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## Appeal Decision

Site visit made on 5 June 2025

by **Jonathan Price BA(Hons) DipTP DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 June 2025

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**Appeal Ref: APP/J1915/W/25/3362158**

**Little Spellars, Acorn Street, Hunsdon, Hertfordshire SG12 8PN**

- 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 and Mrs Stavros and Michael against the decision of East Hertfordshire District Council.
  - The application Ref is 3/24/1961/FUL.
  - The development proposed is new self-build dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for new self-build dwelling at Little Spellars, Acorn Street, Hunsdon, Hertfordshire SG12 8PN in accordance with the terms of the application, Ref 3/24/1961/FUL, subject to the conditions set out in the Schedule attached to this decision.

### Preliminary Matters

2. The Council's second reason for refusal was over the conflict with development plan policies concerning climate change adaptation and mitigation. This related to the plans not indicating the intended solar panels and air source heat pump referred to in the submitted Energy and Sustainability Statement. If necessary, this might be an omission addressed by a planning condition. Given this does not appear to be an area of dispute between the parties, the single main issue in this appeal then relates to the Council's first reason for refusal.

### Main Issue

3. Whether the proposal would be suitably located having regard to relevant development plan policies concerning reliance on private motor vehicle travel.

### Reasons

4. The proposal relates to part of the spacious grounds of Little Spellars. This property is located at the junction of Hunsdonbury with Acorn Street. The self-build dwelling would share the existing drive off Hunsdonbury. Immediately adjacent to Little Spellars is a newly built house, served by its own access onto Acorn Street. Like that house, this scheme would provide a dwelling of a contemporary design.
5. There is a small nucleus of existing housing in this location, including some historic buildings and more recent conversions at Nine Ashes farm on the opposite side of Acorn Street and the housing at Great Oak Court, just beyond Little Spellars on the

same side. However, the small hamlet of Hunsdonbury contains little by way of regularly required services. The site is not served by public transport and is roughly a kilometre from Hunsdon village, which has bus stops. However, the connecting footway is narrow and unlit. Occupiers of the proposed dwelling would be highly dependent on private car travel to meet regularly required needs, such as schooling and grocery shopping.

6. In this respect, the proposal would be contrary to relevant development plan policies within the East Herts District Plan 2018 (DP) and Hunsdon Area Neighbourhood Plan 2022 (NP). DP Policy DPS2 establishes a settlement hierarchy to deliver sustainable development with only limited development in villages. The appeal site is outside the defined village of Hunsdon, within the Rural Area Beyond the Green Belt (RABGB), where new housing is further limited through DP Policy GBR2. Furthermore, a reliance on private car travel in a site where development is restricted runs contrary to DP Policy TRA1 and NP Policy HT1 which pursue sustainable modes of travel.

### **Other Matters**

7. Hunsdon Parish Council raise further concerns in relation to visual and built heritage impacts caused by this proposal. Although within the hamlet of Hunsdonbury, without a defined boundary and deemed countryside for policy purposes, this site is contained within existing housing land and roadside boundaries. Thickly screened by roadside vegetation, the dwelling would not result in a harmful visual incursion into open countryside. The proposed dwelling would be of an intrinsically satisfactory contemporary design, marrying well with the adjacent new house, although this would not be readily visible in external views. For example, the dwelling would not impinge on protected view 7 as illustrated in the NP and as protected through Policy HE3. From the photographs in figure 29 of the NP, the site appears screened by the Nine Ashes buildings, as well as the trees along its roadside boundary behind these. For the same reason, this well screened scheme would not impinge upon the settings of any of the listed buildings on the opposite side of Acorn Street, thus preserving their statutory level of protection.
8. Consideration has been given to three recent appeal decisions<sup>1</sup> over proposed new dwellings in the vicinity. In each of these cases, the Inspectors found a similarly high degree of private car reliance. However, unlike these other decisions, I am unable to substantiate further harms, such as in relation to character and appearance or heritage interests. Consequently, my final planning balance does not play out in the same way as any of these nearby cases.

### **Planning Balance and Conclusion**

9. The National Planning Policy Framework (the Framework) is a material consideration of significant weight. The DP and NP policies which restrain development in the countryside all reflect the Framework's intentions to recognise its intrinsic character and beauty and to direct development to sustainable locations. They are given significant weight in these regards. However, whilst a high dependence on private car travel weighs against this proposal, it is not

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<sup>1</sup> APP/J1915/W/23/3325171 for self-build dwelling at Church Lane. APP/J1915/W/23/3329066 for conversion of annex to dwelling at Hunsdon House Lodge. APP/J1915/W/20/3253823 - stables to dwelling conversion at Walnut Tree House, Acorn Street

necessarily sufficient reason alone to preclude a dwelling. The Framework seeks the avoidance of homes in the countryside, but specifically in isolated locations, which is not the case in this instance. Furthermore, whilst promoting sustainable transport, the Framework requires me to take into account the fact that opportunities to maximise such solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. DP policies DPS2 and TRA1, and NP Policy HT1, promote sustainable development locations and transport options. However, these are not restrictive development management policies which firmly preclude development in the countryside. DP Policy GBR2 does perform such a role, but explicitly to maintain the RABGB as a valued countryside resource.

10. Policy GBR2 allows limited infilling or the partial or complete redevelopment of previously developed sites within the RABGB. Although this proposal is not infilling between two dwellings, it is between a newly built house and public highway, which I consider confers support in this respect. The Framework definition of previously developed land includes curtilage, such as this part of Little Sellers' garden, although qualifies this so as not to assume all should be developed. The definition specifically excludes land in built-up areas such as residential gardens. However, this proposal is not within a built-up area so would gain the support of Policy GBR2 as a partial development of a previously developed site.
11. The proposal would provide modest but tangible social and economic benefits, from the self-build opportunity provided, the contribution made to housing supply and through its support to local construction and other services. A high dependence on private car travel is common to many rural locations. As a harm, this would be insufficient in this instance to outweigh these benefits. Therefore, it is not necessary for me to examine the Council's ability to demonstrate a five year supply of deliverable housing sites. The balance weighs in favour of the proposal, without applying the presumption in favour of sustainable development contained in the Framework.
12. I have considered the Council's recommended conditions against the tests set out in paragraph 57 of the Framework. I have made changes, mainly to reflect standard wording and to rationalise those applying to trees and landscaping. In addition to the standard condition applying a three-year period for commencement (1), it is necessary for certainty for another to establish the plans to which this decision relates (2). For further certainty, as the boundary trees and vegetation are to be retained, a condition requires the development to accord with the submitted Arboricultural Impact Assessment and Method Statement. To address the Council's concerns that the intended solar panels and air source heat pump are not indicated in the drawings, a condition ensures the development accords with the submitted Energy and Sustainability Statement (4). This is to accord with DP policies CC1 and 2 over climate change adaptation and mitigation.
13. In the interests of the satisfactory appearance of the dwelling, a condition requires agreement over external materials (5). In the interests of character and appearance, a condition secures agreed landscaping measures (6). In the interests of highway safety, a condition requires the provision of on-site parking and manoeuvring space (7). A condition is also necessary to ensure the dwelling is provided on a self-build basis (8). Further conditions are justified in the interest of sustainability which govern water consumption (9) and nitrous oxide emissions (10). A condition requiring agreement over electric vehicle charging points is not

needed, as this is a matter addressed under the building regulations. The dwelling would be far enough away from its neighbours not to require a condition governing air source heat pump noise. Subject to these conditions, and for the reasons explained, I conclude that the appeal succeeds.

*Jonathan Price*

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 approved shall be carried out in accordance with the following drawings reference: LSA-PPC-XX-XX-DR-C-0301 version P1, PL-001, PL-002, PL-003, PL-004, PL-005, PL-100, PL101, SLP-100 (all as received by the Council on 23 October 2024).
3. The development hereby approved shall be carried out in accordance with the Arboricultural Impact Assessment and Method Statement (ref. TCTC-19231).
4. The dwelling shall be provided in accordance with the Energy and Sustainability Statement dated 23 August 2024.
5. 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. Thereafter the development shall be implemented in accordance with the approved details.
6. No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
7. The dwelling hereby permitted shall not be occupied until the parking spaces and vehicle manoeuvring areas clear of the public highway illustrated on the approved drawing PL-002 have been constructed.

8. The development shall not be constructed other than as a self-build or custom build dwelling as defined under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).
9. The dwelling hereby approved shall be fitted out so that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State. The dwelling shall not be occupied unless the notice of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 has been given to the local planning authority.
10. The domestic heating system shall not result in NO<sub>x</sub> emissions, unless gas-fired boilers are to be utilised in which situation they must meet a minimum standard of <40 mg NO<sub>x</sub>/kWh.

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