



Appeal Decision

Site visit made on 04 November 2025

by **Janine Laver BA (Hons) MSc PGDL MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 November 2025

Appeal Ref: APP/J1915/W/25/3365544

Land North of Park Road (Willow Close), Great Hornead, Hertfordshire SG9 0NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by The Planning Consultancy Ltd against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/1813/OUT.
 - The development proposed is Erection of 7no. new dwellings and associated landscaping with all matters reserved except for means of access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application and appeal forms cite a slightly different address to that used on the Council's decision notice. The former documents state that the site address is Land North of Park Road (Willow Close), Great Hornead, while the latter states Land North of Willow Close (Park Road), Great Hornead. I wrote to the parties for clarification on the correct address and was advised by both parties that either address format could be used. However, the Council added that 'Land North of Park Road (Willow Close)' was the preferred address option. Given the lack of objection from the appellant, I have used that address.

Main Issues

3. The main issues are:
 - whether the appeal site is in a suitable location for housing, having regard to the development strategy for the area;
 - the effect of the proposal on the character and appearance of the area, including landscape character;
 - the effect of the proposal on highway safety; and
 - whether the proposal would provide an adequate level of Biodiversity Net Gain.

Reasons

Suitable Location

4. The appeal site is an undeveloped parcel of agricultural land on the edge of, but beyond, the village settlement boundary of Great Hornead.

5. Policy DPS2 of the East Herts District Plan (2018) (EHDP) outlines the settlement hierarchy and directs development to sustainable brownfield sites in the first instance, followed by sites in urban areas, urban extensions and then limited development in the villages. Great Hornead is identified as a Group 2 Village in Policy VILL2 of the EHDP. The policy limits development in Group 2 Villages to infill development (VILL2 (II)) or small-scale development if identified in an adopted Neighbourhood Plan (VILL2 (III)).
6. The appeal site also falls within the Rural Area Beyond the Green Belt. Policy GBR2 of the EHDP lists the type of development that would be permitted within these areas, provided they are compatible with the character and appearance of the rural area. In relation to new housing, the policy allows for limited infilling in sustainable locations (GBR2 (e)) or development identified in an adopted Neighbourhood Plan (GBR2 (h)). The Buntingford Community Area Neighbourhood Plan (2017) (BCANP) does not allocate the appeal site for any development, however, Policy HD1 of the BCANP permits residential development beyond settlement boundaries if it is small scale infill within or immediately adjoining significant clusters of development (and if it is consistent with the subsequent policies HD2 to HD7 of the BCANP).
7. The EHDP does not define 'infill development' or 'limited infilling' for the purpose of Policies VILL2 and GBR2, and the BCANP does not define 'small scale infill' for the purposes of Policy HD1. The National Planning Policy Framework (the Framework) also does not define either term. Nevertheless, infilling is most commonly understood to relate to development of a small gap within a continuously built-up frontage, which is evidently not the case for the appeal site.
8. The site comprises the southern part of an agricultural field, accessed from an unclassified and unsurfaced track (Park Road), which spurs off from Willow Close on the south east side of the village. The track leads to public footpath 17, which runs along the east side of the site. The site abuts agricultural fields to the north and east, with further agricultural fields beyond. It is densely vegetated on the west and south. This visually and functionally connects the site to the wider rural area and disconnects it from the neighbouring house and garden to the west and the cul-de-sac of houses on Willow Close immediately to the south of the site's access track.
9. Consequently, the proposal would not be bordered on both sides (east and west, or north and south) by development, nor therefore take up a gap in a continuously built-up frontage sustained in each of these directions. In addition, the arc of undeveloped, open land around the site means that it is not significantly surrounded by development, nor is it immediately adjoining development with sufficient radial, as opposed to linear, concentration to form a cluster.
10. Accordingly, when judged against Policies DPS2, VILL2 and GBR2 of the EHDP, and Policy HD1 of the BCANP, the proposal would not be in a suitable location for housing, having regard to the development strategy for the area, and would undermine the strategy set out in the EHDP for the distribution of housing.

11. I note the appellant's reference to several appeal decisions in the district¹, which it contends have been approved under comparable circumstances. However, there are material differences between those decisions and the appeal proposal, as most were for single dwellings either on previously developed land, on infill plots, or were conversions and changes of use, and thus can be distinguished from the appeal proposal.
12. Furthermore, the two decisions which were appended to the appellant's Statement of Case (APP/J915/W/24/3353844 (Church End) and APP/J1915/W/24/3354470 (Land at Borley Green Barn)) also related to single dwellings, one of which was within the curtilage of an existing residential dwelling, and the other was a self-build dwelling, for which slightly different policy tests apply.
13. Lastly, I note that the focus of most of those appeals related to accessibility to local services and amenities, which the Council has not called into question for the appeal proposal. I therefore do not consider those other appeals are comparable and I attach no weight to them.

