



Appeal Decision

Site visit made on 27 January 2026

by **E Dade BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th February 2026

Appeal Ref: APP/J1915/W/25/3376273

Surrounded, Coveys Lane, High Wych, Hertfordshire CM21 0LE

- 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 Ms Amelia Reffold against the decision of East Hertfordshire District Council.
 - The application Ref is 3/25/0401/FUL.
 - The development proposed is change of use from grazing land to residential garden and installation of ground level solar panels.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from grazing land to residential garden and installation of ground level solar panels at Surrounded, Coveys Lane, High Wych, Hertfordshire CM21 0LE in accordance with the terms of the application, Ref 3/25/0401/FUL, and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos: 001A *Location Plan & Existing Site/Block Plan*; and PL.001C *Proposed Layouts*.
 - 2) All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Applications for costs

2. An application for costs was made by East Hertfordshire District Council against Ms Amelia Reffold. This application is the subject of a separate decision.

Preliminary Matters

3. In the header and decision above I have omitted wording that is not a description of development, namely the proposal being “retrospective”. As stated on the planning application form, the proposal has been implemented. This weighs neither for nor against the proposal which I have determined on the basis of the submitted plans.
4. Both parties have submitted information relating to the previous use of the site. As set out in the development description, the proposal seeks a change of use from grazing land to residential garden. I have determined the appeal on this basis.

Main Issues

5. Having regard to the above, the main issues in this appeal are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the rural economy.

Reasons

Character and appearance

6. The appeal site comprises the host property, ‘Surrounded’, domestic outbuildings, and an open area of grassland within which the two solar panel arrays are sited. The site is outside any settlement and is within a landscape comprising agricultural land and small clusters of buildings. The area therefore has a rural character.
7. The host property, timber cart lodge garage, summer house, and shed are clustered at the front of the site around a gravel driveway, with the rear portion of the site being open in character and, as identified by the Landscape and Visual Appraisal (LVA), is representative of the High Wych Landscape Character Area.
8. The site is set back some distance from the highway and is accessed via a long track which continues beyond the site’s frontage as a public right of way (PROW). The LVA indicates there are no existing full views into the site from publicly accessible locations, and the site is of limited visual prominence in the landscape.
9. Policy HOU12 of the East Herts District Plan 2018 (EHDP) permits the change of use of land to residential garden where it: (a) is not likely to result in an adverse effect on the character and appearance of the surrounding area and landscape; (b) is well related to other residential land and does not involve a harmful incursion into the countryside; and (c) includes the provision of appropriate landscaping and boundary treatment.
10. Use of the rear of the site as garden has introduced some domestic paraphernalia, such as garden furniture and play equipment, which has a small urbanising effect on the site’s appearance. However, the site would predominantly comprise domestic grassland and thus would remain principally open in character.
11. The two solar arrays comprise panels mounted at an angle on an open-sided supporting frame. This permits views through the structure and enables grass to grow beneath. Relative to surrounding built form, the arrays are of significantly

lesser mass and are modest in height, and do not significantly diminish the site's open character.

12. In addition, the solar panel arrays are sited close together near the eastern boundary hedge and behind a hedge which crosses the site. The siting close to existing boundary treatments and vegetation minimises the visual prominence of the arrays within the site.
13. The LVA identifies that the site's visibility is restricted by undulating topography, dense hedgerows, field boundary vegetation, riparian vegetation, woodland blocks and the presence of built form along Covey's Lane. The only notable views of the site interior are over long distances and from locations on the opposing side of the Fiddlers' Brook valley landform. From these locations there are partial glimpsed views of the site interior set amongst a well vegetated backdrop.
14. As set out in the LVA, from Covey's Lane PROW, footpaths 8 and 47, there are no views of the site interior or solar panels due to features such as the undulating landform, intervening vegetation, and built form. From footpaths 15 and 9 (viewpoint 3), winter views of the site would be partial, glimpsed and heavily filtered. From footpath 9 (viewpoint 4), whilst there would be partial glimpsed views of the site's interior, the solar panels would be screened from view. The LVA found that from footpath 56 there would be partial glimpsed views of the eastern parts of the site interior set amongst a well vegetated backdrop. However, this viewpoint is very distant and interrupted by pylon towers and overhead power lines.
15. The LVA therefore demonstrates that views of the proposed development would be limited to rare, distant glimpses, even in autumn and winter months and concludes the magnitude of change on landscape character arising from the proposal is negligible. The LVA concludes the overall effect of the proposal on landscape character is minor neutral when the beneficial effects of the dense perimeter hedgerow which reinforces the small-scale landscape pattern and key characteristic of the High Wych Slopes LCA are taken into account.
16. In its delegated report the Council accept the proposal would have only "a very modest negative visual impact to the rural character of the surrounding area". However, the overall change to the appearance of the site would be low and the open rural character would be maintained. The site and arrays would be of very limited visual prominence within the surrounding landscape, and the proposal would not appear out of keeping with the area's rural character. Therefore, I consider the visual impacts of the proposal would be of even lesser scale than identified by the Council and would not amount to an adverse effect on the character and appearance of the surrounding area and landscape.
17. The area of grazing land comprises the rear, southernmost, portion of the site, and is of equal width to the existing dwelling plot, which together form a broadly rectangular site, with a regular appearance. The garden would be large but would not appear out of keeping with the scale of dwelling plots in the area. The mature hedgerow boundary provides the site a strong sense of enclosure as a single, contiguous unit, distinct from surrounding land. Therefore, on the basis of its form, relationship to the host dwelling, established boundary treatment, and limited visual prominence within the landscape, the land would be well-related to residential development and would not involve harmful incursion into countryside.

