

Appeal Decision

Site visit made on 25 March 2026

by **R Lawrence BSc (Hons), PGDip (TP), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 April 2026

Appeal Ref: APP/J1915/W/25/3374766

Land to the South of Oakhill, Danebridge Lane, Much Hadham SG10 6HX

- 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 Mrs Anna Kalimbet against the decision of East Hertfordshire District Council.
- The application Ref is 3/25/0426/FUL.
- The development proposed is: Erection of 1no self-build and custom dwelling

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted an updated unilateral undertaking (UU) under section 106 of the Town and Country Planning Act 1990 during the appeal, together with subsequent revisions.
3. The UU includes a planning obligation which would, in principle, secure an index-linked financial contribution of £740.07 towards strategic Strategic Access Management and Monitoring in relation to Hatfield Forest SSSI and NNR. The Council has been invited to comment on these revisions and documents. I address this further in my reasoning below.

Main Issues

4. The main issues are:
 - whether the proposed development would be in a suitable location for housing, having regard to the development strategy for the area and access to services, and
 - the effect of the proposed development on the Hatfield Forest Site of Special Scientific Interest and National Nature Reserve.

Reasons

Location of housing

5. The proposal would result in a new residential dwelling within the garden and to the south of the existing dwelling, Oakhill. That property is one which makes up a small cluster of houses along Danebridge Lane, an unmade track. Much Hadham, a Group 1 village, lies to the northwest.
6. The appeal site lies some distance from the defined village boundary of Much Hadham, instead, the cluster of dwellings within which it is located appears to be best described as an undefined settlement. On this basis, the Council refer to the area as a group 3 village, which I note encompasses other undefined settlements.

In these circumstances, policies DPS2 and VILL3 of the East Herts District Plan 2018 (DP), taken together, only allow for limited infill development where it is identified within an adopted Neighbourhood Plan, which is not the case for the appeal site.

7. The appeal site falls within the 'Rural Area Beyond the Green Belt', wherein the Much Hadham Neighbourhood Plan requires the proposal to accord with DP Policy GBR2. This policy allows for, amongst other things, limited infilling in sustainable locations and where appropriate to the character, appearance and setting of the site and/or surrounding area.
8. The proposal involves the construction of a dwelling on land between two existing residential dwellings, within a short linear row of housing. Its scale would be broadly similar to other houses along the row, and good space would be retained between dwellings. Given these factors, I consider the proposal would constitute limited infilling. It therefore falls to be considered whether or not the proposal would be in a sustainable location.
9. The evidence before me refers to services and facilities within Much Hadham, including a health centre, a small food store, a village hall and a bus stop. These are reported to be within a 5-minute cycle ride. I observed that Much Hadham appeared to have a vibrant and well performing village high street, and a number of day-to-day services could be found here.
10. However, the services within Much Hadham would be a significant walk from the appeal site. The roads to them from the appeal site, are along winding, narrow roads, which are national speed limit, with some considerable changes in terrain. The roads are unlit and there are no pavements. As such, whilst it may be possible for those who are physically fit to walk these routes, I am not persuaded that they provide a realistic or safe alternative for day-to-day journeys for wide range of users, in particular children, older people and those with mobility impairments, instead these are likely to be used as occasional recreational walking routes. There are no bus services within close proximity to the site.
11. I note the proximity of a network of country paths which also have potential for use for travel. However, these are also unlit and poorly surfaced, thereby significantly limiting their potential and appeal for regular day to day use. The appellant has referred to the relatively short distances by bike, however, due to the aforementioned conditions, it is unlikely that those other than competent cyclists would opt to cycle on regular basis. I also understand that certain local roads are subject to flooding which would further hinder sustainable travel options along these routes.
12. Policy TRA1 also advises that new development, among other things, should be located in places which enable sustainable journeys to be made to key services and facilities. I note that the appellant refers to other aspects of sustainability, including a sustainable, eco-friendly design. However, the policy specifically refers to a sustainable location, and as such the design of the dwelling would not alter my findings in this respect.
13. It is contended that the dwelling design is of exceptional quality, such to accord with paragraph 84(e) of the National Planning Policy Framework (the Framework), and in turn that provides support for the location of the proposed development. I find that the proposal is of an appropriate design, and I note that it would

