



Appeal Decision

Site visit made on 4 November 2025

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 6th January 2026

Appeal Ref: APP/J1915/W/25/3370027

Rats Castle Cottage, 20 Burnham Green Road, Hertfordshire, Datchworth SG3 6SE

- 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 Anthony and Karen Carter against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/1960/FUL.
 - The development proposed is the demolition of existing detached annexe building and erection of a 2 bedroom detached dwelling; retention of existing parking area and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is located within the Metropolitan Green Belt and is comprised of 'Rat's Castle Cottage' and a detached annexe building. The two buildings share a parking area which is located to the front of the annexe.

Main Issues

3. The main issues are:
 - the effect of the proposal on the setting of the Grade II listed 'Rat's Castle Cottage'; and
 - whether or not the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies;

Reasons

Setting of the Heritage Asset

4. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
5. The appeal site is comprised of an existing annexe which is located within the garden of the Grade II listed 'Rats Castle Cottage', a detached, thatched building dating from the 17th century. Originally formed as four separate dwellings, the property was likely constructed in two phases and subsequently altered and

extended during the early 20th century. These dwellings were later amalgamated into a single residence, set within an extensive garden of approximately 1.25 acres. As a thatched building, it forms a distinctive and notable element within the rural setting. The available evidence confirms that the listed building possesses both architectural and historic significance. The original configuration as four dwellings, together with the surrounding land, is an important aspect of its heritage value. Consequently, the use and unencumbered nature of the land around the host building makes a positive contribution to, and reinforce, its significance as a designated heritage asset

6. The structure proposed for demolition is a detached annexe situated to the side of 'Rats Castle Cottage'. This is a contemporary building, constructed in the early 1990s. It is a two-storey structure that was converted into a residential annexe in 2012 and currently remains subservient to the principal listed building. Although some hedging runs along the garden boundary, the annexe is not self-contained and shares the garden area with the host dwelling. Thus, it is partially screened, providing a degree of separation without complete enclosure.
7. The proposed development would involve the redevelopment of the appeal site, from the existing annexe into a larger building which would function as a separate primary dwelling. While there is some dispute between the parties as to whether the footprint would increase to 132m² or 158m², it is agreed that the existing annexe measures approximately 88m². As such, even using the lower figure, the proposed development would result in a substantial enlargement. Beyond the increase in floor area, the appellant does not contest that the proposed dwelling would be approximately 2 metres wider and 1.5 metres longer than the existing annexe. Taken together, these changes would result in a significant increase in both size and mass. Given the scope of these alterations, I am satisfied that the established hierarchy between the two structures would be undermined, thereby eroding the annexe's subordinate character and diminishing the visual prominence of the host dwelling within the site. It would feature a modern design, including large amounts of glazing particularly towards the rear elevation of the building. This includes a first-floor balcony with a glass balustrade and wide ground-floor glazing facing the rear outdoor seating area. Accordingly, it would appear visually discordant in the context of the traditional thatched character of the host dwelling. In addition to these physical alterations, the use of the appeal site as an independent dwelling would also introduce a more intensive residential occupation of the site, resulting in the likely increase in domestic paraphernalia around the appeal site. The plans indicate that a separate amenity space would be provided for the proposed dwelling by subdividing the current amenity land and additional screening would be created from additional hedging and fencing. Nonetheless, it would remain fairly open to views from Burnham Green Road due to the retention of the vehicle access point and front parking area.
8. Taking the above considerations into account, I am satisfied that the proposed development would have a negative and visible effect on the setting of the listed building. It would further erode the unencumbered nature of the land around the host dwelling and would diminish the historic relationship between the appeal site and the listed building, due to its connection to the broader context of the original four dwellings and amalgamated amenity land.
9. In reaching this view, I have considered that the wider amenity land has already been partially subdivided, with vegetation providing some separation between the

annexe and the host dwelling. However, the proposed development would result in a more pronounced level of subdivision by creating a separate amenity space for the new building. This would reduce the ability to appreciate the functional relationship between the appeal site, the host dwelling, and its original amenity land. While the existing annexe may have very limited heritage value or architectural interest, the proposed development would not constitute a demonstrable improvement. Furthermore, the introduction of a separate residential dwelling would continue to erode the appeal site's contribution to the integrity and coherence of the original plot.

10. I recognise that the proposed development may share certain design characteristics with nearby properties, such as No. 9 Burnham Green Road. Nonetheless, these dwellings exist within a different design context. The proximity of the host building creates a distinct setting, resulting in a significantly greater impact on the listed building. Furthermore, the proposed increase in the dimensions of the annexe would further undermine the setting of the host building, thereby diminishing its significance. While retaining existing landscaping and enhancing screening could be secured by condition, the proposed development and associated domestic paraphernalia would remain visible from public viewpoints. Accordingly, such mitigation measures would not adequately mitigate the harm identified.
11. I have carefully considered the findings of the Inspector in April 2019 when he decided an appeal¹ for the conversion of the annexe building to a separate dwelling. The evidence indicates that this related to a more modest proposal, where the physical alterations were primarily limited to a minor increase in the size of the front parking area. By contrast, the current proposal represents a substantially different scheme. It involves a significant enlargement of the building's proportions, resulting in a much larger and more prominent structure on the site. This is not a matter of minor adjustment, but a fundamental change in scale and massing, which materially alters the visual effect of the development. While I acknowledge the conclusions reached by the previous Inspector, I am not persuaded that the circumstances of that appeal are sufficiently comparable to carry determinative weight in this case. Accordingly, I attach limited weight to that earlier decision, and it does not alter my overall findings regarding the current proposal.
12. In conclusion, the proposed development would harm the setting and related heritage significance of 'Rats Castle Cottage'. Overall, this harm would be at a low to moderate level of less than substantial harm within the meaning of paragraph 215 of the Framework. The result is that the duties under the Act would not be met, and this is a matter of considerable importance and weight. It would fail to preserve or enhance the historic environment of East Herts or preserve the setting of a listed building, contrary to Policies HA1 and HA7 of the East Herts District Plan 2018 (DP). As such, it would not promote local distinctiveness, contrary to Policy DES4 of the DP.
13. I will consider any public benefits against this harm in the overall heritage balance.

¹ Ref: APP/J1915/W/18/3208037

Whether or not inappropriate development in the Green Belt

14. The Framework clarifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The proposal should be assessed against the presumption that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
15. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions set out in paragraphs 154 of the Framework. Policy GBR1 of the DP is consistent with the Framework in this respect. The appellant considers that the exception set out in paragraph 154 e) of the Framework is applicable. This provision allows for limited infilling in villages.
16. The appellant confirms that Bulls Green does not currently fall within any designated neighbourhood plan area and that there is no realistic prospect of it being classified as a village within the current district plan period. In the absence of a formally defined boundary confirming Bulls Green as a village, the site could reasonably be regarded as a residential garden within the Green Belt.
17. Nonetheless, the case of *Julian Wood v SSCLG and Gravesham Borough Council* 2015 confirms that the boundary of a village defined in a local plan would not necessarily be determinative, although it would be a relevant consideration when considering issues of infilling. Therefore, when examining whether or not the appeal site is located in a village, regard should be had to the situation “on the ground” as well as any relevant policies. Such a judgement is likely to depend on factors such as the number of buildings or properties that are grouped together, their inter relationship and spacing, the facilities and services available and the juxtaposition of the site with surrounding buildings and any open land beyond. Accordingly, whether the proposed development benefits from this exception is a matter of planning judgment.
18. The appeal site occupies a plot fronting Burnham Green Road and forms part of a cluster of dwellings grouped along this stretch. These properties face one another and are served by a pedestrian pavement running alongside the road, creating a sense of continuity in built form. In this respect, the appeal site contributes to a linear pattern of development that extends towards the wider countryside and is surrounded by other dwellings rather than open land.
19. Pedestrian access to shared facilities, such as “The Horns” public house, is available from the appeal site, albeit requiring some negotiation across what appears to be a public green. For these reasons, the appeal site can reasonably be regarded as being located within the village of Bulls Green for all practical purposes. This interpretation aligns with the approach taken by the Inspector in a previous appeal decision².
20. The proposed development would occupy the space between the host dwelling and the neighbouring property. As such, I am satisfied that it would represent a limited form of infilling within the village. Accordingly, it is considered that the proposal would fall within the exception set out in paragraph 154 e) of the Framework. The scheme is considered as not inappropriate development within the Green Belt. Consequently, there is no requirement to assess any impact on

² Ref: APP/J1915/W/22/3294678

openness or the effect of any spatial harm. It would comply with Policy GBR1 of the DP, which states that planning applications within the green belt will be considered in line with the provisions of the Framework.

21. As the scheme would meet one of the Green Belt exceptions for development there is no need to consider the issues around Grey Belt land.

Other Matters

22. A letter of support has been received from a neighbour. While community feedback is an important aspect of the planning process, the presence of supportive responses does not justify the identified harm.
23. Interested parties have expressed concerns regarding loss of privacy and car parking. While I acknowledge these concerns, the Council has not objected on these grounds. Accordingly, having considered these matters at my site visit, I have found no reason why this should weigh or fall against the proposal.

Heritage and Planning Balance

Heritage Balance

24. The proposed development would harm the setting and related heritage significance of the listed building. This harm would be at a low to moderate level of less than substantial harm. The result is that the duties under the Act would not be met, and this is a matter of considerable importance and weight.
25. Paragraph 212 of the Framework requires that great weight should be attached to the asset's conservation, and this is irrespective of the level of harm. Paragraph 215 of the Framework, states that the harm to the significance of these designated heritage assets should be weighed against the public benefits of the proposal.
26. The proposal would deliver modest economic benefits during both its construction and subsequent occupation, thereby supporting local businesses, such as the village pub. As it is located on land already in residential use, it would make efficient use of land within an existing built-up area. While the metric is disputed between the parties, the proposed development would provide some level of biodiversity net gain. In addition, the development incorporates sustainable design measures, including high-performance insulation, an air source heat pump, and an electric vehicle charging point, which would contribute positively to energy efficiency and reduce carbon emissions. I consider these to be public benefits. Collectively, the benefits should be attributed moderate weight in favour of approval.
27. Nonetheless, great weight should be attached to the conservation of the designated heritage assets. In this case, the public benefits of the proposal would not outweigh the harm identified. Accordingly, the heritage balance falls against the scheme.

Planning Balance

28. The Council cannot currently demonstrate a five-year supply of deliverable housing sites in accordance with the Framework, with the supply estimated to be between 4.20 and 4.49 years. As such, paragraph 11 of the Framework is engaged. Sub-paragraph 11 (d)(i) states that permission should be granted unless

the application of policies in the Framework that protect assets of particular importance provides a strong reason for refusing the development proposed. The relevant footnote states that such policies include those related to designated heritage assets, which includes listed buildings.

29. In this case, the identified harm to the significance of the listed buildings conflicts with national policy which seeks to protect the historic environment and, provides a strong reason for refusing the development. Accordingly, the presumption in favour of granting planning permission as set out under paragraph 11 of the Framework does not apply.
30. The proposed scheme would deliver a modest contribution to housing supply within a Council area that is currently unable to demonstrate a Framework-compliant supply of deliverable sites. I acknowledge that the development would not constitute inappropriate development within the Green Belt. As outlined above, the proposal would also generate a range of other benefits, to which I attach moderate weight in favour of approval.
31. However, these benefits must be balanced against the identified harm. The scheme would adversely affect the setting and, consequently, the significance of the nearby listed building. This represents a significant failing and a clear conflict with heritage policies, to which I afford great weight. In my judgment, this harm is of such importance that it outweighs the benefits of the proposal.

Conclusion

32. 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 set out above, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR