



Appeal Decision

Site visit made on 18 March 2025

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th May 2025

Appeal Ref: APP/P1940/W/24/3350428

Oak Lodge Toms Lane, Kings Langley, Hertfordshire WD4 8NH

- 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 Brendan O'Riordan against the decision of Three Rivers District Council.
 - The application Ref is 24/0653/FUL.
 - The development proposed is the erection of a 2 storey dwellinghouse on land adjacent Oak Lodge.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2 storey dwellinghouse at Oak Lodge Toms Lane, Kings Langley, Hertfordshire WD4 8NH in accordance with the terms of the application, Ref 24/0653/FUL, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is whether the proposal would be unacceptable without a monetary contribution towards the provision of affordable housing off-site.

Reasons

3. The proposal is for the erection of one new open-market dwelling. Policy CP4 of the Local Development Framework (the LDF) seeks to increase the provision of affordable homes in the district by, in part, requiring small sites to make contributions towards off-site affordable housing. Under this policy the Council will consider the site circumstances and viability of the development.
4. In this case the appellant has not provided a contribution or any mechanism to secure such a contribution. Although the appellant has directed my attention to the appeal decision APP/P1940/W/22/3305196, it is clear that the Inspector in that case also found that the lack of a contribution would conflict with LDF Policy CP4.
5. In light of the above, the proposal, by way of not providing a contribution towards the provision of affordable housing, would not comply with the requirements of LDF Policy CP4 as outlined above.

Other Matters

6. From the information before me, and my observations on site, the proposal comprises limited infilling in a village and would, as such, comply with Paragraph 154(e) of the National Planning Policy Framework (the Framework). It would not, therefore, be inappropriate development in the Green Belt and the Council found similarly in this regard.

Planning Balance

7. There is no dispute that the Council is unable to demonstrate a five-year housing land supply, I understand that this is currently at 1.9 years and that the Council's Housing Delivery Test shows below 75% delivery. Therefore, Paragraph 11d of the National Planning Policy Framework (the Framework) is relevant.
8. The requirements set out under LDF Policy CP4 for the contribution towards affordable housing conflicts with the Framework, Paragraph 65, where it relates to non-major development. There is, however, considerable evidence before me of a significant under provision and need for affordable housing within the plan area. I also note the appeal decisions raised by the Council for ostensibly similar cases where the Council's local need has outweighed national policy. Given the above, and whilst mindful of the material considerations that are the Framework and Written Ministerial Statement, I attach significant weight to this matter.
9. The provision of one new dwelling would make a contribution towards this shortfall. The proposal would also lead to a small and time limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. Given the acute nature of the shortfall, these matters attract significant weight.
10. Taking everything into account, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits identified. As a result, the application of Paragraph 11d of the Framework indicates that permission should be granted. Therefore, in the circumstances of this appeal, the material considerations above justify making a decision other than in accordance with the development plan.

Conditions

11. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
12. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
13. A pre-commencement condition is necessary for the submission of landscaping details to protect trees on site, and character and appearance. As development could result in the loss of any existing trees on site, it would need to be pre-commencement. I have consulted the appellant on this condition but did not receive a response within the time limit. In the interests of living conditions, character and appearance, details of boundary treatments also need to be secured by way of a condition.
14. In the interests of proper waste management and the safety of the site, further details of waste storage and collection are necessary. In accordance with local policies, and to promote sustainable development, it is necessary the development is carried out in accordance with the submitted energy statement. A condition is also necessary to demonstrate that emergency vehicles can reach the proposed dwelling, for the safety of future occupiers. I also consulted the appellant on this

pre-commencement condition and did not receive a response within the required timeframe.

15. In the interests of living conditions and mindful of the site's close proximity to a commercial business, a condition is required securing a noise report and any attenuation measures.
16. As the proposal is for a self-build dwelling, as identified within the planning application form, in order to ensure that it is built and occupied as such, I have attached the proposed condition controlling this.
17. Given the location of the proposal within the Green Belt, in the interests of protecting its openness and purpose of including land within it, a condition is required to restrict permitted development rights for the proposed dwelling.
18. Given the level of detail on the submitted plans, and that a condition is already imposed requiring the development to follow these plans, a condition seeking additional details of the external materials is unnecessary.

Conclusion

19. Therefore, for the reasons outlined above, I conclude that the appeal is allowed.

Samuel Watson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not 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: EXL01/P_REV00, E01/P_REV01, E02/P_REV01, E04/P_REV00, E06/P_REV01, L01/P_REV02, L02/P_REV00, GA01/P_REV01, GA02/P_REV01, and GA03/P_REV00
- 3) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development. All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.
All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.
If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
- 4) The development shall not be occupied until a scheme for the separate storage and collection of domestic waste has been submitted to and approved in writing

- by the Local Planning Authority. Details shall include siting, size and appearance of refuse and recycling facilities on the premises. The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently thereafter.
- 5) Prior to the first occupation of the dwellings, the energy saving measures outlined within the submitted supporting Energy Statement to achieve the requirements of Development Management Policy DM4 shall be implemented in full prior to the first occupation of the new dwelling and be permanently maintained thereafter.
 - 6) Prior to the first occupation of the development hereby permitted a noise report and details of noise attenuation measures to be installed in the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in its entirety prior to the first occupation of the dwelling hereby permitted. Such works shall be retained thereafter at all times.
 - 7) The dwelling hereby permitted shall be constructed as a self-build dwelling within the definition of self-build and custom build housing in the 2015 Act:
 - a. The first occupation of the dwelling hereby permitted shall be by a person or persons who had a primary input into the design and layout of the unit and who intends to live in the unit for at least 3 years;
 - b. The Council shall be notified of the persons who intend to take up first occupation of the dwellings in the development hereby permitted at least two months prior to first occupation.
 - 8) Prior to first occupation of the dwelling hereby permitted, details indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to the first occupation and carried out in accordance with the approved details.
 - 9) Prior to the commencement of the development hereby permitted, tracking details showing how emergency vehicles (fire tenders) can enter and leave the site in forward gear and the siting and design of any required hard surfacing to facilitate the above, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the development and permanently maintained thereafter and always made available for use for turning by emergency vehicles.
 - 10) Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place at either of the dwelling hereby permitted.
 - Part 1
 - Class A - enlargement, improvement or other alteration to the dwelling
 - Class B - enlargement consisting of an addition to the roof