

6. APPEALS UPDATE

6.1 APPEALS LODGED

Appeals received by Dacorum Borough Council between 23 January 2024 and 31 March 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	23/01041/FUL	W/24/3337359	32A Rucklers Lane, Kings Langley	Written Representations
2	22/02365/FUL	W/24/3338125	Land off Cupid Green Lane, Hemel Hempstead	Written Representations
3	23/02158/FHA	D/24/3338525	Little Brownlow Farm, Nettleden Road, Little Gaddesden	Householder
4	23/02835/FUL	W/24/3338670	The Coach House, 2 And 4 Water End Road, Potten End	Written Representations
5	23/01468/LDP	X/24/3338702	1 The Orchard, Kings Langley	Written Representations
6	23/02606/FUL	W/24/3338951	23 Howards Drive, Hemel Hempstead	Written Representations
7	23/02723/FUL	W/24/3339131	36 London Road, Hemel Hempstead	Written Representations
8	23/02819/FUL	W/24/3339353	Land to r/o 23 High Street, Tring	Written Representations
9	23/01845/FHA	D/24/3339457	50A Leverstock Green Road, Hemel Hempstead	Householder
10	23/02858/RET	D/24/3340265	New Lodge, Dunstable Road, Markyate	Householder
11	23/00314/TPO	TPO/A1910/9 602	Brown's Spring Wood, Potten End	Trees
12	23/02816/FHA	D/24/3340643	Little Oaks, Darrs Lane, Northchurch	Householder
13	23/02481/FUL	W/24/3340758	Downlands, Icknield Way, Tring	Written Representations
14	23/02194/FUL	W/24/3341128	Silk Mill Industrial Estate, Brook Street, Tring	Written Representations
15	23/01827/FHA	D/24/3341233	Kingfisher House, Sharpes Lane, Hemel Hempstead	Householder
16	23/00662/MFA	W/24/3341434	Land At Icknield Way And Sears Drive, Tring	Public Inquiry

6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 23 January 2024 and 31 March 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	22/03405/TEL	W/23/3322972	Queensway, Alexandra Road, Hemel Hempstead	Written Representations
Date of Decision:			05/02/2024	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3322972				
Inspector's Key conclusions:				
<p>The development proposed is described on the application form as 'Proposed 5G telecoms installation: H3G 17m street pole and additional equipment cabinets.'</p> <p>The appeal site lies within Hemel Hempstead Old Town Conservation Area (CA)... The site is also close to a series of Grade II listed buildings.</p> <p>The proposed installation would comprise a 17-metre high monopole, together with ground-based equipment cabinets. The prominent location of the installation, together with its overall height, is such that it would be highly visible from within the surrounding public realm and from nearby properties facing onto the site.</p> <p>Although I accept that the area surrounding the site contains a range of street furniture, including lighting columns, the proposed installation would be appreciably higher than those features, appearing visually intrusive and dominant in the streetscene. It would also project above the mature trees that surround the site. These are deciduous, further reducing coverage during the winter months.</p> <p>Ultimately, a substantial extent of the modern and utilitarian mast would be visible from the surrounding area. This would form a jarring and incongruous feature in the streetscene, harming the character and appearance of the CA and compromising the settings of the listed buildings by detrimentally altering how those designated heritage assets would be experienced. Overall, I consider that the proposed installation would fail to preserve the settings of nearby Grade II and Grade II* listed buildings, and would fail to preserve or enhance the character or appearance of the CA. I find the harm would be 'less than substantial' in this instance but, nevertheless, of considerable importance and weight.</p> <p>There are clear public benefits to the proposed installation, including the contribution to providing good, fast, reliable and cost-effective communications, an objective supported by the Government. Moreover, there is no basis to question that the equipment is necessary to achieve the required standard of network coverage. Nevertheless, I must balance these public benefits against the requirement for equipment to be appropriately sited. I</p>				

	have concluded above that the proposed installation would be harmful to character and appearance, and I do not consider that harm to be outweighed by the support in the Framework for high quality communications.
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No.	DBC Ref.	PINS Ref.	Address	Procedure
2	22/02355/FUL	W/23/3320281	2 Chalkdell Cottages, Puddephats Lane, Flamstead	Written Representations
Date of Decision:			15/02/2024	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3320281				
Inspector's Key conclusions:				

The development proposed is construction of stable for 2 horses and barn.

Despite what the Council say about the scheme's concealed location, it would nonetheless be perceptible through the site access. From this perspective the arrangement of buildings, the surrounding hardstanding and associated equine paraphernalia would appear as an intensive and visually discordant development in context with the largely undeveloped surroundings.

The cumulation of the number of buildings, the overall size and design of the barn, along with the hardstanding and paving would appear as an intensive development. The combination of those built elements would not be visually appropriate in this agricultural setting while seeming, given the level of works, disproportionate to the recreational use of the stabling of two horses. Moreover, the scale of the proposal would not be limited and would have a significant and harmful effect on the visual amenity of the AONB. Therefore, the proposal would not conserve or enhance the natural beauty of the AONB.

The proposal would form a new access onto Puddephats Lane. Puddephats Lane is a single track 60mph road which bends on either side of the proposed access point. The bends to either side of the proposed site access and the height of the hedgerows which are situated to either side of Puddephats Lane would significantly reduce driver visibility when emerging from the proposed access. Furthermore, it appeared to me that there is inadequate stopping sight distance to allow drivers, travelling along Puddephats Lane enough time to react quickly to emerging vehicles, due to the highway's layout and the restrictions at the site access. Accordingly, the use of the access in connection with the appeal would greatly increase the risk of collision with other traffic along the Puddephats Lane, and I find that the proposal would be harmful to the safety of highway users.

No.	DBC Ref.	PINS Ref.	Address	Procedure
3	23/00046/FUL	W/23/3325248	6 Lawn Lane, Hemel Hempstead	Written Representations
Date of Decision:			16/02/2024	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3325248				
Inspector's Key conclusions:				

<p>The development proposed is a single storey rear extension to barber shop, loft conversion to staff flat, removal of existing pitched roof and replacement with a flat roof.</p> <p>The scheme would introduce two prominent flat roofs at first and second floor level, which would be incongruous with the traditional pitched roof of the existing building and wider terrace. This harm would be compounded by the construction of a disproportionately large and bulky box dormer window in the main roof that would give the building an unattractive top heavy appearance. As a consequence, the development would dominate the rear of the terrace block and disrupt its simple roof form.</p> <p>Whilst I recognise that the scheme would not be seen from Lawn Lane because of its position to the rear of the building, it would nonetheless be visible from the busy Two Waters Road and the River Gade footpath/adjacent parkland, which would intensify the harmful impact described above.</p> <p>Although the appellant states that the appeal site is not within a conservation area and that the locale has a degraded, functional character, this does not remove the need for development to be of a high quality design or justify the harm identified.</p> <p>In view of the above, I conclude that the development would be harmful to the character and appearance of the existing building and wider area.</p> <p>I recognise that the principle of development is acceptable and that the scheme would result in benefits from;- (a) additional residential accommodation; (b) improved staff facilities; (c) additional commercial floorspace; and (d) local employment during construction. However, it is my view that the adverse impacts of the scheme would outweigh these benefits, when assessed against the policies in the development plan and other material considerations.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
4	23/00364/FUL	W/23/3324042	The Maple, Roe End Lane, Markyate	Written Representations
Date of Decision:			22/02/2024	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3324042				
Inspector's Key conclusions:				
<p>The development proposed is described on the application form as "Construction of an equipment and machinery storage building."</p> <p>The use of i.e. as opposed to e.g. in Policy CS7 therefore makes it clear that a more open interpretation of small scale development was not permitted. In light of this, and by reason of there being no evidence before me that the scheme falls within any of the 5 different types at subsections (i) to (v), I conclude that it does not constitute small scale development for the purposes of Policy CS7 of the Core Strategy. The proposal would therefore be in conflict</p>				

<p>with this policy, which sets out the types of new development and uses that would be acceptable in the rural area.</p> <p>I recognise that views of the proposed building would be filtered from Roe End Lane by a mature hedgerow and that it would be faced in timber cladding with a functional agricultural design. However, by reason of its scale and siting, it would be visible from outside the entrance to the site & surrounding landscape to the south and materially increase the amount of built form in an isolated part of the field/paddock and open countryside where no other buildings currently exist. It would as a consequence be harmful to the character and appearance of the countryside and Chilterns AONB.</p> <p>The scheme would result in a range of public benefits, namely, assisting in the maintenance of the landscape and local employment during construction. However, it is my view that when considered collectively, these would be of limited value and outweighed by the harm I have identified.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
5	22/02115/OUT	W/23/3324939	Oak Cottage, 20 Bourne End Lane	Written Representations
Date of Decision:			04/03/2024	
Link to full decision:				
			https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3324939	
Inspector's Key conclusions:				
<p>The development proposed is described as an 'outline planning application for construction of 4 dwellings on infill plot within the village'.</p> <p>The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 154. These include limited infilling in villages. Whilst I acknowledge that the CS designates Bourne End as a hamlet...due to the physical spread and density of development in the area, combined with the number of local services, I consider Bourne End to be a village.</p> <p>The appeal site comprises a large area of land associated with Oak Cottage, enclosed by a mixture of mature hedges and trees as well as boundary fences. Despite the surrounding built development and the presence of a small amount of domestic paraphernalia, the majority of the appeal site, beyond the existing stable block, has an open, verdant character. Whilst the mature trees to the northwest, separate the appeal site from the surrounding agricultural fields, it most closely relates to the open countryside and contributes significantly to the open, rural setting of the village. As such, regardless of its association with Oak Cottage and its proximity to Bourne End, I do not consider it to be within the village.</p> <p>The preamble to Policy CS5 defines infilling as the filling of small gaps between existing development. I agree with the appellant that it is possible for limited infill to comprise more than two dwellings. However, in this case, the appeal site is in a backland position and the built development to the southwest</p>				

is some distance away, such that I do not consider it to form a small gap between existing development but an open area of land to the rear of the linear development fronting Bourne End Lane and Lauries Close. Consequently, the proposal would not constitute an infill development.

Considering the above, the proposal would not meet the exception outlined in paragraph 154 e) of the Framework.

The proposal would result in a more intensive use of the site, with additional occupiers and increased numbers of comings and goings. There would be areas of hardstanding, additional fencing and a greater pressure for domestic paraphernalia. Consequently, I conclude that the proposal would encroach into and result in a moderate loss to the openness of the Green Belt when compared to the existing situation.

Whilst the majority of details have been reserved for future consideration. The proposal would introduce four dwellings in a backland position which would encroach into the surrounding countryside. As such, regardless of the detailed design, the proposal would appear incongruous when viewed amongst the surrounding dense, road fronting development. Notwithstanding this, I am satisfied that subject to details regarding layout, suitable provision could be made to promote a pedestrian friendly environment. Nevertheless, overall, I conclude that the proposal would harm the character and appearance of the area.

I am unable to determine whether safe and suitable access could be provided. As such, I must take a precautionary approach and conclude that the proposal would conflict with Policies CS8 and CS12 of the CS and Saved Policies 51 and 54 of the Local Plan 1991-2011. These policies seek to ensure that development provides safe and satisfactory means of access for all users, giving priority to the needs of other road and passenger transport users over the private car.

I attach considerable positive weight to the contribution the appeal site would make to boosting the supply of housing and providing housing where a 5-year housing land supply cannot be demonstrated. I also attach limited positive weight to the other benefits of the scheme. However, these other considerations would not clearly outweigh the harm to the Green Belt arising from inappropriateness, loss of openness and other harm. Therefore, the very special circumstances required to justify the proposal do not exist.

No.	DBC Ref.	PINS Ref.	Address	Procedure
6	23/01625/FHA	D/23/3333865	8 Langdon Street, Tring	Householder
	Date of Decision:		04/03/2024	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3333865			
	Inspector's Key conclusions:			
	The development proposed is described as a 2 storey side extension, single storey rear extension, new hip roof and internal re configuration.			

The two-storey side extension would infill the existing small gap between the side of the dwelling and Albert Street. The limited space for the extension means that the proportion between brickwork and windows would contrast significantly with the existing spacing of openings within Portland Place. Furthermore, the narrow width of the extension would result in a squat addition which would appear out of proportion with the host dwelling and terraced group. Therefore, the extension would result in an incongruous addition which would dilute the strong sense of symmetry within Portland Place.

The side extension would be positioned at the back of the Albert Street pavement. This would erode the limited, yet important, sense of openness at the crossroads. The extension would be prominent, resulting a greater sense of enclosure within the streetscene. Furthermore, the side extension would project beyond the prevailing building line of dwellings on Albert Street within the immediate area which would disrupt the linear pattern of development.

I acknowledge that the appearance of the extension, with regard to its replication of roof form and detail; the use of appropriate materials including brickwork within its side elevation; the use of lime mortar; and, the design and materials of openings, would all be respectful to the building. However, these matters of design do not overcome the harm to the TCA that I have identified.

I have identified that the proposed development would cause less than substantial harm to the significance of the TCA. The preservation of heritage assets are matters to which I am required to attach considerable importance and great weight. While there are some public benefits associated with the development, they are insufficient to outweigh the great weight to be attached to the harm to the heritage asset that I have identified.

No.	DBC Ref.	PINS Ref.	Address	Procedure
7	22/01187/MOA	W/22/3309923	Land East of Tring	Public Inquiry
	Date of Decision:		15/03/2024	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3309923			
	Inspector's Key conclusions:			
	<p>Planning permission has been refused on appeal for an urban extension to the town of Tring in Hertfordshire, which proposed up to 1,400 dwellings (including up to 140 Use Class C2 dwellings); a new local centre and sports/community hub; primary school; secondary school; and public open spaces including creation of a Sustainable Alternative Natural Green Space (SANG).</p> <p>Planning permission was refused by Dacorum Borough Council on 10 October 2022 for nine reasons: by the time the inquiry commenced, many of these had been resolved through the negotiation of a s.106 agreement. The main outstanding reason for refusal was the harm caused to the Green Belt by the proposed development and the lack of very special circumstances demonstrated to justify the proposed inappropriate development.</p> <p>The appeal was recovered by the Secretary of State and determined following a five-week inquiry.</p>			

The Secretary of State agreed with the Inspector's findings on the main issues, including Housing Land Supply, Green Belt, character and appearance of the surrounding area (including the setting of the Chilterns AONB – now National Landscape), loss of agricultural land and heritage. In particular, he agreed that the harm to the Green Belt by reason of inappropriateness, loss of openness and harm to the purposes of checking the sprawl of built-up areas and safeguarding the countryside from encroachment, carried substantial weight. He also agreed with the Inspector that the proposal would fail to comply with adopted development plan policies on character and appearance due to the harm to the character of Tring's surrounding countryside and the setting of the AONB. He attributed significant weight to the loss of agricultural land.

