



Appeal Decision

Site visit made on 18 November 2025

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th December 2025

Appeal Ref: APP/J1915/W/25/3373822

1 Pathway Cottages, The Ford, Little Hadham SG11 2BX

- 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 Alistair and Susan Trundle against the decision of East Herts District Council.
 - The application Ref is 3/25/0190/FUL.
 - The development proposed is the demolition of 2no. outbuildings and erection of 1no. self-build and custom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Flood Risk Assessment (FRA) has been submitted with the appeal. What is considered at appeal should be essentially the same scheme that was considered by the local planning authority. I am satisfied that the submission of an FRA does not result in a substantially different scheme to that originally considered and that no party has been prejudiced giving rise to any procedural unfairness. The Council has had the opportunity to comment on the FRA. I therefore proceed to determine the appeal on the updated documents.

Main Issues

3. The main issues are the effect of the appeal proposal on:
 - the character and appearance of the area; and,
 - flood risk.

Reasons

Character and Appearance

4. No. 1 Pathway Cottages is one of a pair of semi-detached houses located to the northern edge of Hadham Ford. Each house had a long, narrow rear garden. The appeal site comprises part of the rear garden of No. 1. There is open countryside to the north and west of the appeal site, and a Public Right of Way (PRoW) runs directly adjacent to the northern boundary of the site. Views into the site from the PRoW are currently screened by fencing and dense evergreen planting.
5. Hadham Ford largely comprises a linear pattern of development along The Ford. To the south of the appeal site, dwellings on Ridgeway are set back from the road in a regular arrangement with front and rear gardens and the older dwellings lining

The Ford further south are generally close to the highway with gardens to the rear. There is no substantive evidence of significant garden land development in the area sufficient for it to be a defining feature of the surrounding area's character and appearance.

6. The proposed single storey dwelling would be located further towards the rear boundary of the garden than the outbuildings it would replace. The proposed building and associated hardstanding would occupy a significant proportion of the rear garden. The effect of this would be harmful to the spacious and verdant character that defines the rear gardens of Pathway Cottages and the rural area beyond. It would disrupt the established pattern of development in the vicinity and erode the contribution that the rear garden makes to the established character and appearance of the area.
7. My attention has been drawn to a planning permission granted for a dwelling within part of a rear garden to a house on the corner of The Ford and Chapel Lane (reference 3/22/1947/FUL). I do not consider this to be directly comparable to the appeal proposal since the approved house would front directly onto Chapel Lane and would fit with the surrounding pattern of development along the lane.
8. I have also been referred to an approved single storey dwelling (reference 3/14/0494/FUL) on Albury Road, Little Hadham. I have not been provided with any further detail on the approved dwelling, but I note that the application would have been determined under a different policy framework as the permission predates the current Local Plan. I also note that the site is not within Ford Hadham, and as such is likely to have a different context to the appeal site. I do not therefore consider the existence of these planning permissions indicates that I should take a different view on the appeal before me.
9. In conclusion on this main issue, for the reasons set out above, the proposal would harm the character and appearance of the area. It would conflict with East Herts District Plan 2018 (Local Plan) Policies GBR2 and DES4. Taken together and amongst other things, they expect proposals to make the best possible use of the available land by respecting or improving upon the character of the site and surrounding area and allowing the development of previously developed land where appropriate to the character, appearance and setting of the site and surroundings.

Flood Risk

10. The proposed dwelling is located within Flood Zone 1, on higher ground than the access from The Ford shared with 1 Pathway Cottages. The FRA indicates the access to the appeal site is within Flood Zone 2 and 3. Whilst I acknowledge that the access would be shared with the existing dwelling, the appeal falls to be considered under the current local and national planning policies and guidance.
11. The National Planning Policy Framework (the Framework) is clear that development should only be allowed in areas at risk of flooding where it can be demonstrated that, amongst other things, "safe access and escape routes are included where appropriate as part of an agreed emergency plan". In expanding on what to consider when determining whether a proposed development will be safe for its lifetime, the Planning Practice Guidance (paragraph 005 Reference ID: 7-005-20220825) clarifies that this includes the ability of residents and users to

safely access and exit a building during a design flood and to evacuate before an extreme flood.

12. Based on the information submitted it is not possible to confirm what the depth or velocity of flooding is likely to be during a design flood event along Hadham Ford. It is therefore unclear what the necessary requirements for access and egress would be during a flood, and how this would potentially be affected by climate change. The submitted FRA does not provide any clear plan regarding alternative escape routes or contingency measures for evacuation or emergency access. It therefore fails to provide sufficient information to confirm that the proposed development would be safe for its lifetime taking account of suitable and safe access and egress for future occupiers in the event of a flood.
13. Whilst the appellant suggests this information could be secured through the use of a planning condition, the means of escape or emergency access are an integral part of the FRA, particularly where the part of the site at risk of flooding contains the means of access. I do not consider that the use of a condition would be appropriate in the absence of an understanding of whether, in principle, safe access and egress could be achieved.
14. For the above reasons, the proposal conflicts with Local Plan Policy WAT1, which amongst other things, aims to steer development to areas with the lowest probability of flooding. It would also be contrary to the guidance contained in paragraph 181 of the Framework insofar as it requires safe access and escape routes where development is allowed in areas at risk of flooding.

Other Matters

15. The Council is satisfied with matters including the location of development with regard to access to services and facilities, elevational design and materials, parking, highway safety, effect on the living conditions of adjoining residents, the floorspace and size of the dwelling and garden. I do not have substantive evidence to contradict the conclusions of the Council in these matters, so I see no reason to disagree. Nevertheless, the absence of harm means these are neutral considerations in my determination of the appeal.

Planning Balance and Conclusion

16. Set against the harm identified, the proposal would deliver a net gain of a single dwelling that could be built out relatively quickly and would provide a good standard of accommodation and an efficient use of land. The appeal scheme is said to be self-build housing, for which there is particular support within the Framework. Given the small scale of the proposal, a single dwelling would make a limited contribution to the Council's housing stock and as such I attach limited weight to this benefit.
17. There would be temporary and ongoing economic benefits from the development through construction and use of local shops and services, but given the scale of the proposal, those benefits would be limited.
18. The scheme would be energy efficient, with the potential for the use of photovoltaic panels and air source heat pumps. I attach moderate weight to this benefit.

19. The Council cannot demonstrate a 5-year housing land supply, confirming that currently it can demonstrate a supply equivalent to between 3.4 and 3.7 years. In these circumstances paragraph 11d)ii of the Framework is applicable.
20. In these circumstances footnote 8 of the Framework establishes that the policies which are most important for determining the application are deemed out-of-date and permission should be granted unless, as set out in 11d)i the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusal.
21. Footnote 7 lists these policies which include, amongst other things, areas at risk of flooding. Part of the appeal site is located in an area at risk of flooding and I have found that the proposal conflicts with the Framework insofar as it seeks to ensure safe access and escape routes where development is allowed in areas at risk of flooding. As the Framework provides a strong reason for refusal, paragraph 11d)ii is disengaged.
22. The harm I have identified to the character and appearance of the area, along with the insufficient information regarding access/egress during a flood, would outweigh the benefits of the proposal.
23. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal should be dismissed.

L Francis

INSPECTOR