



Appeal Decision

Site visit made on 22 May 2026

by **Peter White BA(Hons) MA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2026

Appeal Ref: APP/P1940/C/24/3352724

Black Horse Pub, Chorleywood, Rickmansworth, WD3 5EG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). ("the Act").
- The appeal is made by Ms Sally Parker of The Black Horse against an enforcement notice issued by Three Rivers District Council.
- The notice was issued on 28 August 2024.
- The breach of planning control as alleged in the notice is: Without permission planning the unauthorised construction of a detached timber pergola incorporating a plastic roof, Perspex front sheeting, bamboo screen and timber boards ("the Pergola") as indicated on Site Map 'B'.
- The requirements of the notice are:
 1. Demolish the Pergola and remove all resultant demolition materials from the Land.OR ALTERNATIVELY:
 2. Plant a native, evergreen species hedge (comprising of Cherry Laurel Hedging 150/175cm height, planted as a row 50cm apart and mulched with composted bark chippings) along the southern flank of the Pergola between points X-X on the attached Site Map 'B' and,
 3. Do not use or permit the use of the Pergola by customers before 11:00 and after 22:00 hours each day Mondays to Saturdays (inclusive) and before 12:00 and after 21:00 hours on Sundays; and,
 4. Do not use or permit the use of the Pergola by staff before 10:30 and after 22:30 hours each day Mondays to Saturdays (inclusive) and before 11:30 and after 21:30 hours on Sundays; and,
 5. Do not use or permit the use of any lighting within the Pergola after 22:30 hours each day Mondays to Saturdays (inclusive) and after 21:30 hours on Sundays; and,
 6. Do not use or permit the use of any electrical equipment (e.g. an amplifier, speakers) in the Pergola at any time for the purpose of amplifying and/or broadcasting any sound; and,
 7. Do not use or permit the use of the Pergola for the display/showing of any filmed event, either live or recorded (e.g. a sports event) or film at any time; and,
 8. Do not use or permit the use of the Pergola for any type of cooking at any time.
- The periods for compliance with the requirements are:

For step 1 and steps 3 to 8: one month.

For step 2: before the end of the next planting season from the date of this Notice (i.e. November to March inclusive).
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act ("the DPA").

Summary of decision: The appeal is dismissed and the enforcement notice is upheld with corrections and variations in the terms set out below in the Formal Decision.

Preliminary Matters

1. Section 176 of the Act empowers me to correct any defect or misdescription in the Notice where no injustice would occur to either party in doing so. In Section 3, reference to "Without permission planning" is clearly intended to be, "Without planning permission". And in Section 5, Requirement 4 reference to, "Do not use **of** permit ..." was clearly intended to be "Do not use **or** permit ...". No injustice would

occur to either party if I make these corrections for clarity and I will do so in my Formal Decision below.

2. In the Notice the Council have described the structure erected as ‘the Pergola’, but the appellant uses the term, ‘the Vineyard’. For clarity, as the term ‘the pergola’ is used in several places in the Notice I have used that term throughout my decision.

The appeal on ground (a)/the DPA

3. Appeals on ground (a) are made on the basis that planning permission ought to be granted for the matters stated in the Notice as constituting the breach of planning control.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the area, with particular regard to the Chorleywood Common Conservation Area and locally listed buildings in the vicinity; and
 - the living conditions of neighbouring occupiers.

Character and appearance

5. The Black Horse public house is a two-storey white-painted public house with an asymmetrical gabled roof with dentilled brick eaves. It was built in Artichoke Dell in the early 1800s along with cottages for estate employees. An associated red brick barn/stable building with random blue burnt headers and stretchers, tiled roof and castellated pitch detail stands 10m to the south. The buildings are of architectural and historic interest and are included in the List of Locally Important Buildings.
6. The report recommending their inclusion on the local list also considers them to have landmark and landscape quality, being prominent buildings in the landscape of the common.
7. I have a statutory duty, under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
8. Chorleywood Common Conservation Area (“the CCCA”) encompasses the open land to the west and east of Dog Kennel Lane and some developed areas beyond it. A Conservation Area Appraisal identifies most of the open areas as Character Zone E, which includes the three Dells. The Dells are considered an integral part of the Common, and the significance of this part of the CCCA is its open and rural nature.
9. The common is a large expanse of open space covering an area of around 200 acres historically used for grazing. Its topography varies providing interesting vistas within the common and from the public highways surrounding it, especially along Dog Kennel Lane.
10. Artichoke Dell contains a collection of buildings on the land rising from Dog Kennel Lane to higher ground in the west. The rising ground contains pairs of semi detached late 19th century houses, many retaining original features. The public house is at the lowest ground level, with neighbouring houses built abutting and in close proximity, on progressively higher ground.

11. The Notice describes the development as the construction of a detached timber pergola incorporating a plastic roof, Perspex front sheeting, bamboo screen and timber boards ("the Pergola").
12. By the time of my visit, dense planting had grown up outside the southern flank wall of the pergola in the location identified for planting in the Notice. The effect of that vegetation is that the side wall of the pergola is barely visible, and I note that much of the vegetation is evergreen in nature.
13. From public vantage points on the common, planting is now in place on the southern side, and from the eastern side the pergola is seen set back between the original building and the barn/stable building as part of the public house. In these perspectives the pergola does not harm the character and appearance of the area. The roof is marginally visible as a small element in one or two perspectives from the north and south but is not harmful in those views. There may be some greater views of the roof from private upper floor windows of neighbouring dwellings, but I have seen no evidence that these are harmful in effect.
14. With the evidence before me, although the materials used in construction are not typical of other buildings in the conservation area, the vegetation which has become established has had a similar effect to that sought through requirement 5(2) of the Notice. The overall effect is that the pergola preserves the character and appearance of the area and does not harm the significance of the CCCA or the settings of the locally listed buildings.
15. The development therefore accords with the Three Rivers District Council Core Strategy (2011) ("CS") Policy CP1, Three Rivers District Council Development Management Policies Local Development Document (2013) ("DMLDD") Policy DM3 and Chorleywood Neighbourhood Development Plan (2020) ("NDP") Policy 1. Together these policies seek design that preserves or enhances the character and appearance of the area.

Living conditions

16. The pergola encloses a relatively large, formerly outdoor, area between the original buildings of the public house and the neighbouring dwelling. The resulting internal space is capable of accommodating a number of people and events and activities. It is of sufficient size that the Council's photographs show other structures contained within it, as well as seating and other facilities.
17. The Council acknowledge that the former courtyard area was used for external seating for customers of the public house prior to the erection of the pergola. But they also consider its use and function would have been limited to seasonal months and good weather.
18. The enclosure of this area and the scale at which it has occurred inevitably facilitates greater use of this space, both in terms of frequency of use and numbers of users. It also facilitates the use, or greater use, of amplified audio or audio/visual equipment.
19. Artichoke Dell comprises a small number of dwellings and the public house, built in relatively close proximity to each other. Noise from one use will therefore be heard in or at other properties, and with the evidence before me, the pergola is a lightweight structure. The walls and roof are therefore likely to afford little sound

attenuation, and much less so than would occur with a building of traditional construction.

20. There is no noise impact assessment before me, and no physical measures are proposed to reduce noise from the pergola. Considering the licenced hours, and even a moderate and varying level of use across those times, the negative effects on the living conditions of neighbouring residents are likely to be significant. That is supported by the representations of the Council's environmental health service and neighbouring residents.
21. With the evidence before me, the unlimited use of the pergola is therefore harmful to the living conditions of neighbouring residents.
22. Those requirements of the Notice which facilitate retention of the pergola seek to put in place limitations on its use, in a similar manner to conditions imposed on a planning permission. In general terms, those limitations could be imposed as planning conditions, but there is no agreement between the parties over the requirements, and the appellant considers they put the service offered by the pub at jeopardy.
23. The development is therefore harmful to the living conditions of neighbouring residents, and there are no agreed conditions which would make the development acceptable in planning terms. The development therefore conflicts with CS Policy CP12 and DMLDD Policy DM9. Together these policies require development to protect residential amenities and put in place appropriate mitigation measures, ensuring there would be no significant increase in background noise levels at existing dwellings.

Other Matters

24. The pergola significantly expands the useable floor area of the public house. Although there is no viability assessment before me, the Council acknowledges that the internal area of the public house is very small, and use of the outdoor area for additional seating is likely to have made a significant contribution to its viability.
25. The pub also acts as a focal point for the common, which provides a benefit to the community. These matters should be weighed in the planning balance below.

Initial conclusion on ground (a)/the DPA

26. The absence of harm to the character and appearance of the conservation area and the settings of the locally listed buildings weighs neutrally in the planning balance.
27. The public benefit of the public house on the common and the general contribution the pergola makes to its viability together attract moderate weight in favour of the development.
28. But the harm to the living conditions of neighbouring residents and the corresponding conflict with development plan policies attracts significant weight against the development.
29. In conclusion, the development therefore conflicts with development plan policies and there are no material considerations that require a decision to be made other than in accordance with the development plan.