The Secretary of State also generally agreed with the weight given to the benefits of the proposed development by the Inspector, including the substantial weight to be given to the provision of various forms of housing due to the lack of a five-year housing land supply in Dacorum, which was a factor which weighed substantially in favour of the proposal.

However, the Secretary of State disagreed with the Inspector on the question of whether very special circumstances existed, finding that other considerations in the case did not clearly outweigh the harm to the Green Belt and the other identified harms.

The Secretary of State therefore concluded that the tilted balance did not apply, due to the existence of a "clear" reason for refusing the development proposed (para.11(d)(i) NPPF) and that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Overall, applying s.38(6) of the PCPA 2004, the conflict with the development plan and the material considerations in this case indicated that permission should be refused.

Of wider interest are the Secretary of State's findings on the approach to the emerging development plan, which included the development site as an allocation, and had been "paused" by members of Dacorum Borough Council at the time of the inquiry. While the Secretary of State agreed with the Inspector that the Council's repeated failure to progress an up-to-date development plan that would meet its future housing need and ensure the provision of sufficient sites was an important matter, he did not consider that failure and or proposed release of the site from the Green Belt in the emerging plan merited separate or additional weight. Those matters had already been taken into account in the consideration of the weight to be given to the provision of housing and in the application of the tilted balance.

Simon Bird KC and Esther Drabkin-Reiter appeared for Dacorum Borough Council.

No.	DBC Ref.	PINS Ref.	Address	Procedure
8	23/00680/FHA	D/23/3333585	19 Clarence Road, Berkhamsted	Householder
	Date of Decision:		19/03/2024	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3333585			
	Inspector's Key conclusions:			
	<p>The development proposed is a loft conversion with new dormer, reconstruction of front boundary walls, new black railings and gate and new tiled paving to front patio.</p> <p>The appeal is dismissed insofar as it relates to the loft conversion with new dormer. The appeal is allowed insofar as it relates to the remainder of the application.</p> <p>The proposed rear dormer would be large and would consume much of the rear roof slope. The height of the dormer would project above the ridge line of the outrigger, resulting in a pronounced addition which would fail to appear subservient to the existing building form. The height and depth of the dormer would add greater vertical emphasis to the property adding considerable visual bulk which would dominate the rear roof slope. The simple roof form of the flank gable would be diminished by the bulk of the dormer, creating visual imbalance to the exposed side elevation. Due to its scale and siting, the dormer would appear highly prominent and incongruous from the adjacent Clarence Road depot and the public footpath adjacent to the Victoria CofE School.</p> <p>I acknowledge that the dormer has been designed so that it is set in from the extremities of the roof slope, and that it would be constructed from materials to reflect the existing slate roof. However, these design matters are not sufficient to address the extent of harm to the BCA that I have identified.</p> <p>I have identified that the proposed development would cause less than substantial harm to the significance of the BCA. The preservation of heritage assets are matters to which I am required to attach considerable importance and great weight. Any benefits of the development are likely to be private and would be insufficient to outweigh the great weight to be attached to the harm to the heritage asset that I have identified.</p>			

6.3 PLANNING APPEALS ALLOWED

Planning appeals allowed between 23 January 2024 and 31 March 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	23/00139/FHA	D/23/3319252	31 Cemetery Hill, Hemel Hempstead	Householder
Date of Decision:			14/02/2024	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3319252				
Inspector's Key conclusions:				
<p>The development proposed is described on the application form as "Single storey front extensions and alterations, part two and part single storey rear extension".</p> <p>The proposed part two/part single storey rear extension ('the rear extension') would be flush with the host property's existing side elevation and project a small distance beyond No 29's single storey rear lounge extension. It would however be set on higher ground than the latter, the consequence of which would be a degree of visual intrusion and loss of outlook from No 29's first floor bedroom windows and ground floor extension rooflights. However, because of:- (1) the scheme's modest rear projection; (2) it being set inside the shared boundary; and (3) the lounge retaining an unfettered outlook from its bifold doors, I would not consider its impact to be significant enough to cause a harmful level of visual intrusion or loss of outlook to the occupants of No 29.</p> <p>The rear extension would result in some loss of diffuse daylight³ to No 29's first floor bedrooms and the lounge at ground floor level. However, the Case Officer report states that the rear extension would pass the 45 degree daylight test on No 29, which indicates that it would not cause a significant reduction in diffuse daylight to these rooms. Having appraised the matter on the ground against the BRE daylight and sunlight guidance⁴, I am minded to agree on the basis that the scheme would appear to pass the 45 degree elevation test on the first floor bedroom windows and the 45 degree plan test on the bifold doors to the lounge, which are the primary source of light to this room (the BRE guidance states that an extension may cause a significant reduction in daylight received by a window if it fails both tests i.e. plan and elevation).</p> <p>There would also be some loss of direct sunlight to No 29's bedroom windows and ground floor extension rooflights from approximately mid-afternoon onwards. However, because these openings are south facing, I am satisfied that their respective rooms would continue to receive a good standard of direct sunlight for a significant part of the day.</p> <p>In view of the above, I conclude that the development would not be harmful to the living conditions of the occupiers of No 29 Cemetery Road.</p>				

No.	DBC Ref.	PINS Ref.	Address	Procedure
2	23/00621/FHA	D/23/3326747	The Grange, Frithsden Copse, Potten End	Householder
	Date of Decision:		14/02/2024	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3326747			
	Inspector's Key conclusions:			
	<p>The development proposed is the erection of two storey side extension.</p> <p>National Green Belt policy in the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved 'except in very special circumstances.' There are, however, certain exceptions. One of those, at paragraph 154, 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.</p> <p>The proposal would increase both the footprint of the property and its volume. However, whether or not the above baseline is used, the scale of the extension, to my mind, would be limited in extent relative to The Grange. I conclude that the proposed development would not be inappropriate development in the Green Belt.</p> <p>I note that no tree survey has been provided in support of the proposed development. However, it is not proposed to remove any trees as part of the proposed development and the site has been the subject of a recent planning decision for a single-storey extension. The footprints of that scheme and the scheme before me are the same. The extension is also shown in the submitted evidence to be outside of any root protection areas.</p> <p>I have no substantiated evidence before me to demonstrate that the trees in this location would be unlikely to survive on site for many years following the construction of the proposed development. However, the provision of protective measures during the course of works would be reasonable, and this could be adequately dealt with by condition. Overall, I conclude that, subject to condition, the proposed development would be acceptable in respect of the amenity of trees.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	23/00047/FUL	W/23/3322942	Paddockside, Tinkers Lane, Wigginton	Written Representations
	Date of Decision:		20/02/2024	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3322942			
	Inspector's Key conclusions:			
	<p>The development proposed is the construction of an equestrian training area (menage).</p> <p>Paragraph 155 of the Framework explicitly list engineering operations and material changes in the use of land as not inappropriate in the Green Belt</p>			

provided they preserve its openness and do not conflict with the purposes of including land within it.

In this instance, aside from the fencing, the training area would be devoid of built form or volume and hence, would be open. The enclosure fencing would be limited in height and the post and rail construction would mean that the solid to void ratio of the structure would heavily favour the void. The consequent element of new building would therefore be insubstantial. Accordingly, in spatial terms the openness of the appeal site would be largely unaffected.

The appearance of the post and rail fencing would be entirely in-keeping...the temporary presence of a limited amount of equestrian equipment would have a marginal visual impact...the private training area would not be an abnormally large facility, no external lighting is proposed, and it would serve an existing limited number of horses nearby. As such, it is unlikely that there would be a discernible intensification in activity levels.

Accordingly, I find that the proposal would fall within development permitted under paragraphs 154 and 155 of the Framework. Consequently, it would not be inappropriate development in the Green Belt.

Grim's Ditch is a large feature, measuring approximately 990m long between Crawley's Lane and Rossway Lane. Hence, the appeal site lies relatively close to a small section of it. Inevitably the natural and built environment will have changed considerably since the Iron Age, and no doubt will continue to evolve irrespective of the appeal proposal. In this context, it is the general rural characteristics of the wider setting that contribute positively to the significance of Grim's Ditch. Based on the information before me, it is not shown that the setting of the heritage asset is so sensitive that it would be unable to withstand the change wrought by the proposal, aspects of which I consider could be adequately controlled using planning conditions. On that basis, I judge that the proposal would not cause harm to the overall significance of the scheduled monument.

No.	DBC Ref.	PINS Ref.	Address	Procedure
4	23/00070/FUL	W/23/3323376	Wood End Farm Grain Stores, Wood End Lane, Markyate	Written Representations
Date of Decision:			07/03/2024	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3323376				
Inspector's Key conclusions:				
<p>The development proposed is the change of use of an agricultural building to low-key storage (Use Class B8) including installation of personnel door.</p>				
<p>The appeal site comprises several agricultural buildings. The appeal proposal relates to the change of use of a large metal clad barn located centrally within the appeal site (the appeal property) from agriculture to a storage or distribution centre.</p>				

An important material consideration in this case is the fact that the appellant has been granted prior approval for the change of use for about two-thirds of the appeal property to a flexible commercial use falling within use class B8 (storage and distribution) (the permitted development). The Council consider that I should give this fall-back limited weight. However, I do not agree.

The fact that the appellant applied for a change of use to a B8 use in the first place and pursued the appeal indicates their clear desire to use the appeal property for such use. I am not persuaded that the prior approval application was part of a planning strategy and is unlikely to be implemented. The appeal property is a simply designed and constructed building with an uncomplicated layout and internal arrangement. It would be a straightforward task to sub-divide it to allow for the majority to be used for storage/distribution and the remainder to be used for agricultural use.

It follows that I am satisfied that there is a greater than theoretical possibility that the permitted development might take place and will be implemented if this appeal is dismissed. I therefore accord the fallback position significant weight as a material consideration in making this decision.

I accept that the income generated by the change in use would help to secure the long-term viability of the farm. I consider that the proposal would meet a local business need in a rural area. The appeal property is located within the open countryside and is not well served by public transport. However, the Framework sets out that decisions should recognise that sites to meet local business needs in rural areas may have to be found beyond existing settlements in locations that are not well served by public transport.

The proposal would not have an unacceptable impact on local roads, particularly in comparison to the permitted development.

I therefore conclude that the proposed change of use would be an acceptable use in this location having regard to local and national policies relating to development within rural areas.

Taking account of the existing use of the site and the permitted development, the proposal would not be harmfully injurious to the tranquillity of the Chilterns taking account of future activity, vehicular movements, noise and any signage requirements, which would equally be needed for the permitted development. The Council highlight that external lighting could also cause harm, but I am satisfied that this could be ameliorated by the imposition of an appropriately worded condition. As a result, the proposal would not harm the character and appearance of this countryside setting and would not harm the landscape or scenic beauty of the AONB.

No.	DBC Ref.	PINS Ref.	Address	Procedure
5	22/02315/DRC	W/23/3329143	Unit 1b, 49A High Street, Northchurch	Written Representations
	Date of Decision:		13/03/2024	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3329143			
	Inspector's Key conclusions:			
	<p>The details in dispute relate to condition 15 which states that: "No development shall take place until a detailed scheme for the offsite highway improvement works as indicated on drawing 16 2422-1 Revision E (Site & Location Plans) have been submitted to and approved in writing by the Local Planning Authority".</p> <p>The planning permission included condition 15, which is worded as a pre-commencement condition, requiring the submission and approval of a detailed scheme of offsite highway works. The delivery of the offsite highway works is controlled by condition 16 of the planning permission, which requires the works to be completed prior to the first occupation of the development and retained in perpetuity thereafter.</p> <p>The proposed pedestrian crossing would be an improvement on the existing situation, whereby pedestrians access the site via the vehicular carriageway on Northfield Place. Consequently, pedestrians are required to navigate multiple hazards, including vehicles travelling within the appeal site as well as along High Street. Moreover, the addition of a connecting footway between High Street and the dwellings would provide dedicated space for pedestrians to seek refuge from passing vehicles whilst waiting to cross the road. It would, therefore, have a positive effect on the safety of pedestrians travelling to and from the site. I conclude that the details of the proposed offsite highway works are acceptable, with particular regard to pedestrian safety.</p> <p>It is unlikely that there would be a material increase in recreational pressure on the SAC arising from the approval of details pursuant to condition 15 either alone or in-combination with other plans and projects. Therefore, it would not undermine the conservation objectives for the SAC. Consequently, an Appropriate Assessment is not required, and it would not be reasonable to secure mitigation in respect of the effects on the SAC.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
6	23/01261/UPA	D/23/3329934	Hillcrest, Stoney Lane, Chipperfield	Householder
	Date of Decision:		18/03/2024	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3329934			
	Inspector's Key conclusions:			
	The development proposed is construction of an additional storey height above the principal part of the existing bungalow only.			

Schedule 2, Part 1, Class AA(b) of the GPDO permits the enlargement of a dwellinghouse consisting of the construction of one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction. Development is permitted under Class AA subject to limitations and conditions and a requirement that, before beginning the development, the developer applies to the local planning authority for prior approval.

The application proposes to add a second storey to Hillcrest, which would increase the eaves and ridge height of the building. Consequently, the extended dwelling would be taller than the neighbouring property Thisuldo. However, the proposed development would not appear out of place given the existing variety in building heights on Stoney Lane, and the relative height of the neighbouring property, Challacombe. Moreover, no changes are proposed to the position of the dwelling within its plot, or to its front and side building lines. Consequently, there would be sufficient space retained between the appeal property and Thisuldo to ensure the development would not be overly dominant by way of its eaves and ridge height, bulk or mass.

The proposed addition of three front-facing dormer windows would alter the appearance of the appeal building. However, front-facing dormer windows are an existing feature on Stoney Lane, in particular on the adjacent property Challacombe. Therefore, the windows would not be incongruent to local character. Furthermore, the form of the existing pitched roof and chimney stack would be replicated as part of the development, and the proposed external materials would match the existing building. Consequently, the proposed upward extension would respect the design and architectural features of the existing dwelling and would also be sympathetic to local character.

Overall, I conclude that the development would be acceptable in terms of the external appearance of Hillcrest, with particular regard to the design and architectural features of the principal elevation of the dwellinghouse.

No.	DBC Ref.	PINS Ref.	Address	Procedure
7	23/00767/FHA	D/23/3328055	43 Highfield Road, Berkhamsted	Written Representations
	Date of Decision:		18/03/2024	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3328055			
	Inspector's Key conclusions:			
	<p>The development proposed is to demolish the existing ground floor rear outrigger to allow the erection of a new rear ground and first floor extension alongside a rear roof dormer window.</p> <p>The appeal property has an existing single-storey rear outrigger. The outrigger is around half the width of the host dwelling and would be replaced with a full-width, two-storey extension as part of the proposed development. At 6 metres deep, the proposed ground floor extension would project beyond the rear</p>			

elevation of the existing outrigger. However, it would not be significantly taller or deeper than the extended ground floor of the neighbouring property at 41 Highfield Road. Moreover, the first-floor extension would be set-back to around half the depth of the ground-floor extension and would have a similar height to other established two-storey extensions on nearby properties. Consequently, the height, depth and overall scale of the proposed rear extensions would be proportionate to the host dwelling and would not be overly dominant in the context of neighbouring dwellings.

The proposed development would introduce a gable roof at ground floor level and a flat roof on the second floor, with a dormer window above. On my site visit, I observed that the existing rear elevations of nearby properties display a variety of roof forms and architectural features. Therefore, the proposed mix of roof styles would not be incongruent to the local context. Moreover, the dormer would be set-back from the edges of the existing roof slope. Consequently, and given that the proposed development would be constructed with materials to match the existing building, it would have an outward appearance that is sympathetic to local character.

No structural changes are proposed to the front elevation of the host property. However, the existing uPVC windows would be replaced with more traditional timber frames. This would be a modest beneficial change on a prominent street frontage. Consequently, there would be an overall enhancement to the character and appearance of the Conservation Area.

The proposed development would be visible from the rear windows and garden of No 47. However, as set out above, it would reflect other rear extensions that have established on nearby properties and would be sympathetic to local character. Moreover, there would be no structural changes to the front elevation of the dwelling, and the reinstatement of wooden window frames would have a modest, positive effect on the setting of the listed building. Overall, I conclude that the setting of the nearby Grade II listed building would be preserved.

I conclude that the proposal would not cause undue harm the living conditions of the occupants of 41 Highfield Road and 45 Highfield Road, with particular regard to sunlight, daylight, privacy and outlook.

The proposal would enlarge an existing dwelling and, therefore, it would not result in an increase in the number of households in the area. Consequently, it is unlikely that the development would result in an increase in recreational pressure on the SAC either alone or in-combination with other plans or projects. Therefore, it would not undermine the conservation objectives of the SAC. I note that the Council does not consider an Appropriate Assessment is required in this instance and, based on the evidence, I have no reason to take a different view.

6.4 PLANNING APPEALS WITHDRAWN / INVALID

Planning appeals withdrawn between 23 January 2024 and 31 March 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	21/04038/FUL	W/23/3326830	10 Church End, Markyate	Written Representations
	Date of Decision:		24/01/2024	
	Link to full decision:			
	n/a			
	Inspector's Key conclusions:			
	The Agent withdrew the appeal upon instructions. The application for Costs against the Council was not withdrawn and remains undetermined.			

6.5 ENFORCEMENT NOTICE APPEALS LODGED

Enforcement Notice appeals lodged between 23 January 2024 and 31 March 2024.

None.

6.6 ENFORCEMENT NOTICE APPEALS DISMISSED

Enforcement Notice appeals dismissed between 23 January 2024 and 31 March 2024.

None.

6.7 ENFORCEMENT NOTICE APPEALS ALLOWED

Enforcement Notice appeals allowed between 23 January 2024 and 31 March 2024.

None.

6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN

Enforcement Notice appeals withdrawn between 23 January 2024 and 31 March 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	E/21/00041/NPP	C/22/3290614	The Old Oak, Hogpits Bottom, Flaunden	Public Inquiry
	Date of Decision:		18/03/2024	
	Link to full decision:			
	n/a			
	Inspector's Key conclusions:			
	<p>The developer had submitted a Lawful Development Certificate (existing) Under Section 191 of the Town and Country Planning Act 1990 reference 23/03060/LDE for the whole site to be 'Use of land as a residential caravan site for a maximum of three caravans'. This certificate was subsequently granted on 4th March 2024.</p> <p>As a result, the development is therefore immune from enforcement action. This information has been relayed to the Planning Inspectorate and the Planning Enforcement Notice has been withdrawn.</p>			

6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2024 (up to 31 March 2024).

