
Appeal Decision

Site visit made on 6 January 2026

by **G Bayliss BA (Hons) MA MA MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 12 February 2026

Appeal Ref: APP/W1905/W/25/3370662

Rye Works, Rye Road, Hoddesdon, Hertfordshire EN11 0EG

- 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 E & J Properties Limited against the decision of Broxbourne Borough Council.
 - The application Ref is 07/23/0798/F.
 - The development proposed is the use of site as scrapyard for end-of-life vehicles together with associated warehouse, site welfare office, weighbridge, and 'Lindeman' processing infrastructure.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs was made by E & J Properties Limited, against Broxbourne Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal site is in the vicinity of Rye House Gatehouse and The Rye House Public House. In line with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the surrounding area, including designated heritage assets; and
 - The effect of the proposal on the living conditions of nearby residents with particular regard to noise and disturbance.

Reasons

Character and appearance

5. The appeal relates to a long, linear site lying between a railway line and New River on one side and The River Lee with its towpath on the other. To the west is the

Plumpton Road Industrial Estate with a mainly residential area beyond, and to the east is the Lee Valley Regional Park. The site is accessed via Rye Road on its southern side, opposite Fishermans Way, and close to Rye House Railway Station and residential development alongside Fishermans Way.

6. The appeal site is predominantly laid to hard-surfacing. There is a relatively thick belt of trees wrapping around the northern end of the site which tapers along the boundary with the River Lee towpath, finishing approximately half way down the length of the site. The remainder of this boundary is mainly chain link fencing. There is industrial palisade fencing on the boundary with the railway and along Rye Road. The Council advises that Rye Road is a highway but that in front of the site access the road is in private ownership.
7. The appeal site appears to have been railway sidings, but permission was granted in 1988 for it to be used as a road surfacing depot with operational plant, a use which involved heavy goods vehicles (HGVs) and had industrial plant and portacabin offices. The Council advise that this permission secured a contribution towards the building of Fishermans Way and for HGVs to use that route rather than Rye Road. The evidence indicates that this use ceased in the early 2000s and more recently the site has been intermittently used, including for temporary storage and parking. The Council also reference relatively recent residential developments near to the appeal site including dwellings alongside Fishermans Way, flats at Bridgewater Gardens next to New River and further residential developments on Salisbury Road.
8. The Broxbourne Local Plan (2020) (BLP) allocates the appeal site for residential development and a car park to serve the station (Policy HOD4). This notes that development should be of a suitable design and layout to enhance the gateway to the Regional Park and conserve the setting of listed buildings. Planning permission was subsequently granted¹ on this site for 104 dwellings, a small commercial unit, associated junction improvements and public tow path improvement works.
9. At my visit, I saw that the lower part of the appeal site was being used for temporary parking/buildings associated with nearby drainage works. However, overall, the site appeared to be largely unused, and the area was quite tranquil. I saw that New River, set at a higher level, appeared to form a clear boundary to the edge of built development, including the Plumpton Road Industrial Estate. Because of the difference in levels and the vegetation around the northern perimeter of the appeal site, it generally had a much closer visual affinity with the open, rural landscape to the east, including the Regional Park. This eastern area appeared to be popular for recreation with walkers on the towpath, pleasure craft on the river as well as visitor attractions within the Regional Park. I saw that the whole length of the appeal site was visible from the site entrance on Rye Road, the elevated path alongside New River provided clear views across and into all parts of the appeal site, and the River Lee towpath afforded views into mainly the southern parts of the site.
10. The Grade I listed Rye House Gatehouse (the Gatehouse) lies just across the River Lee and is roughly level with the lower part of the appeal site. It is set within a larger moated site which is a scheduled monument. These are designated heritage assets of the highest significance². The list description mentions that the

¹ Planning permission ref. 07/20/0467/F

² Paragraph 213 of the Framework

15th century structure was the gatehouse to Rye House (demolished) and is associated with significant historical events. It explains that the moated site beside the river was developed as a pleasure ground for Londoners in the early 19th century but has more recently been restored for the Regional Park. The Gatehouse is constructed in red brick with some ornament and carved stonework and is two storeys high with a crenelated parapet to the roof. The main front is described as facing east with a secondary western frontage formerly facing into a courtyard. The list description mentions that the structure has group value and the scheduling describes it as one of the finest medieval moated sites in Hertfordshire and served as a prestigious aristocratic site. In relation to this appeal, the sites significance, is derived from its considerable age, historic fabric, function and association with important historical events, architectural features and archaeology.

11. The glossary of the Framework states that the significance of a heritage asset derives not only from the asset's physical presence but also from its setting. It defines the setting of a heritage asset as the surroundings in which an asset is experienced. These are not fixed and may change over time. The Framework indicates that any harm to the significance of a heritage asset, or from development within its setting, should require clear and convincing justification. In this regard, the relationship of the Gatehouse to its surrounding grounds and wider landscape is an intrinsic part of its significance.
12. The building stands in relatively open, landscaped grounds with a lawned area to the rear, enclosed by the moat and the river behind. When looking at the front of the Gatehouse, the lawned area to the rear and the trees fringing the river corridor provides a largely rural view in keeping with its historic situation. This rural context helps visitors appreciate and understand the historic significance of the building and its formal grounds. The appeal site lies beyond the river, and I saw some intervisibility between parts of the appeal site and the listed building/scheduled monument, with some filtering by trees and other vegetation.
13. Rye House Public House is a Grade II listed building with group value. The list description mentions that the building, dating from the early 19th century, is of two storeys and constructed in roughcast with gabled tiled roof. It describes the architectural features of the building including the large, bow-fronted, Gothic cast iron windows which rise to two storeys. These windows are described as being added when the pleasure gardens were being developed. For the purpose of this appeal, the building's significance is derived from its age, historic fabric, architectural features and function. The building fronts Ryedale Road close to the river crossing and the entrance to the appeal site, with which there is some intervisibility.
14. The group value of the Gatehouse and public house, including their association with the 19th century pleasure grounds, in my view, elevates the role played by the surrounding landscape. As the appeal site lies just across the river from these sites, changes to it have the potential to affect how their significance is experienced and appreciated.
15. The proposal seeks to re-establish an industrial/commercial operation on the appeal site including the installation of plant and machinery which would facilitate dismantling and shredding cars, along with buildings, storage and parking. The

Council state that the operation would be an extension of existing operations nearby.

16. The main area of contention relates to the mechanical plant and equipment which would be in the northern part of the site comprising a scrap processing facility with vehicles and parts moving along a series of conveyor belts. This would allow stripping, shredding and crushing of vehicles ready for off-site recycling. It would appear as complex apparatus of various heights and would be diesel-powered with an associated flue. The appellant indicates that there would be a high acoustic screen enclosure around the noisier elements of the process but there are few details to understand where this would be located or what it would look like.
17. The overall height of the plant and equipment has been considerably reduced during the application process, and I am assured that this would be a highly designed industrial process. Also, it is proposed to bolster landscaping on the site. Nevertheless, the details suggest that it would still be complex and rambling industrial apparatus associated with rows of vehicles in various stages of dismantling. Even with the proposed reinforcement planting, I am not assured from the evidence before me that the unadorned, unsightly skeletal appearance of the car recycling plant with all its component parts and activity around it would not be injurious to the quality of views currently enjoyed from several public vantage points.
18. The most prominent public views would be from the elevated footpath alongside New River which look across the whole of the site. They would allow relatively close, side-on views of the plant and machinery. This apparatus and activity would therefore sit in the foreground of the attractive, wide, public views looking across towards the Regional Park and its visitor attractions, including the designated heritage assets. There appears to be no adequate assessment of this view by the appellant, and the details suggest to me that the enjoyment of these views would be considerably diminished. Other public views from the River Lee towpath and Rye Road would also be impacted due to the sprawling plant and machinery but less so due to the greater distance from it. Nevertheless, the undeniable presence of it would be harmful and unexpected on the fringe of the built-up area close to a sensitive adjoining area. The site is also likely to have a significant presence after dark. Even though lighting could be conditioned, were I to allow the appeal, this would still have the potential to noticeably draw the eye towards the industrial activity.
19. In views from the heritage assets, there would be likely to be glimpses of the processing plant through the intervening vegetation, especially through the winter months. Views from within the grounds of the Gatehouse are likely to be most impacted due to the importance of the wider moated site to the building's significance and the contribution that the river corridor makes to the significance of its setting. Even though views of the proposed plant and machinery may not be extensive, glimpsed views as well as a general awareness of the presence of this activity would be likely to be harmful to the way that the site is experienced and appreciated.
20. I have considered other sites and activity close to the designated heritage assets, such as the Parkhouse site, sewage works and the stadium, but these do not have the same visual prominence with those assets as the appeal site or have the same

intervisibility with their principal elevations. Nor is there an adequate heritage assessment to argue otherwise.

21. I am mindful that BLP Policy HOD4 recognises that the appeal site is regarded as a gateway to the Regional Park and requires that development conserves and enhances the setting of the heritage assets. Even though the appeal proposal is not residential, the context in which this policy is written recognises the need to achieve development on this site which takes account of its sensitive setting. The site may have an extant B2 planning use, but account must be taken of the impact of a proposal on the surrounding area, and therefore not all proposals of this nature would be acceptable. I note also that Lee Valley Regional Park Authority has raised significant objection to the visual impact of the proposal.
22. The evidence indicates that the proposal would have a harmful effect on the significance of designated heritage assets. Therefore, the expectations of the Act would not be met. The Framework advises that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to its conservation. It goes on to advise that significance can be harmed or lost from development within its setting and any such harm should have a clear and convincing justification. I find that the harm would be at the lower level of less than substantial harm. Nevertheless, this commands considerable importance and weight and is not to be treated as a less than substantial objection. The Framework requires that this harm should be weighed against the public benefits.
23. In undertaking this balance, I have taken account of the Planning Practice Guidance which explains what constitutes a public benefit. In this regard, I am satisfied that there are aspects of the proposal that would undoubtedly be positive and of public benefit. The appellant suggests that the site would employ 25 staff, contribute to economic activity in the area and would make beneficial use of a brownfield site which appears to have an extant B2 use, and that it has been demonstrated that residential use of the site is currently not possible. I have also considered that the appeal site is on the edge of the built-up area, near to the town centre and a mainline train station. Furthermore, it is suggested that the proposal would also utilise, what is described as the most sustainable and comprehensive plant available. Also, that site would deliver more than the requirements for biodiversity net gain. Taking account of all the stated public benefits, I attribute them moderate weight.
24. Given the above, I conclude that the public benefits identified would be of insufficient weight to outweigh the great weight to be given to the harm to the designated heritage assets which includes assets of the highest significance. As such, the proposal would not comply with the Framework. In addition, there is no clear and convincing justification for the harm nor is the harm adequately mitigated. I also find harm in relation to the wider character and appearance of the surrounding area. It would therefore fail to meet the requirements of BLP Policy DSC1, which states that proposals should enhance local character and distinctiveness, taking account of features of local and historic significance.

Living conditions

25. The site would be serviced by vehicles including commercial car transporters and HGVs. The appellant's Transport Statement (EAS 2023) notes that vehicular access would be made from Fishermans Way onto Rye Road. Fishermans Way is

a residential area with dwellings on both sides and cars currently park on the road away from the corners. I saw that the road was reasonably wide with pavements and most dwellings were set back from the road.

