
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: 30 April 2026

Appeal Ref: APP/J1915/W/25/3372879

Land North of East End, Furneux Pelham, Hertfordshire SG9 0JT

- 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 Andrew Skovborg-Hansen against the decision of East Hertfordshire District Council.
 - The application Ref is 3/25/0825/FUL.
 - The development proposed is 'erection of a four-bedroom self-build dwelling with carport, garage, access, parking and landscaping'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted amended plans as part of the appeal. The applicable Procedural Guide: Planning appeals – England advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially the same scheme that was considered by the Local Planning Authority and interested parties at the application stage.
3. In this case, the amended plans show reductions to the height of the dwelling and garage as well as a reduction in the footprint of the dwelling. I appreciate that the overall scale of the development would be reduced. However, the changes would notably alter the proportions of the roof and the relative set down of the gable projections. In my view, this would significantly alter the overall appearance of the dwelling when compared to the scheme upon which the Council made its decision and would amount to a substantial difference to the application. Furthermore, the amended plans have not been subject to formal consultation. I note that the Council and one interested party have referred to the amended plans in their representations on the appeal. However, I cannot be sure that all those who might have an interest in the case and wish to comment would be aware of the change. Accordingly, there could be prejudice to their interests and unlawful procedural unfairness if I were to take the amended plans into account. I have therefore determined the appeal on the basis of the plans that were before the Council and interested parties at the time of the Council's decision.

Main Issues

4. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area; and
 - ii) the effect of the proposal on the Hatfield Forest Site of Special Scientific Interest ('SSSI') and National Nature Reserve ('NNR').

Reasons

Character and Appearance

5. The appeal site is part of a grassed field with vegetation to much of its boundaries. It sits outside of any defined settlement, within the 'Rural Area Beyond the Green Belt' as designated by the East Herts District Plan 2018 ('the EHDP').
6. In order to maintain the Rural Area Beyond the Green Belt as a valued countryside resource, Policy GBR2 of the EHDP provides that certain types of development may be permitted, provided that they are compatible with the character and appearance of the rural area. This includes limited infilling or the partial or complete redevelopment of previously developed sites in sustainable locations, where appropriate to the character, appearance and setting of the site and/or surrounding area'.
7. The site is not previously developed, but having regard to its location between neighbouring dwellings known as Frog Hollow and Spring Paddocks, I agree with the Council that the proposal would be 'limited infilling'. With reference to nearby appeal decisions, the Council also considers the site a sustainable location and there is no compelling evidence before me to the contrary. Furthermore, I note that there is extant planning permission for development including a dwelling and carport on the site¹ ('the Permitted Scheme'). The Council has not raised an objection to the principle of a dwelling on this site and given these factors, I find no firm reason to take a different view. Nevertheless, compliance with Policy GBR2 of the EHDP also depends on compatibility with the character and appearance of the rural area.
8. East End is a narrow rural road. Development along it typically comprises clusters of agricultural buildings or loose ribbons of detached dwellings and associated outbuildings of varied but generally traditional styles which occupy generous plots, commonly with vegetation to boundaries including mature hedgerows and trees along many of the frontages. These factors provide for an attractive spacious and verdant quality which is heightened by views through to the surrounding fields and paddocks which also extend up to the road frontage in some places, including at the appeal site, and there is a distinctly rural character and appearance to the area overall.
9. As with the Permitted Scheme, the appeal proposal includes a two-storey dwelling. However, the height of this dwelling above ground level would be significantly greater than the Permitted Scheme dwelling and typical dwellings along East End, including both Frog Hollow and Spring Cottage, as well as Old Clamp Barn which was permitted as a new dwelling adjacent to Spring Cottage². The dwelling would also sit on much higher ground relative to Frog Hollow so that it would project considerably above the roof of this neighbour. It would appear taller too than Spring Cottage, despite this neighbour sitting on higher land to the appeal site. Notwithstanding the separation that would be provided, I consider the relative height of the dwelling over these neighbours would stand out. Furthermore, I saw that the appeal site is notably raised above the level of the adjacent part of East End. This would increase the impression of the dwelling's height above the street,

¹ Application ref 3/24/1029/FUL

² Application refs 3/22/0608/FUL and 3/22/2353/VAR

and I find that it would appear dominant and disproportionate against its surroundings.

10. Moreover, the footprint of the dwelling may not be out of keeping with other properties on East End. However, the main roof would include projecting gables to the front and rear. Gables are not an unusual feature in the area, but in this case, there would be multiple projections of significant depth and while fenestration and architectural detailing would provide some softening, the form would still add considerably to the building's overall bulk and mass, particularly at the roof level which I have already noted would be unusually high. This would distinguish the dwelling from others in the vicinity which typically have either a simpler form and profile, a lower height including provision of second floor accommodation within the roof level, or both.
11. In my view, the height and upper bulk of the dwelling would give it significant physical presence which would be unusual and which would result in a prominent feature that would notably diminish the existing open and rural qualities of the site.
12. The proposal additionally includes a detached garage. Although this would only provide a single storey internally, it would be of significant height with a roof of broadly comparable height to the ground floor. The ridgeline would sit well above the main roof of Frog Hollow and notably above the eaves of Spring Cottage and the design with gable ends would further add bulk to the upper level. The appellant has drawn my attention to examples of outbuildings of greater height or overall scale in the vicinity. However, those at Frog Hollow and Spring Cottage essentially sit to the rear of the dwellings. In contrast, the proposed garage would be set forward and relatively close to the road. Noting too the elevated position of the appeal site above East End, I consider these factors would cause it to appear as an unduly large and prominent feature, exacerbating the loss of openness and the overall visual impact of development on the appeal site in the street scene.
13. I acknowledge that the total footprint of development on the site would be less than at Frog Hollow. However, Frog Hollow occupies a far larger plot than the appeal site affording significant spacing around the buildings which helps to balance and moderate the visual impact of the built form. As it faces East End, it is also of lesser width than the proposed dwelling and its second floor accommodation is served in part by modest dormers of much lesser scale than the gables in the development before me. In addition, it is set further back from the road frontage than the proposed dwelling and while the footprint, height and overall scale of the garage are comparatively large, I have noted above that this sits towards the rear of the host dwelling as seen from East End. As it faces Ginns Road, the dwelling is wider, but it is set well back from this road and the intervening vegetated embankment and topography provide screening. In my view, these combined factors along with the dwelling's more modest height above ground notably reduce the visual presence of the development at Frog Hollow and I cannot agree with the appellant that it would be a more dominant presence than the appeal dwelling.
14. Similarly, development at Spring Paddocks may have a greater total footprint than is proposed here but I consider having regard to its much lower height, the much smaller width of its elevation facing East End, the position of the garage and outbuilding to the rear of the dwelling and the larger overall plot that the visual impact would not be as great as the appeal proposal.

15. Old Clamp Barn has a smaller plot and a greater footprint of development than the appeal scheme. Its garage is also taller. However, the lower height of the dwelling does not stand out against its neighbours and the design which includes hipped and catslide sections to the roof and first floor accommodation partly served by modest dormers significantly reduces the overall impression of bulk and mass to its upper level. As the appellant acknowledges, Old Clamp Barn is also set deeper into its plot and is more heavily screened by vegetation which reduces its presence in the street scene.
16. Individually, I acknowledge that the footprint of the appeal development, the height of the garage and the design approach would not be inconsistent with development nearby. The internal layout and indicated materials and detailing would also be generally sympathetic to the rural context. When the above factors are taken in combination however and having particular regard to the upper bulk and height of the buildings relative to their surroundings, I consider that the proposal as a whole would result in an unsympathetic and visually dominant form of development. In my judgment, it would not assimilate well with development on East End and it would cause notable detriment to the rural character and appearance of the area.
17. In reaching this view, I am mindful of the Permitted Scheme which the appellant suggests is less characteristic of East End than the appeal proposal. Even if I were to agree however, its comparatively modest scale, simple form and detailing mean that I consider it would sit fairly unobtrusively on the site. In contrast, the greater height, overall scale and form of the appeal development mean that it would be far more conspicuous overall.
18. For these reasons, I conclude that there would be unacceptable harm to the character and appearance of the area. Accordingly, the proposal would conflict with Policies DES4 and GBR2 of the EHDP insofar as they broadly seek a high standard of design and development that respects or improves local character and that is compatible with the character and appearance of the rural area.

Hatfield Forest SSSI and NNR

19. The Hatfield Forest NNR & SSSI Mitigation Strategy 2025 ('the HFMS') indicates that Hatfield Forest 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, it outlines that visitor activity is having an adverse effect and causing detriment to biodiversity.
20. 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.
21. 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 which are to be funded by a tariff on new residential development.
22. During the course of the appeal, the appellant provided a Unilateral Undertaking ('UU') pursuant to section 106 of the Town and Country Planning Act 1990 (as

amended) ('the Act') dated 8 March 2026 which provides for the relevant tariff. This was amended from a previous version to address the sole concern raised by the Council in respect of the content of the UU relating to the demarcation of the development area.

23. More widely, the Council had advised that their legal costs in respect of the UU had not been paid, but I note that the UU includes an undertaking to pay the Council's reasonable legal and administrative costs within 14 days of a written demand for payment.
24. 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.
25. On that basis, I conclude that the proposal would not harm the Hatfield Forest SSSI or NNR and I find no conflict with Policy NE1 of the EHDP which seeks to safeguard designated nature conservation sites.

Other Matters

26. Schedule 7A of the Act outlines a general biodiversity gain condition which effectively mandates a requirement for 10% biodiversity net gain unless exemptions or transitional provisions apply. Exemptions include self-build or custom housebuilding ('SBCH') development, and while the appellant initially suggested that the development could be secured as SBCH through a planning condition, they subsequently provided an updated UU dated 23 March 2026 which would ostensibly secure the development as SBCH. Given however that I am dismissing the appeal for other reasons and because it could not alter my overall conclusions, it has not been necessary for me to consider this matter further.
27. The Council considers that the proposal would result in loss of agricultural land in conflict with Policy ED2 of the EHDP, but that this would be acceptable having regard to the small size of the parcel against the wider site and the Permitted Scheme which would similarly result in the loss of agricultural use. I see no firm reason to take a different view.
28. I have considered additional concerns raised by interested parties including in respect of the effects of the development on occupiers of neighbouring dwellings. However, none of the other matters raised alter my findings on the main issues or overall balance.

Planning Balance

29. Although I have found that the proposal would not harm biodiversity at Hatfield Forest, there would be harm to the character and appearance of the area.
30. 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 and an interim calculation indicating a worsened position of between around 3.4 and 3.7 years.
31. Paragraph 11 d) of the National Planning Policy Framework ('the Framework') is therefore relevant. Given my findings on the second main issue, policies in the

Framework that protect areas or assets of particular importance do not provide a strong reason for refusing the development proposed. Permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

32. Noting the shortfall in five year supply and the objectives within the Framework to significantly boost the supply of housing, the provision of a new dwelling would be an important benefit and would make effective use of the site. However, the contribution that a single dwelling would make to the overall supply picture and effect on reducing the shortfall would be very limited. Social and economic benefits associated with the construction and occupation of the dwelling including support for the vitality of the rural area would be similarly limited by the very small scale of the development, and construction stage benefits would further be temporary.
33. Moreover, there is no substantive evidence before me to demonstrate that similar benefits could not be delivered in accordance with the Permission Scheme. Against this context, I afford limited weight to these benefits.
34. The dwelling is proposed as SBCH. However, there is little firm evidence before me to demonstrate that this would address a particular identified need or shortfall locally and the contribution that a single dwelling would make would in any event be very limited. Indicated biodiversity enhancements would also be limited, and it is unclear from the evidence before me that environmental performance measures would significantly exceed requirements. I therefore afford limited weight to these factors.
35. On the other hand, I consider that the proposal would cause marked harm to the character and appearance of the area, contrary to requirements of Policies DES4 and GBR2 of the EHDP. It seems to me that the provisions of these policies relevant to this matter are broadly consistent with the Framework, and I find no compelling reason to reduce the weight that I afford to the ensuing conflict with them. The harm would also be contrary to principles within the Framework that seek to ensure high quality design, development that adds to the overall quality of the area and that is sympathetic to local character and context. I give these matters significant weight, and find that the proposal would conflict with the development plan when it is read as a whole. It is further unclear that the benefits of the proposal could only be realised through development that would cause harm to the character and appearance of the area.
36. In my judgment and having particular regard to Framework policies for directing development to sustainable locations, making effective use of land and securing well-designed places, the adverse impacts of the proposal would significantly and demonstrably outweigh the limited benefits when assessed against the policies in the Framework taken as a whole. The proposal would not therefore benefit from the presumption in favour of sustainable development within the Framework. Neither do I find that there are material considerations which, applying section 38(6) of the Planning and Compulsory Purchase Act 2004, would be sufficient to justify a decision otherwise than in accordance with the development plan.

Conclusion

37. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR