



Appeal Decision

Site visit made on 26 August 2025

by **H Whitfield BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 September 2025

Appeal Ref: APP/W1905/W/25/3368131

Land North of Pylon Farm, St James Road, Cheshunt EN7 6TR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mrs Carly Smith against Broxbourne Borough Council.
 - The application Ref is 07/25/0105/O.
 - The development proposed is described as “outline application for the erection of a self-build detached dwelling (all matters reserved)”.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a self-build detached dwelling at Land North of Pylon Farm, St James Road, Cheshunt EN7 6TR in accordance with the terms of the application, Ref 07/25/0105/O, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal scheme is an outline proposal with all matters reserved. Plans have been submitted which indicate how a dwelling could be accommodated on the site. I have taken these into account for indicative purposes only.
3. For clarity, I have taken the description of the proposal from the application form in my formal decision above, making a minor typographical correction and removing words that do not relate to an act of development.
4. The appeal is accompanied by a unilateral undertaking (the UU) pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended). The UU seeks to secure the plot for a self-build dwelling so as to fall within the definition of a self-build home as set out in the Self-build and Custom Housebuilding Act 2015 (as amended) and ensure the dwelling is designed, built and occupied in order to meet this definition. During the course of the appeal the UU was amended to include the title number for the land and the Council had the opportunity to comment on this amendment. As the amended UU is completed, I have taken it into account in my consideration of the appeal and shall return to this matter later in the decision.

Background and Main Issues

5. The appeal is made against the failure of the Council to reach a decision on the application within the relevant statutory timeframe. The Council have submitted an appeal statement which confirms that, had it been in a position to do so, it would have approved the application subject to several planning conditions. As such, both the Council and the appellant consider the appeal should be allowed.

6. However, I note that interested parties have raised concerns in relation to various matters. Having regard to these comments, the main issues are:
- whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - whether there is any other harm that would give rise to conflict with the development plan; and
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

7. The appeal site relates to a broadly rectangular parcel of land to the north of St James Road within the Metropolitan Green Belt. The Framework states that 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. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Certain forms of development are, however, not inappropriate and are listed as specific exceptions. Policy GB1 of the Broxbourne Local Plan (2020) requires development in the Green Belt to be considered in line with the provisions of the Framework.
8. The appellant's case is that the proposed dwelling would be inappropriate development within the Green Belt. However, they consider the extensive planning history on the site to constitute the very special circumstances necessary to justify the development in the Green Belt. The Council's opinion is the development should not be regarded as inappropriate development as it comprises grey belt land and meets the relevant tests set out in paragraph 155 of the Framework.
9. Paragraph 155 of the Framework states the development of homes in the Green Belt should not be regarded as inappropriate where it utilises grey belt land subject to several criteria. Annex 2 to the Framework defines grey belt as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes a), b), or d) in Paragraph 143 of the Framework.
10. The site is not directly adjacent to a large built-up area but is in an area of the Green Belt between dwellings off St James Road to the south and Argent Way/Crouch Lane to the north. To the south of the site is the property at Pylons Farm and to the north are the foundations of a replacement dwelling granted permission in the 1980's¹. The trees and hedgerows to the southern and western boundaries of the site, the access road to the east and intervening development to the north would restrict and contain development on the appeal site. Accordingly having regard to the Planning Practice Guidance (PPG)², the site contributes moderately to purpose a).

¹ Council Ref. 7/474/1980 and certificate of lawfulness ref. 7/0476/06/LDP/WOL

² Paragraph: 005 Reference ID: 64-005-20250225

11. The PPG advises that purpose b) relates to the merging of towns, not villages. The Council describes the site as within the west Cheshunt area and neither party has advanced that properties to the north on Argent Way are within a separate town. Nevertheless, the appeal site is only a very small part of the gap between properties to the north and south of the Green Belt designation. Due to a combination of the distance, topography and intervening landscape features, the site's contribution to the visual separation between properties on St James Road and Argent Way is relatively limited. Accordingly, it contributes weakly to purpose b). The site does not form part of the setting and special character of a historic town so does not contribute to purpose d). I therefore conclude that the appeal site does not strongly contribute to the above purposes of the Green Belt and so comprises grey belt land for the purposes of this appeal.
12. Due to the site's characteristics, location and the distance from the nearest edges of neighbouring towns, the proposed development would not significantly encroach into the countryside and would not fundamentally affect the ability of the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way. Therefore, as grey belt land would be utilised and the purposes (taken together) of the remaining Green Belt would not be fundamentally undermined, the proposal would satisfy paragraph 155 a) of the Framework.
13. The Council cannot currently demonstrate a five-year supply of deliverable housing sites. Therefore, there is a demonstrable unmet need for houses and the proposal would satisfy criterion b). St James Road has footpaths and street lighting for much of its length, and I observed during my site visit that the site is within walking distance of facilities such as a church and pub. The Council states that the site is in a sustainable location for the purposes of criterion c) and has raised no objections in relation to the accessibility to services and facilities. I have no substantive evidence before me that would lead me to a different conclusion. On this basis, the development would satisfy paragraph 155 c). As the proposal is not major development, the requirement of criterion d) to satisfy the 'Golden Rules' is not applicable. The proposed development would therefore satisfy all the relevant criteria of paragraph 155 of the Framework.
14. Therefore, for the above reasons, I conclude that the proposal would not comprise inappropriate development in the Green Belt having regard to the Framework. This complies with Policy GB1 of the Broxbourne Local Plan which requires development in the Green Belt to be assessed in line with the provisions of the Framework.
15. For the avoidance of doubt, the exception at paragraph 155 does not expressly state a need to assess the development's effect on the openness of the Green Belt. Thus, consistent with footnote 55 of the Framework, the proposal should not be regarded as harmful to openness. Moreover, as I have concluded that the proposal would not amount to inappropriate development in the Green Belt, I do not need to consider other considerations and whether these amount to very special circumstances.

Any other harm

16. The site is accessed via a track off St James Road which serves as the access to Pylons Farm and contains a public right of way (PROW). Given the size of the appeal site, I am satisfied that it would be capable of accommodating space for emergency and refuse vehicles to turn, enabling them to enter and exit the highway network in a forward gear. The positioning and treatment of the access and circulation routes and how these would fit into the surrounding access network is something that would be

considered at reserved matters stage to ensure the safety of pedestrians using the PROW and vehicles exiting onto St James Road.

17. The Highway Authority and Council's Waste Management Team require the access track to be a minimum width and bound to withstand vehicular access. As access is a reserved matter there are no precise details relating to the geometry of the access. However, based on my site visit observations and the evidence before me, there is nothing to suggest that the requirements of the Highway Authority and Waste Management Team would not be achievable at the reserved matters stage. This aligns with the Council's position, noting it has not identified any harm or policy conflict in relation to safe and suitable access or highway safety.
18. Interested parties have raised concerns regarding whether two cars would be able to pass on the track and the effect of additional traffic on the highway network. However, neither the Council nor Highway Authority have raised such concerns, and I see no reason to come to a different conclusion. Moreover, the addition of one dwelling onto the highway network is unlikely to result in any significant increase in traffic that would adversely affect the capacity of the highway network. Similarly, the volume of additional vehicle movements arising from one dwelling is unlikely to result in any significant noise and disturbance that would harm the living conditions of nearby occupiers.
19. In respect of ecology there is no substantive evidence to suggest that the development would result in harm to protected species or their habitats. Similarly, there is no substantive evidence that the proposal would exacerbate any existing drainage issues or that suitable drainage and connection to services would not be possible. Moreover, the potential effects on existing service connections would be a private matter between parties.
20. The noise and disruption associated with the construction of one dwelling would be relatively short and for a finite period such that it would not amount to harm to the living conditions of nearby occupiers. Details of on-site refuse bin storage could also be dealt with at the reserved matters stage and a condition could be imposed to ensure these details are provided with the reserved matters submission.
21. For the above reasons, having regard to the representations made by interested parties, no other harm has been identified that would give rise to conflict with the development plan.

Other Matters

22. Self-build and custom housebuilding is exempt from mandatory Biodiversity Net Gain (BNG). The appellant has submitted a UU to secure the plot as a self-build dwelling, so as to fall within the definition of a self-build home as set out in the Self-build and Custom Housebuilding Act 2015 (as amended) and to ensure the dwelling is built and occupied in accordance with what is proposed.
23. The appeal scheme is for outline planning permission and thus the proposed dwelling is not fully detailed. However, the UU requires that the dwelling is only designed, constructed and completed as a self-build dwelling; that first occupation is by the intended occupants who have had primary input into the design and layout and thus qualify under the self-build definition; and to notify the council of practical completion and who will take up first occupation. This ensures that the dwelling would qualify as self-build housing. Consequently, the development would be exempt from BNG

requirements and would contribute towards the Council's self-build and custom housebuilding requirements.

24. I am satisfied that the UU will achieve the desired objective of securing the property as self-build for the purposes of the BNG exemption. I am also satisfied that the undertakings secured through the UU are reasonable and necessary to make the development acceptable. They are directly related to the development and are fairly and reasonably related in scale and kind to it. The UU therefore complies with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 58 of the Framework.

Conditions

25. The Council has provided a list of themes for suggested conditions which I have considered in light of the advice in the Framework and PPG. The parties have been provided with the opportunity to comment on the schedule of conditions, and I have taken into account any comments received.
26. In the interests of certainty and clarity, I have imposed the standard conditions relating to the submission and approval of reserved matters, the commencement of development and the approved site location plan.
27. To secure biodiversity enhancements a condition is imposed to secure integrated features for wildlife. Conditions requiring the provision of waste and recycling storage facilities and details of surface and foul water drainage are also imposed to ensure the development contributes to low carbon travel, provides adequate household waste storage facilities and appropriate drainage infrastructure.
28. I have not imposed the conditions relating to the submission of boundary treatments or implementation and retention of the approved landscaping scheme either as these matters would fall to be considered and controlled under the reserved matter relating to landscaping. Similarly, I have not imposed a condition requiring details of external materials as these would be considered under the reserved matter relating to appearance. Provision of EV charging facilities are also covered under Building Regulations, so I have not imposed a condition relating to this either. The Council's Environmental Health Officer has recommended a condition relating to limiting construction working hours, however, the Council has not included this amongst its suggested conditions. Considering the scale of the development, proximity to neighbours and likely duration of construction works I do not consider this condition to be necessary in this instance.
29. The Council has suggested conditions to remove permitted development rights under Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The Framework advises that conditions should not be used to restrict permitted development rights unless there is clear justification to do so. I have not been presented with any compelling evidence that the site circumstances are such to justify the removal of these permitted development rights or that harm would arise to the character and appearance of the area in the absence of these conditions. As such, these conditions are not imposed.
30. The Council has also suggested a condition to secure the dwelling as a self-build plot for the purposes of meeting the BNG exemption. However, the appellant has submitted

a UU to secure the dwelling as self-build and as such, I have not imposed this suggested condition as it is not necessary.

31. In addition to matters covered by the above conditions, the appellant has also suggested that conditions are attached to match those imposed on a previous permission on the site. I have not imposed conditions relating to vehicle turning, visibility splays and on-site parking as these details would fall to be considered as a reserved matter in relation to access and layout. Neither the Council nor the Highway Authority have suggested a condition relating to a conditions survey of the access track and PROW before and after development, therefore I do not consider this to be necessary in this case either. Conditions requiring the installation of specific renewable energy technologies are not imposed as I have not been pointed to any development plan policy where this is a specific requirement and note such measures are covered by Building Regulations. A condition requiring a tree survey and protection plan is not imposed either as trees are only located around the perimeter of the site and the Council has not identified this as a particular constraint. Moreover, the site would appear to be capable of being developed for one dwelling without development having to be located close to trees or resulting in any potential effect on them. As such, these conditions would not be necessary.

Conclusion

32. For the reasons set out above, the appeal scheme is considered to accord with the development plan, when read as a whole. Material considerations do not indicate a decision should be taken other than in accordance with the development plan. I therefore conclude the appeal should be allowed.

H Whitfield

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Any application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Site Location Plan ref. PP-13730658v2, dated 30 January 2025.
- 5) When an application is made for approval of Reserved Matters, a scheme for the storage of refuse and recyclable materials, including details of any associated structure or means of enclosure shall be submitted. The approved scheme shall be completed in accordance with the approved details before the dwelling is occupied.
- 6) No development above ground level shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has submitted to and approved in writing by the local planning authority. The submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The sustainable drainage system shall be implemented in accordance with the approved details before the dwelling is occupied and retained, managed and maintained thereafter in accordance with the approved details.
- 7) The dwelling hereby permitted shall not be occupied until bat roosting and bird nesting boxes or bricks have been installed on the site in accordance with details to be submitted to and approved in writing by the local planning authority and shall be maintained and retained as such thereafter.

**** END OF SCHEDULE ****