



Appeal Decision

Site visit made on 7 January 2026

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 19th February 2026

Appeal Ref: APP/W1905/W/25/3374697

45 Turners Hill, Cheshunt, Hertfordshire EN8 8NJ

- 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 DPA (London) Ltd against the decision of Broxbourne Borough Council.
 - The application Ref is 07/23/0983/F.
 - The development proposed is extensions and change of use to create a four-storey building with part restaurant part hotel use within the ground floor and hotel use within the upper floors.
-

Decision

1. The appeal is allowed and planning permission is granted for extensions and change of use to create a four-storey building with part restaurant part hotel use within the ground floor and hotel use within the upper floors at 45 Turners Hill, Cheshunt, Hertfordshire EN8 8NJ in accordance with the terms of the application, Ref 07/23/0983/F, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: Site Location Plan dated 01.12.23; 934_310; 934_311; 934_324_A; 934_302_A; 1467_301_A; 934_320_A ;934_321_A; 934_322 and 934_323_A.
 - 3) No development shall take place until samples of all external facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample details.
 - 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.

ix) details of any artificial lighting to be used on site

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) The building hereby permitted shall not be occupied or brought into use until the three car parking spaces annotated as Staff Parking 1, Staff Parking 2 and Staff Parking 3 shown on Plan No 1467_301A have been provided. Thereafter those spaces shall be kept available at all times for the parking of vehicles for the use of the development hereby permitted.
- 6) The measures, monitoring, review and action plan as set out in the Travel Plan prepared by SLR Consulting Limited dated 14 March 2025 (TP) shall be implemented in accordance with the timetable included in the TP.
- 7) Any contamination that is found during the course of construction of the development hereby permitted shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 8) Before the uses hereby permitted commence, a scheme setting the details of any air ventilation and extraction systems shall be submitted to and approved in writing by the local planning authority. All equipment installed shall thereafter be operated and maintained in accordance with the approved scheme and retained for so long as the use continues.
- 9) Before the uses hereby permitted commence a scheme setting out the servicing, delivery, waste management and disabled access arrangements shall be submitted to and approved in writing by the local planning authority. Details shall include maximum size of delivery vehicles, delivery and service times, sustainable freight measures and arrangements setting out how a disabled guest will be able to park in an allocated parking space and access the hotel. The scheme shall be implemented in accordance with the approved details and thereafter retained in operation.

Applications for costs

2. The appellant has submitted an application for costs against the Council which is subject of a separate decision.

Preliminary Matters

3. I note that there is a slight difference between the description of development on the application form and that included on the Council's refusal notice. As I consider that the description on the application form accurately reflects the proposal, I have used that description.

Main Issues

4. The main issues are;

- Whether or not the appeal site represents an appropriate location for the proposed development taking account of the fact that no housing would be included as part of the proposed development;
- Whether or not the proposal would provide adequate parking; and
- Whether or not the proposal would provide adequate, safe and convenient servicing arrangements.

Reasons

Whether or not an appropriate location

5. The appeal site is located within Cheshunt Old Pond District Centre. Policy RTC1 of the Broxbourne Local Plan, June 2020 (BLP) sets out that the Council's retail hierarchy and highlights that within the defined centres the Council will permit town centre use development. The National Planning Policy Framework (Framework) highlights that the town centre includes district centres as defined on a Council's policies map and are predominantly occupied by main town centre uses which among other things includes restaurants and culture and tourism development which includes hotels.
6. I observed at the site visit that the appeal site is currently redundant, but I understand that it was previously used as restaurant at ground floor level with flats above. The proposal would involve the re-introduction of a restaurant use at most of the ground floor with hotel use in a small part of the ground floor and on the upper floors. It follows that the proposal would accord with the Council's retail hierarchy and the proposed uses are fully compatible with this district centre location. My view is consistent with the Council's original Officer's Report (which recommended refusal) which indicated that there was no objection to the land use principle of a mixed restaurant/hotel use on the site.
7. Although, following the production of an addendum report which addressed some technical matters the relevant Officers recommended approval, Members did not agree. One of their concerns was that as the proposal did not include any residential accommodation it was contrary to Policy H1 of the BLP which among other things seeks to optimise the potential for housing delivery on all suitable and available sites, especially redevelopment and re-use of vacant or redundant sites, and suitable opportunities within defined town centre boundaries.
8. Moreover, approval has previously been granted for redevelopment of the appeal site which would retain a restaurant on the ground floor with 9 flats above. There is some uncertainty about the status of this application for development as the Council indicate that the permission expired in September 2024 whereas the appellant indicates that it has been implemented in part.
9. In any event, bearing in mind that Policy H1 of the BLP seeks to optimise the potential for housing, I understand the point the Council are making in that the proposal would result in no residential units whereas the previous use of the appeal site included a residential element as did a scheme that was relatively recently granted planning permission.
10. However, the original Officer's report highlights that the explanatory text in support of Policy INF14 of the BLP which deals with hotels indicates that the Borough has very few hotels and given its location there is evident potential for new hotels. This

supports my view that the proposal would introduce main town centre uses within a suitable district centre location. Any disbenefit associated with the lack of housing associated with the proposal would be counterbalanced by the introduction of the proposed compatible town centre uses.

11. The fact that Policy H1 of the BLP seeks to optimise housing does not in my view mean that suitable proposals that comply with other relevant development plan policies should not be permitted on the basis that housing is not included. Further, I do not consider that Policy H1 of the BLP should be interpreted in that way and consequently I do not consider that the proposal is at odds with that policy.
12. I therefore conclude that the appeal site would represent an appropriate location for the proposed development notwithstanding that no housing would be included. It follows that for the reasons set out above I do not consider that the proposed development would be at odds with Policy H1 of the BLP.

Parking

13. The appeal site is located in a highly sustainable location within easy walk of a train station and bus stops. I observed at the site visit that a number of public car parks are located within an easy walk of the appeal site. The proposal would include three car parking spaces which is on land outside the appeal site or land owned by the appellant. However, the appellant has confirmed that the land in question is subject to a long lease and consequently, subject to the imposition of appropriate safeguards, which I shall deal with in more detail below I am satisfied that I can take account of this proposed parking area in the determination of the appeal.
14. Policy TM5 of the BLP sets out that proposal should be determined with regard to the Car Parking Guidelines included within an Appendix. The proposal would fall significantly short of those guidelines. However, the policy seeks to ensure that there is a sensible balance of car and cycle parking spaces based on the nature of the proposal, site context and wider surrounding area with the overall aim of reducing private car use.
15. Bearing in mind the particular circumstances of the proposal and the sustainable location I am satisfied that adequate parking provision would be provided, and I note that the relevant Officer's reports nor the highway authority have any significant concerns in relation to parking provision either.
16. Of the three spaces, one would be available as a disabled space if necessary. Originally the highway authority was concerned about the practicalities of ensuring this space would be available when required. Following the receipt of further information, the highway authority did not object to the arrangement subject to the imposition of a suitably worded condition to ensure that appropriate management measures would be implemented. I also agree that subject to the imposition of an appropriate condition the proposal would include adequate disabled parking provision.
17. I therefore conclude that the proposal would provide adequate parking. Consequently, the proposal would accord with Policy TM5 of the BLP for the reasons set out above.

Servicing arrangements

18. There is an existing service lane to the rear of the appeal site. I observed that there is existing parking on both sides of the lane and as a result the width is rather constrained. As a result, I can understand why the highway authority expressed concern that originally the appellant had not provided adequate information to demonstrate how the proposed use would be serviced adequately and safely.
19. In an attempt to address this issue, the appellant provided a delivery and servicing plan (DSP) and a travel plan (TP). The DSP also covered waste collection as well as proposing measures to promote and encourage sustainable deliveries. Based on this information, subject to the imposition of conditions the highway authority withdrew their previous objections in relation to servicing arrangements.
20. I acknowledge that there would be an increase in the servicing requirements of the appeal site and it would generate more vehicle movements and waste. I have carefully considered the available evidence contained within the DSP and the TP. I consider that any increase in servicing requirements could be accommodated by implementing appropriate measures as set out in the DSP including restricting the size of delivery vehicles and controlling when servicing vehicles can attend the site.
21. In terms of waste, notwithstanding the reservations of the waste management team, I note that waste would be collected by a private company. I also accept the appellant's evidence that the frequency of waste collections would not increase compared to the former restaurant use. As a result, I am satisfied that the proposed waste collection arrangements would be acceptable subject to the imposition of an appropriately worded condition.
22. I therefore conclude that the proposal would provide adequate, safe and convenient servicing arrangements. Consequently, the proposal would accord with Policy TM3 of the BLP which seeks to ensure that new development proposals must provide for adequate, safe and convenient servicing arrangements, access points and drop-off areas.

Other Matters

23. I have taken account of concerns expressed by local residents including that it would result in an overdevelopment of the site out of character with its surroundings, would result in overspill parking, would have inadequate access arrangements and concerns about who would ultimately use the hotel. I have dealt with servicing, parking and waste collection above. Given the distances involved between the proposed development and surrounding properties and the proposed design I am satisfied that the proposal would not harm the living conditions of neighbouring residents.
24. In relation to whether the proposal would be an overdevelopment, I agree with the original Officer's report that in terms of bulk and mass this scheme would be similar to the development approved previously and that the front elevation onto Turner's Hill would be less imposing and that the detailed design would be simpler and cleaner than the previously approved scheme. In any event, I consider that the proposed development would not harm the character and appearance of the area

and given the district centre location of the appeal site it would not represent an overdevelopment.

25. The proposal is partly for a hotel use and who would ultimately use it is not a matter that has altered my view on whether or not such use would be appropriate in this location. If ultimately there is a change of use away from the permitted use, planning permission would be required in the normal way.
26. I am aware that the appeal site is located next to a Grade II listed building at 43 Turners Hill. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving its setting. The historic form and architectural interest as appreciated principally from Turners Hill positively contributes to its significance. Nevertheless, given the location and extent of the proposed development, I consider that it would preserve the setting of this listed building. I note that the Council has no concerns in this regard either.

Conditions

27. A list of suggested conditions has been provided by the Council in their appeal statement. In addition, some consultees did not object to the proposal but also suggested other conditions. I have taken these other conditions into account but having checked with the Council they were content that their suggested conditions were sufficient if I was minded to allow the appeal.
28. Consequently, I have only made reference to those other conditions suggested by consultees if I consider they should be imposed. As will become apparent, some of the conditions are pre-commencement and the appellant has confirmed that they accept such conditions.
29. In the interests of clarity, precision and to avoid duplication I have made changes to some conditions to ensure that any condition I impose accords with the Framework which sets out that they should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
30. It is necessary to ensure that the development is carried out in accordance with the appeal plans. To ensure that the character and appearance of the area is not harmed it is reasonable to impose a condition in relation to the materials to be used. In the interests of protecting existing residents and occupants of surrounding businesses it is necessary to impose a construction method statement condition.
31. As outlined above, three car parking spaces are proposed which are not on land within the appeal site or land owned by the appellant. Given it is important that these spaces are provided as part of the proposal it is necessary to impose a Grampian style condition. I am satisfied that as the land in question is subject to a long lease there is a reasonable prospect of the spaces being provided within a reasonable time period that would accord with the overall commencement condition and that they can be retained thereafter.
32. To promote sustainable travel, it is necessary to ensure that the submitted travel plan is implemented. To ensure any contamination that is found during the course of construction is appropriately treated it is necessary to impose a condition. In the interests of the living conditions of existing and future residents it is necessary to

impose a condition to ensure that any proposed air ventilation and extraction systems are appropriately installed and maintained.

33. Finally, given the constraints associated with the existing service lane, it is necessary to impose a condition requiring that a servicing, delivery and waste management plan is implemented which will include measures to ensure that a disabled space is available when necessary. Although I accept that the appellant has submitted a delivery and serving plan, this does not include a detailed explanation about how the access needs of a disabled guest would be met. In the appeal statement, the appellant accepts that the disabled parking arrangements would not be ideal and sets out alternative options. I accept that appropriate arrangements to provide disabled parking would be possible, but to ensure that this is implemented it is necessary to impose a condition to require the submission and implementation of an appropriate scheme which would also cover servicing, waste collection and deliveries.

Conclusion

34. For the reasons given above the appeal should be allowed.

S Rawle

INSPECTOR