The appellant's alternative

30. The appellant's alternative proposal is that the limitations imposed by the requirements of the Notice could be modified.
31. I therefore consider whether the appellant's alternative limitations could be imposed as conditions on a planning permission which would make the development acceptable in planning terms.
32. There is some overlap between the controls imposed by the licensing regime and planning control, but licensing controls only licensable activity.
33. The Council reports the premises license allows the pub to open from 11am Monday-Saturday and 12 noon on Sundays. But I have not seen a compelling case to limit non-licensable activity, such as food or non-alcoholic refreshments, before these times in the mornings (except Sundays), particularly given its location on the common. However, given the very close proximity of the neighbouring dwelling and others in the vicinity, the lightweight structure and the absence of any physical noise mitigation proposals, use of the pergola after 22:30 hours on Fridays and Saturdays, even without music, would harm the living conditions of neighbouring residents. The benefits to the business would not outweigh that harm.
34. In the same way, I am not persuaded that use by staff in the mornings before 10:30 or 11:30am would be harmful, and facilitating such use in the daytime would enable deliveries to take place as they did prior to the erection of the pergola. However, for the same reasons as those given above, use of the pergola by staff after 22:30 hours and 21:30 hrs on Sundays would harm neighbouring residents. The benefits to the business would not outweigh that harm.
35. The translucent roof of the pergola means that lighting within the structure will be seen from neighbouring dwellings and the extensive size of the roof mean it will be a notable feature. Having concluded that neither staff nor customers should be permitted in the pergola after 22:30 hours Monday to Saturday and 21:30 hours on Sundays, and the requirement to prohibit lighting after those times is both reasonable and necessary.
36. The appellant objects to the prohibition of the use of electrical equipment in the pergola at any time, but the requirement imposed by the Notice only relates to electrical equipment for the purpose of amplifying and/or broadcasting sound. The appellant's concerns relating to electrical equipment such as plug sockets and heaters and equipment for cleaning and lighting are therefore unfounded. The appellant advises setting noise limits on amplified music but has not proposed any. These controls are therefore reasonable and necessary on account of the nature of the structure and the nature of the use, as set out above.
37. The appellant would like to be able to screen football matches in the pergola using temporary licensing provisions ('tens'). While I understand that not screening such events is likely to leave the pub largely empty on those days, such events can also be noisy, even if booking is required. Given the nature of the structure, as set out above, and the proximity of neighbouring dwellings, holding such events in the structure would harm the living conditions of local residents. This restriction is therefore necessary and reasonable.

Conclusion on the appellant's alternative

38. For the reasons given above, the appellant's alternative proposals, imposed as conditions to any planning permission granted, would not overcome the harm arising to neighbouring residents. Together with the corresponding conflict with development plan policies this matter attracts significant weight against the development.
39. The public benefits of the limited use of the pergola, as proposed by the appellant, and the private benefits to the business, do not outweigh the harm to living conditions and conflict with the development plan.
40. In conclusion, the development therefore conflicts with development plan policies and there are no material considerations that require a decision to be made other than in accordance with the development plan.

Overall conclusion on ground (a)/the DPA

41. The appeal on ground (a) therefore fails.

The appeal on ground (f)

42. Appeals on ground (f) are made on the basis that the steps required to be taken exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy the injury to amenity caused by the breach.
43. In this case the purposes of the Notice are twofold. Either to remedy the breach of planning control (remove the development which occurred without planning permission in its entirety) (the first requirement), or to impose limitations to remedy the injury to amenity caused by the breach (requirements 2-8).
44. The appellant's case relates to the nature and extent of those limitations, and makes no issue with requirement two, which relates to hedge planting, or requirement eight, which relates to cooking. The injury to amenity the remaining requirements target is harm to the living conditions of neighbouring residents.
45. I have considered the appellant's case in relation to the appeal on ground (a), and have found that, for the most part, the appellant's proposed changes would not remedy the injury to amenity.
46. But in relation to use of the pergola in the mornings (except Sundays), with the evidence before me, no material harm would occur if those restrictions were relaxed in requirements 3 and 4. And use by staff, but not customers, from 10:30am on Sundays would have only limited effects. I note the Council only partially accepts this view but have not seen any compelling evidence that additional harm would occur.
47. The appeal on ground (f) therefore succeeds to that limited extent.

Overall conclusion

48. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and variations and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Formal Decision

49. It is directed that the enforcement notice is corrected by:

- In Section 3, the deletion of the words "permission planning" and their substitution with the words "planning permission"; and
- In Section 5, requirement 4, the deletion of the word "of" and its substitution with the word "or".

50. And varied by:

- In Section 5, requirement 3, the deletion of the words "before 11:00" and their substitution with the words "before 09:00" in relation to Mondays to Saturdays; and
- In Section 5, requirement 4, the deletion of the words "before 10:30" and their substitution with the words "before 09:00" in relation to Mondays to Saturdays; and
- In Section 5, requirement 4, the deletion of the words "before 11:30" and their substitution with the words "before 10:30" in relation to Sundays.

51. Subject to the corrections and variations, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Peter White

INSPECTOR