



Appeal Decision

Site visit made on 1 July 2026

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 July 2026

Appeal Ref: APP/J1915/C/24/3342403

Brookfield Farm Barns, West End Road, Wormley West End, Broxbourne, Hertfordshire, EN10 7QN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Luigi Mariconda against an enforcement notice issued by East Hertfordshire District Council.
 - The notice was issued on 29 March 2024.
 - The breach of planning control as alleged in the notice is without the required planning permission, and within the last 4 years, the erection of a two-storey, flat roof extension to the rear of the property and a single storey, flat roof extension to the western elevation.
 - The requirements of the notice are to 1. the demolition of the two storey flat roof extension to the rear of the property (southern elevation); 2. The demolition of the single storey, flat roof extension to the western elevation; 3. Restoring the original building and making good the building such that its condition will be the same as before the breach alleged in the notice took place; 4. Remove from the land all resultant demolition and building materials arising as a result of steps 1-3 above.
 - The period for compliance with the requirements is 12 months from the date on which the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b) 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.
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Decision

1. 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.

Preliminary Matter

2. A draft National Planning Policy Framework 'Plan-making and national decision-making policies' was issued by the Government for consultation on 16 December 2025 (Consultation Draft Framework). The Consultation Draft Framework has limited weight as a material planning consideration. In respect of the main issues which are pertinent to the consideration of the ground (a) deemed planning application, I have continued to afford full weight to the published National Planning Policy Framework 2024 (as amended) (the Framework) and the adopted development plan as a whole from the point of view of determining this appeal. In this case, the Consultation Draft Framework does not alter or outweigh my conclusion below on the ground (a) appeal deemed planning application.

Ground (b) appeal

3. The appeal made on ground (b) is that the matters comprising the alleged breach of planning control have not occurred. The onus is on the appellant to make a case on the legal grounds of appeal.

4. The appellant's claim on ground (b) is that there is no plan attached to the notice which shows the extensions. Section 173 of the Act does not require a notice to include a plan depicting the location of a breach of planning control.
5. I was able to see on my site visit that the breach of planning control was in existence. The appellant has not provided any evidence to indicate that when the notice was issued, the breach of planning control had not occurred. The appellant's claim on ground (b) relates more to whether the notice tells the recipient fairly what they have done wrong and what they must do to remedy it. This is a matter which is more relevant to the consideration of whether the notice is invalid or a nullity.
6. I am satisfied that the notice is clear on its face. It tells the recipient what they have done wrong and what they must do to remedy it. The absence of a plan attached to the notice showing the location of the breach of planning control is not fatal in this regard. The appellant's evidence demonstrates that he is aware of what the breach of planning control is referring to on the land, and what is required to be removed. The notice is neither invalid nor null in this regard. Moreover, the appellant's evidence does not show that when the notice was issued the breach of planning control had not occurred.
7. For the above reasons, I conclude that the ground (b) appeal fails.

Ground (a) appeal and the deemed planning application

Main Issues

8. The appeal made on ground (a) of section 174(2) of the Act is that planning permission ought to be granted in respect of the breach of planning control alleged in the notice. I have considered the reasons for issuing the notice and the main issues for consideration are (i) whether the breach of planning control constitutes inappropriate development in the Green Belt; (ii) whether the unauthorised development constitutes good design and its effect on the character and appearance of the area; and, (iii) if the breach of planning control is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify development.

Whether inappropriate development in the Green Belt

9. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate subject to several exceptions. The exception in paragraph 154(c) of the Framework is the '*extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*'.
10. There is no dispute between the main parties that the original building was a barn. It was modest in size and with limited width and depth. The Council's aerial photograph dated April 2020 provides evidence of what was on the land at this time. This provides evidence of the size of the original building on the land and prior to the subsequent additions and alterations being carried out to it. I was also able to consider the additions as part of my site visit and to compare them to the size of the original building on the land. In my judgement, and, in cumulative terms, the breach of planning control is appreciated as being disproportionately large over and above the size of the original building. It could not reasonably be said that the

additions appear ancillary or subservient in scale to the original building. In fact, they are experienced as being very significant extensions that dominate the original size, proportions and footprint of the original building.

11. While the extensions are not conspicuous from public views, they are nonetheless disproportionate in size to the original building. In this regard, significant harm has been caused to the openness of the Green Belt in spatial terms. I therefore conclude that the breach of planning control constitutes inappropriate development in the Green Belt. Therefore, the breach of planning control does not accord with the Green Belt requirements of the Framework, or policy GBR1 of the East Hertfordshire District Plan 2018 (DP).
12. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt, including harm to its openness, and inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Character and Appearance

13. The extensions have caused harm to the otherwise simplicity of the scale, design and proportions of the original barn. The development as a whole has a much more urbanised character and appearance in relative terms. This harm is compounded owing to the use of an unsympathetic and out of keeping building material in the form of render. Moreover, the flat roofs fail to assimilate well with the traditional pitched roof of the original building on the land.
14. As part of the ground (f) appeal, the appellant has suggested that the rendered walls could be clad in wood to match the original building on the land and that pitched roofs could be erected to replace the flat roofs. The inclusion of wooden cladding to the walls of the unauthorised development would to some extent mitigate the harm caused to the character and appearance of the area owing to poor design. However, the inclusion of pitched roofs would not relate to the matters alleged in the notice and, moreover, this would result in even more bulk and massing relative to the original building on the land. In other words, the provision of pitched roofs would exacerbate my finding and harm relating to my finding that the breach of planning control comprises a disproportionate addition and hence harm the openness of the Green Belt.
15. Overall, and even accounting for the wooden cladding of the walls by means of the imposition of a condition, I find that the breach of planning control does not constitute good design. The appellant considers that flat roofs are a characteristic of the area and has included a photograph relating to development at Spring House, St Mary's Lane, Hertingfordbury. This is a site which is a few miles from the appeal site. I do not know the precise circumstances which led to this development being constructed. In any event, I have considered the flat roofs relating to the breach of planning control in the context of the original building on the land as well as the buildings which immediately surround the property. In this case, the flat roofs do not assimilate well with the original building on the land, and, moreover, flat roofs are not experienced as a characterising feature in the immediate context of the appeal site.
16. I therefore conclude that the breach of planning control causes material harm to the character and appearance of the area and hence does not accord with the

design, character and appearance requirements of policies HOU11 and DES4 of the DP, and chapter 12 of the Framework.

Planning Balance and Conclusion

17. The breach of planning control constitutes inappropriate development in the Green Belt. This is a matter to which I afford substantial adverse weight in decision making terms. Moreover, I find that some harm has been caused to the character and appearance of the area owing to poor design. Overall, I conclude that the harm by reason of inappropriateness in the Green Belt, and the other identified harm, is not clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify development. Therefore, the ground (a) appeal fails.

Ground (f) appeal

18. The appeal on ground (f) is made on the basis that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control or to remedy any injury to amenity which has been caused by any such a breach.
19. The appellant's claim on ground (f) is that the requirement to remove the identified extensions to the building are excessive and instead the extensions could assimilate appropriately in design terms by applying matching wooden cladding to the walls and introducing pitched roofs. I do not have any plans showing the extensions with pitched roofs and, in any event, such a proposal would constitute a different form of development to the breach of planning control identified in the notice.
20. I have addressed the potential to clad the walls in matching wood as part of my consideration of the ground (a) appeal. While this would to some extent overcome some of my concern relating to design matters, it would not alter or outweigh my conclusion that the breach of planning control constitutes inappropriate development in the Green Belt.
21. The purpose of the notice is to remedy the breach of planning control by removing the unauthorised development from the land. The removal of the unauthorised development from the land is not an excessive requirement as it remedies the breach of planning control. Moreover, given my overall planning balance and conclusion in respect of the ground (a) appeal and the Green Belt harm, it is not excessive to remedy the breach of planning control by requiring that the unauthorised extensions are removed from the land. I therefore conclude that the ground (f) appeal fails.

Conclusion

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

D Hartley, INSPECTOR