



Appeal Decision

Site visit made on 28 November 2025

by R C Kirby BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2026

Appeal Ref: APP/A1910/W/25/3367099

Tuffs Farm, Tower Hill, Chipperfield, Kings Langely, Hertfordshire WD4 9LW

- 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 Russell Kitching of Kitch Developments Ltd. against the decision of Dacorum Borough Council.
 - The application Ref is 24/01915/FUL.
 - The development proposed is demolition of existing agricultural buildings, construction of 4 new dwellings, associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is located within the Metropolitan Green Belt. The appellant acknowledges that the proposal would comprise inappropriate development in the Green Belt and on the basis of the evidence before me I have no reason to find differently in this regard. The main issues are therefore the effect of the proposal on:
 - the openness and purposes of the Green Belt;
 - the character and appearance of the area having particular regard to the design of the new dwellings and amount of outdoor space provided to each;
 - the significance of nearby heritage assets;
 - the integrity of the Chilterns Beechwoods Special Area of Conservation;
 - the living conditions of the intended future occupiers with particular regard to the provision of outdoor garden space;
 - best and most versatile agricultural land and the viability of the agricultural holding, and
 - Whether other considerations outweigh the harm to the Green Belt, and any other harm so as to amount to very special circumstances to justify the development .

Reasons

3. The proposal includes 4 detached single storey dwellings located to the rear of Tuffs Farm and 2 Tuffs Farm Cottage and adjacent barn. Whilst located close to

the built form of Chipperfield, the appeal site is within the countryside for planning policy purposes.

Openness and purposes of the Green Belt

4. The National Planning Policy Framework (Framework) establishes that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. Paragraph 143 of the Framework identifies that Green Belt serves 5 purposes including to assist in safeguarding the countryside from encroachment.
5. As set out in the Planning Practice Guidance, case law establishes that openness of the Green Belt is capable of having both spatial and visual aspects. In other words, the visual impact of the development may be relevant, as could its volume.
6. There are a number of modern buildings upon the site which would be demolished to facilitate the development. The Council does not dispute the appellant's calculations in respect of floor areas, volumes or hardstanding which would be reduced by the proposal.
7. Although the buildings to be demolished have varying degrees of enclosure they are under a solid roof thus their contribution to the openness of the Green Belt is very limited to say the least. In terms of the proposal's effect on the openness of the Green Belt, it is my judgement that proposal would increase openness so long as the existing buildings shown to be removed, are. This matter could be controlled by planning condition. In reaching this view I have taken into account the likely domestic paraphernalia associated with the proposed residential use.
8. The new dwellings would be sited where there are existing agricultural buildings, in the case of plots 1 and 3, as well as the front corner of plot 2. However, the majority of the dwelling on plot 2 and the dwelling on plot 4 would be sited where there are no buildings at present. Although located on areas of hardstanding, within the developed part of the farmyard, the introduction of buildings, where there are none at present, along with their associated garden areas would encroach into the countryside, which whilst limited and localised would result in conflict with purpose c) of the Green Belt which seeks to assist in safeguarding the countryside from encroachment.
9. The proposal would comprise inappropriate development in the Green Belt. Whilst I have found that the proposal taken as a whole would increase the openness of the Green Belt, it would conflict with one of the purposes of the Green Belt as set out above. This brings the scheme into conflict with Policy CS5 of the Core Strategy 2206-2031 (CS) which sets out that national Green Belt policy will be applied to protect, amongst other matters the character of the Green Belt. The Framework makes it clear that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Character and Appearance

10. The appeal site forms part of the historic farmstead at Tuffs Farm. Whilst located close to the built form on the northern side of Tower Hill, the appeal site comprises part of the largely open, agricultural landscape to the south of the road and the landscape setting of the village, with sparse development of farmsteads and detached properties set in large grounds. The appeal site with its traditional buildings utilising local materials and its enclosure with agricultural fields makes a positive contribution to the character and appearance of the area. The modern farm buildings are reflective of the agricultural use of the site and are not particularly prominent in the street scene, other than the ones to the rear of the traditional barn on the site.
11. The proposal would demolish the modern farm buildings on the site, including those attached to the historic barn. This would provide an open setting to the barn and widen the undeveloped gap between Highclere and the barn, enhancing the streetscene and the character and appearance of the area.
12. However, the demolition of other buildings upon the site and their replacement with modern detached bungalows, set around a cul-de-sac would introduce a suburban style of development in this rural location. The depth of residential development to the rear of the traditional farm buildings would not respect the frontage development along the road which predominates. Moreover, the detached form and design of the dwellings proposed, would, despite utilising local building materials be harmful to the narrow plan, linear form of the historic farmstead which is a positive feature of the area. In addition, the proximity of the buildings to each other and modest plot sizes would not reflect the spacious qualities of this part of Tower Hill.
13. The contribution that the appeal site makes to the character and appearance of the area would be eroded as a result of the proposal. In reaching this view, I am mindful that the proposal would allow greater separation between the traditional buildings on the site to that which currently exists and that the dwellings would be lower in height than the buildings to be demolished and that landscaping would be provided where there is little landscaping at present. I also acknowledge that the dwellings would not be prominent in public views, however, the fact that something is not visible does not make harmful development acceptable. Indeed, the Framework is quite clear that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting. It also directs that development that is not well designed should be refused.
14. Given the above, whilst there would be some benefits to the character and appearance of the area, by creating space around the traditional buildings following the demolition of buildings on the site and between buildings on Tower Hill, overall for the reasons set out, I conclude that harm would be caused to the character and appearance of the area, in conflict with Policy CS12 of the CS which, amongst other matters requires development to respect adjoining properties in terms of layout, and amenity space. There would also be conflict with the aspirations of the Chipperfield Village Design Statement which has been adopted as Supplementary Planning Guidance by the Council, particularly with regard to how new development should fit into their site and surroundings.

Heritage Assets

Conservation Area

15. The majority of the site is located within the Chipperfield Conservation Area, the significance of which derives from its rural openness and diversity of buildings both residential and agricultural, with materials including brick, weather boarding and flint. Mature landscaping and open space make a positive contribution to the significance of the conservation area, as does the village's enclosure with agricultural fields around it. In this regard the historic farmstead on the site makes a positive contribution to the character and appearance of the conservation area.
16. Whilst there would be some enhancement to the character and appearance of the conservation area following the demolition of buildings on the site, my findings in respect of the design and layout of the new dwellings and the introduction of an alien form of development into this farmstead context would, taken as a whole, be harmful to the conservation area. The proposal would not be sympathetic to local character and history. The positive contribution that the appeal site makes to the character and appearance of the conservation area would be harmfully reduced as a result of the proposal.
17. Accordingly, the conservation area's character or appearance would be neither preserved or enhanced in conflict with Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act). This brings the scheme into conflict with CS Policy CS27 and saved policy 120 of the Dacorum Borough Local Plan 1991-2011 (DBLP) which requires the integrity, setting and distinctiveness of designated heritage assets to be protected, conserved and if appropriate enhanced and that the character or appearance of conservation areas is preserved or enhanced. Additionally, the proposal would conflict with the provisions of the Framework which seeks to conserve and enhance the historic environment.
18. Having regard to Framework paragraphs 214 and 215, in terms of the harm that would be caused to the significance of the conservation area, this would be less than substantial and at the lower end of the scale given the localised impact and the size of the conservation area as a whole. However, this harm does not equate to less than substantial importance and weight; indeed, I attach considerable importance and weight to this harm. In accordance with the Framework this harm needs to be weighed against the public benefits of the proposal which will be considered later in my decision.

Listed Buildings

19. Section 66 (1) of The Act requires me to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
20. Tuffs Farm and 2 Tuffs Farm Cottage is a Grade II listed building dating from the late 16th century. Originally constructed as a Farmhouse it is now 2 private houses. Despite being extended and altered the building's special interest arises in part from its architectural and historic interest, its traditional construction and historic materials, and its functional relationship to the surrounding farmland and Barn on the opposite side of the farmyard. Significance and special interest is also derived from the building's historic use as a farmhouse.

