



Appeal Decision

Site visit made on 3 February 2026

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 FEBRUARY 2026

Appeal Ref: APP/J1915/W/25/3376248

Waterhall Farm, Lower Hatfield Road, Little Berkhamsted, Hertfordshire, SG13 8LE

- 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 Miss Becky Bone of AT Bone & Sons Limited against the decision of East Hertfordshire District Council.
 - The application Ref is 3/25/0988/FUL.
 - The development proposed is described as 'demolition of six existing commercial (B2 & B8) buildings, to be replaced with three new purpose-built buildings in the same Use Class.'
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of six existing commercial (B2 & B8) buildings, to be replaced with three new purpose-built buildings in the same Use Class at Waterhall Farm, Lower Hatfield Road, Little Berkhamsted, Hertfordshire SG13 8LE in accordance with the terms of the application, Ref 3/25/0988/FUL, and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

Preliminary Matters

2. It was apparent at my site visit that two of the six buildings to be demolished (referred to as buildings 15 and 16 on plan) have in fact already been removed from the site, making the scheme partly retrospective. I have determined the appeal on that basis.
3. Since the Council's decision, a Bat Roost Assessment has been undertaken and submitted with the appeal. This confirms the buildings to be demolished have a negligible potential to support roosting bats. The Council and other interested parties have had the opportunity of making representations. As a result, the Council have confirmed they are satisfied that their second reason for refusal has been fully addressed. I see no reason to disagree. Therefore, I do not deal with this matter further.

Main Issues

4. In light of the above, the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including its effect on the openness of the Green Belt;

- if inappropriate, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

5. The appeal site lies within the Metropolitan Green Belt. Policy GBR1 of the East Herts District Plan 2018 (EHDP) sets out that within the Green Belt, planning applications will be considered in line with the provisions of national policy. The Framework states that planning permission will not be granted for inappropriate development, except in very special circumstances. It makes clear that inappropriate development is, by definition, harmful to the Green Belt. It goes on to set out that development should be regarded as inappropriate unless one of a list of exceptions apply.
6. The appellant's position is that the proposal does not constitute inappropriate development, as it meets three of the exceptions set out in the Framework at Paragraph 154(d) and (g) as well as Paragraph 155.
7. The exception at Paragraph 154(g) of the Framework allows for limited infilling or the partial or complete redevelopment of previously developed land (PDL) (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
8. The proposed site meets the definition of PDL, which is undisputed. As a matter of fact, the proposal relates to the demolition of 6 buildings which would be replaced with 3 new buildings. 'Redevelopment' is not defined within the Framework. To my mind 'redevelopment' means developing something again or differently and consequently, I find that the proposal constitutes the partial redevelopment of PDL in continuing use, also a matter of common ground between the parties. The fact that two buildings have already been demolished does not affect this assessment as the exception allows for redundant uses to be included in any event. The test then turns on whether the development would cause substantial harm to the openness of the Green Belt.
9. The essential characteristics of the Green Belt are their openness and their permanence, which can be perceived spatially and visually.
10. Waterhall Farm comprises a complex of largely linear agricultural and commercial buildings, as well as a residential farmhouse. To the north of the site, four buildings would be demolished and would be replaced with two larger buildings of an increased size and volume. Whilst proposed building B would be on a similar footprint as building 19 to be removed, building C would be located in the corner of the yard which is open, introducing a spatial intrusion where there is currently none. However, the site is well defined and contained, with land levels on-site considerably lower than to the north which in turn, considerably reduces their visual presence. Furthermore, from the main road to the south, these buildings would not be readily visible.
11. To the south, proposed building A would be on a similar alignment to former building 15. While it would be taller than the previous building, the adjacent

building 16 which protruded to the west, has also been demolished, thus, when considered in the round, it would lessen the spatial presence overall.

12. The farmyard benefits from surrounding established soft landscaping which helps to screen the development, in addition to screening afforded by existing development within the complex and the larger newly erected agricultural building to the west. Therefore, whilst there would be views of the proposal from Lower Hatfield Road to the south, it would be visible in the context of a backdrop of taller buildings of a similar design and colour pallet, such that it would not be unduly prominent and its effect on the openness of the Green Belt would be considerably reduced by these factors.
13. Whilst by virtue of the increased bulk and scale of the replacement buildings there would be some spatial and visual effect on openness, I find that the extent of this would be moderate when considered as a whole.
14. The threshold for harm in the Framework only requires that the development should not cause substantial harm to the openness of the Green Belt. The moderate harm identified does not amount to substantial harm to openness, in the context of paragraph 154(g) of the Framework.
15. Although the Council has drawn my attention to two appeal decisions in support of their case, these relate to grey belt and whether a proposal was materially larger in Green Belt terms. As I have found the proposal to accord with the exception outlined above, it is not necessary for me to consider the scheme against Paragraphs 154(d) or 155 of the Framework. It follows that these appeal decisions are not directly comparable and do not lead me to a different conclusion.
16. Consequently, I find that the development would not represent inappropriate development in the Green Belt having regard to the Framework and EHDP Policy GBR1. As such, I do not need to consider whether very special circumstances exist.

Other Matters

17. Waterhall Farmhouse is Grade II listed and lies adjacent to the site. In coming to this decision, I have had regard to my duties as decision maker to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires me, 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 which it possesses. This is not a matter in dispute, and I concur that the proposal would not affect the ability to appreciate the significance of the setting of the listed building.

Conditions

18. The Council have suggested conditions. I have considered these in relation to the necessary tests, made changes to some, included an additional condition and not imposed all those suggested for the reasons set out below.
19. As the development has already begun, the standard time condition is not necessary. However, as it is yet to be completed, I have imposed a condition requiring that the development is carried out in accordance with the approved plans (No. 1) for the avoidance of doubt and in the interests of certainty.

20. To avoid contamination to the public water supply and human health, a condition (No. 2) is reasonable and necessary. Likewise, to preserve and enhance the local water environment, a condition (No. 3) relating to surface water drainage is also imposed. As development has already commenced, I have drafted the requirements of the conditions to be triggered before any above ground construction works are commenced in respect of the new buildings, thus allowing for demolition to take place first.
21. Whilst materials are indicated on the application form, there is a lack of clarity regarding the colour of finishes, and manufacturer details. As such a condition (No.4) to require these to be agreed is necessary, in the interests of the character and appearance of the area.
22. To ensure the safety of people during a flood event, I have imposed a condition (No. 5) to require the preparation of an emergency plan which, once approved, should be provided to and be retained by the occupants of the buildings.
23. To avoid a partial implementation of the development that could otherwise result in some of the buildings being retained alongside the new, a condition (No. 6) is imposed to require the demolition of the buildings in a timely manner.
24. A condition is suggested requiring the appellant to install electric vehicle charging points on site. Whilst EHDP Policies TRA1 and DES4 encourage sustainable transport and a high standard of quality design, neither of them specifically require such provision, and it has not been shown that this is reasonably necessary or proportionate in the context of a scheme that already operates for the same purposes from this location. Therefore, I have not imposed it.

Conclusion

25. For the reasons set out above, the scheme would accord with the development plan when considered as a whole, and the Framework. Thus, having regard to all matters raised, I conclude that the appeal should be allowed.

C Walker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing numbers:
BONEWF-CDR-1-1-002 (Proposed Site Plan)
BONEWF-CDR-1-5-001 Rev A (Site Location Plan)
BONEWF-CDR-1-2-001 (Proposed Floor Plan and Elevations Unit A)
BONEWF-CDR-1-2-002 (Proposed Floor Plan and Elevations Unit B) and
BONEWF-CDR-1-2-003 (Proposed Floor Plan and Elevations Unit C).
- 2) Prior to any above ground construction works being commenced, a scheme to deal with contamination of land/ground gas/controlled waters shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall

include all the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:

- A. An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
 - B. Remediation Strategy/Report if found to be needed following the results of the intrusive investigation detailing how contamination will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.
 - C. A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination.
 - D. A Foundations Works Method Statement and Risk Assessment detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. appropriate piling design, off site monitoring boreholes etc.) to prevent or minimise any potential migration of pollutants to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.
 - E. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the Local Planning Authority.
 - F. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted to and approved by the Local Planning Authority prior to first use of the buildings hereby approved. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.
- 3) Prior to any above ground construction works being commenced, a Surface Water Drainage Scheme shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall demonstrate an appropriate use of sustainable urban drainage systems that prevent the mobilisation of any contaminants ensuring protection of surface and groundwater. Thereafter the development shall be implemented in accordance with the approved details.
- 4) Prior to any above ground construction works being commenced, the external materials of construction for the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

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- 5) Prior to the first occupation of the buildings hereby approved, an Emergency Plan detailing flood evacuation routes and procedures shall be submitted to and be approved in writing by the Local Planning Authority. The approved Emergency Plan shall then be made available to occupants of each building, and a copy shall be displayed and be retained in each building hereby approved for the lifetime of the development.
- 6) Prior to first occupation of the buildings hereby approved, the buildings identified as 19, 20, 21 and 22 on existing drawing number BONEWF-CDR-1-1-001, and shown on drawing numbers BONEWF-CDR-1-2-007, BONEWF-CDR-1-2-008, BONEWF-CDR-1-2-009, and C040-DWG-0019 Rev A, shall be demolished and the materials shall be removed from the site.

End of Condition Schedule