



Appeal Decision

Site visit made on 21 January 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 February 2025

Appeal Ref: APP/J1915/W/24/3349096

2 Datchworth Green, Datchworth, Hertfordshire SG3 6TL

- 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 Balasubramaniam Balendra against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/0138/FUL.
 - The development proposed is the erection of a replacement village shop following the demolition of the existing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have had regard to the revised Framework in my decision. The main parties were invited to provide comments on this matter and the comments received have been taken into account in my determination of the appeal.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the character and appearance of the area, bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby Grade II listed buildings 4 Datchworth Green, 3 Datchworth Green and The Tilbury (listed as The Inn on the Green).

Reasons

Whether inappropriate development

4. The appeal site is located within the Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
5. Policy GBR1 of the East Herts District Plan 2018 (DP) states that planning applications within the Green Belt, as defined on the Policies Map, will be considered in line with the provisions of the Framework. Paragraph 154 of the

Framework states that development in the Green Belt is inappropriate unless one of the exceptions listed applies. One such exception, of relevance in this case, at paragraph 154g), is the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

6. The appellant asserts that the proposal would meet the definition of previously developed land (PDL) as set out with the Framework. In the absence of compelling evidence to the contrary, I have no reason to doubt the appellant's claim. So, the key issue is whether there would be substantial harm to the openness of the Green Belt. The openness of the Green Belt has a spatial aspect as well as a visual aspect.
7. The proposed replacement building would have greater floorspace and volume compared to the building it would replace. It would also be higher with roof accommodation and would have a larger footprint. This increased scale would reduce openness in spatial terms.
8. The appeal site, located at a crossroads on the corner of Datchworth Green and Brookridge Lane, occupies a prominent position within the street scene. Whilst the building would be visible from public vantage points, the site is surrounded by built development to all sides. In light of this context, the proposal would have a negligible effect on the openness of the Green Belt in visual terms.
9. Given the scale of the proposal and its surrounding context, the harm to openness would be moderate. Therefore, the proposal would not be inappropriate development in the Green Belt. It would accord with DP Policy GBR1 and with the Framework, which seek to protect the Green Belt.

Character and appearance

10. The appeal site is a modest parcel of land which accommodates a single storey detached building that is occupied by the village shop. The site lies in a prominent position in the street scene given its location by the crossroads. The surrounding buildings have different uses, including food and drink establishments as well as residential properties. The roofscape comprises pitched roofs and some buildings contain front facing dormer windows.
11. The appeal site is located near three Grade II listed buildings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of these heritage assets.
12. 4 Datchworth Green (No 4) is adjacent to the site. The listing description suggests that this single storey house with attic, at one time two dwellings, dates late 17th century with 1929 alterations. The building has a steep pitched tiled roof, chimney and pitched roof front dormer windows. The ground floor windows have small panes with centred arched heads.
13. 3 Datchworth Green (No 3) is a Grade II listed building located to the south of the site. It is a two-storey building externally finished in render and weatherboard with a steeply pitched tiled roof and shop window with small panes and cornice.
14. The Tilbury (listed as The Inn on the Green), public house, is a Grade II listed building located to the east of the site. It is a two-storey building with attic, externally finished in red brick under a tiled pitched roof with two box formers.

15. The appeal site, due to its location, is an important component of the setting of each of these listed buildings, which have a group value as recognised in the listing description of No 4. The existing building is a single storey modest structure and although it is of a simple design, the front elevation has some articulation with the piers and parapet wall. The appeal building is set back from the site's common boundaries with the highway. As such, given its subservient appearance and siting within the plot, the building makes a neutral contribution to the setting of these listed buildings.
16. The proposal seeks to replace the existing building on site. The proposed building would have a large footprint and, in accordance with the proposed block plan, it would be positioned closer to the front of the site, which would increase its proximity to No 4. While the low eaves and hipped roof design would limit the overall bulk of the building to some degree, the proposed ridge height would only be marginally lower than that of No 4. As a result, the proposal would be of a substantial scale which would appear jarring in the street scene, thereby competing with the listed building and harming its prominence.
17. In terms of design, the proposed roof shape would be markedly at odds with the roof of No 4, so the proposal would not be sympathetic to this listed building. Consequently, due to its scale and design, the proposed development would undermine any appreciation of the historic value of No 4 and would fail to preserve its setting.
18. The proposed hipped roof form would be markedly at odds with the surrounding buildings, including No 3 and The Inn on the Green, which have pitched roofs. In the absence of any lower windows, the flat roofed dormers on the side elevation albeit small, would appear unbalanced. While there are flat roofed dormers in the public house opposite, these are in the front elevation and aligned with the fenestration underneath, which is not the case of the proposal before me. As such, the proposed design would not be compatible with the historic character of the surrounding buildings.
19. The design, substantial scale and dominance in the streetscene of the proposed building would harm the setting of No 3 and The Inn on the Green. This would however be to a lesser extent given the intervening distance.
20. The external materials would repeat those on the current structure and the proposed window design would reflect the style of local windows, including the bay window on No 3. However, this would not overcome the harm that I have identified above.
21. The proposed development would therefore cause less than substantial harm to the setting of all three Grade II listed buildings. The Framework sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Heritage Balance

22. The appellant has put forward that the current premisses are in poor state of repair and experiencing severe limitations in terms of available space for both displayed items and storage. While the proposal would allow the village shop to be expanded to the benefit of the local community, and is supported by a public petition, I

remain to be convinced that the appeal scheme is the only means of achieving additional internal space and ensuring that future retail trading in the village is retained.

23. Whilst the existing building may be in poor condition and not be fit for purpose, insufficient evidence has been submitted to demonstrate that its adaptation would not be cost effective.
24. As such, these public benefits would be insufficient to outweigh the great weight I must attach to the harm I have identified to the designated heritage asset.
25. Thus, the proposal would have a harmful effect on the character and appearance of the area and would not preserve the setting of the nearby Grade II listed buildings. It would conflict with DP Policies VILL2, DES4 and HA1, which support development that is well designed, promotes local distinctiveness, preserves and where appropriate enhances the historic environment of East Herts.

Other Matters

26. Reference is made to exceptions d) and e) under paragraph 154 of the Framework. However, as I have found that the proposal would not be inappropriate development under paragraph 154g), it is not necessary to consider the other exceptions cited.

Conclusion

27. 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. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR