



Appeal Decision

Site visit made on 24 March 2026

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2026

Appeal Ref: APP/J1915/W/25/3375773

Land Adjacent To The Mill House, Albury Road, Little Hadham, Hertfordshire SG11 2DQ

- 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 Dr Linda Bell against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/1600/FUL.
 - The development proposed is erection of two dwellings and associated development.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area, including with regard to the effect of the proposal on trees;
 - ii) the effect of the proposal on the significance of heritage assets;
 - iii) whether or not the development would be in a suitable location having regard to flood risk;
 - iv) the effect of the proposal on biodiversity; and
 - v) whether or not there would be adequate provision for biodiversity net gain.

Reasons

Character and Appearance

3. Little Hadham is identified in the East Herts District Plan 2018 ('the EHDP') as a 'Group 2 Village'. The historic core of the village sits at the crossroads of Albury Road, Stortford Road, Standon Road and Hadham Ford Road. Development here and along Albury Road has a typically linear pattern with ribbons of buildings along roads. However, diversity in the orientation, positioning, form and architectural detailing of the buildings results in an informal and organic quality to the development while open fields, paddocks and woodland which make up much of the countryside surrounding the village provide for a distinctly rural setting.
4. The appeal proposes two dwellings on a parcel of land to the rear of The Mill House with access via a track from Albury Road. Closest to The Mill House, the parcel currently includes a gravel parking area, outbuildings and swimming pool. However, the rear section is predominantly grassed with some scrub vegetation around the boundaries. The open and undeveloped nature of this part of the site together with the section of adjacent paddock which is included within the appeal

site boundary, nearby mature trees and adjoining field parcels mean that I find it is currently appreciated as forming part of the countryside which provides the rural setting to Little Hadham.

5. Policy VILL2 of the EHDP identifies certain forms of development that may be permitted within Group 2 villages, including limited infill development. However, while the dwellings would be within the Little Hadham village boundary, they would be positioned some way to the rear of The Mill House and nearby dwellings on Albury Road, neighbouring the open paddock which is in part within the appeal site to one side. Although the adjacent site to the other side includes a barn, I find with regard to this context that the development would not be appreciated as infill.
6. In addition, the gardens to the dwellings would be outside of the village boundary and within the 'Rural Area Beyond the Green Belt'. The appellant has not argued that residential gardens would comprise a type of development that Policy GBR2 of the EHDP provides may be permitted within the Rural Area Beyond the Green Belt.
7. Moreover, the development would in part replace the existing swimming pool, parking and an outbuilding on the site, but the dwellings and their associated gardens would sit to the rear part of the parcel which is currently open and undeveloped. Even if the gardens would be predominantly open, some paraphernalia would be likely and they would have a clearly domestic quality which together with the dwellings would cause notable urbanisation of this part of the site. In combination with the position of the dwellings some way to the rear of the Mill House and nearby dwellings on Albury Road, I find that there would be a marked impression of development encroaching out from the existing village and the rural character and appearance of the area would be harmfully eroded.
8. The backland position of the dwellings would also contrast with the characteristic linear pattern of development to this part of the village. I note that there are some other examples of backland development so that this would be an unusual but not wholly alien occurrence. However, the matching, although handed, design of the dwellings and their siting on the same building line would further be at odds with the typical variety of nearby built form which contributes to the informal and organic quality of this part of the village. It would also give the development a somewhat suburban character which would be exacerbated by the limited separation between the dwellings and their boundaries and the relatively significant extent of hardstanding proposed to accommodate access and parking. The multiple rooflights, particularly to the rear roofslopes of the dwellings, would additionally be unusual in the area and against the rural setting.
9. Taken together, these factors would result in an incongruous form of development and I find that the proposal would fail to integrate sympathetically with Little Hadham and provide an appropriate transition to the surrounding countryside.
10. Views of the dwellings from Albury Road would be limited. However, while planting including on the adjacent section of paddock could offer some screening, this would not be complete and the development would be apparent from a nearby Public Right of Way ('the RoW') which runs along the site access before turning north west. Consequently, there would be some appreciation of the uncharacteristic nature of the development and the erosion of the existing rural character and appearance of the area.

11. Furthermore, there is a row of trees on an embankment between the site access and the adjacent watercourse. These had been heavily pollarded at the time of my visit but are nevertheless a prominent feature in views from Albury Road and the RoW. The appellant's Arboricultural Impact Assessment ('AIA') describes the trees as having good landscape value and I agree.
12. As part of the proposal, the access would be widened. The submitted Highways Information Plan indicates that the closest section to Albury Road would be surfaced and provided with concrete kerbs. It also appears to indicate excavation to facilitate a sub-base for the surfacing despite the appellant's comments that the author of the AIA did not discern a need to reduce ground levels.
13. In addition, the AIA shows a bin collection zone sitting very close to the trunks of two of the trees on the sloping embankment and abutting if not overlapping the trunk of a third. The appellant has suggested that the collection zone could be provided on a slightly raised platform. However, no firm details have been provided to demonstrate how this would be achieved and given the height of the embankment, it appears to me that any platform would need to be raised fairly significantly to provide a level surface which would render it impractical. From the information before me, I am not therefore satisfied that provision of the bin collection zone would be feasible here without some excavation and levelling of the embankment.
14. While the AIA refers to encroachment of hard surfacing into the root protection zones of the trees closest to Albury Road, it suggests that this would be over the existing compacted track and there is no discussion of the widening of the access nor of excavation required to facilitate the access track or bin collection zone. In the absence of any substantive evidence considering these matters, I am unable to determine that the proposal would not be detrimental to the health and longevity of the trees. I note the appellant's comments that they would be amenable to a condition requiring 'no dig' construction, but I consider based on the information before me that there is also significant uncertainty that the access and bin collection zone could be achieved without requiring excavation works. It would accordingly be inappropriate to defer this matter to planning conditions and I cannot be satisfied that there would not be unacceptable effects on trees, diminishing the contribution that they currently make to the character and appearance of the area.
15. For these reasons, I conclude that the development would cause unacceptable harm to the character and appearance of the area. The proposal would conflict with Policies DES4, GBR2, HOU12 and VILL2 of the EHDP which include requirements broadly for well-designed development that relates well to the character of villages, that respects and promotes local distinctiveness, that does not detract from the openness of the countryside or result in a harmful incursion to it and that is compatible with the character and appearance of the rural area. There would also be conflict with Policies DES3 and NE3 of the EHDP insofar as they require development to demonstrate how existing landscape features of amenity and/or biodiversity value will be retained, protected and enhanced and set out that development resulting in loss or significant damage to trees will not be permitted.

Heritage Assets

16. The appeal site is located partly within the Little Hadham Conservation Area ('the CA') and broadly between Grade II listed buildings 'The Mill House' and 'Windmill Tower 220 metres North West of Mill House'.

17. Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 ('the LBCA Act') requires special regard to the desirability of preserving listed buildings, their setting and any features of special architectural or historic interest which they possess. In respect of buildings or land within a conservation area, Section 72(1) of the LBCA Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. There is no statutory protection for the setting of conservation areas, but the National Planning Policy Framework ('the Framework') requires an assessment of the significance, including any contribution made by their setting, of any heritage assets that might be affected by a development proposal.

Listed Buildings

18. The Mill House is a two-storey timber framed and plastered building with a steep tiled roof which the list entry notes dates to the 17th century. Insofar as it relates to the current appeal, I consider that much of the building's significance would derive from its age and the evidential, architectural and historic interest of its built form, fabric and construction as a rural vernacular house with an association to a mill.
19. The list entry suggests that the Windmill Tower is a tall two-storey octagonal tower of red brick dating to the mid 18th century. It notes that the upper part was destroyed by a fire in 1981, but comments that it is a striking industrial monument of considerable historic and technological interest. At my visit however, I saw that only a low section of the base now remains and that this was significantly overgrown. The opportunity to appreciate or understand architectural interest is accordingly limited. Even so, it remains a listed building and would retain historic interest for its role in the local rural economy and past agricultural systems and practices which would inform its significance.
20. Notwithstanding the current condition of the Windmill Tower, it was possible to discern the general extent and form of its base at my visit. Together with its location within the paddocks to the rear of the Mill House, this provides some suggestion of its historic nature and relationship with the Mill House, even if they are not directly viewed together. The historic association informs some understanding of the former status and use of the buildings and insofar as it relates to this appeal, I consider it would contribute to the significance of each listed building, albeit to a limited extent having regard to the condition of the Windmill Tower and that the relationship is not now readily legible.
21. The appeal site includes the parking, outbuildings and swimming pool to the rear of the Mill House, but these are relatively modern additions and neither main party suggests that they contribute to the special interest of either the Mill House or the Windmill Tower and I have no firm reason to find differently. Nevertheless, the site also includes part of the intervening arable parcel which has historically been associated with these listed buildings as part of an overall complex and which has a generally rural character reflecting and informing an understanding of their historic context. On that basis, I consider the appeal site to make some contribution to the significance of the Mill House and the Windmill Tower as part of their setting.
22. Given the position of the proposed dwellings to the rear of the apparent residential curtilage of the Mill House, I agree with the Council that they would not have an adverse effect on the immediate setting of this listed building. The removal of the

uncharacteristic swimming pool and the outbuilding to the rear of the Mill House would also in itself offer an enhancement over the existing situation.

23. However and despite the design approach which seeks to replicate traditional agricultural buildings, the development would be understood as separate and independent dwellings. There may not be direct intervisibility, but the presence of the dwellings and their associated curtilages sitting within the parcel between the Mill House and the Windmill Tower would be an intrusion serving to interrupt the historic link between the listed buildings, diminishing the legibility of their historic associative relationship. I have also found above that there would be some erosion of the rural quality of the area which currently contributes to the experience, understanding and therefore the significance of the listed buildings.
24. In these ways, I find that there would overall be harm to the significance of each of the Mill House and Windmill Tower as listed buildings. There would not be direct impacts on either listed building and the proposal would affect only a small part of their wider setting. Furthermore, the degree of significance that the listed buildings derive from their setting and relationship with one another is in my view limited and while the proposal would interrupt the connection and erode the rural quality of the site, the retained areas of paddocks mean that the effect would be partial and the connection would not be entirely severed. Given these factors, I consider that the harm to the listed buildings would in each case be limited and at a very low level of 'less than substantial' in the terms of the Framework.

Conservation Area

25. The Little Hadham CA is focused on the cluster of historic buildings at the crossroads of the village. The Little Hadham Parish Conservation Area Appraisals and Management Plans 2014 notes the architectural qualities of the historic buildings and that they appear as a tightly knit group providing a compact environment of high quality.
26. From the information before me, the quality of the historic buildings, the use of vernacular materials and the form and pattern of the village are all elements that contribute positively to the character and appearance of the CA and thus its significance. In some areas, the CA adjoins more modern development, but open paddocks and fields around other sections of the boundary provide for an agrarian quality which reflects and reinforces the historic context for the village as a rural settlement. In my view, this contributes to the significance of the CA.
27. At the appeal site, the access from Albury Road and the area of parking and outbuildings to the rear of the Mill House fall within the CA, but the remainder of the site is outside of the boundary. Based on my observations and the information before me, I have no firm reason to find that the part of the appeal site falling within the CA makes a particular positive contribution to the character or the appearance of the CA. However, the largely open and undeveloped quality of the rear part of the appeal site is experienced as part of the rural setting to the historic village, including from the RoW as it passes through and close to the site. On that basis, I find that the appeal site contributes to the significance of the CA, essentially as part of its setting. The adjacent row of trees along part of the access is also an important landscape feature within the CA which I consider to add to the character, appearance and thus significance of the area.

28. I have found above that the proposal would be incongruous, urbanising and that it would fail to integrate sympathetically with Little Hadham and provide an appropriate transition to the surrounding countryside. It would consequently erode the rural character and appearance of the area which contributes to the significance of the CA as part of its setting. The presence of the uncharacteristic dwellings sitting behind part of the historic cluster to the core of the CA would further reduce the legibility and appreciation of the historic settlement form and context as a rural, agricultural village. These adverse effects would far outweigh any minor enhancement through removal of the swimming pool and outbuilding to the rear of the Mill House and I find that there would overall be harm to the significance of the CA. Furthermore, it has not been demonstrated that the row of trees along the site access from Albury Road which make a positive contribution to the character and appearance of the CA would not be adversely affected by the proposal, exacerbating the harm.
29. Given the relatively small scale of the development and the limited extent of the wider setting of the CA that would be affected, I consider that harm to the significance of the CA as a whole would be 'less than substantial' in the terms of the Framework and at a low level within this range.

Conclusion on Main Issue

30. For the reasons above, I conclude that there would be less than substantial harm to the significance of the Little Hadham CA and each of the Mill House and Windmill Tower as listed buildings.
31. The harm would be contrary to Policies HA1, HA4 and HA7 of the EHDP insofar as they seek preservation and enhancement of the historic environment, including conservation areas and their setting, and indicate that proposals affecting the setting of listed buildings will only be permitted where the setting of the building is preserved.
32. However, Policy HA1 of the EHDP also provides that less than substantial harm to designated heritage assets should be weighed against the public benefits of the proposal. The Framework similarly sets out that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I return to this matter in my planning balance below.

Flood Risk

33. The Framework outlines that inappropriate development in areas at risk of flooding should be avoided and that where development is necessary in such areas, it should be made safe for its lifetime without increasing flood risk elsewhere. It sets out specific requirements for application of the sequential test, and, in some cases, the exception test.
34. The appellant's Flood Risk Assessment ('FRA') indicates that the majority of the appeal site is at low risk of flooding, but there are some areas located within fluvial flood zones 2 (medium probability) and 3 (high probability). The site also includes areas identified as being at risk of surface water flooding.

35. The proposed dwellings would be located outside of the identified flood zones. However, the Framework only indicates that the sequential test need not be applied in situations where no built development within the site boundary, including access or escape routes, would be located on an area that would be at risk of flooding. In addition, the Planning Practice Guidance ('the PPG') indicates that the sequential test does not need to be applied if a site-specific flood risk assessment clearly demonstrates the safety of occupants and users from current and future surface water flood risk for the lifetime of the development without increasing flood risk elsewhere. However, there is no similar provision in respect of fluvial flood risk.
36. In this case, the access between Albury Road and the proposed dwellings would cross both fluvial and surface water flood zones. The route may currently serve parking to the rear of The Mill, but the proposal includes surfacing and widening works and it would be the primary means of access to the dwellings. Given that the proposal includes an access route located on an area that would be at risk of flooding, including from fluvial sources, this is not a situation where I find the Framework to indicate that a sequential test is not required.
37. The sequential test provides that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
38. Notwithstanding that the dwellings themselves would be outside of flood zones, the access to them would pass through areas of flood zone resulting in a level of flood risk to the development. The appellant has provided no assessment demonstrating that there would be no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. This omission means that I am unable to determine that the sequential test would be passed.
39. In addition, the Framework specifies that development should only be allowed in areas at risk of flooding where, amongst other things, it can be demonstrated that safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
40. The FRA indicates that safe access and egress would not be available via the main access during the 1 in 100 year fluvial event with hazard levels reaching 'danger for most' and 'danger for all' on some sections of the route. It also indicates hazard levels reaching 'danger for most' and 'danger for all' during surface water flood events.
41. The appellant suggests that the nearby RoW could be accessed from the site at a point which is outside of the fluvial flood event. Be that as it may, the mapping within the FRA indicates that areas of fluvial and surface water flood zones affect the route of the RoW in both directions from the site. It further suggests that this would include sections with hazard ratings of 'danger for most' and 'danger for all' during surface water flood events, and there is no clear assessment to demonstrate that there would not be hazard along this route during a fluvial event. Even if occupiers of the site could safely reach the RoW from the site, it is not therefore clear that they would then be able to pass safely along it.
42. From the evidence before me, I am not therefore satisfied that there would be safe access and escape routes available to occupiers of the development. Nor given the hazard ratings is it apparent that there would be suitable access for emergency services. On that basis, I find that there is insufficient information to demonstrate

that the proposal would be provided with safe access and escape routes and I am unable to determine that it would be safe for its lifetime.

43. Furthermore, the proposal would result in a significant increase in the area of the site that would be occupied by buildings and hard surfacing. The appellant has not provided firm details of a proposed drainage strategy or other compelling evidence to demonstrate that the proposal could provide suitable drainage and ensure that surface water runoff would not increase existing flood risk.
44. Whether or not the site has flooded at the access point within the period of the appellant's ownership, the proposal has failed to demonstrate that the sequential test would be passed. I am also unable to determine that the development would be safe for its lifetime and that it would not increase flood risk. The proposal can therefore be distinguished from an appeal decision in respect of Land at Ham Road, Faversham¹ where it was found despite a failure to undertake a sequential test that there would be a lack of real world harm in respect of flood risk.
45. For the reasons above, I conclude that the development would not be in a suitable location having regard to flood risk and the proposal would conflict with Policies WAT1 and WAT5 of the EHDP. Together and amongst other things, these policies indicate that the sequential test will be used to steer development to areas with the lowest probability of flooding and include requirements broadly seeking to ensure that development does not increase the likelihood, intensity or risk of flooding and that surface water run-off is appropriately managed.

Biodiversity

46. Hatfield Forest is designated as a Site of Special Scientific Interest ('SSSI') and National Nature Reserve ('NNR'). The Hatfield Forest NNR & SSSI Mitigation Strategy 2025 ('the HFMS') indicates that it hosts key features of wood pasture with cattle grazing, unimproved grassland and veteran pollards; ancient coppice woodland with a long continuity of management; freshwater habitats and very high species richness of invertebrates, fungi, lichens and plants, including many nationally rare or threatened species. However, visitor activity is having an adverse effect and causing detriment to biodiversity.
47. The HFMS identifies a Zone of Influence within which visitors are likely to travel to the Forest. Because the appeal proposes new residential accommodation within this Zone of Influence, it could contribute additional visitors which would exacerbate adverse effects on the Forest's designated features and biodiversity.
48. To mitigate such effects, the HFMS outlines a Strategic Access Management and Monitoring Strategy comprising a package of measures designed to protect the designated features from impacts of visitor usage. These measures are funded by a tariff on new residential development.
49. During the course of the appeal, the appellant provided a Unilateral Undertaking pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) dated 9 January 2026. The Council has confirmed that it is satisfied with this agreement which provides for the relevant tariff and I have no firm reason to take a different view.

¹ Appeal ref APP/V2255/W/24/3350524

50. The approach within the HFMS has been endorsed by Natural England. From the information before me, I am satisfied that the proposal would secure adequate mitigation for recreational effects of the development. Accordingly, I find that the proposal, with mitigation, would not be detrimental to the Hatfield Forest sites or their biodiversity value.
51. On that basis, I conclude that the proposal would not harm biodiversity and I find no conflict with Policy NE1 of the EHDP which seeks to safeguard designated nature conservation sites.

Biodiversity Net Gain

52. Schedule 7A of the Town and Country Planning Act 1990 (as amended) outlines a general biodiversity condition which is deemed to apply to every planning permission granted and effectively mandates a requirement for 10% biodiversity net gain ('BNG') unless exemptions or transitional provisions apply.
53. The appellant's Ecological Appraisal February 2025 ('the EcA') includes results of the statutory biodiversity metric indicating that the proposal would result in an increase in hedgerow units of over 160%, but that there would be a loss of 14.06% habitat units. However, while the accompanying Habitat Map does include the route of the access to Albury Road, this appears notably narrower than the area included within the red line boundary of the appeal site as shown on the submitted site location plan. I therefore share the Council's concern that the assessment may not include the vegetated areas that I saw along the sides of the access. It also does not include land to the boundary and part of the garden of the Mill House where the proposed site plan indicates that planting would be removed to allow for visibility. Moreover, the area of habitat that has been shown along the access is classified as 'developed land; sealed surface', but I observed that the central part of the track is largely grassed.
54. The Council also raised concern that trees within the larger parcel of the site had not been recognised in the habitat plan, but the appellant advises that these are reflected in the ecologist's classification of this land as scrub habitat and there is no substantive evidence before me to suggest that this would be inappropriate.
55. Given the discrepancies around the access however, I cannot be sure that the statutory biodiversity metric results presented in the EcA are accurate and suitably representative. Nevertheless, any permission granted would be subject to the statutory biodiversity gain condition and could not begin until a Biodiversity Gain Plan, which should include the pre-development biodiversity value of the on-site habitat, has been approved in writing. As recognised in Hertfordshire Ecology's comments on the proposal, the Government's Planning Practice Guidance indicates that it would generally be inappropriate to refuse an application on grounds that the biodiversity gain objective will not be met.
56. Furthermore, the EcA already identifies a BNG deficit which it advises will be addressed through the purchase of BNG credits. The Council raises the potential of providing additional enhancements on the northern parcel of the site or seeking an offsite habitat provider rather than moving straight to the purchase of credits to address the deficit. Even so, it indicates that it would not be appropriate to refuse permission on the basis that the biodiversity hierarchy has not been followed, and has provided no compelling evidence to suggest that purchase of credits would not offer a realistic option to achieve the mandatory BNG.

57. Against this context and given the discrepancies in the habitat plan concern a relatively small part of the site, I am not persuaded that the biodiversity gain condition would be incapable of being discharged nor that the biodiversity gain objective could not be met.
58. Accordingly and despite the discrepancies in the information presented to date, I conclude that the proposal could make adequate provision for BNG to satisfy the requirements of Schedule 7A of the Town and Country Planning Act 1990 (as amended).

Planning Balance

59. I have found that the proposal would not harm biodiversity and that it could make adequate provision for BNG. However, the proposal would not be in a suitable location having regard to flood risk and there would be harm to the character and appearance of the area and to the significance of the Little Hadham CA and two listed buildings.

Heritage Balance

60. The Framework advises that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
61. The proposal would provide two new dwellings on a site partly within Little Hadham. The Framework seeks to significantly boost the supply of homes, and advises that small and medium sized sites such as this can make an important contribution to meeting the housing requirement of an area. It also advises that development of windfall sites should be supported with great weight given to the benefits of using suitable sites within existing settlements for homes. Furthermore, the main parties indicate that the Council is unable to demonstrate a five year supply of deliverable housing sites, referring to an appeal decision identifying a supply position of around 4.2 to 4.49 years. Against this context, and noting the appellant's indication that the development could be built out quickly, the delivery of housing is an important public benefit attracting significant weight. However, the contribution that two dwellings would make to the overall housing supply picture and the effect on reducing the shortfall would still be very small. While that does not diminish the weight that I give the contribution, it does restrict the extent of the benefit.
62. Occupiers of the development would have access to some local services and public transport in Little Hadham. There would also be economic and social benefits associated with the construction process, albeit temporary, and longer-term on occupation of the development including support for local services and facilities and the vitality of rural communities. I afford moderate weight to these benefits, although they would again be limited in magnitude given the small scale of the development.
63. I have found that the proposal could provide for BNG. However, this would rely on purchase of credits and even with some on-site enhancements and noting an increase in hedgerow units, there would be a loss of habitat units on the appeal site. Against this context, I afford limited weight to BNG. The appellant also refers to measures to reduce water usage and minimise carbon emissions from the development but it is unclear that requirements would be significantly exceeded and I afford limited weight to this factor.

64. The harm that the proposal would cause to the CA and to the Mill House and Windmill Tower as listed buildings would in each case be less than substantial, but still attracts considerable importance and weight.
65. That said, the degree of harm to each of the listed buildings would be limited and at a very low level. I have had special regard to the desirability of preserving the setting of listed buildings. Nevertheless, I consider that the cumulative public benefits of the proposal noted above would, on balance, be sufficient to outweigh the limited level of harm that would be caused to each of the listed buildings.
66. However, the incongruous design and layout of the development and the potential effect on trees mean that I consider there would be a greater level of harm to the CA. Although still low, the cumulative public benefits of the proposal would in my judgement be insufficient to outweigh the degree of less than substantial harm that would be caused to the CA which attracts considerable importance and weight.
67. Drawing these matters together then, I find on balance that harm to the significance of the listed buildings would be outweighed by the public benefits of the proposal. This context limits the weight that I afford to conflict with Policy HA7 of the EHDP on account of the harm to listed buildings.
68. However, the harm to the significance of the CA would not be outweighed. There is no clear and convincing justification for the harm that would be caused to the significance of the CA and in that respect, the proposal would conflict with the Framework. It would also be contrary to Policies HA1 and HA4 of the EHDP.

Planning Balance

69. Having found that there would be harm to the character and appearance of the area, harm to the significance of the Little Hadham CA and that the proposal would not be in a suitable location having regard to flood risk, the proposal would conflict with Policies DES3, DES4, GBR2, HA1, HA4, HOU12, NE3, VILL2, WAT1 and WAT5 of the EHDP.
70. In the absence of a five year supply of housing, the EHDP's approach of focusing development to within development boundaries is failing to meet current housing requirements. This context limits the weight to be afforded to conflict with its Policy GBR2 arising purely from the location of the development partly within the Rural Area Beyond the Green Belt.
71. Nevertheless, the requirement within Policy GBR2 for development to be compatible with the character and appearance of the rural area is broadly consistent with the Framework insofar as it requires development that is sympathetic to local character. The conflict with Policy GBR2 in this regard is therefore a matter to which I give weight.
72. Other requirements in Policies DES3, DES4, HA1, HA4, HOU12, NE3, VILL2, WAT1 and WAT5 of the EHDP broadly reflect objectives in the Framework seeking sympathetic development that respects local character, the retention of existing trees, the conservation and enhancement of the historic environment, incorporation of sustainable drainage systems and to avoid inappropriate development in areas at risk of flooding and increase in flood risk. I therefore afford weight to the conflict in these respects.

73. The proposal would also cause harm to the significance of two listed buildings, but my findings that this harm would on balance be outweighed by public benefits of the proposal limits the weight that I give to the resulting conflict with Policies HA1 and HA7 of the EHDP.
74. Nevertheless, I find having regard to the range and importance of the matters raised that the proposal would conflict with the development plan when it is read as a whole.
75. The absence of a five year supply of housing land means that paragraph 11 d) of the Framework which outlines a presumption in favour of sustainable development is relevant. In light of my findings in respect of the CA however, I consider that policies in the Framework that protect designated heritage assets provide a strong reason for refusing the development proposed. Furthermore, not only has the proposal failed to demonstrate that the sequential test would be passed, but I have been unable to determine that the development would be safe for its lifetime and that it would not increase flood risk. I afford considerable weight to the resulting potential for harm to future occupiers and increased flood risk. In my view, this would far outweigh the limited benefits of the proposal such that policies in the Framework relating to flood risk would also provide a strong reason for refusing the development proposed. The presumption in favour of sustainable development at paragraph 11 d) of the Framework does not therefore indicate that permission should be granted in this case.
76. In my judgement, the benefits of the proposal would be insufficient to outweigh the collective harm and the resulting conflict with the development plan when it is read as a whole, and material considerations including the Framework do not indicate that a decision contrary to the development plan should be reached.

Conclusion

77. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR