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## Appeal Decision

Site visit made on 13 February 2026

by **D M Young JP BSc (Hons) MA MRTPI MIHE**

an Inspector appointed by the Secretary of State

Decision date: 24<sup>th</sup> February 2026

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### Appeal Ref: APP/J1915/W/25/3375791

### Plot 12B, Moor Place, Much Hadham, Hertfordshire, SG10 6BF

- 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 Henry Fordham against the decision of East Hertfordshire District Council.
  - The application Ref is 3/25/1150/FUL.
  - The development proposed is the erection of a detached five-bedroom self-build dwelling with associated access, parking and landscaping.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached five-bedroom self-build dwelling with associated access, parking and landscaping at Plot 12B, Much Hadham, SG10 6BF in accordance with the terms of the application, Ref 3/25/1150/FUL, subject to the conditions in the attached schedule.

### Main Issues

2. The main issues are, the effect of the development on, firstly, the Much Hadham Conservation Area (MHCA) including a locally listed park and garden (HPG) and, secondly, the setting of nearby heritage assets.

### Reasons

#### *Conservation area & HPG*

3. The appeal site is within the MHCA and as such, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act) requires decision makers to give special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
4. The appeal site is a vacant plot of open land albeit enclosed by established hedgerows, located between Oak Barn to the north and Dairy Barn to the south. The area forms part of a small, tightly-knit, enclave of development approved in 2013<sup>1</sup> as part of the redevelopment of the former Moor Place farmstead (hereafter referred to as Moor Park Place).
5. The first and perhaps most significant point to make is that the appeal site reads on the ground as an anomalous gap in a row of houses that extends from Foxglove Barn to Dairy Barn. That point is captured by Photo 1 to the Appellant's Heritage Statement which shows it is clearly distinguishable and physically enclosed from the open fields to the east that form part of the HPG and wider HPCA. In that vein,

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<sup>1</sup> LPA Ref: 3/12/1075/FP

the Council accepts the appeal site is an infill plot and the requirements of Policy GBR2 of the East Herts District Plan 2018 (the LP) are met.

6. The Council has supplied the approved drawings for the 2013 permission with its Appeal Statement (see Appendix 7). These indicate that the appeal site was to accommodate five allotments, proposed planting, a parking area and footpath link to the area to the east. It was never therefore the case that the site was to be left vacant. For reasons that are not entirely clear the parking and allotments were never provided. The Officer's Report accepts that the appeal scheme would not result in the loss of any community facilities as there was nothing to secure them as part of the 2013 permission. That being the case, the proposed development would not contravene the 2013 consent.
7. According to the Council's Appeal Statement (paragraph 1.7) the decision to leave the appeal site undeveloped reflected a deliberate intention on the Council's part in 2013 to connect Moor Park Place to the wider HPG. However, that that statement conflicts with the approved plans. Inevitably the envisaged uses for the land would have had some visual impact (albeit less than the proposed dwelling) and the ability to see the landscape beyond the site's eastern boundary. Putting that to one side, despite having read the Officer's Report associated with the 2013 permission several times, I am unable to find any reference to the appeal site being "*left vacant to allow for the connection of the wider park and garden to interact with the heritage of Moor Place and to allow social connectivity within the site*".
8. On the contrary, the Report appears entirely silent in respect of the appeal site. Consequently, there is nothing to substantiate the Council's claim that the decision to leave the site free of residential development was somehow determinative in granting permission in 2013. The Officer's Report does however state that the application was "*non-continuous in landscape terms*" and would not unacceptably harm the parkland setting of the site. Despite their current objections, there is no record of the Council's Conservation or Landscape Officers being concerned about the landscape impact of the allotments or parking area nor is there any mention of a visual link to the HPG.
9. There is also no specific mention of the appeal site in paragraph 6.1356 of the Conservation Area Appraisal which lists important open land and open spaces within the MHCA. The site is also outside the area identified as "*important open spaces to be protected*". It is accepted that there would be some encroachment into the "*important views to be protected*" identified in the Conservation Area Plan. However, any such views would be minor and distant. In effect, one would need to know exactly where to look to see the proposed development.
10. The Council takes no issue with the design of the proposed dwelling, and I see no reason to take a contrary view. The dwelling would sit comfortably within its site boundaries and there is no suggestion that the plot ratio or amount of outdoor amenity space would be deficient. Footprint and height would appear to be within the range of other dwellings within Moor Park Place and would be subservient to key historic buildings nearby. The block plan indicates that the 2m high hedge which currently encloses the site would be retained except for the creation of the vehicular access. The materials of the external faces of the dwelling (heritage clay tiles, red stock brick and timber effect cladding) would be consistent with neighbouring development.

11. The development would inevitably alter views to/from Moor Park Place. However, that would have been the case with other dwellings that were approved pursuant to the 2013 permission and therefore does not appear to be a particularly strong argument against the development. When seen from the footpath to the east, views of the dwelling would be filtered by the hedge along the eastern site boundary. In effect, it would simply be seen alongside and in the foreground of other buildings at Moor Park Place thus any visual impact would be strictly limited. Accordingly, I am satisfied that the development would assimilate successfully into the existing pattern of development at Moor Park Place and thus preserve the character and appearance of the MHCA.
12. The HPG is located to the east of the appeal site. Paragraph 6.136 of the Conservation Area Appraisal states that “*The entirety of the landscape around Moor Place itself is of the highest quality and dominated by open pasture land and mature tree planting*”. The Council the development would create a continuous and urban frontage that would detract from the historic agricultural grouping thus severing its connection to the HPG to the east.
13. As I have already noted that the appeal site appears as a vacant plot within the clearly delineated and carefully planned residential development of Moor Park Place. The development would not encroach into the HPG, and its rear boundary would be consistent with dwellings to the north and south.
14. Notwithstanding the aesthetic qualities of the HPG which were readily apparent on my site visit, there is no conclusive evidence before me that the farmstead was ever intended to have a visual connection with the HPG, and I note that the Council’s Historic Parks & Gardens Supplementary Planning Document does not refer to the farmstead itself. Moreover, historical maps contained in the Appellant’s Heritage Statement indicate that the farmstead was originally well screened from the main house as well as the wider parkland by a walled enclosure and a belt of trees. When the farmstead was developed in the 20<sup>th</sup> Century, there appears to have been little or no intention to provide a visual connection to the parkland to the east with several agricultural buildings along the eastern boundary including a large shed on the appeal site itself.<sup>2</sup>
15. I acknowledge there would also be some loss of outward views from Moor Park Place over the top of the hedge which surrounds the site. To that extent there would be some dilution of the visual link between the estate and the HPG. However, the connection would still be apparent as one enters Moor Park Place from the south where the large expanse of open land forming the HPG would be readily visible. The HPG would also be visible in glimpses between buildings as is currently the case now and would have been the case when it was a working farm.<sup>3</sup> Taking all these considerations in the round, I do not find that the development would result in an ‘continuous urban frontage’ or unacceptably harm the HPG.

#### *Listed buildings*

16. Section 66(1) of the 1990 Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its

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<sup>2</sup> See Fig 6 to the Heritage Statement

<sup>3</sup> See Fig. 7 of the Heritage Statement

setting or any features of special architectural or historic interest which it possesses.

