



Appeal Decision

Site visit made on 22 October 2025

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2025

Appeal Ref: APP/J1915/W/25/3368411

Quinbury Farm Stables, Hay Street, Braughing, Hertfordshire, SG11 2RE.

- 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 Graham Langley Jones against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/2301/FUL.
 - The development proposed is demolition of existing stable block and change of use of the land for the construction of a single dwelling house with associated landscaping and parking.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing stable block and change of use of the land for the construction of a single dwelling house with associated landscaping and parking at Quinbury Farm Stables, Hay Street, Braughing, Hertfordshire, SG11 2RE in accordance with the terms of the application, Ref 3/24/2301/FUL subject to the conditions set out in the schedule at the end of this decision.

Application for costs

2. An application for costs was made by Mr Graham Langley Jones against East Hertfordshire District Council, and this is the subject of a separate Decision.

Main Issue

3. The main issue in this case is the suitability of the location for residential development in terms of access to essential services.

Reasons

4. The appeal site comprises a stable block located to the north of Quinbury Cottage Farm. The wider site comprises a number of residential dwellings and associated agricultural buildings. The site is bound by open arable agricultural fields with hedges to the north and west, a menage to the west, and residential dwellings, barn houses and stables to the south. The site is accessed via an unnamed access road off Hay Street (B1368). The site is situated on the outskirts of Braughing village, approximately 1km from the centre of the village and falls within the Rural Area Beyond the Green Belt.
5. Within the Rural Area Beyond the Green Belt proposals should meet the criteria set out in Policy GBR2 of the East Herts District Plan 2018. Policy GBR2 sets out that in order to maintain the Rural Area Beyond the Green Belt as a valued countryside resource, there are types of development which will be permitted, provided that

they are compatible with the character and appearance of the rural area. The relevant part of the policy GBR2 is part (d) which allows for: "the replacement, extension or alteration of a building, provided the size, scale, mass, form, siting, design and materials of construction are appropriate to the character, appearance and setting of the site and/or surrounding areas".

6. The appeal proposal comes within part (d) of policy GBR2. There is no other part of policy GBR2 that has to be considered. It appears that the council accepts this since the refusal reason only deals with sustainability, and that on the basis of future occupiers depending entirely on use of private vehicles for day to day living. To an extent this is undeniable, although the appellant points out that the site has choices for good walking and cycling routes to the village facilities and public transport bus services for commuting and local trips to the surrounding major towns. It is also contended that these alternative non-car trips would help mitigate the negative environmental effects of vehicle trips and reduce the need for additional trips.
7. The relevant policies, quoted in the refusal reason are Policies DPS2 and TRA1 of the East Herts District Plan 2018. Policy DPS2 is 'The Development Strategy 2011-2033', the first part of which sets out a hierarchy of sites. The first of these is sustainable brown field sites and the last is limited development in the villages. The appeal site can reasonably be regarded as a brownfield site since, in particular, it is not agricultural, but its sustainability credentials are not immediately obvious beyond the fact that it is previously developed. Policy TRA1 'Sustainable Transport' seeks to guide development to places that enable key services and facilities to be accessed by sustainable journeys.
8. This is ground that has been visited in a number of previous appeal decisions. An enforcement notice appeal and a planning appeal, dealt with together, under references APP/J1915/C/22/3291052 and APP/J1915/W/23/3317491, dated 5 December 2023, concerned the erection of four dwellings within the immediate area of this appeal site. In these decisions the Inspector states *"I am not therefore persuaded that the appeal site could reasonably be described as being in a sustainable location. Accordingly I consider that residential development of the appeal site would be in conflict with the Council's spatial development strategy, as encompassed within the hierarchy in Policy DPS2 of the LP, which seeks development to take place in sustainable locations. It would also conflict with Policy TRA1 of the LP insofar as it seeks to ensure a range of sustainable transport options, with a view to enabling sustainable journeys to be made to key services and facilities"* (paragraph 25).
9. In the following paragraph 26, the decision goes on *"However, the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In this context, and having regard to the availability of some services in the smaller, nearby centres of Puckeridge and Buntingford, also to the relatively limited scale of the proposed development, I consider that the length, duration and number of journeys necessary to access essential services and facilities, even if taken by car, would not in this case be excessive for a rural location"*. In the overall planning balance, the Inspector found that *"...despite the proposal conflicting with the development plan, material considerations, including having regard to the Framework and the planning history of the site, indicate that a decision should be taken otherwise than in accordance with the plan"*

10. These 2 appeals were followed by an appeal decision dated 20 June 2024 under reference APP/J1915/W/23/3331901, which concerned the conversion of a barn to a dwelling, one of the dwellings in the immediate vicinity to the appeal site. Under the heading 'Background and Main Issue' the Inspector recorded that in light of the earlier appeal decisions (those dealt with in paragraphs 8 and 9 above) on land adjacent to the appeal site for the continued erection of four dwellings, the Council no longer seeks to defend those parts of its reason for refusal as it related to the isolated and unsustainable location of the site (my emphasis). The main issue had become the effect of the proposed development on the character and appearance of the area.
11. It is clear to me that by the beginning of 2024 the council had accepted that conflict with Policies DPS2 and TRA1 was not arguable for a residential replacement/conversion in the vicinity of this appeal site, on the basis of being an unsustainable location. I have no reason to consider otherwise.
12. There is marginal differentiation between the sites dealt with in the appeals just referred to and the appeal site in this case, in as much as this site is just to the north of, and outside, the cluster of the 5 sites covered by the previous appeals. However, this site takes its access through the complex of development at Quinbury Farm, so that in terms of a sustainable location there is no real differentiation.
13. In policy terms, that would leave the matter of part (d) of GBR2 which concerns the size, scale, mass, form, siting, design and materials of construction being appropriate to the character, appearance and setting of the site and/or surrounding areas. Since that is not the subject of the refusal reason, and the officer's report accepts that design of the proposed dwelling is not considered to negatively impact the character and appearance of the rural area, I need not make any further reference to it.

Conclusion

14. I have taken account of all matters raised. For the reasons given above, I find that the appeal site is a suitable location for residential development in terms of access to essential services. This is on the basis that the National Planning Policy Framework (the Framework in previous mentions above) recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas (paragraph 110). There are some services in the smaller, nearby centres of Puckeridge and Buntingford. The proposed dwelling is, as far as I can see, the one additional opportunity for residential development in this location, which arises by virtue of an opportunity to replace an existing building on a previously developed site. The length, duration, and number of journeys necessary to access essential services and facilities, even if taken by car, would not be excessive for a rural location.
15. One other matter that I should mention is the lack of a 5-year housing supply for the district, but in view of my finding in the paragraph above, I will allow the appeal. Since that is so, the housing land supply position is not a determining issue.

Conditions

16. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested a number of conditions in the

event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance.

17. I consider that the conditions should be imposed for the following reasons: condition 2 is required for certainty and avoidance of doubt as to the development permitted; condition 3 is to secure the protection of and proper provision for any archaeological remains, which it appears may well exist; condition 4 is to minimise and prevent pollution of the land and the water environment, and to protect human health and the environment; condition 5 is in the interests of amenity and good design; condition 6 is to ensure the provision of cycle facilities in the interests of promoting sustainable travel; conditions 7 and 8 are to ensure the provision of amenity afforded by appropriate landscape design in the interests of the appearance of the development and the surrounding area.
18. Condition 9 is in the interests of promoting sustainable travel; condition 10 is in order to set a higher limit on the consumption of water by occupiers as allowed by regulation 36 of the Building Regulations 2010 and thereby increase the sustainability of the development and minimise the use of mains water in accordance with Policy WAT4 of the East Herts District Plan 2018, the Sustainability Supplementary Planning Document; condition 11 is to conserve Protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).
19. Conditions 3 is a pre-commencement condition because clearly the matters dealt with need to be agreed before any construction can start, and I consider that it is necessary in this case because of the need to protect and evaluate any archaeological remains that may be present on the site before disturbance by carrying out any of the development. Condition 4 is also a pre-commencement condition because again the matters dealt with need to be agreed before any construction can start since any contamination of the land needs to be dealt with before construction workers or others are exposed to harm; contamination appears to be likely on the site.
20. In accordance with Section 100ZA(5) of the Town and Country Planning Act 1990, if the Inspector is minded to grant planning permission subject to pre-commencement condition(s) he/she may only do so with the written agreement of the appellant to the terms of the condition(s). In this case the appellant's agent has clearly stated on the appellant's behalf that the conditions are acceptable.
21. The council's suggested conditions included a final heading – 'Mandatory Biodiversity Net Gain Condition'. However, a condition here is not necessary. The statutory framework for biodiversity net gain involves the discharge of the biodiversity gain condition following the grant of planning permission to ensure the objective of at least 10% net gain will be met for a development. The determination of the Biodiversity Gain Plan under this condition is the mechanism to confirm whether the development meets the biodiversity gain objective. Development may not be begun until the Biodiversity Gain Plan is approved.
22. I would remark, for clarity that the appellant submitted an existing habitat plan, proposed habitat plan, biodiversity net gain report and a completed small sites biodiversity metric with the planning application. The metric showcases a total net

increase of 84% at the site, therefore exceeding the minimum standard of 10%. I therefore have no reason to question the proposals on this basis.

Terrence Kemmann-Lane

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 approved shall be carried out in accordance with the approved plans, drawing Nos.2422.101 Rev A, 2422.300.P1, and 2422.301.P1.
- 3) No development shall take place within the proposed development site until the applicant, or their agent, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority. This condition will only be considered to be discharged when the Local Planning Authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to publication has been made.
- 4) The development hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:
 - a) A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites - Code of Practice.
 - b) A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
 - c) A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
 - d) If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the Local Planning Authority.
 - e) A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full

accordance with the approved methodology shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the building hereby approved. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

- 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, and thereafter the development shall be implemented in accordance with the approved details.
- 6) Prior to first occupation of the development hereby approved, details of cycle storage shall be submitted to the Local Planning Authority and approved in writing and thereafter the development should be implemented in accordance with the approved details before first occupation and retained thereafter.
- 7) Prior to first occupation of the development hereby approved, details of landscaping shall be submitted and approved in writing and shall include full details of both hard and soft landscape proposals, finished levels or contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development shall be implemented in accordance with the approved details in the first available planting season unless otherwise agreed with the Local Planning Authority.
- 8) Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.
- 9) Prior to first occupation of the development full details of the provision of 1 electric vehicle charging point for the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided on site prior to first occupation and shall thereafter be retained in perpetuity.
- 10) The dwellings hereby approved shall be constructed and fitted out so that the potential consumption of water by persons occupying them dwelling will shall not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State. The dwellings 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 submitted to and approved in writing by the Local Planning Authority.
- 11) All works shall be carried out in accordance with the recommendations contained within Sections 7 and 9 of the submitted Ecological Impact Assessment (revision B dated 25 September 2024) Reference: PRI23735 (ACD Environmental).

End of Schedule