



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: 15th December 2025

Appeal Ref: APP/J1915/W/25/3373637

Great Cozens, Fanhams Hall Road, Ware, Hertfordshire SG12 7PU

- 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 Adam Stratford against the decision of East Herts District Council.
 - The application Ref is 3/24/1276/FUL.
 - The development proposed is the erection of 3 No. dwelling houses including internal access road, landscaping and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 3No. dwelling houses including internal access road, landscaping and associated works. at Great Cozens, Fanhams Hall Road, Ware, Hertfordshire SG12 7PU in accordance with the terms of the application, Ref 3/24/1276/FUL, subject to the conditions in the attached schedule.

Preliminary Matter

2. Updated information regarding Biodiversity Net Gain (BNG) has been submitted with the appeal to address the Council's third reason for refusal regarding inaccurate information with regards to the requirements of Section 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). What is considered at appeal should be essentially the same scheme that was considered by the local planning authority. I am satisfied that the updated information would not result in a substantially different scheme to that originally considered and that no party has been prejudiced giving rise to any procedural unfairness. I therefore proceed to determine the appeal on the updated documents. The Council accept that the information submitted would overcome their third reason for refusal and I have therefore not included statutory BNG as a main issue.

Main Issues

3. The main issues are:
 - the effect of the appeal proposal on the character and appearance of the area, including the effect on trees;
 - whether the proposal would preserve the setting of the Grade II listed building known as Great Cozens; and,
 - the effect of the proposal on biodiversity.

Reasons

Character and appearance including trees

4. The appeal site forms the northernmost section of the garden of Great Cozens, a Grade II listed former farmhouse. The site is occupied by a tennis court, a small sub-station, a shed and garden land including planting and numerous trees. The appeal site is set in rural surroundings, with sporadic development in the surrounding area including the former farmstead complex to its south, along with various buildings connected with the Grade II-star listed Fanhams Hall further to the north.
5. The site is identified as being on the northern edge of land allocated for housing, known as WARE2 'land north and east of Ware' in the East Herts District Plan 2018 (Local Plan). The roadside boundary to the appeal site features dense vegetation including many tall, well-established trees, and the overall character of the area is rural and verdant.
6. The 3 proposed houses would form a small group of dwellings, reached via a new access from Fanhams Hall Road. The proposed layout would be reasonably informal with buildings set around a central area of hardstanding for parking and access. There would not be any strong building line to the front or rear and there would be sufficient separation between the buildings for them not to read as a single mass, or perceived as cramped within the site. The central dwelling would be 2 full storeys with a hipped roof and projecting front gable, with the dwellings either side at a slightly smaller scale with 1st floor dormers. The variation in scale would add visual interest. The form, scale and detailed design incorporating brick, weatherboarding and modest casement windows would be appropriate to the area as it references detail found on other buildings nearby, whilst being visually distinct from the Great Cozens complex.
7. In views from Fanhams Hall Road to the west of the appeal site, the dwelling on plot 3 would be significantly set back from the street, although it would be visible through the trees, particularly in the winter months. It would be seen in the context of built form to the south including the Coach House, and in this context, I do not consider the proposal would unacceptably erode the rural character of the area.
8. The proposed access would involve the removal of a Sycamore (category C) and an Elder (category U), neither of which make a significant contribution to the rural or verdant character of the area. However, in creating the access, the removal of part of the vegetated site boundary and the installation of hardstanding would have a suburbanising effect, which would be apparent in views into the site from Fanhams Hall Road. These views would be highly localised and I consider that appropriate mitigation could be achieved through landscaping and planting.
9. The northern boundary of the allocated site WARE2 is proposed to be defined by structural landscaping and planting to provide a defined boundary to the Green Belt. The proposed treatment of the northern boundary of the appeal site would be consistent with this aim as it would maintain a green buffer to this boundary. Subject to an appropriate landscaping condition as set out above, I do not consider that this in itself would harm the rural character of the surrounding area, and there is no substantive evidence before me that the scheme would prejudice the implementation of the housing site allocation as a whole.
10. Across the appeal site, the trees proposed to be removed are mostly classed as categories C and U, located to the east of the tennis court and occupy the area of land

in the location of plot 1 and its parking area. Amongst this group is a Norway Maple and a Cherry, both of which are rated as category B trees of moderate value. To the other side of the site, a category C Maple would need to be removed to accommodate plot 3. As a dispersed group, I do not consider that collectively the trees make a contribution so significant that their removal would harm the character of the area given that the majority of trees to the site boundary, including the street boundary, would be retained.

11. The proposed development would result in a small incursion into the root protection area of trees T19 (Norway maple) and T45 (Sycamore). The arboricultural report identifies an engineering solution to overcome the issue, and the methodology and tree protection measures set out in the arboricultural report would need to be secured by planning condition.
12. The proximity of the retained trees to the gardens, particularly of plots 1 and 3 would result in some shading and leaf litter to the gardens and rooftops. Overall, there would be a substantial open area to each garden. The position of the trees relative to each garden would not in my view result in any harm to the proposed gardens and would not necessarily result in pressure to remove or excessively prune the trees.
13. In conclusion on this main issue therefore, the proposals would be in line with the overall aims of Local Plan Policies DES3, DES4 and WARE2 insofar as they seek to make the best possible use of the available land by respecting or improving the character of the site and surrounding area, retain and enhance landscape features of amenity/biodiversity value and ensure that development would not prejudice the implementation of the WARE2 site allocation.

Setting of Great Cozens

14. Grade II listed Great Cozens is a Regency style, 2 storey former farmhouse, dating from around 1800 with a later wing built in the mid-19th Century. It is finished in stucco, with a hipped slate roof and overhanging eaves. To the west and south are a selection of outbuildings which would have formed part of the farmstead group. To the west, the single storey former tack building runs adjacent to Fanhams Hall Road and along with The Byre and The Coach House, forms a loose courtyard arrangement. There are further barn structures to the south-west of Great Cozens. The former outbuildings have since been converted to office or residential accommodation. The garden area of Great Cozens extends to the north and east and includes the appeal site. Great Cozens is generally screened from street views due to the intervening outbuildings and trees.
15. Based on the evidence before me, I consider the special interest and significance of the listed building is largely derived from its historic and architectural interest. Important contributors in these regards are its age, surviving historic fabric and its relationship with the former agricultural outbuildings and garden land, along with its wider rural setting.
16. Pertinent to the appeal, in relation to the setting of the listed building and the contribution it makes to the special interest and significance of the asset, I have had regard to the definition of setting set out in the National Planning Policy Framework (the Framework). The closely associated grounds of Great Cozens including the former agricultural outbuildings and its garden form the immediate setting of the heritage asset. It is from here that the asset is best appreciated. This immediate setting contributes to the asset's special interest and significance. The wider rural setting and

surrounding open fields allow an appreciation of the historic functional and physical relationship between the former farm complex and surrounding land.

17. Due to their proximity to Great Cozens and position within the appeal site, there would be a high degree of intervisibility between the listed building and the dwellings identified as plots 2 and 3. The proposal would also result in the loss of some of Great Cozens' largely undeveloped setting to its north-east. As such, the proposal would harmfully erode part of the historic and rural setting of Great Cozens and would ultimately weaken the contribution that the setting makes to the significance of the heritage asset.
18. Overall, I conclude that the proposed development would fail to preserve the setting of the Grade II listed Great Cozens. Consequently, the development would harm the significance of this designated heritage asset. In doing so, it would be contrary to the requirements of Section 66(1) of the Act insofar as it would fail to preserve the setting of the listed building. I consider the degree of harm to the significance of the heritage asset would be less than substantial. The magnitude of harm would be at the lower end of the spectrum given the retention of a significant proportion of the trees to the north of Great Cozens, and the retention of the remainder of its garden setting to the south and east of the house.
19. The Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. It goes on to identify that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
20. That exercise takes place here within the context of the Council acknowledging that it is unable to demonstrate a 5-year supply of deliverable housing sites which is stated to be an equivalent of between 3.4 to 3.7 years. The provision of 3 energy-efficient family sized dwellings would assist in addressing the housing shortfall. Other public benefits would include employment and socio-economic benefits through construction and subsequent use of local services by future occupiers, along with the statutory BNG which would include significant enhancement to hedgerows.
21. Taken as a whole, I find that the public benefits set out above are sufficient to outweigh the limited less than substantial harm I have identified to the significance of Great Cozens through development within its setting. The proposals would therefore accord with section 66(1) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. They would be in line with the aims of Local Plan Policies HA1 and HA7 which reflect the provisions of the Act and the Framework relative to designated heritage assets.

Biodiversity

22. The Ecology Technical Note indicates that the site as a whole is of limited ecological value and there is no substantive evidence before me which would lead me to conclude otherwise. The hedges and trees would have value for a range of species, although no protected species presence was identified.
23. Whilst there would be a net loss of trees over the site as a whole, various enhancement and mitigation measures including new standard trees and native hedgerow creation and reinforcement are proposed which would enhance overall biodiversity. It would be necessary to secure these by condition. I note the Council's concern over some of the

tree species proposed in terms of their suitability for the location, but it would be reasonable to reserve this detail by condition.

24. Taken as a whole, the loss of biodiversity through the removal of trees would be sufficiently mitigated through the proposed hedgerow enhancement, new planting and landscaping scheme. The scheme would align with the overall aims of Local Plan Policies NE2, NE3 and DES3 which, taken together and amongst other things, aim to achieve a net gain in biodiversity and integrating ecologically beneficial planting and landscaping into the overall design.

Other Matters

25. The Council is satisfied with matters including the dwellings' floorspace and internal layout, and I see no reason to disagree. In relation to its effect upon carbon reduction, water efficiency, and flood risk, the proposal is acceptable subject to appropriate conditions.
26. I note the highway authority have not objected to the proposal, and parking would be provided in line with the standards set out in the Local Plan. Refuse and bicycle storage would also be provided, which the Council acknowledge would meet their requirements. I see no reason to disagree with the Council's conclusions in this respect.
27. In terms of the effect of the proposals upon the living conditions of neighbouring residents, I am satisfied that there would be sufficient separation from the houses to the rear of the appeal site so as to avoid an unacceptable degree of overlooking, loss of outlook or light.
28. There are other designated heritage assets in the vicinity of the appeal site. On the opposite side of Fanhams Hall Road and set within extensive grounds, lies the Grade II star listed building of Fanhams Hall, a former country house. Its associated parkland is a Grade II registered park and garden. There is also a Grade II listed lodge building to Fanhams Hall, visible from the street to the east of the appeal site.
29. Although the Council concluded that the proposals would preserve the settings of these designated heritage assets, it is also incumbent on me to have regard to the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) with respect to the desirability of preserving the setting of these buildings.
30. I consider the special interest and significance of Fanhams Hall is largely derived from historic and architectural interests. Important contributors in these regards are its age, surviving historic fabric and its relationship with the surrounding parkland and formal gardens, and wider rural setting beyond. Similarly, the special interest and significance of the lodge is derived from its historic and architectural interest, with particular regard to its status as a gatehouse at the edge of the Fanhams Hall estate, and its relationship with Fanhams Hall itself.
31. There would be negligible intervisibility between the appeal site and the listed buildings. Given the location of the appeal site, the intervening vegetation and the distance from the listed buildings and parkland, I consider the proposal would preserve the setting of both Fanhams Hall, the lodge, and the contribution the settings make to their significance.

Conditions

32. The Council have provided some suggested conditions which I have considered against advice in the Framework and Planning Practice Guidance. I have attached the standard time limit condition (1) and a plans condition (2) as this provides certainty.
33. Condition 3 is necessary to secure the long-term biodiversity enhancements set out as a benefit of the scheme over and above the minimum 10% BNG. Condition 4 is necessary to ensure any contamination on site is identified and treated so that it does not harm anyone who uses the site in the future. Condition 5 to secure and implement a programme of archaeological work is necessary to protect any archaeological remains on site. Condition 6 requires the submission of a construction management plan and is necessary to maintain highway and pedestrian safety and safeguard the living conditions of nearby residents. Conditions 3 to 6 are pre-commencement conditions to which the appellant has agreed.
34. Conditions 7 and 11 are necessary in the interests of ensuring a satisfactory appearance. Condition 10 regarding landscaping is necessary in the interests of maintaining the character and appearance of the area and biodiversity. Condition 8 is necessary in the interests of maintaining biodiversity. Condition 9 is necessary to ensure energy efficiency. Conditions 12, 13 and 14 are required in the interests of maintaining highway safety. Condition 15 is necessary to ensure future residents have access to sustainable transport options. Condition 16 is necessary to protect the living conditions of future occupiers. Condition 17 is necessary to ensure water efficiency and in the interests of sustainability. Condition 18 is necessary to ensure works are carried out in a manner which protects the retained trees. Condition 19 is necessary in the interests of protecting the living conditions of surrounding residents with particular regard to noise.
35. Bearing in mind the advice in paragraph 55 of the Framework that there must be clear justification to use conditions restricting the future exercise of permitted development rights, I am satisfied in this case that the restriction of permitted development pursuant to Classes A, B and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 would be reasonable and necessary. This is due to the context of the appeal site within the setting of the Grade II listed Great Cozens and the potential for any additional extension, roof alteration or outbuildings to harm the setting of the designated heritage asset.
36. I have not included the Council's suggested condition regarding electric vehicle charging since this is controlled by Building Regulations. I have also omitted the Council's suggested conditions 20 and 22 since I have included these requirements within conditions 10 and 6.

Conclusion

37. I have found that the proposal is in line with the development plan read as a whole, and the material considerations in this case do not indicate that a decision should be taken otherwise than in accordance with it. For the reasons set out above, the appeal should be allowed.

L Francis

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 permitted shall be carried out in accordance with drawing Nos: 22/0113.001 rev12, 22/0113.002 rev3, 22/0113.03 rev3, 22/0113.004 rev3, 22/0113.101 rev5, 22/0113.401 rev1, 22/0113.201 rev6, 22/0113.301 rev5, 22/0113.110 rev5, 22/0113.210 rev5, 22/0113.310 rev5, 22/0113.321 rev1, SHA1765 rev A
3. No development shall take place until a Habitat Management and Monitoring Plan (HMMP) has been submitted to and approved in writing by the local planning authority. This shall demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions on-site, will be created, enhanced, and monitored over 30 years following the completion of the capital works required to create them. Thereafter, the development, and associated monitoring, shall be carried in accordance with the approved HMMP.
4. No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
 - i. a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - ii. the site has been remediated in accordance with the approved measures and timescale; and
 - iii. a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

 - i. additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
 - ii. a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.
5. No development including demolition and groundworks shall take place until:
 - i. An archaeological field evaluation has been carried out in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority; and
 - ii. Safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and

recording identified in the archaeological field evaluation have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority.

The development shall thereafter be carried out in accordance with the approved scheme.

6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i. phasing of the development, including highway works
 - ii. means of access and routing of construction vehicles,
 - iii. parking of vehicles of site operatives and visitors;
 - iv. loading and unloading of plant and materials;
 - v. storage of plant and materials used in constructing the development;
 - vi. wheel washing facilities;
 - vii. measures to control the emission of dust and dirt during construction;
 - viii. delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

7. No development above ground level shall take place until the external materials of construction for the development hereby permitted have been approved in writing by the local planning authority. The development shall thereafter be implemented and maintained in accordance with the approved materials.
8. No development above ground level shall take place until details of the specification and location of 1 integrated bird box and 1 integrated bat box for each dwelling have been submitted to and agreed in writing by the local planning authority. The development shall thereafter be implemented and maintained in accordance with the approved details.
9. No development above ground level shall take place until details of the design and construction of the dwelling demonstrating how the design, materials and operation of the development minimises overheating in summer and reduces the need for heating in the winter to reduce energy demand, have been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be implemented and maintained in accordance with the approved details.
10. Prior to first occupation of the development hereby permitted, details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. The works shall be carried out as approved prior to the first occupation of any part of the development or in the first available planting season following such occupation (whichever is sooner). Any new planting which dies, is severely damaged, becomes seriously diseased or is removed within five years of planting shall be replaced by planting of a similar size and species to that originally planted. The landscaping details to be submitted shall include:

- a) finished levels and contours
 - b) hard surfacing including pathways and driveways, other hard landscape features and materials;
 - c) existing trees, hedges or other soft features to be retained;
 - d) planting plans including specifications of species, sizes, density, number and mix;
 - e) implementation timetable, management details and a 5-year maintenance plan.
11. Prior to the first occupation of the development hereby approved, details of all boundary walls, fences or other means of enclosure to be erected 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.
 12. Prior to the first occupation of the development hereby approved, the access including visibility splays, onto Fanhams Hall Lane shall be completed in accordance with the approved in principle plan ref. 24088-MA-XX-XX-DR-C-0130 Rev P03 contained within the Transport Statement (Markides Associates, ref. TN01 – dated 11 March 2025).
 13. The dwellings hereby permitted shall not be occupied until all parking spaces and vehicle manoeuvring areas clear of the public highway have been constructed and made ready for use for the future occupants.
 14. The vehicular gates hereby approved shall be set back from the highway by a minimum of 6.0 metres and shall open inwards into the site and shall be permanently retained in this configuration.
 15. Prior to the first occupation of the approved development, the bicycle storage facilities shown on drawing ref. 22/0113 001 REV 12 shall be installed and made ready for use and retained thereafter.
 16. Prior to the first occupation of the approved development, the refuse storage facilities shown on drawing ref. 22/0113 001 REV 12 shall be installed and made ready for use and retained thereafter.
 17. The approved development shall not be occupied until the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.
 18. The development hereby approved shall be carried out in accordance with the recommendations set out in the Arboricultural Impact Assessment Report (Sharon Hosegood Associates, ref. SHA 1765 Rev A).
 19. Any Air Source Heat Pumps installed on the site shall comply with the MCS 020a Planning Standards for Permitted Development Installations of Wind Turbines and Air Source Heat Pumps on Domestic Premises.
 20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-

enacting that Order with or without modification), no development permitted by virtue of Classes A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken.

End of Schedule