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## Appeal Decision

Site visit made on 10 March 2026

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 June 2026

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**Appeal Ref: APP/J1915/W/25/3376427**

**Land at Windmill Way, Much Hadham SG10 6BG**

**Easting: 542198; Northing: 218310**

- 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 John Jones against the decision of East Hertfordshire District Council.
  - The application Ref is 3/25/0847/FUL.
  - The development proposed is erection of stables and associated work.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The development has commenced as the area of hardstanding has been laid, however construction of the proposed stables and access had not begun by the time of my site visit. I shall therefore proceed with the appeal on this basis

### Main Issues

3. The main issues are:
  - the effect of the proposal on the character and appearance of the area, including the landscape character; and
  - biodiversity.

### Reasons

#### *Character, appearance and landscape*

4. The appeal site consists of part of a field adjacent to a track which provides access to the field and to the rear of properties on Windmill Way. A substantial established hedgerow bounds the field adjacent to the track, with a field maple in good condition at the south-eastern corner. The existing landscaping provides a visual break between the residential properties and the open countryside. Even though the Arboricultural Impacts Assessment indicates that the hedgerow is of low quality, the hedgerow and field maple contribute positively to the rural character and appearance of the area.
5. The proposed stables would be constructed on the hardstanding next to a section of the hedgerow. The Tree Constraints Plan shows that the stables would be within the canopy of the hedgerow, which could restrict its future growth. Furthermore, the hardstanding covers a significant part of the root protection area

of the field maple. Should compaction of the hardstanding lead to a loss of permeability, then this could adversely affect the health of the field maple.

6. The proposed access would result in a further gap in the hedgerow, however the appellant suggests that a landscaping condition could be imposed which would require existing gaps to be filled in with new hedging. It is also suggested that conditions could require the submission and approval of materials for the new access. However, these conditions, along with new trees and using an alternative material for the hardstanding in the root protection area of the field maple, would not alter the detrimental effect that could be caused to the hedgerow by the siting of the stables.
7. Planning permission has been granted for a stable block and associated works in both 2019<sup>1</sup> and 2026<sup>2</sup>. However, in both cases the stable block would be situated away from the hedgerow. As such these other permissions are not directly comparable to the scheme before me, which has been determined on its own merits.
8. For these reasons, it has not been demonstrated that the appeal scheme would not cause harm to the character and appearance of the area and the landscape character. The proposal would therefore conflict with policies GBR2, VILL1, CFLR6 and DES4 of the East Herts District Plan October 2018 (EHDP), insofar as they require development to be in keeping with the character and appearance of the area. It would also conflict with EHDP policies DES2, DES3 and NE3, insofar as they require development to conserve, protect, enhance or strengthen landscape character and features, and not to result in the loss or significant damage to hedgerows.

### *Biodiversity*

9. There is disagreement between the main parties as to whether or not the appeal scheme is exempt from the statutory biodiversity net gain requirements. The scheme is part-retrospective, although the access has yet to be constructed and would involve a section of hedgerow which the Council allege would exceed 5 metres in length. However, as I am dismissing this appeal on other grounds, this matter is not determinative.

### **Conclusion**

10. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal should therefore be dismissed.

*D Ellis*

INSPECTOR

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<sup>1</sup> Planning application ref. 3/19/1330/FUL

<sup>2</sup> Planning application ref. 3/25/1633/FUL