



Appeal Decision

Site visit made on 15 September 2026

by **A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 September 2026

Appeal Ref: APP/W1905/C/25/3371758

32 High Road, Wormley, Hertfordshire EN10 6LE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Mr Ergin Mantos against an enforcement notice ("EN") issued by Broxbourne Borough Council.
 - The EN was issued on 5 August 2025.
 - The breach of planning control as alleged in the EN is: Without planning permission, the erection of wooden canopies to provide a covered seating area and a covered walkway.
 - The requirement of the EN is: i. Remove, in their entirety, the canopies indicated on the attached plan with a black hatching from the Land.
 - The period for compliance with the requirement is: Three calendar months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the 1990 Act.
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Decision

1. It is directed that the EN is corrected by:
 - *the deletion of the words "...the erection of wooden canopies..." and their substitution with the words "...the erection of canopies..." in section 3.*
2. Subject to the correction, the appeal is allowed, the EN is quashed and planning permission is granted on the application deemed to have been made under s177(5) of the 1990 Act for the development already carried out, namely the erection of canopies to provide a covered seating area and covered walkway at 32 High Road, Wormley, Hertfordshire EN10 6LE as shown on the plan attached to the EN.

Matters Concerning the Notice

3. The alleged breach of planning control is described as "...*wooden canopies*..." within section 3 of the EN. However, the breach is described simply as "*canopies*" within the requirements. It is necessary for the breach to be described consistently throughout the EN. The breach does not need to specify the materials therefore I will omit reference to "*wooden*" within the breach. As the correction is for consistency, I am satisfied that it will not cause injustice.
4. Section 7 of the EN states the day and month on which the EN will take effect but omits the year. However, the appellant successfully lodged an appeal within the required timeframe and therefore, I am satisfied that the omission of the year has not caused them injustice.

Preliminary Matters

5. Since the appeal was lodged, a revised National Planning Policy Framework (“the Framework”) has been published. This has not raised any new matters which are determinative to the outcome of this appeal. However, I have referenced the revised paragraph numbers where necessary.

Appeal on Ground (a) and the Deemed Planning Permission

6. An appeal under ground (a) is that planning permission should be granted for the matter alleged. The **main issue** is the effect of the development on the character and appearance of the surrounding area, including the significance of the Wormley Conservation Area (“CA”).

Reasons

7. The appeal site is within the CA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the LB 1990 Act”) requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
8. The CA covers an area that straddles both sides of a section of High Road (the A1170). It includes a local shopping area; residential properties that are mixed in their age, scale and appearance; commercial properties; and part of the New River corridor. The CA represents the village core and includes several listed buildings. Consequently, the CA’s significance derives from its historic and aesthetic values.
9. The appeal site is located within the northernmost part of the CA and forms part of the local shopping centre. Interspersed between the retail and commercial uses are residential properties. There is no cohesion to the buildings within this part of the CA; they comprise of a mix of storeys, heights, ages, materials, roof shapes and window styles. The retail/commercial properties have modern shop fronts and signage. Both main appeal parties state that the CA has been assessed by Historic England as being in a very bad condition and is highly vulnerable.
10. The appeal site comprises a two-storey, detached building used as a restaurant. It is constructed of brick and render with mock Tudor timber cladding to the first floor front elevation. The building has been previously extended to the side and rear with a mix of flat and hip roofed additions. Furthermore, since the EN was issued, a single storey extension has been constructed to the front of the building. The building is set back from the road, has a car park to the side and rear, and is surrounded by an access road to three sides.
11. The breach of planning control is the construction of single storey canopies to the side of the building. The evidence before me indicates that, prior to the construction of these canopies, an existing single storey canopy (“the existing canopy”) was positioned in front of the building’s side entrance door and extended towards the front elevation of the building. The existing canopy is still in place and is not subject to the EN. It comprises a black flat roofed timber frame that is partly open-sided and partly infilled with horizontal timber boarding and glazing.
12. The canopies the subject of the EN are attached to either side of the existing canopy. They are of a similar appearance to the existing canopy with a black timber frame and a flat roof. The canopy that extends towards the front elevation of the building has horizontal timber boarding and glazing to the exterior walls and, at

the time of my site visit, was used to store chairs and to provide extra space for covers. The canopy that extends towards the rear elevation of the building is open-sided and is used as a covered walkway.

13. The canopies are subservient to the existing building and complement the character and appearance of the existing canopy. By virtue of their scale, siting, colour, and simple design, they integrate comfortably with the host building and preserve and enhance its character and appearance. Additionally, they appear recessive when viewed from the road and do not appear unduly prominent.
14. During my site visit, I observed several other buildings and extensions within the vicinity of the appeal site (also within the CA) that had flat roofs and horizontal timber boarding to their front elevations. Consequently, the flat roofed design and materials complement the character and appearance of the surrounding area and have a positive effect on the significance of the CA.
15. For these reasons, the canopies do not harm the character and appearance of the surrounding area, or the significance of the CA. Therefore, they comply with Policies HE1, HE2, RTC2, DSC1 and DSC2 of the Broxbourne Local Plan 2018-2033, adopted 2020. These policies, amongst other things, seek to ensure developments enhance local character and distinctiveness, consider existing patterns of development, materials and roof form; that extensions to existing buildings respect the character and design of the building and do not unduly impact on the parent building or wider setting; and that developments affecting heritage assets should conserve or enhance the historic environment.

Other Matters

16. On the opposite side of the road from the appeal site are two Grade II listed buildings, Small Wells (31 High Road) and 37 High Road. I therefore have a statutory duty under s66(1) of the LB 1990 Act to pay special regard to the desirability of preserving the setting of these listed buildings.
17. Small Wells comprises an early 19th century, three-storey, double-fronted dwelling with leaded casement windows and an open-sided front porch. It is rendered and painted white and has a low hipped slate roof. No 37 comprises an 18th century dwelling constructed of painted brick with a tiled pitched roof. It is two-storeys in height with small dormer windows within the front roof slope. The significance of these listed buildings is their aesthetic value.
18. The listed buildings are separated from the appeal site by the busy A1170. The setting of these listed buildings consists of a high density local shopping and residential area. The canopies form part of this existing built-up urban setting. Furthermore, the distance between the appeal site and the listed buildings together with the intervening road and small scale of the canopies, ensures they do not harm the setting of these listed buildings.

Planning Balance

19. The appeal site is located within the village of Wormley and therefore, Policy S4 of the Framework is applicable. It requires development proposals to be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework.

20. The Framework makes clear at Policy HE6(1) that I must attach substantial weight to the positive effect afforded to the conservation of a designated heritage asset. Policy HE6(2) of the Framework states that developments that have a positive effect on a designated heritage asset should be supported. Furthermore, I am unaware of any adverse effects.
21. Accordingly, I do not find that the benefits of approving the canopies is substantially outweighed by any adverse effects when assessed against the national decision-making policies in the Framework.

Conditions

22. Should I be minded to allow the appeal, the Council has suggested that I impose a condition that restricts the hours of use of the canopies to be in line with the hours of use for the restaurant. However, such a condition is not necessary as the existing condition covers the use of the site, which would include the canopies. Consequently, I do not seek to impose any conditions.

Conclusion on Ground (a) and the Deemed Planning Permission

23. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal on ground (a) is allowed, and the deemed planning permission is approved.

Conclusion

24. I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the EN (as corrected). The EN will be corrected and quashed.
25. In these circumstances the appeal on ground (g) does not fall to be considered.

A Berry

INSPECTOR