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## Appeal Decision

Site visit made on 15 December 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18<sup>th</sup> December 2025

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### **Appeal Ref: APP/J1915/D/25/3374763**

### **Mill House, unadopted track north from Ware Park Road to Ware Park Manor, Ware Park, Ware, Hertfordshire, SG12 0EA**

- 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 A & S Devine against the decision of East Hertfordshire District Council.
  - The application Ref is 3/25/0928/HH.
  - The development proposed is demolish existing car-port and erect a detached garage with side store.
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### **Decision**

1. The appeal is allowed and planning permission is granted to demolish existing car-port and erect a detached garage with side store at Mill House, unadopted track north from Ware Park Road to Ware Park Manor, Ware Park, Ware, Hertfordshire SG12 0EA in accordance with the terms of the application, Ref 3/25/0928/HH, subject to the following 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 the drawing nos 20998-S001-A and 20998-P001-B.
  - 3) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
  - 4) No development above ground level shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

### **Preliminary Matter**

2. The description of the proposal differs from the application form to the decision notice. The description of development in the banner heading and my decision

above has been taken from the decision notice, which is a more concise description and removes superfluous text from that set out in the application form, namely the address of the property. I am satisfied that the appellant has not been prejudiced by this change.

### **Main Issue**

3. The main issue is 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, including the effect upon the openness of the Green Belt.

### **Reasons**

4. The appeal site is within the Green Belt, where Policy GBR1 of the East Herts District Plan (EHDP) (2018) states that planning applications will be considered in line with the provisions of the Framework. Chapter 13 of the Framework requires substantial weight to be given to any harm to the Green Belt, stating that inappropriate development should not be approved except in very special circumstances. The Framework does however outline several exceptions to inappropriate development including those listed within paragraph 154.
5. Paragraph 154 g) of the Framework refers to limited infilling or the partial or complete redevelopment of previously developed land (PDL). There is dispute between the main parties as to whether the appeal site would meet the Framework's glossary definition of PDL.
6. The appeal site covers a wide area which includes the host dwelling known as Mill House towards the west of the site, its associated garden and parking area to the east of the dwelling, and a densely landscaped raised area to the north. Within the parking area, there is an existing car port, albeit the Council has confirmed that there is no planning history relating to this structure.
7. It is accepted between the main parties that the curtilage of the dwelling includes the existing area of parking (including where the car port sits). The proposed garage and store would be positioned within the existing gravelled parking area (the majority broadly on the same footprint as the car port). The definition of PDL refers to land which has been lawfully developed and is or was occupied by a permanent structure, including the curtilage of the developed land. Based on this definition I find it reasonable to take the dwelling as the land which is occupied by a permanent structure, and thus its curtilage would also reasonably fall within the definition of PDL.
8. I note the presence of an existing brick retaining wall to the rear of the proposed garage and store siting, beyond which is a landscaped backdrop. Irrespective of whether this structure has blended into the landscape, the proposed garage and store would be sited in front of the wall on the existing gravelled parking area. This part of the appeal site is very distinctly domestic in its character being associated with the main dwelling, and as such has not blended into the landscape. I therefore do not find that it would be excluded from the definition of PDL.
9. In order to not be inappropriate development under paragraph 154 g), an assessment is also required as to whether the development would cause substantial harm to the openness of the Green Belt.

10. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence. The Planning Practice Guidance (PPG) provides advice on the factors that can be taken into account when considering the potential impact of development on the openness of the Green Belt, with openness being capable of having both spatial and visual aspects.
11. Spatially, the garage and store would introduce a permanent form of development into part of the appeal site which is largely void of built form. This would be harmful to the spatial openness of the Green Belt.
12. Whilst the proposed development would be visible, including from a public footpath on the opposite side of the River Lea, the visual effect on the openness of the Green Belt would not be significant, partly owing to the single storey height of the proposal. Moreover, there is a large land level difference to the rear of the proposed siting of the development, beyond which there is a mixture of mature planting including hedges and trees. The proposal would therefore not result in the loss of long range views through the application site.
13. Taking these factors together, whilst there would be some harm to openness, it would not amount to substantial harm to the openness of the Green Belt. Consequently, the proposal would not be inappropriate development through paragraph 154 g) of the Framework. Based on the above assessment, I have identified no conflict with Policy GBR1 of the EHDP.
14. The main parties have also referred to other exceptions to inappropriate development in the Green Belt, including in relation to the extension and replacement of buildings. However, because I have found that the proposal would not be inappropriate development in the Green Belt by virtue of paragraph 154 g) of the Framework, it is not necessary for me to consider these matters further.

### **Other Matters**

15. The appeal site includes Mill House, which is a Grade II listed building. I have had regard to the statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires special regard to be given to the desirability of preserving listed buildings including in respect to their setting.
16. The special interest and significance of the listed building is derived in part from its architectural interest with its unusual form, but also from its historical associations with the Ware Park Mill. Notwithstanding the proposed developments proximity, and that there would be intervisibility between the proposal and the listed building, in my judgement, the appeal proposal would preserve the setting of Mill House, the significance of which would not be harmed.
17. I note that whilst not formally objecting to the proposal, Hertford Town Council raised concerns in relation to the size of the proposal and its roof form. The Council did not resist the proposal based on its effect on the character and appearance of the area (or indeed in its heritage context). Based on the evidence before me, I see no reason to reach a different judgement on these matters. The exact form of the proposal in respect to its materials could be secured by condition and in this respect, I find the proposal would represent an appropriate form of development.

## **Conditions**

18. I have considered the conditions put forward by the Council, having regard to the six tests set out in the Framework. Where necessary I have amended the wording in the interests of effectiveness and precision.
19. In the interests of certainty and clarity, I have imposed the standard conditions relating to the commencement of development as well as the approved plans. A condition seeking details and samples of the proposed materials is also necessary in the interests of maintaining the character and appearance of the area and the setting of the nearby listed building.
20. The Council has suggested conditions relating to the protection of trees. I agree that a condition requiring tree protection is necessary given the proximity of specimens protected by a tree preservation order. Given that this is a pre-commencement condition, the appellant was given notice in accordance with Regulation 2(1)(b) of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018. Confirmation has been received that the appellant would be satisfied with the terms of the condition.

## **Conclusion**

21. For the reasons given above, having regard to the development plan and all relevant material considerations, I conclude that the appeal should be allowed.

*L Gardner*

INSPECTOR