21. The Barn at Tuffs Farm is a Grade II listed building and dates from the late 17th century, with a stable provided in the 18th/19th century. Constructed of weatherboard with a steep red tiled roof, the special interest of the building arises in part from its historical and architectural interest as a storage barn built of historic materials using traditional construction methods, which, despite alterations remains legible and illustrative of its original design. Significance and special interest is also derived from the building's historic function and relationship with Tuffs Farm and 2 Tuffs Farm Cottage, as well as the farmyards and surrounding agricultural landscape which form part of its setting.
22. The access to the new dwellings would be through the farmyard between the listed buildings upon the site. The demolition of buildings upon the site would better reveal the significance of the listed buildings, particularly to the listed Barn for which the Council has granted listed building consent for the works¹.
23. Although the proposal would allow for greater separation of built form between the listed buildings and the new dwellings to that which currently exists and the new dwellings would be lower in height than the existing buildings, the modern detached form, design and layout would be significantly at odds with the linear form of the designated heritage assets and would jar with their agricultural origins and design. The new dwellings would harmfully destroy the ability to appreciate the special interest and development of the historical farmstead .
24. Furthermore, the domestication of part of the appeal site including 14 car parking spaces and likely domestic paraphernalia would harmfully erode the agricultural setting of the listed buildings, detrimentally altering a key aspect of the assets' setting, and in doing so, negatively affecting the ability to appreciate their significance.
25. In conclusion, whilst the demolition of buildings on the site would better reveal the significance of the designated heritage assets on the site by removing structures in proximity to them, and particular those attached to the listed barn, the new houses as proposed would result in harm to the special character and significance of the listed buildings through harmful development in their setting.
26. Thus acknowledging that the proposal would in some respects enhance the significance of the listed buildings, taken as a whole, such enhancements are outweighed by the harm that would be caused to the significance of the designated heritage assets. The proposal as a whole would not preserve the setting of the listed buildings in conflict with The Act. Accordingly there would be conflict with the conservation of heritage assets objectives of CS Policy CS27 and the provisions of the Framework which seeks to conserve and enhance the historic environment.
27. Given the proposal's localised extent and accounting for the enhancements that would arise following demolition of buildings on the site as proposed, I consider that that the harm that would be caused to each listed building on the site would be less than substantial at the lower end of the scale. This harm does not however equate to less than substantial importance and weight; indeed, I attach considerable importance and weight to this harm. In accordance with the Framework this harm needs to be weighed against the public benefits of the proposal which will be considered later in my decision.

¹ Ref 24/01916/LBC

Chilterns Beechwoods Special Area of Conservation

28. The appeal site lies within the zone of influence of the Chilterns Beechwoods Special Area of Conservation (SAC). The qualifying features of the SAC are Beech forests, semi-natural dry grasslands and scrubland facies: on calcareous substrate and Stag Beetle. The SAC includes a number of sites in the Chilterns and of relevance to Dacorum are the Ashridge Commons and Woods Site of Special Scientific Interest (SSSI) and the Tring Woodlands SSSI.
29. Recreational pressure predominantly from those living close to the Chilterns Beechwoods SAC, and particularly the SSSIs set out above are causing harm to the species and habitats of the protected site. The Chilterns Beechwoods Special Area of Conservation Mitigation Strategy for Ashridge Commons and Woods Site of Special Scientific Interest includes mitigation and avoidance measures including financial contributions from residential development towards Strategic Access Management and Monitoring Strategy and Sustainable Alternative Natural Greenspace.
30. The appellant has submitted a Unilateral Undertaking (UU) dated 4 June 2025 in respect of these matters; however the obligation refers to a different planning application and description of development to that which I am considering as part of this appeal. As such the obligations contained within the UU would not mitigate the recreational effects of the development proposed. There is no other mechanism before me to secure the necessary mitigation.
31. In the absence of mitigation, I cannot be satisfied that the proposal would not, either alone or in combination with other plans and projects, have a significant effect on the protected site. This brings the proposal into conflict with CS Policy CS26 which seeks to protect designated sites. There would also be conflict with the conserving and enhancing the natural environment objectives of the Framework, the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) (as amended) and the Wildlife and Countryside Act 1981 (as amended).

Living Conditions

32. Each of the new dwellings would have 2 or 3 bedrooms and would be suitable for a small family to live in. The gardens would be located to the side and rear of the new dwellings and would be relatively private given their relationship to each other and nearby residential properties.
33. The appellant acknowledges that some of the gardens would not achieve an average minimum depth of 11.5 metres as required by Appendix 3 of the DBLP. Whilst this is an aspiration of the development plan, it is not a fixed standard and the part of the plan relating to gardens and amenity space acknowledges that a 'reduced rear garden depth may be acceptable for small starter homes, homes for the elderly and development backing onto or in close proximity, to open land, public open space or other amenity land'.
34. In this case the dwellings would also be suitable for the elderly, given their size and single storey nature and they back onto agricultural fields. The garden area proposed for each dwelling would be functional and of a size large enough to accommodate typical features of private gardens including seating areas, garden outbuildings, play equipment and washing lines. Accordingly, it is my judgement

that a good standard of amenity would be provided to the intended future occupiers of the new dwellings, even with the depths proposed. Accordingly, there would be no conflict with the objectives of the DBLP which requires that the width, shape and size of garden and amenity space should ensure that the space is functional. The Council's reason for refusal refers to CS Policy CS12, but this is not relevant in respect of this main issue, referring to surrounding properties as opposed to the living conditions of the intended future occupiers.

Effect on agricultural land value and the viability of the agricultural holding

35. The Council is concerned that the loss of agricultural buildings would make the working of the holding difficult and create additional demand for farm buildings in the locality. Reference is made to the proposal affecting Grade 2 and 3 agricultural land.
36. The proposal would be contained largely within areas of hardstanding. It has not been demonstrated that any encroachment would result in a loss of Best and Most Versatile agricultural land to a harmful degree. Moreover, the appellant's Appraisal of the Agricultural Requirement for Tuff's Farmyard and Buildings² sets out various matters including current activities on the site and holding, the condition of the buildings on the site and how the land has, and could be managed in the future. It also establishes that the land has been farmed without support from the agricultural buildings on the site.
37. It is understood that this information was submitted with an application for an alternative residential scheme on the site³ whereby the Council considered that it satisfied its concern with respect to this matter. I have no reason to doubt that the farm holding could be managed in such a way for a range of agricultural uses without reliance on the buildings upon the site. Moreover, whilst CS Policy CS5 is referenced in the reason for refusal relating to this issue, it does not appear to be relevant; rather it focuses on what issues would be considered for development in the Green Belt, as opposed to resisting the loss of agricultural buildings or the effect on the viability of an agricultural holding.
38. On the evidence before me, I find that the proposal would not have a harmful effect upon the viability of the agricultural holding or nearby agricultural land. Accordingly, there would be no conflict with DBLP Policy 108 which seeks to restrict development that would result in the permanent loss of the best and most versatile agricultural land and prevent development that would result in fragmentation of farm holdings unless mitigation is possible.

Other Considerations

39. The Council cannot demonstrate a 5-year supply of housing land. Reference is made to a supply of 1.05 years. Accordingly, there is an urgent and pressing need for new housing in the Borough and the proposal would make a small, but important contribution to the supply of new homes. It would also contribute towards the national objective to significantly boost the supply of homes. Furthermore, as a small site, it is likely that the housing could be delivered quickly. This is a matter that carries significant weight in favour of the proposal. Paragraph 11 d) of the Framework is therefore engaged for decision-taking purposes. This requires that

² Dated 17 June 2025

³ Ref: 25/01704/FUL

planning permission is granted for the development unless certain circumstances apply.

40. The new habitat and hedgerow units that would be created as part of the proposal (37.49% and 106.71% respectively) exceed the mandatory 10% Biodiversity Net Gain. This matter weighs positively in favour of the proposal to a moderate degree.
41. The site is sustainably located close to public transport links and local services and facilities. Occupiers of the site would have a choice how to access nearby services and facilities. Occupiers of the site would support these nearby facilities and social and economic benefits would occur as a result. Given the quantum of development proposed such benefits attract limited weight in favour of the proposal.
42. The improvements to the openness of the Green Belt following the demolition of buildings/structures on the site carries positive weight in favour of the proposal, as does the improvement that would result to the street scene and the conservation area. Limited weight is given to these benefits given the scale and nature of the proposal.
43. Likewise, the enhancement to the significance of the listed buildings on the site, through the removal of structures attached to the listed barn and creating space between Tuffs Farm and 2 Tuffs Cottage is a positive benefit of the proposal. I am unable to attach weight to the cited repairs to the listed buildings as I do not have such details before me.
44. The provision of suitable outdoor space for the new dwellings is neutral in my assessment because this would be expected of any well-designed development and to accord with the development plan. An absence of harm to agricultural land quality and the viability of the agricultural holding neither weighs for or against the proposal because this accords with development plan policy.
45. The support for the planning application from the Parish Council is noted as is the absence of objections from interested parties. These matters weigh neither in favour or against the proposal, which I have determined on its planning merits.
46. Reference has been made to another appeal⁴ in a different local planning authority. Acknowledging that the Inspector in this case found the benefits of the new homes outweighed the harms, it is unclear whether this scheme was directly comparable to that before me. Accordingly, this limits the weight that I can give this matter.

Planning Balance

47. The proposal would result in inappropriate development in the Green Belt and it would result in encroachment into the countryside, in conflict with Green Belt purpose c). Whilst the harm to the Green Belt would be localised and limited given the scale of the proposal and the size of the Green Belt as a whole, substantial weight is given to this harm. Taking the scheme as a whole and acknowledging the positive benefits that the demolition of the buildings/structures which would arise, overall the proposal would cause limited harm to the character and appearance of the area, and result in less than substantial harm, at the lower end of the scale, to

⁴ Appeal reference APP/P1940/W/22/3311477

each of the designated heritage assets: the Chipperfield Conservation Area and to the 2 listed buildings upon the site. Harm would also be caused to the integrity of the Chilterns Beechwoods SAC as a result of increased population and recreational pressure which would not be mitigated.

Heritage Balance

48. 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 advise that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where harm to the significance of a designated heritage is found, this should be outweighed by public benefits.
49. There is no doubt that there are public benefits associated with the proposal, including the delivery of housing on a small site, in a sustainable location. Biodiversity enhancements and the contribution the proposal would make to the local economy, as well as to the local community, are further public benefits in favour of the scheme. The demolition of buildings on the site would enhance openness of the Green Belt and to some degree enhance the character and appearance of the area, including the significance of the conservation area and the setting of the listed buildings on the site. These too are public benefits which attract weight in favour of the proposal.
50. However, the harm that would result through the proposal taken as a whole to the listed buildings on the site and the Chipperfield Conservation Area would bring the proposal into conflict with the development plan taken as a whole, as well as The Act in so far as it relates to listed buildings and conservation areas.
51. In my judgement, the cumulative public benefits noted above would not be sufficient to outweigh the identified harm to each of the designated heritage assets. Accordingly, I am not persuaded that there is a clear and convincing justification for the harm that would be caused to these designated heritage assets as required by the Framework.

Green Belt

52. In accordance with the Framework, I give substantial weight to the harm that the proposal would cause to the Green Belt by reason of inappropriateness and the harm, albeit limited and localised, to one of the purposes of including land within the Green Belt, even taking account of openness being increased.
53. In addition, I have found that harm to the significance of three designated heritage which would not be outweighed by the public benefits of the proposal. I have also found that despite there being some benefits of the proposal to the character and appearance of the area, overall, the proposal would be harmful, albeit this would be limited and localised. In the absence of suitable mitigation I have also found that the proposal would result in harm to the integrity of the Chilterns Beechwoods SAC. The Framework sets out that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused, and that development which would be likely to have an adverse effect on a SSSI should not normally be permitted.

54. The Framework identifies that inappropriate development should not be approved except in very special circumstances. It sets out that 'very special circumstances' will not exist unless the potential harm to the Green Belt and any other harm is clearly outweighed by other considerations.
55. In this case I consider that the totality of the other considerations in this case in favour of the proposal are not of sufficient importance and magnitude to clearly outweigh the cumulative weight of the harm to the Green Belt and other harm that would be caused by the proposal. Accordingly, the very special circumstances necessary to justify the development do not exist. The proposal conflicts with CS Policy CS5 and the Framework.

Overall Balance

56. Applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise.
57. Whilst the benefits of the proposal are considerable, they are not sufficient to outweigh the harm to the Green Belt, to designated heritage assets and to the Chilterns Beechwoods SAC. These reasons provide strong reasons for refusing planning permission for the proposal. The proposal does not therefore benefit from the presumption in favour of sustainable development by virtue of paragraph 11 d) i. and footnote 7 of the Framework.

Conclusion

58. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that a decision should be made otherwise than in accordance with it. The appeal is dismissed.

RC Kirby

INSPECTOR