
Appeal Decision

Site visit made on 7 May 2024

by R Norman BA(Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2024

Appeal Ref: APP/J1915/W/23/3325171

Land at Church Lane, Hunsdon, Hertfordshire SG12 8PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Richard Page against the decision of East Hertfordshire District Council.
- The application Ref is 3/22/2156/FUL.
- The development proposed is a self-build dwelling and associated garage and access.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is in proximity to a number of listed buildings, namely Grade I Hunsdon House to East of Parish Church (hereafter referred to as Hunsdon House)¹; Grade I Parish Church of St Dunstan (Church of England) $\frac{3}{4}$ Mile South of Village (hereafter referred to as Parish Church of St Dunstan)²; and Grade II Hunsdon House Lodge 280 metres North of Church (hereafter referred to as Hunsdon House Lodge)³.
3. With regard to these designated heritage assets, the Council's decision notice only cites perceived effects to Hunsdon House and its setting. Nonetheless, mindful of my statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the buildings or their settings or any features of special architectural or historic interest which they possess. I am also aware of the representations by interested parties on this matter. On this basis I have included them as part of the main issue concerning heritage matters. Given that both parties have referred to these listed buildings and their settings in their representations, I am satisfied that their interests would not be prejudiced by my approach.
4. Since the appeal was submitted, the Council have published an updated housing land supply position⁴. The Appellant provided comments on the updated housing land supply position⁵. I will return to this later on.
5. In July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and the National

¹ List Entry 1347687

² List Entry 1101973

³ List Entry 1176041

⁴ East Herts Five Year Land Supply Position Statement Addendum – April 2024

⁵ DLA Town Planning Letter dated 22 May 2024

Planning Policy Framework: draft text for consultation. The proposed reforms are draft and therefore may be subject to change before the final document is published however the parties have been given the opportunity to provide comments, which I have taken into account in my consideration of this appeal.

6. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
7. The original planning refusal included reason 4 relating to insufficient information having been provided to determine the presence of bat roosts. The Council, in their statement of case⁶, have confirmed that following the submission of a climbing survey⁷ it has been confirmed that there are no signs of potential bat habitats or bats present, and no sign of birds nesting. Therefore, reason for refusal 4 has been addressed and I have little before me that would lead me to conclude otherwise.

Main Issues

8. The main issues are:

- Whether the development would be in a suitable location with particular regard to access to services and facilities;
- The effect of the development on the character and appearance of the area and the countryside;
- Whether the proposal would preserve the settings of the Grade I listed buildings, Hunsdon House and Parish Church of St Dunstan, and the Grade II listed building Hunsdon House Lodge; and
- the effect of the development on the non-designated heritage assets of the surviving WWII structures and Hunsdonbury Historic Park⁸.

Reasons

Location

9. The appeal site comprises a parcel of land accessed off Church Lane. It is bounded by hedging, trees and post and wire fencing and there is a gate across the existing access point. The site extends back from Church Lane and forms an irregular shape and is grassed.
10. The main settlement of Hunsdon is located to the north of the appeal site. The appeal site sits within a small hamlet of properties known as Hunsdonbury, which is relatively detached from the main village. Immediately outside of the appeal site there are no footpaths along the road.
11. Policy DPS2 of the East Herts District Plan (2018) (District Plan) outlines the settlement hierarchy and identifies that the third strand of the hierarchy would

⁶ Paragraphs 19 and 20

⁷ Appendix B Appellant's Statement of Case

⁸ Also referred to as Locally Important Hunsdonbury Historic Park and Garden on the Neighbourhood Plan Policies Map Figure 11

be limited development in the villages. The appeal site falls outside of the village of Hunsdon.

12. The appeal site also falls within the Rural Area Beyond the Green Belt. Policy GBR2 of the District Plan lists the types of development that would be permitted within these areas, provided they are compatible with the character and appearance of the rural area. In relation to new housing, the policy allows for limited infilling or the partial or complete development of previously developed sites in sustainable locations and rural exception housing, amongst other things.
13. There are a number of facilities within walking distance of the appeal site, including a village hall, school, post office and church⁹, however the suitability of the walk as well as the distance needs to be considered. The proposal would provide a new stretch of footpath from the driveway to the north eastern corner of the appeal site, which would be closer to the main village than the main vehicular access. However the remaining route along Church Lane is poorly lit, with blind bends and high verges which would make it difficult for drivers to see pedestrians. Furthermore, the roadway is reasonably narrow leaving little room for two cars to pass if a pedestrian or cyclist was in the road.
14. There are footpaths which cross through the countryside and Footpath Number 4 runs through the appeal site which could provide alternatives to walking along the main road for the entirety of the journey. However, Footpath Number 4 is not a direct route, coming out along Hunsdonbury, and would still require some parts of that road which are unlit and without footpaths, to be traversed before reaching the nearest footpaths.
15. There is an existing hourly bus service to Hertford and Bishops Stortford as well as rail connections. The nearest bus stop is within Hunsdon, and the nearest stations are in Harlow Town and Stansteads Abbots. Whilst the bus stop is within walking distance from the appeal site and the stations are within a reasonable cycling distance, the suitability of the routes would be likely to discourage pedestrians and cyclists for the above reasons. As such, whilst these facilities are available, I do not consider that they are suitably accessible for pedestrians and cyclists and would likely result in a reliance on the use of private vehicles in the first instance.
16. The Appellant considers the appeal site forms previously developed land. The Framework, in the Glossary, defines previously developed land as being land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. It also identifies a list of exclusions to this definition, comprising land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape amongst other things. The appeal site was occupied by WWII shelters and mess buildings, and three small buildings remain on site. Markings remain on the ground where other WWII buildings were once sited.
17. The Council do not dispute that the appeal site may constitute previously developed land however state that the proposed dwelling and garage would not be sited on an area which is currently occupied by an existing structure. Nevertheless, I consider that, notwithstanding the location of the proposed

⁹ Table 1 of Appellant's Statement of Case

dwelling, there is evidence of the previous development on the wider appeal site as a whole and based on the historic plan¹⁰ of the site it would be reasonable to conclude the dwelling would be within the curtilage of the previous structures. As such, I find that the appeal site does constitute previously developed land in this instance.

18. Given the site's distance from the main settlement and notwithstanding the provision of an additional area of footpath within the appeal site, the pedestrian access into the village would be poorly lit, narrow and unlikely to provide an attractive route for pedestrians from the appeal site. Whilst one dwelling would not generate significant levels of additional vehicle movement, the development would conflict with policies DPS2, GBR2 and TRA1 of the District Plan and Policy HT1 of the Hunsdon Neighbourhood Plan 2019 – 2033 (Neighbourhood Plan). These seek to maintain the Rural Area Beyond the Green Belt as a valued countryside resource and deliver sustainable development in accordance with the settlement hierarchy, amongst other things.

Character and Appearance and the Countryside

19. The appeal site is located within an area characterised by a small cluster of properties forming the hamlet of Hunsdonbury, set within the wider rural landscape and countryside. Most of the properties sit along the opposite side of Church Lane to the appeal site.
20. The appeal site is located within the Rural Area Beyond the Green Belt for the purposes of Policy GBR2(e). This policy indicates that certain types of development in these areas would be permitted provided that they are limited infilling or the partial or complete development of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings) in sustainable locations, where appropriate to the character, appearance and setting of the site and/or surrounding areas.
21. The appeal site also falls within Area 81 of the Landscape Character Assessment Supplementary Planning Document. The Character Assessment seeks to ensure proposed development is only permitted where it will enhance local landscape character, amongst other things.
22. The appeal site is currently occupied by trees, hedging and grassland. Markings of buildings and small existing structures remain. The introduction of a dwelling into the appeal site would reflect the general form in the immediate locality of individual properties set within substantial, spacious and verdant curtilages. However, the existing properties are located on the other side of Church Lane. Therefore, the property would introduce a built form into an area which, aside from the small structures within the site itself, and the existing development located along Hunsdonbury to the north, is rural, undeveloped countryside.
23. The proposed dwelling would be sited centrally within the narrower part of the appeal site. It would be a two-storey property comprising a contemporary Huf-Haus style, post and beam house with asymmetrical roofing. It would be constructed of timber with large areas of glazing. It would have an open plan arrangement. The proposal would also include a detached garage with flat roof

¹⁰ Figure 9 Appellant's Statement of Case

- and a new vehicular access and pedestrian access. The detached garage block would be located along the southern side boundary.
24. The dwelling would be constructed using highly sustainable principles including a generous roof overhang to keep the property cool during summer, the use of timber and glazing, external blinds, triple-glazed windows, the installation of PV panels and underfloor heating. There would also be a charging point for electric bikes and an air source heat pump. This would reduce overall energy uses and the carbon footprint of the property and would mean there would be no need for gas or oil pipelines. This would be a consideration in favour of the proposal.
25. There are existing established trees and hedging around and within the appeal site and the proposed dwelling would nestle within the trees and be set back from Church Lane. There may be the removal of a frontage tree to facilitate the access point. Whilst the proposal would introduce a built form into this side of Church Lane, the proposed design, scale, siting, orientation and materials of the dwelling would assist in minimising the overall visual impact of the property and would result in a degree of assimilation into the rural landscape. Nevertheless, despite the overall design minimising the overall impact, the appeal site sits within an undeveloped area, therefore the introduction of a property along the western side of Church Lane would be at odds with the prevailing character of the immediate area. Whilst the site is previously developed land and there are the surviving WWII structures on the site, these are very modest in scale and are heavily assimilated into the landscape.
26. As such, the proposal would be in conflict with Policies DES2, DES4 and GBR2 of the District Plan and HHD6 of the Neighbourhood Plan. Collectively, these seek to ensure that development conserves, enhances or strengthens the character and distinctive features of the district's landscape, promotes local distinctiveness, and where the land is previously developed (brownfield land), be appropriate to the character and setting of the site and/or surrounding area, amongst other things.

Listed Buildings

Hunsdon House

27. The appeal site is close to Hunsdon House which is a mid-15th century moated country house and, being Grade I listed, a designated heritage asset of the highest significance. It is set adjacent to the Parish Church of St Dunstan and is visible from Church Lane. The property is set back from the Church and faces towards the main road. It comprises a wide frontage with red brick and is of a substantial scale. The property has undergone some extensions and alterations throughout the years including for the occupation of Henry VIII and subsequent occupiers. It has formal laid out gardens which are reasonably extensive, stretching out behind the Church and churchyard. Its driveway is bounded by elaborate and highly detailed wrought iron gates.
28. Its special interest and significance mainly lies in it remaining one of the most important medieval houses in the country, and it has been described by Pevsner (1977) as a house of the greatest historical interest.
29. Pertinent to the appeal, Hunsdon House's proximate landscaped gardens, as well as its wider parkland surroundings also add in a meaningful way to the building's heritage merit. This is due to not only the surrounding land's physical

and visual relationships with the listed building, but also its historic functional associations with the House, arising from its use as a deer park and for pastimes such as hunting by the Tudor monarchs.

The open, undeveloped and verdant character of the listed building's wider setting, which includes the appeal site, adds to the authenticity of experiencing Hunsdon House and the appreciation of its significance. As such, the listed building's wider setting, including the appeal site, contributes in a positive way to its special interest and significance.

Parish Church of St Dunstan

30. Adjacent to Hunsdon House is the Grade I Listed Parish Church of St Dunstan, also a designated heritage asset of the highest significance. It dates from the early 14th century, part of which was constructed at the same time as Hunsdon House. It is constructed of flint rubble with stone detailing and a tiled roof and the tower fronts onto Church Lane with a narrow, tiled spire rising from the tower parapet. It sits within a modest, landscaped churchyard and is bounded to Church Lane by a red brick wall and iron gates.
31. Its special interest and significance largely stems from it being a fine example of a late medieval parish church and its timber porch is reported to be the oldest example of such in the country. Collectively, as a result of its construction, materials and internal and external detailing it holds outstanding interest and forms a highly important landmark building, highlighted by its location in relation to Church Lane and the surrounding public realm. Due to its proximity to Hunsdon House and its location nestled within the wider grounds of the listed property, it forms an important and picturesque historic group with Hunsdon House and therefore their significance is historically intertwined.
32. Relevant to the appeal, this listed building's special interest and significance are also derived in part from its setting. The relationship of the Parish Church of St Dunstan with Hunsdon House and its subsequent associations with the partly open, partly wooded parkland surroundings, add in a positive way to appreciate the Church's heritage merit.
33. Therefore, the Parish Church of St Dunstan's wider setting, including the appeal site, contributes in a positive way to its special interest and significance.

Hunsdon House Lodge

34. Hunsdon House Lodge is a Grade II listed building located opposite the appeal site. It is a one and a half storey Gothic former gate lodge of brick and tile construction. It is set adjacent to an ample driveway and within a large, landscaped curtilage.
35. The special interest and significance of Hunsdon House Lodge is largely appreciated through its example of a Gothic lodge that would have originally been related to Hunsdon House. It retains historic Gothic detailing and these intrinsic architectural qualities, coupled with the use of local materials, provide an eye-catching and striking example of a mid-19th century property.
36. Pertinent to the appeal, the special interest and significance of this asset also stems in part from its setting with strong historic and functional associations of the Lodge with Hunsdon House and this with the surrounding parkland. The rural, open and undeveloped character of this listed building's wider setting

allows Hunsdon House Lodge to be experienced and its significance appreciated in an authentic and legible way. As such, the listed building's wider setting, which includes the appeal site opposite, contributes in a positive way to its special interest and significance.