APPEALS LODGED IN 2024	
PLANNING APPEALS LODGED	19
ENFORCEMENT APPEALS LODGED	0
TOTAL APPEALS LODGED	19

APPEALS DECIDED IN 2024 (excl. invalid appeals)	TOTAL	%
TOTAL	18	100
APPEALS DISMISSED	9	50
APPEALS ALLOWED	7	38.9
APPEALS PART ALLOWED / PART DISMISSED	0	0
APPEALS WITHDRAWN	2	11.1

	TOTAL	%
APPEALS DISMISSED IN 2024		
Total	9	100
Non-determination	0	0
Delegated	8	88.9
DMC decision with Officer recommendation	1	11.1
DMC decision contrary to Officer recommendation	0	0

APPEALS ALLOWED IN 2024	TOTAL	%
Total	7	100
Non-determination	1	14.3
Delegated	5	71.4
DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	1	14.3

6.10 UPCOMING HEARINGS

No.	DBC Ref.	PINS Ref.	Address	Date
1	23/02475/ROC	W/24/3337121	Shootersway, Berkhamsted	05.06.24

6.11 UPCOMING INQUIRIES

No.	DBC Ref.	PINS Ref.	Address	Date
1	23/00662/MFA	W/24/3341434	Land At Icknield Way And Sears Drive, Tring	tbc

6.12 COSTS APPLICATIONS GRANTED

Applications for Costs granted between 23 January 2024 and 31 March 2024.

None.

6.13 COSTS APPLICATIONS REFUSED

Applications for Costs refused between 23 January 2024 and 31 March 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	23/00047/FUL	W/23/3322942	Paddockside, Tinkers Lane, Wigginton	Written Representations
	Date of Decision:		20/02/2024	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3322942			
	Inspector's Key conclusions:			
	<p>The applicant submits that the Council behaved unreasonably on three grounds, namely because it prevented and delayed development that should clearly have been granted having regard to planning policy and other material considerations; that it did not follow well-established case law; and was inconsistent in its decision making.</p> <p>In relation to the first ground, the applicant refers to the Council failing to consider permitted development rights as a fall-back position, under which it is asserted that the proposed fencing would be permitted. Although permitted development rights are not specifically mentioned in the Council's delegated report, they were aware of the various components of the development, including the fencing. The report goes on to set out a holistic analysis and judgement of the development on the openness of the Green Belt, which to my mind is a reasonable approach.</p> <p>The fall-back position described did not encompass the entirety of the proposal. As such, it is not shown that had the Council expressly referred to permitted development rights for fencing they would have come to a different finding overall.</p>			

In addition, the delegated report contains an adequate explanation of the policy context and main issues relating to the proposal. It articulates the Council's judgements in those respects and provides sufficient reasons for them. This is augmented by the Council's written statement for the appeal.

I accept that the applicant strongly disagreed with some of those judgements, and particularly the weight to be given to criteria in saved policy 81 of the Dacorum Borough Local Plan (LP). Moreover, as will be seen from my decision, my view differed from the Council's. Nevertheless, it does not follow that the Council failed to substantiate its reasons for refusal. It put forward credible reasons that were specific to the circumstances of the case. Although, less persuasive than the applicant's arguments, I do not find the reasoning advanced in this case was vague, generalised or inaccurate within the meaning of the PPG.

The matter of what weight to attribute to respective policies requires a judgement to be made by the decision maker. It is not shown that the position of the Council in this respect obviously conflicts with well-established case law.

The other caselaw cited relates to what constitutes a 'building' in planning terms. The applicant contends that equestrian paraphernalia does not represent development and the Council was unreasonable to object to these features. However, it is not shown that the Council were under the impression that equestrian paraphernalia amounted to development in itself, rather it was mentioned as a probable consequence of the equestrian training area proposed.

Neither am I aware that the Council was required or encouraged by national policies to dissect various elements of a development proposal to consider whether individual aspects amount to development or not. Considering the implications of a development proposal in its entirety is a reasonable approach. Consequently, I am not persuaded that the Council acted contrary to, or did not follow, well-established caselaw.

The applicant highlights other development permitted by the Council in the vicinity of the scheduled monument as an instance of inconsistency in decision making. The case highlighted pertains to a replacement dwelling, and hence there was already development at the site. There are further differences with the appeal scheme in the location and nature of the respective proposals. Given these differences, they are not directly comparable and so I am not convinced it amounts to evidence of the Council not determining similar cases in a consistent manner for the purposes of the PPG.

Overall, I do not find that the Council behaved unreasonably within the meaning of the PPG. It follows that the applicant was not put to unnecessary expense in testing their position at appeal. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. As such, the award of costs sought is not warranted.