17. The Council's reason for refusal refers to Moor Place, which is a substantial Grade I, Georgian country house set in its extensive high quality landscaped grounds. The farmstead, within which the appeal site is located, is approximately 200m to the south-east of the main house. The significance of Moor Place is primarily defined by its form and fabric and accompanying formal gardens which are visually distinct to the farmstead. Given the introduction of new development at Moor Park Place pursuant to the 2013 permission, the intervening distance and lack of intervisibility<sup>4</sup>, I am satisfied the development would preserve the setting of Moor Place.
18. The farmstead contains two listed buildings; 1) a Grade II\*, early-mid 18<sup>th</sup> Century stable block incorporating two former cottages located to the north-west of the appeal site and, 2) a Grade II, 18<sup>th</sup> Century walled garden to the west of the appeal site behind Capel House. No works are proposed to, or within the curtilage of either building, so their form, fabric and appearance which are the principal drivers of their significance, would be preserved.<sup>5</sup> Instead, the disagreement relates solely to the impact of the appeal scheme on the significance or special architectural or historic interest of the assets through a change to their setting. What constitutes 'setting' is a well understood notion – it is the surroundings in which an asset is experienced. However, setting is not a heritage designation in its own right and there is generally a staged approach to scoping assets in or out of analysis, predominantly done on the basis of intervisibility.
19. The application was accompanied by a Heritage Statement which adopts the staged approach to assessing heritage assets set out in Historic England's Advice Note 12. It concludes that the setting and/or significance of the various heritage assets would be preserved. That conclusion is underpinned by the fact that there is extremely limited, if any, intervisibility between the appeal site and the assets. As shown in Fig. 1 to the Heritage Statement there are no less than nine dwellings between the appeal site and the stable block. There is also built development in the form of Capel House, Montagu House and their associated curtilages between the appeal site and the walled garden. When I visited the site, I was unable to gain any meaningful vantage point of either asset from the appeal site.
20. While non-visual considerations can sometimes be relevant to the issue of setting, there is no evidence of any specific historical or cultural relationship between the appeal site and the stable block or walled garden. Considering the historical development of the farmstead set out in paragraph 14 above, I disagree with the Council's Conservation Officer that the current openness of the appeal site "*reflects the interplay of open space and buildings within the historic farm layout*". That is simply incorrect on the relevant facts.
21. Although the site is within the boundaries of an historic farmstead, that is about as far as it goes. Of course, the same would have been true of other dwellings in the immediate area approved by the Council in 2013. There is no conclusive evidence that the assets once enjoyed a more open aspect over the parkland to the east. Even if there was, I am required to assess the impact of the appeal scheme on the setting of the assets as they are today rather than some undefined historical date. The once open setting, to the extent it ever existed, was steadily eroded when the

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<sup>4</sup> See Photos 15-18 of the Heritage Statement

<sup>5</sup> The listing descriptions refer to the buildings' architectural interest and not their setting.

farmstead was developed through the 20<sup>th</sup> Century and more recently by residential development to the north and south.

22. Based on the absence of visual, historical or cultural connection between the appeal site and the stable block and walled garden, there would be no harm to their respective settings. I therefore conclude that the proposed development would preserve the setting of nearby heritage assets. Accordingly, there would be no conflict with LP Policies DES3, DES4, HA1, HA4, HA7 and HA8, Policies MH HA1 and MH D2 of the adopted Much Hadham Neighbourhood Plan or the statutory duties under section 66 the 1990 Act.

### **Other Matters**

23. The Council's second reason for refusal concerns the impact of development on the Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve. The Appellant has sought to address this by submitting a Unilateral Undertaking (UU) with the appeal which would secure the requisite mitigation in accordance with Natural England's advice.
24. I have noted concerns raised by the Council regarding the land registry searches. However, evidence of title was indeed provided to the Inspectorate with the UU and in the absence of any evidence to the contrary, I must assume that these documents were made available to the Council. The Council highlight that the UU does not contain a requirement to cover its legal fees (£382.50) in breach of clause 7.1. However, I am satisfied that the Council's costs would be recoverable under clauses 7.2 and 7.3, the latter stating payment would be made within 14 days of a written demand being served upon the Owner. While it would have been preferable for the Deed to have been signed by an independent witness, I do not consider this makes the UU unenforceable.
25. Accordingly, I am satisfied the UU would secure the Strategic Access Management and Mitigation contribution fulfilling the requirements of LP Policy NE1, section 15 of the NPPF and Section 28 of the Wildlife and Countryside Act 1981.
26. I have noted concerns from local residents regarding, inter alia, the impact of the development on residential amenity and local wildlife. However, these matters were carefully considered by the Council in its Officer Report and there is no substantive evidence which would lead me to take a contrary view. There would be some loss of private views across the appeal site to the open land beyond. However, this is not a material planning consideration to which I can attach any degree of weight.<sup>6</sup>
27. The existence or otherwise of private water infrastructure is a private legal matter and not a consideration to which I can ascribe any degree of weight in my decision. While the parties have cited other appeal decisions, I do not find that the circumstances of these cases are directly comparable to the scheme before me. I have therefore determined the current appeal on its own individual merits.

### **Conditions**

28. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance (PPG). In some instances, I have amended the conditions in the interests of brevity, to avoid repetition or to ensure compliance with the PPG.

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<sup>6</sup> The Courts have established that there is no right to a view in planning terms.

29. I have imposed time limit and plans conditions to provide certainty. A landscaping condition is necessary to ensure the satisfactory appearance of the development. Given the scope of the landscaping condition, separate conditions regarding the retention of the existing hedges and boundary treatments are unnecessary. Given the sensitivity of the location, I am satisfied that it is necessary to remove permitted development rights falling within classes A, B, C, D and E of Schedule 2, Part 1 of the General Permitted Development Order. An electric vehicle charging point is shown on the submitted plans, I have therefore amended the wording of the condition suggested by the Council. A custom/self-build condition is necessary to address the shortfall for this type of development and also because the development has sought to claim a bio-diversity net-gain exemption. Although not suggested by the Council I have added a condition relating to construction hours to protect the amenity of local residents.
30. The proposed materials, levels and bin storage area are clearly shown on the submitted plans and therefore captured by condition 2. There is no suggestion from the Council that these details are unacceptable and therefore the conditions are unnecessary. Protection measures for the existing hedge and ecological enhancements are set out in the Arboricultural Impact Assessment Report and Ecological Appraisal submitted with the application. Details pertaining to carbon emissions, energy demand, overheating and water efficiency are already set out in the Sustainability Checklist provided with the application. Again, there is no suggestion from the Council that any of the measures set out in these reports are unacceptable or would conflict with LP Policies DES4, CC1 and CC2. I am therefore satisfied that the details sought by these conditions would be captured by condition 2. Finally, given the size of the proposed dwelling and amount of outdoor amenity space, I do not consider it necessary to require details of cycle parking.<sup>7</sup>

## **Conclusion**

31. I have not identified any conflict with the development plan as far as the effect of the development upon the character and appearance of the area, the MHCA, HPG and nearby designated heritage assets.
32. The social and economic benefits of the appeal scheme are largely accepted by the Council<sup>8</sup>. The weightiest of these is the delivery of a custom/self-build dwelling in an area that has a 5-year HLS shortfall and has also failed to deliver sufficient custom/self-built dwellings. Although the benefits of a single dwelling are modest, they nonetheless weigh in favour of the scheme given the focus on housing delivery and economic development in national planning policy.
33. For the reasons set out above, I consider that the appeal scheme accords with the development plan as a whole and would be sustainable development. Accordingly, the appeal should be allowed.

*D M Young*

INSPECTOR

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<sup>7</sup> Cycle parking is any event shown on the Site Plan

<sup>8</sup> See paragraph 1.14 of the Council's Appeal Statement

## SCHEDULE OF 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 the following approved plans, documents and reports: TRH-011, TRH-012, TRH-021, TRH-022, TRH-023, TRH-031, TRH-032, TRH-033, TRH-041, TRH-042, TRH-051, the Arboricultural Impact Assessment Report Ref: SDHA 1809, the Cherryfield Ecology Ecological Appraisal (Table 18) and the measures set out in the Sustainability Checklist.
- 3) Prior to first occupation of the development hereby approved, details of landscaping shall be submitted and approved in writing and shall include full details of both hard and soft landscape proposals including boundary treatments. The landscaping shall be implemented in accordance with an agreed timetable.

Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless otherwise agreed in writing by the Local Planning Authority.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), or any amending Order, the enlargement, improvement or other alteration of the dwellinghouse under Schedule 2, Part 1, Class A, B, C, D and E of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.
- 5) The electric vehicle charging point shown on the approved plans shall be provided prior to first occupation and thereafter retained.
- 6) Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be constructed other than as a self-build or custom build dwelling as defined under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and shall not be used for any other purpose without express planning permission.
- 7) Prior to commencement of development details of construction hours shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved hours.