



Appeal Decision

Site visit made on 8 January 2025

by **G Pannell BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 January 2025

Appeal Ref: APP/J1915/W/24/3345603

Hunsdonbury House, Hunsdonbury 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 Charlotte Montanaro against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/2016/FUL.
 - The development proposed is Demolition of the existing stable block within the grounds of Hunsdonbury House and its replacement with a single storey 2 bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing stable block and the erection of a replacement single storey, two bedroom dwelling at Hunsdonbury House, Hunsdonbury Lane, Hunsdon, SG12 8PW in accordance with the terms of the application, Ref 3/23/2016/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have noted the description of development as set out in the banner above, however the appellant has submitted a signed unilateral undertaking with the appeal which restricts the occupation of the dwelling to that which is ancillary to Hunsdonbury House and defines the building as an annexe. Therefore, I have considered the appeal on this basis and I have contemplated the obligation later in my decision.
3. The latest update to the National Planning Policy Framework (the Framework) was published on 12 December 2024. The changes which are the most relevant to the consideration of this appeal are minor and do not fundamentally affect my findings. Therefore, I have not found it necessary to seek views from the parties in this instance.

Main Issue

4. During the appeal the parties have agreed matters pertaining to the fourth, fifth and seventh reason for refusal can be dealt with by planning condition in the event that the appeal is allowed.
5. Therefore the main issues in this appeal are:
 - whether the site represents an appropriate location for the proposed development, having regard to the council's spatial strategy;

- the effect of the development on the character and appearance of the area, including the locally important historic park and garden; and
- the effect of the proposed development on the availability of equestrian facilities.

Reasons

Spatial Strategy

6. Policy DPS2 of the East Herts District Plan 2018 (DP) sets out the Council's strategy to deliver sustainable development in accordance with a clear hierarchy. The site is outside of the settlement boundary of Hunsdon and residential development within the site would not accord with the hierarchy set out within the spatial strategy.
7. Policy TRA1 of the DP looks to ensure that development proposals should be located in places which enable sustainable journeys to be made to key services and facilities to help aid reductions in carbon emissions. Policy HT1 of the Hunsdon Area Neighbourhood Plan (HNP) echoes the sentiments of TRA1, promoting safe and sustainable modes of transport.
8. Hunsdon is a Group 1 Village as per DP policy VILL1 and contains a range of facilities and services. Despite these facilities I accept that occupiers of the proposed development would also have to travel onwards to the services and facilities within the nearby town of Ware to access a wider range of shopping, healthcare, leisure and entertainment facilities.
9. However, given the distance from the site to these it would be unlikely that you would walk or cycle. There is a bus stop approximately 0.6 miles within a 20 minute walking distance of the appeal site. The council has indicated that there are services hourly on weekdays and two hourly on a Saturday.
10. Whilst this would be an available alternative to the private car, having regard to their frequency and in particular the limited availability in the evenings and weekend, the bus service would be unlikely to be a realistic substitute to the convenience of a private car.
11. Therefore, as the Council have identified, any proposal for a separate residential dwelling on the appeal site would conflict with the Council's spatial strategy and represent unsustainable development having regard to access to services and facilities, contrary to policies HT1 of the HNP and TRA1 of the DP.
12. However, policy HOU13 of the DP sets out that residential annexes will be permitted, regardless of the spatial strategy, provided that any separate outbuilding is close to and well related and has a clear functional link to the main dwelling.
13. The Council consider that the distance from the host property, approximately 26m, results in an annexe that is not well related to or has a clear functional link to the main dwelling. However, there is no separate individual access to the site and there is no separate garden space or parking area associated with the annexe with both spaces being communal and shared between the annexe and the host property.
14. Access to the annexe from the parking area requires going through a link within the main house, which ensures that there is a continuous and active relationship with

the occupiers of the host property. The annexe will also share utilities with the host property in terms of water and electricity.

15. Policy HOU13 also requires the scale of the annexe to be the minimum level of accommodation required to support the needs of the future occupier. The policy does not provide any guidance as to what an appropriate level of accommodation would be and how this should be assessed. The proposal provides two bedrooms, and the appellant has set out that this would provide space for a live in carer if required in the future. The overall footprint of the annexe is relatively modest, occupying a footprint smaller than the existing stable block.
16. Whilst the proposed annexe contains a range of facilities which could also be found within an independent dwelling, there is nothing in the policy to suggest that ancillary accommodation can not contain such facilities as a kitchen and sitting area that would support someone wishing to maintain a degree of independent living whilst having the support of relatives residing in the host property. As such I consider the scale is appropriate and not unreasonable.
17. Therefore, based on the evidence before me the proposed annexe is well related to and has a clear functional link to the main dwelling and the scale of the proposal would be proportionate to the needs of the occupier. As such it would accord with policy HOU13 of the DP and as a result there would be no conflict with the Council's overarching spatial strategy or the HNP.