26. Both the appellant's Transport Statement and the County Highway Authority (CHA) have assessed traffic movements for the proposal and compared them to the previous road surfacing depot, the approved residential scheme as well as other B2 uses. Both conclude that the appeal proposal would result in fewer HGV traffic movements than the previous road surfacing depot and many fewer traffic movements than a residential scheme at most times of day. The CHA therefore has concluded that the proposal would not have any significant impacts in terms of highway capacity, subject to conditions, including a travel plan, deliveries and hours of operation.
27. Fishermans Way has taken on a more residential character since the operation of the appeal site as a road surfacing depot, and there is a need to take account of the living conditions currently enjoyed by residents in the area. However, Fishermans Way was always intended to be the planned route to the depot and indeed that previous permission provided a financial contribution towards the road's construction. Therefore, although the current use of the site appears to generate few traffic movements, given the appeal site's extant use and other potential B2 uses, it would not appear unreasonable to expect this road to accommodate some increased traffic movements associated with industrial activity.
28. Fully laden industrial vehicles, including car transporters, have the potential to be noisy and disruptive even when empty. However, whilst these types of vehicles are not typical of a residential area, given the width of the road, its alignment and the evidence submitted, there is little to suggest that the anticipated vehicles and their movements would cause an unacceptable level of noise or disturbance to nearby residents. If the appeal site were to be developed for residential use, then the pattern of traffic may be more dispersed and generally vehicles would be smaller. However, the evidence indicates that residential use is not currently possible, and the Council has not objected to the principle of the use proposed.
29. I therefore find that the proposal would not have a harmful effect on the living conditions of nearby residents with particular regard to noise and disturbance. It would therefore comply with BLP Policy EQ1 which states, amongst other things, that proposals which generate noise must not result in a material harm to the amenity levels currently enjoyed in the area. It would also comply with the Framework which seeks to promote healthy and safe communities.

Planning balance

30. Although I have found no harm in relation to the living conditions of nearby residents, this is a neutral matter in the planning balance weighing neither in favour nor against the proposal. I have, however, found harm in relation to the character and appearance of the area, including the setting of designated heritage assets. That harm would be significant and permanent and would affect heritage assets of the highest significance.
31. I recognise that the site owner has tried to deliver the housing site involving considerable time and expense and wishes to find a beneficial use for the site. The Appellant suggests that if the current scheme is refused, the site would be

marketed as a road surfacing depot. However, there is little evidence to indicate that such a 'fallback' use or other B2 uses would be any more harmful to the significance of the heritage assets or to the wider character and appearance of the area than the appeal proposal before me. In this case, it is the physical appearance of the intensive industrial process with its visually unattractive plant and equipment and its proximity to heritage assets and the Regional Park which would cause the harm. This harm would be very apparent and does not appear capable of mitigation. I have also taken account of the Council's intent in its Local Plan for future development of the site to have regard to the sensitivity of the land to the east of the site and to recognise this site as a gateway to that area.

32. I have already explored the public benefits of the proposal and concluded that they would be of insufficient weight to outweigh the great weight to be given to the harm to the designated heritage assets. Therefore, whilst there would be benefits associated with the proposal, I consider that there are no material considerations, including the provisions of the Framework, of such weight to lead me to the conclusion that the proposal should be determined other than in accordance with the development plan.

Other Matters

33. I understand that the appeal site lies within proximity to Lee Valley Special Protection Area/Ramsar, part of which is the Rye Meads Site of Special Scientific Interest. These sites are afforded protection under the Conservation of Habitats and Species Regulations 2010 (as amended) relating to the conservation of natural habitats, flora and fauna and specifically wild birds. The Lee Valley SPA/Ramsar is notified for its conservation value in wintering bird populations and structurally diverse water habitats and is very sensitive to water quality and quantity changes. As a competent authority I need to consider whether there would be adverse effects on the integrity of the habitat sites arising from any potential impacts the proposal may have.
34. The Council advises that it undertook a Habitats and Regulations Assessment in order to gauge the potential impact on sensitive ecological receptor sites in the Regional Park. Advice from Natural England was also obtained. However, notwithstanding the comments above, in accordance with Regulation 63(1), there is no need for me to undertake an Appropriate Assessment to consider the implications of the proposal on the protected sites because the scheme is unacceptable for other reasons.

Conclusion

35. For the reasons given above, the proposal would conflict with the development plan, when read as a whole. Therefore, having considered all other matters raised, I conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR