properties, and complement other nearby trees to provide for an attractive landscaped backdrop and setting to development. I consider that the group make a positive contribution to the character and appearance of the area.

Given the height of these trees and the very close proximity of the dwelling, I am concerned that it would be at least partly within the root protection areas, and could therefore cause damage or harm to the health and longevity of the neighbouring trees. No tree survey, details of underground works or tree protection measures which Policy 99 of the Dacorum Borough Local Plan 2004 (DBLP) indicates would be required have been provided. I find that the appellant's suggestion that trees would not be harmed by the development to be little more than unsubstantiated assertion.

Without robust arboricultural evidence, I cannot be confident that development could be carried out in this location without adversely affecting tree roots, and there is little to demonstrate that potential harm to trees could be effectively mitigated. Given this uncertainty, and that it relates to the location of the dwelling which is fundamental to the development proposed, I am not satisfied that it would in this case be appropriate to defer consideration of this matter to a planning condition. Accordingly, I am unable to conclude that the proposal would not harm the health or condition of the neighbouring trees causing detriment to the character and appearance of the area.

In my judgement, the proposal would therefore lead to an inefficient use of land when considered more widely, and irrespective of the relationship of the dwelling with existing development in the vicinity, I find as a result that the proposal fails to take a comprehensive view of potential development opportunities in the immediate area. The proposal would result in an unsympathetic development that fails to optimise the overall use of land in the long term.

Given the harm that I have identified above and that I am dismissing the appeal for other reasons, it is not necessary for me to consider further the effect of the proposal on the integrity of the SAC as it could not be determinative.

No.	DBC Ref.	PINS Ref.	Address	Procedure
4	<a href="#">21/00737/FUL</a>	W/21/3286001	40 Valleyside, Hemel Hempstead	Written Representations
<b>Date of Decision:</b>			11/05/2022	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3286001">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3286001</a>				
<b>Inspector's Key conclusions:</b>				
During my late morning site visit I noted a number of parked cars along the street, including partly on the footways, making it very difficult to pass without walking on the highway. This is likely to be at a higher volume in the				

evenings and at weekends.

The Council's adopted Parking Standards Supplementary Planning Document (2020) (the SPD) requires 3.5 spaces for the 7 bedroom unit created by the proposed development.

Although the appellant contends that two vehicles could be parked here, I am not convinced by this. Even if two cars were able to park in that space, this would be cramped and I have no evidence before me to illustrate that both vehicles could be used freely. Such an arrangement would likely result in additional on street parking, if for nothing other than convenience.

Irrespective of whether one or two vehicles could be accommodated here, the existing driveway would still not achieve the Council's parking standard for a property of this type and size. This is particularly relevant given the appeal site's location. Although I acknowledge the appellant's comment in respect of car ownership for the typical HMO occupant, it is highly likely that there would be a reliance on private cars for making trips to and from this property. I disagree with the appellant's comment in respect of the property being occupied by a large family as this is premised on hypothetical eventualities. I have no clear evidence to illustrate that the surrounding roads could comfortably and safely accommodate further vehicles.

With the above in mind, and taking into account the character of the area, any additional on-street parking as a result of the proposed development would add to the existing on-street parking levels on Valleyside and neighbouring streets, increasing the likelihood of the free flow of traffic and pedestrians being impeded, to the detriment of highway safety. For the above reasons, the proposed development would have a harmful effect on highway safety due to the lack of parking provision, contrary to the relevant provisions of Policy CS12 (b) of the Dacorum Borough Core Strategy (2013) and the SPD.

No.	DBC Ref.	PINS Ref.	Address	Procedure
5	<a href="#">20/02843/FUL</a>	W/21/3266650	44 Martindale Road, Hemel Hempstead	Written Representations
<b>Date of Decision:</b>			17/05/2022	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3266650">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3266650</a>				
<b>Inspector's Key conclusions:</b>				
<p>Although a 2-storey rear projection with simple gable roof would not look out of place, the narrow width of the 2-storey side projection with lower ridgeline would appear awkward, contrived and wholly out of character with the prevailing simple roof forms that define the character of the area.</p> <p>The scheme's narrower front elevation would also jar with the clear plot rhythm and urban grain of the road, which is characterised by consistent front elevation property widths within each terraced section. This is made even more noticeable by the scheme's front elevation having a lower proportion of wall to window than exists at No 44. As a consequence, it</p>				

would create the impression of a development that had been tightly squeezed onto the site, wholly out of kilter with the consistent form, appearance and rhythmic character of other properties on the street. Further harm would arise from the gable of the narrow side-projection being flush with the rear projection, without any small indent between the two to break up the mass of the scheme and help define the side gable.

The development and its relationship with neighbouring dwellings would also be publicly visible when approaching from both directions on Martindale Road and Hollybush Lane, which would intensify its harmful impact. The use of materials to match the existing property would not overcome this harm.

I conclude that the scheme would be harmful to the character and appearance of the area. The proposal would therefore conflict with Policies CS11 and CS12 of the Core Strategy.

Although there are two trees in close proximity to the proposed dwelling, the Council and its Tree Officer accept that it can be constructed next to these without causing any harm, subject to the appellant's tree report recommendations being followed. I see no reason to disagree with this.

I do nonetheless recognise the Council's concern over the sustainability of these trees in the long-term. However, in terms of physical encroachment and associated leaf residue, I agree with the appellant that future owners of the dwelling would be able to cut back any branches that overhang the common boundary without causing any noticeable harm to the form of both specimens. I recognise that such maintenance might be viewed as inconvenient to future owners, but this situation would be clearly evident at the purchase stage and I would not consider such actions to be so cumbersome as to justify the removal of either tree.

The close proximity of the trees to the common boundary would result in a reduction of direct sunlight to the north-west facing rear garden of the new dwelling and its windows & doors from approximately midday onwards. For the same reason, the rear garden and windows & doors would also receive less diffuse daylight. However, I do not consider that the rear garden and internal living accommodation would become so unwelcoming, dark, prone to dampness or unusable as to warrant dismissal and agree with the appellant that some occupants may actually prefer the visual amenity benefits the trees in question would bring, along with the corresponding shade they would provide on hot days. In view of the above, I conclude that the scheme would not compromise preservation of the adjacent trees in both the short and long term.



No.	DBC Ref.	PINS Ref.	Address	Procedure
6	20/01866/FUL	W/21/3266474	16 Park Road, Hemel Hempstead	Written Representations
	<b>Date of Decision:</b>		08/06/2022	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3266474">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3266474</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The appellant's Daylight and Sunlight Impact Assessment has demonstrated that the scheme would not result in any harmful loss of diffuse daylight or sunlight to neighbouring properties. I am also satisfied that there is a sufficient separation distance between the house on Plot 1 and Nos 1, 3 and 18 Vicarage Close, which would ensure that the latter do not experience a harmful loss of outlook.</p> <p>However, by reason of the close proximity of the houses on Plots 2 and 3 to the rear garden of No 18 Park Road, their 2-storey height and rising land levels, it is my view that the development would appear visually intrusive and oppressive to the occupants of No 18 Park Road when looking out of their rear elevation windows and when using their garden. In view of the above, I conclude that the scheme would be harmful to the living conditions of neighbouring occupiers at No 18 Park Road.</p> <p>The terrace of houses would have a simple and unfussy modern appearance utilising materials of a similar palette to other properties on Vicarage Close. The architectural style of these properties would not therefore be harmful to the character of the area.</p> <p>However, by reason of the house on Plot 1 being positioned on the central open hardstanding area, the scheme would obliterate the spaciousness of this part of the road which makes a significant contribution to its character. The rectangular footprint of this dwelling would also jar with the semi-circular shape of this part of the appeal site, which would exacerbate this harm. The row of terraced houses would also have an extremely limited depth of set-back and garden areas in front of those elevations facing the vehicular highway, in complete contrast to the more generous setbacks and front gardens of other properties on Vicarage Close.</p> <p>The short depth of front and rear gardens, together with the development's intrusive and incongruous encroachment into the central open hardstanding area, would result in a scheme that looks cramped and as if it has been squeezed onto the site, quite unlike the more spacious character of other properties on Vicarage Close.</p> <p>The above deficiencies, when taken collectively with the identified harm to living conditions of No 18 Park Road, demonstrates to me that the scheme represents an overdevelopment of the appeal site and would therefore appear incongruous with the surrounding area. In view of the above, I</p>			

