



Appeal Decision

Site visit made on 22 April 2025

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th May 2025

Appeal Ref: APP/J1915/W/24/3355168

Land East of Wakeley Farm, Cherry Green, West Mill, Buntingford, Hertfordshire

- 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 Tom Chalet of Get Unplugged Ltd against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/0921/FUL.
 - The development proposed is change of use of land to allow for the siting of 2no. holiday cabins, together with associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land to allow for the siting of 2no. holiday cabins, together with associated parking at land east of Wakeley Farm, Cherry Green, West Mill, Buntingford, Hertfordshire in accordance with the terms of the application, Ref 3/24/0921/FUL, subject to the attached schedule of conditions.

Preliminary Matters

2. The description of development cited in the planning application form differs to that contained within the decision notice and appeal form. There is no evidence that this change was formally agreed. In the interests of clarity, I rely upon the description as included in the application form for the purposes of the heading above.
3. At the time of my site visit, I saw that the development had commenced, and the parking spaces and cabins had been erected. The application made clear that the scheme was submitted as part retrospective, and I have dealt with the appeal on that basis.

Main Issue

4. The main issue is the effect of the proposed development upon the character and appearance of the surrounding area.

Reasons

5. The Council acknowledge that the principle of new tourist accommodation in this location is accepted under Policies ED5 and GBR2 of the East Herts District Plan (EDHP). This is subject to being compatible with the character and appearance of the rural area under GBR2.
6. The appeal site is formed of a small parking area largely screened by trees adjacent to a private road shared with Wakeley Farm. From this parking location,

the two holiday cabins are sited a short walk from each other on opposite sides of the road.

7. The landscape in this location is gently undulating, characterised by varying-sized fields, bounded, in many instances, by hedgerows, and interspersed with blocks of woodland and individual trees. It is close to blocks of woodland the holiday cabins have been positioned. Each cabin also has a bench and seating with associated paraphernalia close by.
8. The introduction of the holiday cabins has resulted in a change in the character of the two nearby fields, which, based on the evidence before me, had been free from built development. However, policies in the development plan provide for tourism enterprises in rural areas, which implies that some degree of visual impact is accepted.
9. At the time of my visit, the location of the cabins sited close to dense pockets of woodland provided a high level of visual screening from many nearby views. The siting of the cabins on the edge of the field boundaries ensured that the area's character as working farmland was not harmed. Indeed, this was evident by one of the fields being turned over during my visit.
10. Whilst the cabins may be taller than a typical caravan, their height did not result in an incongruous form of development to the immediate area. From greater distances, the associated paraphernalia, such as seating, was not readily visible. Furthermore, given the height of surrounding trees and hedges, only limited glimpses of the cabins could be achieved. The lodges and the activities associated with their occupation would be seen amongst, against and deflected by, the existing verdant setting that would also be further enhanced by the proposed planting.
11. Even during the Winter, the cabins would be largely enclosed by trees and dense hedgebanks such that their black timber structures would not appear overly prominent. The cabins and their associated trappings would be set below much of the adjacent woodland so as to be largely obscured from views. If the roofs were to be glimpsed in passing, it would be in combination with the trees and planting that would have a dark appearance due to not being in leaf. The cabins may be more visible from the wider PRow network, but given the distances involved, they would do not appear incongruous within the rural landscape.
12. Whilst I accept that the proposed hedge planting would take some time to establish itself and to provide the degree of screening and mitigation ultimately anticipated, the sites are not so exposed, prominent or visible that the cabins or the use of land around them would be harmful to the character or appearance of the surrounding area. Additionally, based on my observations onsite, there is no cogent evidence that the proposed hedging would fail to become established.
13. Accordingly, the development is of a scale and design appropriate for its location and does not have a harmful effect on the character and appearance of the area. The proposal would therefore comply with EHDP policies ED5 and GBR2. These policies, amongst other matters, support tourism development in appropriate locations, subject to being compatible with the character and appearance of the rural area. It would also accord with the National Planning Policy Framework, where it requires development to be sympathetic to local character and landscape setting.

Other Matters

14. The Council have stated there are nearby Grade II listed buildings and an ancient monument. However, given the limited scale of the development and its location, it would not result in any adverse impacts on these designated heritage assets. This would match with the findings of the Council.
15. The introduction of the cabins will have increased activities that result in additional noise. However, this would not be at a harmful level to the detriment of the area, given the small-scale nature of the site. Additionally, any introduction of extra cabins would be the subject of a separate planning application that would be determined on its own merits.

Conditions

16. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in the light of the tests for the imposition of conditions set out within the Framework and the content of the Planning Practice Guidance (the PPG). I have also had due regard to the retrospective nature of the appeal. Having regard to the Framework and the PPG, and in the interests of clarity or precision, I have made some amendments to the Council's suggestions.
17. A plans condition is necessary to ensure the development is in complete accordance with the approved plans. Conditions are planting and protection of hedging and trees are also required in the interests of the character and appearance of the area.

Conclusion

18. For the reasons given above, and taking into account all relevant matters raised, I conclude that the appeal should be allowed.

A Hickey

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawings: 1001, 1004, 1005, 1006, 1007, 1008, 1002D Cabin 1, 1003D Cabin 2 and 1011.
- 2) The hedging shown within drawing no. 1011 shall be planted in full within the first available planting season following the date of this decision. If, within a period of 5 years from the date of planting, the hedging (or any hedging planted in replacement for it) is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another hedge of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.
- 3) 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 (including the hedging proposed under this application) 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.

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