18. The existing hedgerow along the site's perimeter forms a boundary treatment which is appropriate to the rural character of the area and serves to screen the proposed garden land from view from the wider landscape. Therefore, the site benefits from the provision of appropriate landscaping and boundary treatment.
19. The Council has drawn my attention to an appeal decision at Keepers Cottage, Great Munden¹. However, the identified harms to character and appearance relate principally to the scale and siting of the annexe building, and not the change of use of land. Therefore, the effects of that scheme differ significantly from the proposal.
20. For the reasons set out above, the proposed solar panel array would be compatible with its landscape setting and the proposed change of use of land to residential garden would satisfy criteria (a)-(c) of EHDP Policy HOU12. Therefore, the proposal would not harm the character and appearance of the area.
21. In addition to meeting the requirements of Policy HOU12, the proposal would comply with EHDP policies GBR2, DES2 and DES4, which together require development be compatible with the character and appearance of the rural area, conserve, enhance, or strengthen the character and distinctive features of the district's landscape, and reflect and promote local distinctiveness.

Rural economy

22. Policy ED2 of the East Herts District Plan 2018 (EHDP) seeks to support the rural economy. At criteria (III), Policy ED2 permits proposals which result in the loss of an agricultural use in a rural area where it is demonstrated that the current agricultural use is no longer needed or viable.
23. The appellant purchased the host property and site in October 2014 and indicates that, at the time of the purchase, the site was incorporated within the boundary of the property and in use by the former owners as a garden. The appellant suggests the site has been in continuous use as garden land for more than 11 years.
24. The appeal site is enclosed with a hedgerow boundary interspersed with trees. A section of hedgerow extends from the western boundary, spanning roughly half the width of the site between the host property and open area of grassland. This layout persists in the aerial photographs dating back to 2017. Beyond this hedge, at the eastern half of the site, there is unencumbered access between the host property and the open grassland. The hedge within the site therefore does not suggest the site comprises two separate parcels of land. Rather the open access between the front and rear parts of the site suggests a physical and functional relationship indicative of a contiguous area of residential land.
25. The Council assert the series of aerial photographs from 2017 to 2025 show the rear section of the site was not a manicured lawn and did not have the appearance residential garden. However, the photographs indicate the site comprised an open area of grassland, which was uncultivated for crops and contained no grazing animals or paraphernalia associated with keeping livestock. Therefore, the aerial photographs provide no evidence to confirm any active agricultural use.
26. Whilst the Council does not accept the land has been continuously used as residential garden, the evidence does not indicate any current or recent use for

¹ Appeal decision ref: 3344372

agriculture. Consequently, the contribution of the site's agricultural use to the rural economy is very limited.

27. The host property is owned and occupied as a dwelling, and there appears no prospect of it being used for agricultural purposes in the future. The Council asserts that a statement that the owner no longer wishes to use the land for agriculture does not provide the required evidence to comply with Policy ED2. However, the policy does not specify the types of evidence required and it is clear that land ownership would be a constraint to any future agricultural use of the site.
28. The development description describes the site as grazing land and I have been provided no evidence on the quality of the land for agricultural purposes. Whilst there appears to be paddocks to the east of the site, the wider rural landscape predominantly comprises large fields of arable crops, relative to which the site is small in area thus limiting its potential to support the rural economy.
29. The mature hedgerow boundaries provide separation from surrounding agricultural land. The only means of access to the site is via the host property's front garden which comprises a gravel driveway and outbuildings. There would be no direct access to the appeal site for agricultural vehicles and machinery without removal of hedgerow and formation of a new access across third-party land.
30. The appellant has not sought to assess the site's viability, rather asserting the site is no longer needed for agricultural uses. Policy ED2 does not explain how this should be evidenced. Therefore, whether the proposal adequately demonstrates an absence of need is a matter of planning judgement.
31. As set out above, the evidence indicates the site has not been utilised for agricultural purposes for a considerable period. Therefore, the site's current agricultural use is very limited, making no significant contribution to the rural economy. Any prospective agricultural use would be significantly constrained by the site's small land area, land ownership, and the absence of a suitable access. Therefore, the prospect of the site being brought into agricultural use is very small.
32. For these reasons, I am satisfied the proposal adequately demonstrates any current agricultural use is no longer needed. Whilst the proposal would result in a loss of agricultural land resources, it would not have a significant harmful effect on the rural economy.
33. The proposal would therefore comply with EHDP Policy ED2 which supports sustainable economic growth in rural areas and seeks to prevent the loss of vital sources of rural employment.

Conditions

34. Since the proposal has been implemented, the standard condition for the commencement of development would not be necessary. The Council has provided a list of suggested conditions which I have considered against the tests set out in the National Planning Policy Framework (the Framework). In the interests of certainty, I have attached a condition specifying the approved plans. To maintain the character and appearance of the area, I have included a condition requiring the retention of trees and hedges.
35. I have not imposed the suggested conditions relating to the removal of permitted development rights. Paragraph 55 of the Framework indicates planning conditions

should not be used to restrict national permitted development rights unless there is clear justification to do so. Such a condition would not be necessary to make the appeal proposal acceptable in planning terms and would not comply with the Framework. Furthermore, no boundary walls or fences are proposed as part of the approved development, and therefore the suggested condition relating to the details of such features would not be necessary.

Conclusion

36. For the reasons given above, having regard to the development plan taken as a whole and all other relevant material considerations, I conclude the appeal should be allowed.

E Dade

INSPECTOR