



Appeal Decision

Site visit made on 7 January 2025

by **N Bowden BA(Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 January 2025

Appeal Ref: APP/J1915/D/24/3351215

Lingfields, Whempstead Road, Benington, Hertfordshire SG2 7BX

- 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 Taylor Samek-Richardson against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/1083/HH.
 - The development proposed is relocation and redesign of previously approved outbuilding comprising a swimming pool and associated facilities.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development given on the application form and in the banner heading above makes reference to the relocation and redesign of an approved scheme¹. This approved scheme relates to a development that, at the time of its determination, could have been constructed with deemed planning permission as 'permitted development'. Whilst recognising this I have nevertheless considered this proposal on its own merits.
3. The Council's second reason for refusal related to inconsistencies on the submitted plans. The appeal documentation has corrected these inconsistencies on plan H2175 399 B and I have used these amended plans in my consideration of this appeal. As these revisions do not result in a substantial difference or fundamental change in the nature of the application and having regard to the Wheatcroft principle and *Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)*, these amendments can be accepted without prejudice to any party. The amended plans resolve this reason for refusal, and I have therefore not gone on to consider it any further.
4. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. As the changes to the Framework do not materially affect the main issue in this case, the parties have not been invited to comment on this.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area with particular regard to the effect on the street scene and rural location.

¹ Council Ref 3/17/2501/CLP

Reasons

6. The appeal site is set within the village of Bennington/Hebing End. This is a dispersed village although there are distinct clusters and rows of homes and other buildings set to the north along Town Lane and immediately to the south of the appeal site along Whempstead Road. The site itself comprises a detached house set in a substantial grounds. The main house is set towards the rear of the plot with a large and open front garden that is largely laid to lawn. It is here that the proposed building would be located and would follow a general building line broadly following the pattern of buildings formed by homes addressing Whempstead Road.
7. The building would, however, still be a fairly isolated structure. It is substantially removed from the parent dwelling at Lingfields and despite following the general pattern of buildings to the south, would also be set apart from this. The building would be in a sensitive transition zone between open fields and the small, but built-up, context of the village to the south. Despite boundary screening, it would be visible in the street scene and represent an unexpected and large structure in this context. This would be detrimental to the rural character and appearance of the area and street scene. It would therefore conflict with policies DES4, GBR2 and HOU11 of the East Herts Local Plan 2018 (EHLP) insofar as it would not be of a size, scale, mass, form, siting and design that would be appropriate to the character, appearance and setting of the existing dwelling and/or the surrounding area.
8. I recognise that the pool building would be set adjacent to a proposed tennis court and therefore be linked to this facility, and I appreciate the logic of this. However, this is not a reason to grant permission for a building that would be harmful to the character of the area. The tennis court is a distinctly different prospect to the proposed pool building and the grant of permission for this does not imply a significantly larger structure is acceptable. I also recognise that the material used would be of a traditional wooden nature, but this does not overcome the harm I have identified due to its size and location. Screening along the boundaries would reduce views of the building from the street, however the size of the building is such that it would still be quite visible and prominent.

Conclusion

9. The building would be large and prominent, visible in the public realm and detrimental to the character and appearance of the area. As such, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
10. The appeal is dismissed.

N Bowden

INSPECTOR