incorporate a number of eco-friendly measures, including an air source heat pump, solar PV, EV charging points and secure cycle storage. However, there is no substantive evidence before me to demonstrate that these measures would go beyond current building regulations or policy requirements. While the building appears to reflect its surroundings, it has not been demonstrated that it would be truly outstanding or represent the highest standards of architecture. It follows that paragraph 84e of the Framework does not justify the location of the development.

14. I therefore conclude that the appeal site is not in a sustainable location, and accordingly, it would not be in a suitable location for housing, having regard to the development strategy for the area and access to services. The proposal would therefore conflict with Policies DPS2, VILL3, GBR2 and TRA1 of the DP.
15. Whilst Policy INT1 is also referenced, this contains a similar presumption in favour of sustainable development to that set out within the Framework. This is a matter to be applied within the planning balance section of this report.

Hatfield Forest SSSI

16. Hatfield Forest is a National Nature Reserve and a Site of Special Scientific Interest, recognised internationally for its ancient wood pasture and forest habitats. These interest features are highly sensitive to recreational pressure. In recent years visitor numbers have increased markedly, largely in response to surrounding residential development. Natural England and the National Trust have expressed concern that parts of the site are now experiencing levels of use that exceed their ecological carrying capacity, giving rise to the risk of damage to sensitive habitats and features.
17. To better understand and manage these effects, the National Trust has undertaken visitor surveys and identified an 11.1 km Zone of Influence within which residential development is likely to generate recreational impacts on Hatfield Forest. Natural England has accepted this evidence as material and updated its Impact Risk Zones accordingly. Development proposals within this Zone therefore require mitigation to ensure that additional visitor pressure does not undermine the conservation objectives or integrity of the SSSI and NNR.
18. The appeal site lies within this Zone of Influence and future occupants would reasonably be expected to visit Hatfield Forest for recreation. To address such impacts, the Council operates a tariff-based Strategic Access Management and Monitoring scheme to increase the resilience of the Forest to recreational pressure. The unilateral undertaking before me would, in principle, secure the required contribution of £740.07, comprising a SAMM contribution and monitoring fee.
19. However, the undertaking does not provide the necessary legal certainty. There are no Land Registry documents to demonstrate that all parties with an interest in the land are bound by the obligation. In addition, the signature page has been submitted as a separate and apparently standalone document and the undertaking itself is clearly labelled as a draft. Taken together, these deficiencies mean that I cannot be satisfied that the mitigation would be secured and delivered.
20. At the Appropriate Assessment stage, mitigation must be certain, with no reasonable scientific doubt remaining as to its effectiveness. In the absence of that certainty, and applying the precautionary approach, I cannot conclude that the

proposal would avoid an adverse effect on the integrity of Hatfield Forest SSSI and NNR. The proposal therefore conflicts with Regulation 63 of the Habitats Regulations, Policy NE1 of the DP, section 28 of the Wildlife and Countryside Act 1981

Other Matters

Other appeal decisions

21. Appellant refers to two allowed appeal decisions. The Church End appeal¹ located in Stocking Pelham, whilst found likely to be reliant on the private car, there were other considerations, namely its close relationship and thus support for the viability of, an existing settlement, which were found to outweigh the harm. There is no evidence in the case before me, there is no such close relationship with a nearby existing settlement, and as such I find the circumstances in this case are notably different.
22. The other case referred to is an allowed appeal at Conduit Lane, Pelham². Although it likewise involved a new dwelling outside a defined settlement, it concerned a different site context and there is no evidence that access to services or facilities is directly comparable with the appeal scheme. In that case, the Inspector accepted the location was unsustainable but afforded significant weight to the housing land supply shortfall and the identified deficiency in self-build plots, which were found to outweigh the harm. That conclusion was finely balanced and case specific, and the current appeal has therefore been assessed on its own merits.

Self-build/custom build

23. Paragraph 70 b) of the NPPF supports small sites to come forward for self-build and custom-build housing. The Self-Build and Custom Housebuilding Act 2015 requires local planning authorities to maintain a register of those seeking serviced plots. The proposal is described as a self-build or custom-build dwelling. However, there is no mechanism before me to secure the development as such. The description of development alone would not be sufficient, and there is no legal agreement or other mechanism proposed to restrict the use accordingly. As I cannot be certain that the dwelling would be delivered as a self-build or custom-build unit, I attach limited weight to this matter.

Personal circumstances

24. I have been provided with evidence relating to the personal circumstances of a child residing at the site, who has significant additional needs and receives formal support through an Education, Health and Care Plan and Disability Living Allowance. These circumstances give rise to particular requirements in terms of the living environment.
25. The proposal would provide dedicated sensory and quiet spaces, together with accommodation to support therapy and learning activities within a familiar and stable setting. I understand that remaining on the same plot is important to maintain continuity and avoid disruption to established routines and support arrangements, which is relevant to the child's wellbeing and future development.

¹ APP/J1915/W/24/3353844

² APP/J1915/W/24/3354470

26. In reaching my decision, I have had due regard to the Public Sector Equality Duty set out in Section 149 of the Equality Act 2010, which requires me to have regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between persons who share a protected characteristic and those who do not, including disability and age.
27. However, there is very limited evidence before me to demonstrate that improved living facilities designed to meet the particular needs of the child and their family could not be achieved in a less harmful way, for example through extensions or alterations to the existing dwelling at Oakhill. Whilst I sympathise with the position the family is in and have carefully considered these circumstances as a material consideration, I conclude that they do not outweigh the harms identified in my assessment above.
28. Accordingly, having regard to the development plan and all other material considerations, dismissing the appeal would represent a proportionate response to the identified harm.

Other personal considerations

29. I have also had regard to the appellant's intention to provide accommodation capable of supporting extended family members who have been displaced as a result of the conflict in Ukraine. I recognise the humanitarian motivations underlying this intention and the benefits of family support in such circumstances.
30. However, based on the evidence before me, they represent personal circumstances rather than site-specific planning considerations. In addition, there is limited evidence to demonstrate that such accommodation needs could not reasonably be met in an alternative or less harmful way. As such, I afford this matter limited weight in the planning balance.

Planning Balance

31. The proposal would deliver some social and economic benefits, including a modest but nonetheless valuable contribution to the supply of housing, together with increased footfall and local spending. These benefits arise at a time when the Council is unable to demonstrate a five-year housing land supply, with the figures provided ranging from 4.20 to 4.49 years³ and with an indication that the most up-to-date position is likely to be lower still. As such, the proposal would align with the Government's objective of significantly boosting the supply of homes.
32. However, notwithstanding the identified shortfall in housing land supply, the modest scale of the development limits the weight that can be attributed to these benefits. I therefore afford them modest weight. Further limited benefits have been identified in relation to the delivery of self-build and custom build housing, together with the personal circumstances of the appellant.
33. Set against this, the proposal would conflict with spatial policies relating to the location of development, a matter to which I attach significant weight. Moreover, and notwithstanding the modest benefits identified, I have found that the development would be likely to result in significant harm to the integrity of Hatfield Forest National Nature Reserve and the associated Site of Special Scientific Interest. This harm is a matter of overriding importance and provides a strong

³ APP/J1915/W/24/3340497

reason for refusing the development. Taking all matters into account, I conclude that the proposal conflicts with the development plan and that the material considerations do not justify a decision otherwise than in accordance with it.

34. Accordingly, the appeal is dismissed.

R Lawrence

INSPECTOR

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