Character and Appearance

14. The application is made in outline with all matters reserved except for access. I note the plan entitled 'Floor Plans', which was submitted with the planning application, includes a 'site plan', a 'location plan' and a 'block plan', and shows the layout of seven dwellings on the site with an internal access road taken from a crossover to Park Road. The design and access statement submitted with the planning application also provides façade and elevation details of the proposed houses and describes the proposed appearance of the dwellings. However, as appearance, layout, scale and landscaping are reserved matters, I can only regard the details included in those documents as illustrative.
15. Nonetheless, those details demonstrate that an open agricultural field would be subdivided into multiple smaller parcels with residential buildings, gardens, formalised boundary treatments between plots, and a formalised internal access road introduced into this agricultural landscape, which would disrupt the field pattern and urbanise part of the countryside. I consider this would be at odds with the rural character and to a large extent would sever the site's open connection and interrupt the visual relationship with the agricultural field to the east and the retained field to the north.
16. Furthermore, I consider that limited information was provided with the application with regard to retention and protection of existing trees, and the plans submitted are not consistent. For example, the existing location plan does not detail any trees on the west side of the site, although does show trees along the south side seemingly inside the red line boundary. However, the plan entitled 'Floor Plans', which includes a 'site plan', a 'location plan' and a 'block plan' shows the south side largely devoid of trees. It is therefore difficult to determine from these plans if trees are to be removed or are retained but outside of the site boundary.
17. An Arboricultural Method Statement was submitted with the appeal, which shows some lime green circles with protective fencing annotations around; these are presumably symbols representing existing trees and given their radius would

¹ APP/J1915/W/23/3324262 (Old East End House), APP/J1915/W/20/3258799 (Land adjoining Spring Paddocks), APP/J1915/W/16/3147738 (Albury Lime Kiln), APP/J1915/W/18/3205669 (Acremore), APP/J1915/W/18/3209314 (Allens Meadow) and APP/J915/W/24/3353844 (Church End)

appear to lie within the red line boundary, although this is not overtly clear. However, a plan entitled 'BNG' submitted with the planning application includes a basic 'existing habitats' plan and appears to include more existing trees on the south boundary than shown on the Arboricultural Method Statement. Again, none of those trees are shown as being retained on the proposed BNG site plan.

18. The robust vegetation and trees on the boundary of this site, along with the vegetation on the south side of the track (behind the Willow Close gardens), acts as a woodland gateway to the pastoral countryside beyond. Any loss of boundary vegetation and trees here would be harmful to the character and appearance of the area because it would open up views to the proposed development and urbanise what presently feels like the interface to the countryside.
19. Furthermore, when approaching the site from the public footpath on the north and east sides of the site, the residential development would be an anomalous incursion into the rural landscape beyond the village. While there would be opportunity to plant out the north and east boundaries of the site (and enhance the south boundary) there is no guarantee that any additional landscaping that could be provided would be retained for the lifetime of the development, particularly if it is planted within individual garden plots and on the inside of a fence line.
20. As such, given the fundamental change of open agricultural land to subdivided residential plots, and given the uncertainty about vegetation and tree retention, I conclude that the proposed development conflicts with Policies GBR2, DES2 and DES4 of the EHDP and Policy HD2 of the BCANP, which together require development to be appropriate to, or improve upon the character, appearance and setting of the site and the surrounding area. In addition, the proposal fails to comply with Policies DES3 and NE3 of the EHDC, which seek to ensure that development retains, protects and enhances existing landscape features.
21. Finally, I note the Council included Policy HD4 of the BCANP in its second ground of refusal on character and appearance, however, that policy cross refers to a design code relating to the layout and privacy of private gardens. As the layout of the dwellings and their gardens have not been fixed, I am unable to agree with the Council that the requirements of Policy HD4 and its design code would not be met.

Highway Safety

22. The access track is situated parallel to the southern boundary of the appeal site. Due to the high and dense vegetation on both sides of the track, its unmade nature, its narrowness, and the public footpath signage at the entrance, one gets a clear sense that this leads to the countryside beyond the village. As such, any upgrade or formalisation of the track with tarmac for example, to improve site access, would harm the character and appearance of the area.
23. I note the concerns of the Council regarding the suitability of the site on highway safety grounds. These focus on the condition and width of the track, possible conflict at the junction with Willow Close, and the interaction between vehicles and pedestrians / horse riders who use the track to gain access to the public right of way.
24. Being limited to no more than seven dwellings, traffic movement generated by a scheme of this size and speed generated along the track is unlikely to be significant or pose a significant danger to pedestrians / horse riders as a result.

However, the track is not wide enough for two vehicles to pass, which means that a vehicle exiting the track would most likely drive over the grass verge on the south side of the track to create room for an incoming vehicle, which would quickly degrade the condition of the verge. Alternatively, it is likely that an incoming vehicle would reverse back out on to Willow Close to allow the exiting vehicle to pass. The latter manoeuvre would be around 50m in length and would create possible vehicular conflict and highway safety implications for users of Willow Close.

25. Widening the track up to the site entrance could only be made possible by taking out the verge and vegetation on both sides of the track and formalising the surface, which as noted would harm the character and appearance of the area. In any event, that may still not be sufficient width for two vehicles to pass safely.
26. I also note that the access track is not included in the red line for the application and it has also not been included in a blue line, leading the Council to state that it is unclear who owns the track and who would be responsible for maintaining it to ensure it could be used safely for the lifetime of the development. Without this information (and notwithstanding my concerns about any formalisation of this track), I am not able to impose a planning condition to secure its upgrade prior to the occupation of any of the proposed dwellings, or its ongoing maintenance, which would be necessary for improving highway safety.
27. Given the current condition of the track, its substandard width, the lack of certainty on who would be responsible for upgrading and maintaining it or the legal mechanism for securing those necessary works, the proposed development would have an unacceptable and detrimental impact on highway safety. Consequently, the proposal conflicts with Policy TRA2 of the EHDC.

Biodiversity Net Gain (BNG)

28. BNG is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under this framework every grant of planning permission (with a few exceptions) is deemed to have been granted subject to the condition that the biodiversity objective is met. This objective is for development to deliver at least a 10% increase in biodiversity value, relative to the pre-development biodiversity value of the on-site habitat. This increase can be achieved through on-site biodiversity gains, registered off-site biodiversity gains or statutory biodiversity credits. The biodiversity gain condition is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan (BGP) must be submitted to and approved by the planning authority before commencement of the development.
29. In addition to completing the biodiversity questions on the application form, the appellant submitted a Small Sites Biodiversity Metric and a very basic BNG plan, which the Council accepted were sufficient to validate the application. I have not been advised that the Council requested any further information relating to BNG during the application process.
30. The submission identifies that the scheme would deliver 120.97% BNG in habitat units and 299.44% BNG in hedgerow units, delivered through modified grassland, trees, native hedgerow and a ditch. The Council has raised concerns regarding the robustness of the assessment of baseline habitats, and thus the net gain being suggested. I have also expressed doubt over the extent of vegetation and tree

retention on the site, and I note that the basic BNG plan which accompanied the planning application shows much of the suggested modified grassland, trees and native hedgerow would be on garden land. As BNG gains cannot be legally secured in private gardens, I cannot give any weight to the BNG plan.

31. I am mindful of the difficulty in calculating post development habitat units for an outline scheme, where matters such as layout and landscaping are reserved, and I note that this would be covered by the BGP that must be submitted to discharge the deemed BNG condition. Development cannot commence until the BGP is approved. On this basis, the Planning Practice Guidance (the PPG) indicates it would generally be inappropriate to refuse an application on grounds that the biodiversity gain objective will not be met. However, the PPG states that decision makers may need to consider more broadly whether the biodiversity gain condition is capable of being successfully discharged².
32. As there is insufficient information before me to be certain that the BNG calculations accurately reflect the baseline position, the proposal would fail to accord with the statutory BNG requirements, and Policies NE2 and NE3 of the EHDP. These state that proposals must provide sufficient data and must demonstrate how the development improves the biodiversity value of the site.

Planning Balance

33. The Council accepts that it does not have a five-year supply of housing land and that paragraph 11 d) of the Framework is engaged. The Framework states that in such circumstances, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
34. The village of Great Hornead contains a pub, village hall, church, primary school and bus stops to larger villages and towns, and I consider that future occupiers would be able to easily access these local services, amenities and public transport links. I also consider that smaller developments can be delivered quickly and, therefore, the appeal scheme provides an opportunity to make a timely contribution to help address the district's housing shortfall. There would also be social and economic benefits through the construction of the dwellings and through the future contributions of occupants of the development to the services and facilities in the area. I give these collective benefits moderate weight.
35. However, I have found harm to the character and appearance of the area and highway safety and have been unable to substantiate any benefit to biodiversity. Chapters 12 and 15 of the Framework set out that good design is a key aspect of sustainable development and that decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity. In addition, the Framework indicates that development should be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. I give significant weight to the conflict with the Framework in these areas.
36. Thus, whilst the Framework seeks to significantly boost the supply of housing, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits of the delivery of 7 dwellings, when assessed

² Planning Practice Guidance paragraph 74-002-20240214

against the policies in the Framework taken as a whole. Thus, the proposal would not constitute a sustainable form of development in terms of the Framework and does not benefit from the presumption in favour of sustainable development.

Conclusion

37. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, that outweigh that conflict. Therefore, for the reasons given, the appeal is dismissed.

Janine Laver

INSPECTOR