



Appeal Decision

Site visit made on 14 June 2022

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2022

Appeal Ref: APP/J1915/D/22/3292856

Dowers, 1 Cherry Green Barns, Cherry Green, Westmill, SG9 9NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Brown against the decision of East Herts Council.
 - The application Ref 3/21/0549/HH, dated 3 March 2021, was refused by notice dated 1 December 2021.
 - The development proposed is a new 1.5m high red brick wall to replace existing fence on north-east boundary.
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Decision

1. The appeal is allowed and planning permission is granted for a new 1.5m high red brick wall to replace existing fence on north-east boundary at Dowers, 1 Cherry Tree Barns, Cherry Green, Westmill, SG9 9NQ in accordance with the terms of the application Ref 3/21/0549/HH, dated 3 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2003-01; 2003-02; 2003-04; and 2003-04 (Rev A).
 - 3) The wall hereby approved shall be constructed of red brick to match that used on parts of the existing dwelling and outbuildings.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the site and its surroundings, including the effect on the setting of the host dwelling, Dowers.

Reasons

3. The appeal site is within a complex of dwellings that are situated in open countryside. The complex comprises barn conversions, together with the appeal property, which was a newly constructed dwelling built around 2003. The complex of buildings is adjacent to a listed building, Cherry Green Farmhouse and it forms part of the setting of the heritage asset.
4. Whilst the former barns are curtilage listed, the appellant points to the fact that as the appeal property is a relatively new dwelling, it is not curtilage listed as it

is not fixed to the principal building and was constructed after 1 July 1948. I have no reason to refute this.

5. The proposal is to construct a 1.5m high brick wall to replace an existing post and rail fence, which is infilled with wicker panels. The new wall would be positioned along the north-east boundary of the garden, with a small section returning along its south-eastern side.
6. The Council contends that the proposed wall would be harmful to the rural character of the wider farmstead and the setting of the appeal dwelling. It states that the development would conflict with Policies DES4 and HA1 of the adopted East Herts District Plan 2018 (DP). Amongst other things, these policies seek to achieve a high standard of design that reflects local character and distinctiveness and preserve and enhance the historic environment of East Herts. In my opinion, these policies are consistent with the provisions of the National Planning Policy Framework 2021 (The Framework).
7. In reaching my decision, I have taken into account the position of the appeal site in relation to the adjoining open countryside. However, the proposed brick wall would be a relatively minor form of development that would not be highly visible from outside of the site.
8. I also noted at my site visit that there are other brick walls within the complex of buildings and, in that regard, the proposal would not be out of context with the group of buildings in which it is located. Furthermore, there would be no impact on the setting of the principal listed building, Cherry Green Farmhouse, because of the separation distance and intervening buildings. Given that Dowers is a modern property with some small areas of brickwork used on the walls the proposed wall appear out of context or out of character with the appeal dwelling itself. Views into the site would also be retained because of the relatively low height of the proposed wall.
9. For the above reasons, I consider that the proposal would not be out of character with the area, nor would it have an adverse effect on the setting of any nearby buildings. Consequently, the proposal would not conflict with the provisions of the DP or with The Framework, as referred to above.

Conditions

10. The Council has suggested conditions in the event of the appeal being allowed. In addition to the standard conditions relating to the time period in which to commence the development and listing the approved plans, I have also imposed a condition requiring that the bricks match those used on parts of the existing dwelling and outbuildings.
11. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR