



Appeal Decision

Site visit made on 28 May 2026

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2026

Appeal Ref: APP/J1915/W/25/3376568

Robins Nest Farm, Robins Nest Hill, Little Berkhamsted, Hertfordshire SG13 8LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Terrence Bambridge of Willowcity Estates Limited against East Hertfordshire District Council.
 - The application Ref is 3/24/1869/FUL.
 - The development proposed is demolition of existing buildings and erection of 7 dwellings with associated garages, landscaping, and tree planting. Alterations to access and relocation of entrance gates, provision of off-street parking, together with cycle and refuse storage.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing buildings and erection of 7 dwellings with associated garages, landscaping, and tree planting. Alterations to access and relocation of entrance gates, provision of off-street parking, together with cycle and refuse storage at Robins Nest Farm, Robins Nest Hill, Little Berkhamsted, Hertfordshire SG13 8LL in accordance with the terms of the application, Ref 3/24/1869/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. On 17 August 2026, a revised National Planning Policy Framework (the Framework) was published. I have sought further views from the main parties on this and have taken those comments into account in reaching my decision.
3. A completed and signed unilateral undertaking was submitted following negotiations between the main parties. This sought to secure a financial contribution towards the delivery of affordable housing. A planning obligation is the appropriate mechanism to secure this, and I will return to this matter.

Background and Main Issues

4. The appeal is against the non-determination of the application. The Council has provided four putative reasons for refusal as part of its evidence. The parties subsequently provided a statement of common ground which confirmed that there was no longer dispute on the amount of the affordable housing contribution, but there was dispute as to how the affordable housing contribution should be calculated. This would be subject to my findings with respect to the Green Belt. Given this, and taking account of the other evidence before me including that which accompanied the appeal, I consider the main issues to be:

- whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies including the effect upon the openness of the Green Belt;
- whether the site is a suitable location for the development proposed with respect to the spatial strategy for the area; and
- the effect of the proposal on the character and appearance of the area including landscape character.

Reasons

Whether Inappropriate Development

5. The site is located within the Metropolitan Green Belt. For context, the Framework sets out in Chapter 13 that the objective of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Framework Policy GB6(1) confirms that development is inappropriate in the Green Belt unless it is one of the exceptions listed. East Herts District Plan (October 2018) (EHDP) Policy GBR1 confirms that planning applications within the Green Belt will be considered in line with the provisions of the Framework.
6. It is not in dispute that the proposal would represent the redevelopment of previously developed land. However, the exemption in Framework Policy GB7(e) also requires that the proposal would not cause substantial harm to the openness of the Green Belt. Openness is the absence of development and can have spatial as well as visual aspects.
7. It is not in dispute that the proposal would result in a reduction in the volume of the built form on the site. The stables, other associated buildings and structures are largely screened from further view by the substantial structures of the existing dwelling and barn and consequently belie the extent of built form on the site at present visually. The present dwelling and the barn are both of a notable height.
8. The proposed seven dwellings would generally occupy land which has built form or the manège on it at present. Each of the proposed dwellings would be of a considerable size and generally sited in a rough line. While this would elongate the built form from its present position, the depth of the built form within the site would be reduced. It is likely that there would be further domestic paraphernalia located within the gardens which present towards the wider countryside. However, there could be paraphernalia such as fencing installed within the site to facilitate the present equestrian use.
9. Culver Wood is immediately adjacent to the site and occupies the higher land on which the proposed development would be sited. The proposed dwellings would be viewed against this tree belt, as the existing structures on the site are. Given the distance of any views, the proposal would not be more visually prominent than at present.
10. Given the reduction in the volume of built form on the site, and the proposed positioning of the dwellings to the rear of the site and occupying positions with built or developed form at present, there would not be a significant effect on the openness of the Green Belt.

11. The proposal would therefore be not inappropriate development in the Green Belt. It would be in accordance with EHDP Policy GBR1 and the exception set out in Framework Policy GB7(e).

Suitable Location

12. EHDP Policy DPS2 sets a hierarchy for development. This seeks to direct development to sustainable brownfield sites, sites within the urban areas of larger settlements, urban extensions to those settlements, and limited development in villages. The statement of common ground confirms the proposal is previously developed land.
13. The development plan does not specify that a brownfield site must be within a settlement. However, a judgement must be made as to whether the site would be sustainable. The road outside the property is subject to the national speed limit. It is unlit, with no footpath. There is not a consistent verge along which pedestrians could walk or which could provide a refuge for cyclists. This is despite Little Berkhamsted Footpath 5 running along the road. I am also mindful that the accident records in the vicinity of the site have involved cyclists, pedestrians and motor cyclists. While these extend back some ten years, they nonetheless reinforce the challenges that would be experienced by users of modes of transport other than the private car. Consequently, walking would not be a realistic option, despite the provision of a pedestrian access from the site, and cycling would only be an option for confident cyclists.
14. There are bus stops at the junction of Robins Nest Hill and Lower Hatfield Road some 1km away, and within Little Berkhamsted (600m away) which also provides some services and facilities. The site is only a short drive from the wide range of services and facilities in Hertford. However, accessing these would only be realistically feasible by the private car.
15. There are public rights of way in proximity to the site. However these would not provide a direct route to either Little Berkhamsted or the bus stops at Lower Hatfield Road. The appellant offered to make a contribution towards the bus service and provision of bus stops in proximity to the site. However, there is no such contribution before me. The provision of EV charging points does not ensure that occupiers would have an electric vehicle. There is no substantive evidence before me on the operation of the East Herts Lynx and Dial a Bus services such that I could be certain these would provide a realistic alternative.
16. I have been referred to another decision within East Hertfordshire where a conversion to a residential unit was allowed. I do not have full details of that scheme before me, however I note the decision refers to the site being within a 'complex of mostly residential units', which is not the case in the proposal before me, which I have assessed on its own merits. A further decision also relied on the fact there were no highways concerns with respect to accessibility from the primary access to the site, which again distinguishes that appeal from the proposal before me.
17. The site would not be in a suitable location for the development proposed with respect to the spatial strategy of the area. It would be contrary to EHDP Policy DPS2 which requires development on previously developed land to be sustainable.

Character and Appearance

18. The appeal site hosts a modern dwelling along with stables and barn of a typical, utilitarian appearance of such buildings in rural areas. It also includes a manège which is not readily visible from outwith the site and large field. The site lies within a landscape that appears typical of the landscape character area. It is gently undulating, with borders largely formed of hedgerows. This pattern continues to the surrounding land form, with the irregular field pattern clearly discernible and glimpsed views of large dwellings and employment development.
19. The proposal would result in a change in the character of the site from that of a typically rural site with residential and equestrian use to one in clearly residential use. The site is separated from the settlement of Little Berkhamsted. However, this is also the case of the existing dwelling which is the prominent building on the site. There are also some other dispersed dwellings in proximity to the site.
20. Longer distance glimpses of the site would be available. However, at distance, the proposal would not be particularly more intrusive than the existing development which includes substantial buildings. The linear nature of the proposed layout would be somewhat suburban in appearance, however the site would not appear significantly more urbanised than it does at present given the location of the existing development. Nor would it appear as over-development in the context of the scale of Little Berkhamsted.
21. The proposed dwellings would be of a modern design. There would be some design features to add interest to the appearance of the buildings. While there is no strong evidence to show the proposed dwellings are referencing any form of locally distinctive house types, the dwellings are sufficiently well designed so as to be appropriate. While gardens would not be rural in appearance, they would not be so uncharacteristic as to result in material harm.
22. The site is visible in limited, glimpsed views from the footpaths in the surrounding landscape. However, while expansive views are available along the valley, the combination of woods and landscaped boundaries means that the built form is not prominent.
23. Interested parties have directed me to other appeal decisions made within the district. However, decisions taken elsewhere would not alter my assessment of the effects of this proposal in this location. Nor would the wording on marketing particulars.
24. The proposal would therefore have an acceptable effect on the character and appearance of the area including landscape character. It therefore would be in accordance with EHDP Policies DES2 and DES4 which require development proposals to demonstrate how they conserve, enhance or strengthen the character and distinctive features of the district's landscape and to be of a high standard and promote local distinctiveness.

Other Matters

25. EHDP Policy HOU3 confirms that proposals where the dwellings would have a combined gross floorspace greater than 1000sq m should provide affordable housing of up to 35%. The main parties have agreed this is a circumstance where a financial contribution in lieu of on site provision would be appropriate, and have

agreed what the relevant financial contribution would be. I have no reason to disagree with either the approach or the amount of the contribution.

26. In light of my findings with respect to the Green Belt, the contribution this proposal should make towards the delivery of affordable housing should be calculated on the basis that it is a brownfield site, so Affordable Housing Contribution A as set out in the planning obligation.
27. I am satisfied that the obligation is necessary to make the development acceptable, is directly related to the development and is fairly and reasonably related in scale and kind to the development. Therefore, it would accord with the three tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
28. The proposal would have an acceptable effect on the operation of the surrounding highway network and would not result in harm to highway safety, given it has been identified it would be unlikely that people would walk or cycle. This would include during the construction stage. Suitable access to the site would be delivered, along with sufficient parking and turning space. While there have been accidents along the road, there is no evidence before me to suggest this is related to volume of traffic or the access to this site. Cycle parking is also proposed, along with bin storage.
29. The application was accompanied by information which sought to demonstrate equestrian use of the site was no longer required as required by EHDP Policy CLFR6. This included details of a number of livery/equestrian yards within 10 miles of the site. The Council has not disputed this information demonstrates that the facilities are no longer needed and I have no reason to find differently. This also means that even if the existing annex is subject to a condition limiting occupancy to a person involved in the agricultural or equestrian use of the site, this would not affect my assessment of the proposed development.
30. There would be a neutral effect on the living conditions of surrounding occupiers. Conditions could ensure there would not be an adverse effect from any noise generated by air source heat pumps and to mitigate the adverse effects of the construction process. There is no substantive evidence that the proposal would have an adverse effect on social infrastructure such as schools in the surrounding area.
31. Natural England raised no concerns with respect to any chalk streams in the surrounding area. Sufficient evidence has been provided to assess the effect of the proposal on any wildlife using the site and that mandatory biodiversity net gain can be delivered. While the site lies within a source protection zone, impacts on this can be avoided and addressed by condition.
32. Decisions taken by the Council with respect to enforcement action do not fall within the remit of this appeal.

Planning Balance

33. Although the proposal would not be inappropriate development and would have an acceptable effect on the character and appearance of the area, it would nonetheless fail to accord with the provisions of the development plan as a whole as it would conflict with the spatial strategy for the location of development. As this

was on the basis of the lack of choices of travel, I attach limited weight to this harm.

34. The site lies outside a settlement. It is not in dispute that the Council cannot demonstrate a five year supply of deliverable housing land, although this has not been quantified. As the site is within the Green Belt, Framework Policy S5(5) sets out that as the proposal would be not inappropriate development, it should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies of the Framework, and applying Framework Policy S5(2). There are no national decision-making policies which would indicate the proposal should be refused. Framework Policy S5(1d) confirms that the redevelopment of previously developed land is one of the forms of development that should be approved outside settlements.
35. The proposal would result in the delivery of six additional dwellings, which Framework Policy HO7 sets out should be given substantial weight. I also attach substantial weight to the financial contribution towards the delivery of affordable housing where the approach is consistent with Framework Policy HO8. There would also be economic benefits during the construction and occupation stages of the proposal, and environmental benefits from the biodiversity enhancements and the delivery of statutory biodiversity net gain. I attach limited weight to these given the small scale of the proposal.
36. There would be no realistic opportunity for the site to be accessed by any means other than the private car. However, for developments of this type which would not generate a significant amount of movement in the context of the area within which it is situated, Framework Policy TR3 does not require there to be a genuine choice of transport modes. Rather, it seeks to enable good accessibility. Given the proximity of this site to Little Berkhamsted and Hertford, private car journeys would be of short duration. As a result, I attach only limited weight to this adverse effect of the proposal.
37. The size of the dwellings, effect on character and appearance including landscape character would all be acceptable. There is no substantive evidence that the sustainability measures proposed would exceed the requirements of the building regulations. Furthermore, these are all to be expected of any well designed development and so would be neutral in my assessment.
38. I have found the proposal would not provide means of access other than by the private car. However, when assessed against the national decision-making policies in the Framework, the benefits of the proposal would not be substantially outweighed by this. The proposal should therefore be approved as it benefits from the presumption in favour of sustainable development set out in Framework Policy S3.

Conditions

39. The Council has suggested conditions should I be minded to allow the appeal. I have had regard to these in light of the tests set out in Policy DM6(1) of the Framework and the advice in the Planning Practice Guidance (PPG). I have made amendments where necessary to ensure they are enforceable and details provided at the appropriate stage in the development process. I have imposed

standard conditions relating to the commencement of development and approved plans to define the terms of the permission [1, 2].

40. It is reasonable and necessary for details of materials and landscaping of the proposed development to be agreed in the interests of the character and appearance of the area. I have combined the requirement for details of means of enclosure into the landscaping scheme to reduce the number of conditions. It is not necessary for samples to be submitted, or for materials to be a pre-commencement condition, provided development is not above ground level before the details are agreed. Landscaping details should be agreed to the same timetable to ensure they are implemented in a timely manner [3] [4].
41. It is necessary to meet the requirements of the development plan that details of external lighting should be approved [5] and tree protection measures implemented [6]. The provision of swift bricks and bat boxes is necessary in the interests of enhancing biodiversity, however the details should be approved before development is above ground level to ensure they are sited effectively. I have also amended the condition to make reference to bird and insect nests as recommended by the Preliminary Ecological Appraisal [7]. It is similarly necessary to impose a condition to ensure the biodiversity gain plan is implemented [8].
42. The provision of high speed broadband [9], energy efficiency measures [10] and electric vehicle charging points [11] are all necessary to ensure compliance with the policies of the development plan. The energy efficiency measures would include securing water use at less than 110sq m. In the interests of highway safety, it is necessary that the approved vehicle parking spaces [12] and visibility splays [13] are provided and thereafter retained. The energy efficiency measures proposed include the use of air source heat pumps, and it is reasonable to ensure that the noise generated would not have an adverse effect on the living conditions of occupiers of the proposed properties or neighbouring occupiers [14]. As the proposal is for a sensitive end use, it is reasonable and necessary to ensure the risk of contamination is assessed, remediated if required and for that remediation to be verified. As the site is previously developed, it also reasonable and necessary to provide for the circumstance that previously unidentified contamination is found. As the site lies within a source protection zone, it is reasonable to require this condition to address this matter also [15].
43. The Council's appeal statement referred to the potential for a construction management plan to be secured by condition, although one was not suggested. Given the proximity of the neighbouring dwelling, this is considered to be reasonable and necessary, and I have imposed such a condition [16]. This could also address hours of operation. The statement also refers to a waste collection management plan. However, as the Council are satisfied that sufficient turning space is provided within the site layout, this would not be necessary.
44. Framework Policy DM6(2)(c) is clear that conditions should not be used to restrict national permitted development rights unless there is clear justification to do so, with the PPG confirming such conditions may not pass the test of reasonableness or necessity. I have not been presented with compelling reasons why permitted development rights should be withdrawn in this case as the site is not in a sensitive location in design terms, and there is no national presumption to remove permitted development rights in the Green Belt.

45. Details of cycle parking are shown on the approved plans and are considered sufficient given the scale of the plots. Given the location the site, its size, the scale of the proposed development and the present access arrangements, it is not reasonable or necessary to require a construction traffic management plan.

Conclusion

46. The proposed development conflicts with the development plan when read as a whole. For the reasons given above, I have attached limited weight to this conflict, and there are no other material considerations which would weigh against the proposal. The policies of the Framework are a material consideration which weigh strongly in support of the appeal as the benefits of the proposal would not be substantially outweighed by the adverse effects.
47. I therefore consider that in the specific circumstances of this case, the material considerations indicate that the decision should be taken other than in accordance with the development plan. Accordingly, the appeal should be allowed.

Jennifer Wallace

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans: 1234-(00)-100 Rev P2; 1234-(00)-101 Rev P2; 1234-(00)-102 Rev P2; 1234-(00)-103 Rev P1; 1234-(16)-100 Rev P2; 1234-(17)-100 Rev P2; 1234-(16)-101 Rev P2; 1234-(16)-102 Rev P2; 1234-(16)-104 Rev P2; 1234-(16)-105 Rev P2; 1234-(16)-106 Rev P2; 1234-(17)-102 Rev P2; 1234-(17)-101 Rev P2; 1060/102; 1060/103; 1060/104; 1060/105; 1060/106; 24-1773-TPP; 1234-(18)-100 Rev P1 and 1234-(16)-103 Rev P2.
- 3) Prior to any works above ground level, details of the external materials of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved materials.
- 4) Prior to any works above ground level, full landscaping details shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:
 - hard surfacing materials;
 - soft landscaping proposals;
 - any means of enclosure
 - retained landscape features;
 - planting plans detailing schedule of plants, species, planting sizes and density of planting;
 - an implementation timetable.

Thereafter, the site shall be landscaped in full accordance with the approved details and implementation timetable.

- 5) Prior to the first occupation of the development hereby approved, details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority. External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals Guidance Note 01/20 'Guidance notes for the reduction of obtrusive light'. Lighting should be minimized and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note. Thereafter, the development shall be implemented in accordance with the approved details.
- 6) The measures detailed on the Tree Protection Plan shall be implemented and retained for the duration of demolition and construction works.
- 7) Prior to any works above ground level, ecological enhancement measures including swift bricks, bird nest boxes, insect nest boxes and bat boxes shall be installed in accordance with details that have been submitted to and approved in writing by the local planning authority. The measures shall be retained thereafter.
- 8) The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain

Plan has been submitted to, and approved in writing by, the local planning authority which includes:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP.
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat.

Notice in writing shall be given to the Council when the:

- (a) HMMP has been implemented; and
- (b) habitat creation and enhancement works as set out in the HMMP have been completed

The use shall not commence until:

- (a) the habitat creation and enhancement works set out in the approved HMMP have been completed; and
- (b) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

- 9) Prior to any works above ground level, details of the measures required to facilitate the provision of high-speed broadband connections shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable and method of delivery for high-speed broadband for each residential unit. Once approved, high-speed broadband infrastructure shall be implemented thereafter in accordance with the approved details.
- 10) The measures detailed in the Energy and Sustainability Statement dated August 2024 shall be implemented throughout the development prior to first use of the development.
- 11) Prior to any works above ground level, details of the siting, type and specification of electric vehicle charging points (EVCPs), together with details of the energy sources and a management plan for the supply/maintenance of the EVCPs, shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details and permanently maintained and retained thereafter. No dwelling shall be occupied until the EVCP serving that dwelling has been installed.

- 12) Prior to the first occupation of the dwellings hereby approved, parking spaces shall be provided as shown on the approved plans and the spaces shall be retained for such use in connection with the development thereafter.
- 13) Prior to the first occupation of the dwellings hereby approved, visibility splays shall be implemented as shown on the approved plans and shall be thereafter retained.
- 14) The rating level of noise emitted from all external fixed plant and equipment including air source heat pumps at the development hereby approved shall not exceed 5dB below the background noise level when measured or calculated at 1 metre from the façade of the nearest noise sensitive property. The measurements and assessment shall be made according to BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' at the nearest and / or most affected noise sensitive premises, with all plant / equipment operating together at maximum capacity and inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics.
- 15) The development hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include the following measures,:
 1. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment including to the source protection zone.
 2. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
 3. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.
 4. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted to and approved by the Local Planning Authority prior to first occupation of the development. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.
- 16) Before the development commences, including site preparation, clearance or demolition, a construction management plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved plan.

[End of Schedule]