Non designated heritage assets

Surviving WWII Structures

37. Within the appeal site itself are a series of historic structures comprising two Stantons and a mess building, dating from World War II. These are associated with the wider RAF Hunsdon site which is a Scheduled Monument (List Entry 1020748) however do not themselves form part of the scheduling. In addition, there are markings of the other former huts visible on the ground.
38. The non-designated heritage assets within the appeal site, mainly derive their significance as well-preserved examples of historic war structures. They relate in part to the wider historical significance of the network of military sites including the airfield at RAF Hunsdon and other related wartime remains and provide an understanding of the airfield and how it was historically laid out and functioned. These shelters remain in reasonably good condition, with access retained, and the original concrete panel with an earth covering above. The mess building still has evidence of the internal room layouts and fittings and appears also to remain in a reasonable condition.
39. Their significance is also gained in part from their immediate and wider surroundings. The open and undeveloped nature of the appeal site enables their associations with each other and to the wider RAF Hunsdon Site to be understood and appreciated. As such, the structures' immediate setting contributes in a positive and tangible way to their significance.

Hunsdonbury Historic Park

40. Hunsdonbury Historic Park is identified as a non-designated heritage asset in the Hunsdon Area Neighbourhood Plan (Policy HHC2). The appeal site abuts the northern boundary of this asset. The appeal site allows for partial views across Hunsdonbury Historic Park through the existing vegetation.
41. The significance of this Historic Park is derived from its contribution to the historic Deer Park established by Henry VIII. It formed part of the wider estate, strongly associated with the nearby listed buildings, and remains connected, allowing the undeveloped and rural character of the land surrounding the asset and its significance to be appreciated. Thus, the asset's setting which includes the appeal site, positively contributes to its significance.

Effects of the proposal

Listed Buildings

42. The appeal proposal would be located within the centre of the appeal site with the proposed garage set further forward towards the road. In relation to the Grade I listed group consisting of Hunsdon House and the Parish Church of St Dunstan the appeal site is located some distance from these and in visual terms would be unlikely to have an unduly harmful effect. However, the setting of listed buildings is not restricted to just a visual and physical component and the wider historic network is also required to be considered. The historic

significance of the wider Hunsdon House Lodge and associated parkland is tied to Hunsdon House and the Parish Church of St Dunstan which would have been historically linked. Whilst the intervisibility of the appeal site and Hunsdon House and the Parish Church of St Dunstan is limited by intervening vegetation and the road, the significance of the wider historic parkland is still appreciated.

43. Notwithstanding the degree of physical separation between the appeal site and the Grade I listed buildings themselves, the proposal would result in the introduction of built form comprising both the dwelling and garage, and including extensive hard landscaping for the driveway and access and formal landscaping within the wider setting. This would result in the erosion of the open quality of the site and would adversely affect the characteristics of the wider setting. This would, in turn, dilute the ability to appreciate the historic relationship between the listed buildings and the surrounding landscape.
44. Hunsdon House Lodge is located on the opposite side of the road to the appeal site but is nevertheless seen in the context of the site. The set back of the dwelling and the overall design and screening would reduce the visual impact between the properties somewhat, however Hunsdon House Lodge forms part of the wider former Hunsdon House Estate which includes the surrounding parkland.
45. The proposed development would appear as an intrusion into the undeveloped and verdant site which currently makes a positive contribution to the setting of the listed buildings. This would therefore alter the character and appearance of this area and the relationship between the designated heritage assets and their legibility.
46. The proposal would therefore undermine the authenticity of experiencing the assets and would affect the ability to appreciate their significance. As a result, it would fail to preserve the assets' setting and thus would harm their significance.

Non-designated Heritage Assets

47. All of the surviving WWII structures would remain in situ and intact as part of the proposal. At present, the structures within the site are modest and successfully assimilated into the landscape. They are sited so as to be partially hidden which reflect the intentions of locating them in a discrete manner in the first place. To introduce a property into the appeal site would bring with it ancillary domestic structures and areas of hardstanding. Furthermore, the proposed garage would sit close to the front air raid shelter building, with a driveway and access running alongside. The proximity of the garage and hardstanding to this historic building would be overbearing and distract from the historical legibility of the wartime structures.
48. The appeal site adjoins the Hunsdonbury Historic Park and Garden. The introduction of a dwelling into the appeal site would result in a degree of disruption to the open rural character associated with the parkland setting. This, in turn would result in a change in the historic character of the connected sites and introduce an alien and out of character structure into this wider setting. As such, the proposal would diminish the contribution that the setting of this parkland landscape makes to the historic understanding and experience of the area and would erode its significance.

49. Accordingly, I conclude that the proposal would fail to preserve the settings of the Grade I listed buildings, Hunsdon House and Parish Church of St Dunstan, and the Grade II listed building Hunsdon House Lodge, and would harm the significance of these designated heritage assets. The proposal would therefore conflict with the statutory presumption of section 66(1) of the Act. Based on the scale and nature of the proposed development, the level of harm individually and cumulatively would be less than substantial in this instance but nevertheless be of considerable importance and weight.
50. Furthermore, the development would result in harm to significance of the non-designated heritage assets of the surviving WWII structures and Hunsdonbury Historic Park.
51. The proposal would also fail to comply with Policies HA1, HA2 and HA7 of the District Plan and Policies HHC1 and HHC2 of the Neighbourhood Plan. These require development to preserve and enhance the significance of the assets and their settings in the Area, and where non-designated heritage assets are affected, a balanced judgement should be made having regard to the scale of any harm of loss and any less than substantial harm should be weighed against the public benefits of the proposal, amongst other things.

Other Matters

52. The proposal would be a self-build dwelling and the Council acknowledge that there is currently a shortfall in the provision of self-build plots within the District. The provision of a self-build plot would therefore be a benefit, albeit it would only make a limited contribution to the shortfall.
53. The Council published their Five-Year Land Supply Position Statement Addendum – April 2024 which identified that they could now demonstrate a 5.95 year housing land supply position. The Appellant has raised some doubts about the delivery assumptions and windfall allowances however state that the changes are unlikely to be sufficient to undermine the overall five-year supply. As such, the Council's ability to demonstrate a five-year supply is not disputed and therefore the tilted balance referred to in the Framework is not engaged in this case.
54. Letters of objection have been received from the Hunsdon Parish Council and a local resident in relation to the appeal. However, given my overall findings on the case it is not necessary for me to address these further.

Heritage Balance

55. The Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). I have identified that less than substantial harm would arise to the designated heritage assets through development within their settings. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes securing the optimum viable use of the heritage asset.
56. Paragraph 209 of the Framework identifies that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and a balanced judgement will be

required having regard to the scale of any harm of loss and the significance of the heritage asset. I have found that the proposal would result in some harm to the significance of the non-designated heritage assets from development within their setting.

57. Benefits would arise from the provision of a property towards the Council's custom and self-build requirements, as well as the use of previously developed land and the high environmental and sustainability standards that the property would be constructed to. There would also be a heritage benefit arising as a result of the retention of the surviving WWII structures within the appeal site. The proposal would also give the opportunity for someone to occupy the appeal site and therefore attend to the ongoing maintenance of these historic structures. However, whilst this is a likely benefit, there is no formal mechanism put forwards for this to be secured.
58. Taking into consideration the public benefits that would arise from the appeal proposal, I consider that these would not be sufficient to outweigh the considerable importance and weight I attach to the less than substantial harm to the significance of the designated heritage assets arising for the above reasons.
59. Furthermore, in undertaking a balanced judgement, the proposal would have a harmful effect on the significance of the non-designated heritage assets within and adjacent to the appeal site.

Overall Planning Balance

60. In addition to the less than substantial harm in relation to the designated heritage assets and the harm I have identified in relation to the non-designated heritage assets, for the above reasons I have found conflict with Policies DPS2, GBR2, TRA1 DES2, DES4 and GBR2 of the District Plan and HT1 and HHD6 of the Neighbourhood Plan in relation to the location of the appeal site and the impact on the form and character of this part of Church Lane. Although there would be a conflict with the development plan in relation to the location of the appeal site in relation to services and facilities, the amount of traffic generation from one property would be limited. However, the proposal would be harmful also to the character of the area given the lack of nearby development along the western side of Church Lane.
61. Taking all of the above into the overall planning balance, the proposed development would conflict with the development plan as a whole. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan.

Conclusion

62. For the reasons given above, and having had regard to all matters raised, the appeal should be dismissed.

R Norman

INSPECTOR