Character and appearance

18. The proposal is also located within the Rural Area Beyond the Green Belt, where policy GBR2 of the DP states development, including the replacement of an existing building, will be permitted where they are compatible with the character and appearance of the rural area. Any replacement should ensure that the size, scale, mass, form, siting, design and materials are appropriate to the character, appearance and setting of the site and surrounding area.
19. Additionally, policies DES2, DES4 of the DP and policy HHD6 of the HNP, collectively seek to ensure high standards of design which conserve, enhance, or strengthen the character of an area.
20. The proposed annexe would be sited within the rear garden of Hunsdonbury House and have a smaller footprint and volume than the existing stable building. As such it is agreed between the parties that the scale of the building would not appear dominant or disproportionate to the host property.
21. The design of the annexe is modern in architectural style and includes a flat roof with glazed elevations. The design would be in contrast with the Victorian Gothic architecture of the host property. The proposed glazing is mostly positioned to afford views of the inner courtyard which the building has been designed around.
22. The current stable building is adjacent to an existing summerhouse and together these outbuildings are modern additions in comparison with the host property and neither reflect the character and appearance of it. However, they are sufficiently separate from the host property and set within their own landscaping such that they do not detract from it.
23. The replacement of the stable building with a flat roof modern structure would continue to be viewed in the context of the existing summerhouse and its

architectural design would not be at odds with that structure. Furthermore it would be set back from main views from the host dwelling and would therefore be appropriate to the character, appearance and setting of the site. Furthermore, it would respect the traditional character of the built environment, as it would not compete or detract from it.

24. Therefore, the proposal is appropriate to and would conserve the character, appearance and setting of the site and surrounding area in accordance with policies GBR2, DES2 and DES4 of the DP and policy HHD6 of the HNP.

Locally important historic park and garden

25. The appeal site is located within the Hunsdonbury Locally Important historic park and garden, as identified within the HNP. Policy HHC2 of the HNP sets out that Hunsdonbury Historic Park is a non-designated heritage asset (NDHA) and that any proposal which affects the asset will take into account the significance of the heritage asset to enable a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset.
26. The Planning Practice Guidance sets out that NDHAs are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.
27. Paragraph 216 of the Framework outlines that in weighing applications that directly or indirectly affect NDHAs, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
28. The NP sets out that, of the original 59 acre estate, the largest part remains as the grounds of Hunsdonbury House and consists of a large attractive garden laid out as a continuous space, beyond which lies extensive woodland managed by the owner as a conservation area. The appeal site lies at the edge of the Historic Park.
29. The appeal site does not contribute to the continuous open space which is evident from the modern landscaped gardens which surround Hunsdonbury House nor does it have any spatial relationship to the woodlands (the Wilderness) and lake which is the description given to the NDHA within the Historic Parks and Gardens Supplementary Planning Document (SPD), both of these are some distance to the north west of the site. Its significance is drawn from the continuous space and views which are experienced from Hunsdonsbury House.
30. I am satisfied that having regard to the position of the proposed annexe on the edge of the Historic Park and its grouping with other ancillary buildings would not detract from, or result in harm to, the significance of the NDHA. It would not result in a loss of cohesion of the Victorian Gothic Architecture, given its modest scale in relation to the host property. The context of Hunsdonsbury House will remain with its formal gardens and open spaces beyond which contribute to its setting and the significance of the NDHA.
31. The proposal therefore accords with policy HHC2 of the HDP.

Loss of equine facilities

32. The proposed development would result in the loss of the existing stable block, which from its external appearance with stable doors may have accommodated 3

or 4 horses. Policy CFLR6 of the LP requires proposals that result in the loss of equestrian facilities to be accompanied by an Equestrian Needs Assessment which demonstrates that the facilities are no longer needed. There is nothing within the supporting text of the policy to define what comprises an Equestrian Needs Assessment.

33. The stables on the site are not currently in use, and the evidence before me suggests that they have not been used for stabling for more than 10 years. Access to the stables is via the appellant's private garden and there are no paddocks or grazing associated with the stable block. This limits the opportunities available to the appellant to demonstrate that the stables are no longer needed beyond their own needs as they would not be available for any separate commercial use.
34. Therefore, as the appellant has confirmed that the facilities are no longer required and that they have not been in use for a significant period of time and are without associated paddocks or grazing, I am satisfied that this is sufficient to demonstrate compliance with policy CFLR6 of the LP.

Other Matters

35. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications. Paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be.
36. I have considered the effect on the Grade II Listed Hunsdonbury House, an elaborate Gothic rectory dating from 1832 of outstanding architectural and historical interest, and especially notable for its contemporary interiors. The appeal site is largely screened from Hunsdonbury House due to its position and layout and a degree of tree/vegetation cover, therefore the current stable block does not contribute to its setting. The proposed replacement would be similar in scale and footprint and would remain largely screened from the host property.
37. As such, even developed, the site would not have a significant impact on how the listed building would be appreciated from within the site or the elements that form its setting. I conclude that the development would not result in harm to the setting of the listed building and I note that these findings are consistent with the Council's Conservation Officer.

Planning Obligations

38. The appellant has provided a legal agreement under section 106 of the Town and Country Planning Act 1990, which includes an obligation which would come into effect if planning permission were to be granted. I have considered the obligation in light of the Framework, Planning Practice Guidance and the Community Infrastructure Levy Regulations (the CIL Regulations). These state that a planning obligation must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

39. The legal agreement defines the single storey two-bedroom dwelling as an annexe and the obligation of the owner is not to occupy or permit occupation of the annexe save as ancillary to Hunsdonbury House and not to dispose of the annexe except as part of the same disposal as Hunsdonbury House. This obligation ensures that the proposed development would not be occupied as a separate dwelling or severed from the host property which is necessary to make the development acceptable in planning terms. Therefore, it is directly related to the development and reasonably related in scale and kind.
40. On this basis, I consider that the submitted agreement accords with the criteria of Regulation 122 of the CIL and with paragraph 58 of the Framework. I can therefore reasonably take it into account.

Conditions

41. The Council has suggested conditions which I have considered against the advice in the Framework and Planning Practice Guidance and where necessary amended them for clarity. In addition to the standard implementation condition it is necessary, for the avoidance of doubt, to define the plans with which the scheme should accord.
42. In the interests of ensuring that any air source heat pump does not result in adverse noise levels I have imposed a condition requiring details to be submitted prior to installation.
43. In the interests of the character and appearance of the area I consider that a condition to agree the details of the external materials and a scheme of soft and hard landscaping, including the implementation of the agreed measures for the protection of existing trees would also be necessary in this case.
44. In order for the development to overcome the reasons for refusal relating to biodiversity and sustainability, conditions are required to ensure the implementation of the Biodiversity Impact Assessment and the Energy and Sustainability Statement.
45. As the appellant has provided a planning obligation to restrict the occupancy of the proposed development I have not found it necessary to impose a condition to restrict the occupancy as this would be duplication of the obligation.

Conclusion

46. For the reasons given above the appeal should be allowed.

G Pannell

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 5011/PA/010 Rev A; 5011/PA/015 Rev A; 5011/PA/016 Rev A; 5011/PA/001; 5011/PA/003; 5011/PA/005.
- 3) Prior to the installation of the air source heat pump (ASHP) hereby approved, the following details shall be submitted to and approved in writing by the Local Planning Authority. This shall include (but not be limited to):
 - Location and design of the ASHP.
 - Evidence to demonstrate that the noise rating level of the ASHP does not exceed 26dBA at the facade of the nearest and/or most affected neighbouring habitable room. This rating level must be inclusive of a 6dBA tonality penalty in absence of octave-band noise data.
 - Any mitigation measures as appropriate.
- 4) Prior to any above ground construction works being commenced, the external materials of construction for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be implemented in accordance with the approved details
- 5) The development hereby approved shall be carried out in accordance with the Arboricultural Impact Assessment dated 7th May 2024 (undertaken by Hallwood Associates Ltd).
- 6) Prior to first occupation of the development hereby approved, details of landscaping shall be submitted and approved in writing and shall include full details of both hard and soft landscape proposals, finished levels or contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.
- 7) All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

- 8) The development hereby approved shall be carried out in accordance with the Biodiversity Net gain (BNG)/Biodiversity Impact Assessment (BIA) dated 30th May 2024 (undertaken by Cherryfield Ecology).
- 9) The development hereby approved shall be carried out in accordance with the recommendations set out within the Energy and Sustainability Statement dated 15th April 2024 (undertaken by The PES).

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