	conclude that the scheme would be harmful to the character and appearance of the area.			
No.	DBC Ref.	PINS Ref.	Address	Procedure
7	<a href="#">21/04453/FHA</a>	D/22/3297019	16 Cowper Road, Berkhamsted	Householder
	<b>Date of Decision:</b>		24/06/2022	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3297019">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3297019</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The proposed rear extension would project beyond No 15's ground floor rear extension. I find that this factor, when combined with the overall height of the proposed extension, would result in the proposal appearing to loom above the rear of No 15 to an overbearing degree. The harm arising from this would be exacerbated as a result of the change in levels between the two dwellings, such that the height of the proposal would be exaggerated when seen from No 15 and leading it to appear as an unduly dominant feature when seen from this neighbouring property.</p> <p>Further to the above, No 16 is located to the south of No 15 and I consider that a combination of the overall height, scale and location of the proposal would result in a loss of daylight and sunlight to the rear of No 15 and this is a factor that adds to the level of harm identified.</p> <p>The proposed outbuilding to the rear of No 15's garden would comprise a tall, wide and long structure. Its overall dimensions, when added to the change in levels between No 15's rear garden and that of No 16, would result in the presence of an unduly dominant structure that would appear to loom over No 15's rear garden to an overbearing degree. Whilst I observed there to be a tall wall at the end of No 16's rear garden, the front of the proposed outbuilding would be located much closer than this to No 15's rear windows and outside sitting areas; and it would also run alongside and appear above a considerable length of No 15's rear garden and these factors would add to the visually intrusive appearance of the proposal.</p> <p>Taking all of this into account, I find that the proposed development would harm the living conditions of the occupiers of No 15 Cowper Road, contrary to the National Planning Policy Framework and to Core Strategy1 Policy CS12.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
8	<a href="#">21/03846/FHA</a>	D/22/3296120	4 Nettleden Road North, Little Gaddesden	Householder
	<b>Date of Decision:</b>		24/06/2022	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3296120">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3296120</a>			
	<b>Inspector's Key conclusions:</b>			



<p>The appeal property is located within the Little Gaddesdon Conservation Area and is located in the Chilterns Area of Outstanding Natural Beauty (AONB). The Council is satisfied that the proposed development would conserve the special qualities of the AONB.</p> <p>The overall appearance of the area is dominated by the presence of attractive, characterful, distinctive and well-preserved historic buildings within a verdant setting. The terrace of which the appeal property forms part is notable for its simple, traditional brick and slate appearance. Whilst the appeal property has already been extended to the side, this extension comprises a modest single storey addition which appears subservient to the host property.</p> <p>By way of significant contrast, the proposed development would result in a considerably larger two storey side extension. To provide for first floor accommodation, the proposal would introduce a crown roof. I find that this would result in the addition of a flat-roofed element that would appear as an awkward and somewhat clumsy addition, out of character with the host property and that of the simple traditional qualities of the rest of the terrace.</p> <p>As such, the proposed development would draw attention to itself as an incongruous feature. The harm arising from this would be exacerbated as a result of the raising of the roof ridge and the addition of built development in a prominent location adjacent to the host property's eaves, leading the proposal to appear unduly bulky.</p> <p>Taking all of the above into account, I find that the proposed development would fail to conserve the character and appearance of the Little Gaddesdon Conservation Area.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
9	20/02550/FUL	W/20/3265837	Nash House, Dickinson Square, Hemel Hempstead	Written Representations
<b>Date of Decision:</b>			30/06/2022	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3265837">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3265837</a>				
<b>Inspector's Key conclusions:</b>				
<p>The proposal would increase the number of flats at the site to 10. My assessment of the scheme has been based on the submitted plans, which show provision for 4 parking spaces (including one disabled bay) at the front of the building and 7 parking spaces (including one disabled bay) at the rear; - a total of 11 parking spaces. The proposed additional flat would be allocated one of the existing community use facility parking spaces, leaving it with one (as opposed to the two it originally had); - all 10 flats would therefore have one allocated parking space each.</p> <p>The scheme before me is based on all spaces being allocated and would not result in the construction of any additional parking spaces at Nash House, but would instead utilise one of the community use parking spaces (leaving it</p>				

with only one). It therefore falls below the 1.25 spaces required for a 1-bedroom flat in Accessibility Zone 3.

The Council's parking guidance indicates that the overall Nash House scheme of 6 x one-bedroom flats, 4 x two-bedroom flats and a community use would have required a total of 19 spaces (where the residential parking is allocated) or 13 spaces (where the residential parking is not allocated). The scheme before me would result in 11 allocated parking spaces overall, well below the 19 spaces the Council's parking guidance specifies, and also below the much lower corresponding figure of 13 spaces where car spaces are not allocated.

I agree with the appellant that the site has good access to local shops, services, employment, community facilities and public transport. However, this in itself does not mean that occupiers of the flats & their visitors, or the staff/ users of the community use would not use or own private cars. In any event, the Council's parking guidance takes different accessibility levels into account in setting out its modest level of parking standards for each dwelling and the scheme falls below this.

At the time of my site inspection (during the daytime) a large proportion of the allocated parking spaces were already in use on the Sappi site, and the adjacent Red Lion Lane was dominated by on-road parking with no spaces available for use. Neither was any on-road parking available nearby on Lower Road because of parking restrictions. In my view, there was considerable parking stress and congestion in the locality, which I would expect to be even more intense in the evening when occupiers return home from work.

In view of this, I would not consider it acceptable for there to be an under-provision of visitor parking to the additional flat or for its allocated bay to be at the expense of the community use facility as this would inevitably result in visitors to both uses seeking to park close-by. This would add to the already significant parking stress in the locality, which in the case of the Sappi site, is dominated by narrow highways.

I am particularly concerned that any unauthorised parking in front of Nash House (within the Sappi site) would; (1) restrict visibility of small children crossing the road to use the central play area; (2) make it more dangerous for mobility restricted people in wheel chairs or on scooters who utilise the shared surface road; and (3) harm the amenity of residents by making it more difficult for them to manoeuvre into their own allocated spaces.

I conclude that the scheme would have an unacceptable impact on parking stress in the locality and highway & pedestrian safety. The proposal would therefore conflict with Policy CS12 of the Core Strategy, which seeks, amongst other things, to ensure that development provides sufficient parking space.

No.	DBC Ref.	PINS Ref.	Address	Procedure
10	<a href="#">20/04010/FUL</a>	W/21/3277285	Nash House, Dickinson Square, HH	Written Representations
	<b>Date of Decision:</b>		30/06/2022	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3277285">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3277285</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>I have dealt with another appeal on the site which is the subject of a separate decision [see appeal decision above]. The difference between both is that this appeal proposes the construction of an additional single parking space, whereas the other does not.</p> <p>The scheme before me would result in 12 allocated parking spaces overall, well below the 19 spaces the Council's parking guidance specifies, and also below the much lower corresponding figure of 13 spaces where car spaces are not allocated.</p> <p>I conclude that the scheme would have an unacceptable impact on parking stress in the locality and highway &amp; pedestrian safety. The proposal would therefore conflict with Policy CS12 of the Core Strategy, which seeks, amongst other things, to ensure that development provides sufficient parking space.</p>			

### **6.3 PLANNING APPEALS ALLOWED**

Planning appeals allowed between 18 April 2022 and 01 July 2022.

**None.**

### **6.4 PLANNING APPEALS WITHDRAWN**

Planning appeals withdrawn between 18 April 2022 and 01 July 2022.

**None.**

## **6.5 ENFORCEMENT NOTICE APPEALS LODGED**

Enforcement Notice appeals lodged between 18 April 2022 and 01 July 2022.

None.

## **6.6 ENFORCEMENT NOTICE APPEALS DISMISSED**

Enforcement Notice appeals dismissed between 18 April 2022 and 01 July 2022.

<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Procedure</b>
<b>1</b>	<b>E/21/00312/NPP</b>	C/21/3282333	Land At Church Road, Little Gaddesden	Written Representations
	Date of Decision:		08/06/2022	
	Link to full decision:			
			<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3282333">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3282333</a>	
	Inspector's Key conclusions:			
	[The appeal decision was conjoined with the appeal below].			
	<p>The breach of planning control as alleged in the notice is without planning permission, the creation of a new vehicular access and the installation of wooden gates, construction of 3 timber buildings and installation of post and wire fencing.</p> <p>Ground (b) is that the matters alleged have not happened. On site I saw the posts in position but no wire. Nevertheless, it is clear from the photographs that both fences were constructed sufficiently to comprise a means of enclosure, even if they were not completed. It is clear...the new vehicular access and gateway, the 3 timber buildings and the fence have all been erected or created. The ground (b) appeal must therefore fail.</p> <p>In November 2019, in order to protect the open quality of the land to the south of Church Road, the Council issued an Article 4 direction which removed permitted development rights to, amongst other things, construct or erect fences or a means of access to a highway. There is no suggestion the access and fences were constructed before the article 4 direction came into force. The fences, gates and access therefore require planning permission. The various sheds are clearly buildings that fall within the definition of development and so also require planning permission. As the site is less than 5ha there are no permitted development rights for new agricultural buildings and so they too require planning permission. The ground (c) appeal also fail.</p> <p>There is no suggestion that any of the development has been in place for more than 4 years prior to the issuing of the enforcement notices. The appeal on ground (d) fails.</p>			

[Ground (a) appeal, i.e. that planning permission should be granted]. From photographs provided and the description in the conservation area appraisal it would seem the open greensward in front of the Church was not only beautiful in its own right but clearly an important part of the setting of the listed Church and the conservation area. I would say therefore that dividing the land into plots, with the associated accesses and fences required to separate them from each other would be irreparably damaging to the character and appearance of the conservation area and the setting of the Church, as well as seriously harming this part of the AONB.

The setting of the Church more generally within the conservation area and the village and the quality of the landscape in this part of the AONB are important considerations.

The long straight line of fencing along the southern side of Church Road has been interrupted by the insertion of the access and gates, and the latter is much more prominent than the original fence. The Council note the access is dangerous as it sits directly opposite the access to the Chiltern Way, heavily used by walkers, and that vehicles have difficulty negotiating the entrance. This is supported by numerous third party testimony. The appellant offers to set the gates further inside the field and while this may solve any highway safety issue it would simply make the access more prominent and intrusive.

The fences separating the northern side of the plot from its neighbour are equally intrusive and out of place, completely undermining the essential openness of the character of the landscape on this side of the road. The insertion of the access also allows a much more intensive use of the land as shown by the track that has been worn across the pasture. While the lawful use of the land is agricultural the combined effect of the Article 4 designation, the conservation area and the AONB are to severely limit the way the land can be used in order to protect the very specific and locally unique setting of the Church and the conservation area. It follows that the introduction of just one access or one fence is harmful and should be resisted.

The three sheds sit at the back of the field and, although they have now been painted brown, they still stand out as intrusive and harmful. The introduction of the three sheds, although they are relatively small, is clearly harmful to the open, rural feel to the land, which is characterised by lightly used pasture and an absence of buildings or structures.

The visual impact of the use introduced by the appellant serves to underline the harm that splitting the wider landscape into smaller parcels is likely to create. The introduction of small buildings, animal shelters, parked vehicles, and general detritus and paraphernalia associated with a small holding is entirely typical of this sort of development, and it is this fragmentation the various protections provided by the Council are intended to prevent. In my view, whether seen collectively or taken individually, each element of the matters alleged is seriously harmful to the conservation area and the AONB and contrary to the Council's policies. The appeal on ground (a) fails.

No.	DBC Ref.	PINS Ref.	Address	Procedure
2	<a href="#">E/21/00312/NPP</a>	C/21/3283466	Land At Church Road, Little Gaddesden	Written Representations
	Date of Decision:	08/06/2022		
	Link to full decision:			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3282333">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3282333</a>			
	Inspector's Key conclusions:			
	<p>[The appeal decision was conjoined with the appeal above. There was no Ground (a) for this appeal].</p> <p>The breach of planning control as alleged in the notice is without planning permission, the construction of a timber outbuilding.</p> <p>Ground (b) is that the matters alleged have not happened. It is unclear to me where the existing, dilapidated shed was supposed to be, but further photographs show a brand new shed behind the tree line in roughly the position shown on the plan attached to the notice subject to appeals C and D. The photographs show a pile of materials which are labelled "materials from previous building demolition". As I saw on site this shed is large, and even if it does incorporate part of the existing shed, that shed no longer exists and has effectively been replaced by a new, larger, structure. It cannot be argued this is merely repair and maintenance. It is clear...the timber building is new and not just the refurbishment of an existing shed. The ground (b) appeal must therefore fail.</p> <p>The various sheds are clearly buildings that fall within the definition of development and so also require planning permission. As the site is less than 5ha there are no permitted development rights for new agricultural buildings and so they too require planning permission. The ground (c) appeal also fail.</p> <p>There is no suggestion that any of the development has been in place for more than 4 years prior to the issuing of the enforcement notices. The appeal on ground (d) fails.</p>			

## **6.7 ENFORCEMENT NOTICE APPEALS ALLOWED**

Enforcement Notice appeals allowed between 18 April 2022 and 01 July 2022.

**None.**

## **6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN**



Enforcement Notice appeals withdrawn between 18 April 2022 and 01 July 2022.

None.

## **6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2022 (up to 01 July 2022).**

<b>APPEALS LODGED IN 2022</b>	
PLANNING APPEALS LODGED	40
ENFORCEMENT APPEALS LODGED	1
<b>TOTAL APPEALS LODGED</b>	<b>41</b>

<b>APPEALS DECIDED IN 2022</b> (excl. invalid appeals)	<b>TOTAL</b>	<b>%</b>
TOTAL	45	100
APPEALS DISMISSED	31	68.9
APPEALS ALLOWED	12	26.7
APPEALS PART ALLOWED / PART DISMISSED	2	4.4
APPEALS WITHDRAWN	0	0

	<b>TOTAL</b>	<b>%</b>
<b>APPEALS DISMISSED IN 2022</b>		
Total	31	100
Non-determination	1	3.2
Delegated	26	83.9
DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	4	12.9

<b>APPEALS ALLOWED IN 2022</b>	<b>TOTAL</b>	<b>%</b>
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**

<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Date</b>
1	E/21/00041/NPP	C/22/3290614	The Old Oak, Hogpits Bottom, Flaunden	tbc
2	21/04756/FUL	W/22/3300850	1 Dale End, Box Lane, Hemel Hempstead	tbc

## **6.11 UPCOMING INQUIRIES**

None.

## **6.12 COSTS APPLICATIONS GRANTED**

Applications for Costs granted between 18 April 2022 and 01 July 2022.

None.

## **6.13 COSTS APPLICATIONS REFUSED**

Applications for Costs refused between 18 April 2022 and 01 July 2022.

None.