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## Appeal Decision

Site visit made on 26 August 2025

by **H Whitfield BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 September 2025

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**Appeal Ref: APP/X1925/W/25/3367306**

**Old School House, Park Lane, Old Knebworth, Hertfordshire SG3 6PR**

- 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 Edward Lytton Cobbold of Knebworth Estates against the decision of North Hertfordshire District Council.
  - The application Ref is 24/02652/FP.
  - The development proposed is the construction of a terrace containing 5no. single storey residential dwelling houses with associated landscaping, boundary fencing and cycle storage.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appellant has submitted three plans with this appeal which differ to those cited on the Council's Decision Notice. The amended Block Plan<sup>1</sup> shows the realignment of the path to the front of the proposed dwellings and the addition of a connecting footpath to the highway which is outside of the red line on the Site Location Plan. The Proposed Bike Stores, Bin Stores and Fire Distances plan<sup>2</sup> also shows the addition of this footpath outside of the red line in addition to additional information relating to fire hose and refuse travel distances. The new Site Location Plan<sup>3</sup> submitted does not contain any amendments to the original red line but includes an extract showing visibility splays.
3. The Council has confirmed that whilst it had sight of these plans during the determination of the planning application, they were not the plans upon which it made its decision. This is due to the changes to two of the plans necessitating an amendment to the red line, which was not provided. The Council did not undertake a re-consultation on these amended plans. On this basis, I consider that accepting the amended Block Plan and Proposed Bike Stores, Bin Stores and Fire Distances plan would result in a fundamental change to the application and cause procedural unfairness to interested parties as it would deprive those entitled to be consulted on an application the opportunity to make a representation.
4. However, the annotations on the new Site Location Plan only provide additional information and therefore do not make a substantial difference or fundamental change to the development when compared to the plans upon which the Council made its decision. This Council has also had the opportunity to review and comment on this additional information such that it would not cause unlawful procedural unfairness to

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<sup>1</sup> Ref. 22416-101 Rev. B

<sup>2</sup> Ref. 22416-102 Rev. B

<sup>3</sup> Ref. 22416-100 Rev. B

anyone involved in the appeal. I have therefore determined the appeal on the basis of the amended Site Location Plan.

5. The appeal property is located within the Old Knebworth Conservation Area (CA). In considering whether to grant planning permission, I have been mindful of my statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

## **Main Issues**

6. The main issues are:
  - the effect of the proposed development on the character and appearance of the surrounding area, including whether it would preserve or enhance the character or appearance of the Old Knebworth Conservation Area (CA) and the effect on trees;
  - whether the proposal would be inappropriate development in the Green Belt having regard to relevant development plan policies and the National Planning Policy Framework (the Framework), including the effect upon the openness of the Green Belt;
  - the effect of the proposed development on highway and pedestrian safety;
  - the effect of the development on protected species, with particular regard to bats; and
  - if the proposal is inappropriate development, 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 required to justify the development.

## **Reasons**

### *Character and appearance including CA and trees*

7. The appeal site is within the Old Knebworth CA and the Green Belt. The significance of the CA, insofar as is relevant to this appeal, derives from the architectural and historic value of the surrounding buildings, many of which are listed, the evolution of the small, linear village settlement and its verdant parkland and countryside setting. The density of development in the CA is low and properties are typically set back from the road in plots of land that stretch back to field boundaries. In contrast to the south-western portion of the CA, which is relatively enclosed, the land to the east of Old Knebworth Lane in the vicinity of the appeal site, has a more rural and open character due to the gaps that exist between buildings which afford views of the surrounding countryside.
8. The appeal site relates to a parcel of land on the southern side of Park Lane, accessed between the properties Little Hyde and the Old School House. Due to its positioning adjacent to a large, open agricultural field, the site is relatively prominent when travelling along Park Lane. The eastern portion of the land is partially laid to grass and contains small areas of hard surfacing and a shed. There are also several trees and an established front boundary hedgerow on this portion of the site which are prominent in the street scene. On the western side of the site, behind Little Hyde, is an area of hard standing which is understood to be used for parking by residents of the

Old School House. At the time of my site visit, I observed some external storage on the grassed part of the appeal site. Nevertheless, the appeal site forms part of the green, verdant and rural approach into the CA and therefore contributes positively to its character and appearance.

9. The appeal scheme proposes the erection of a single storey terrace of five dwellings in a relatively prominent location on the approach into the western part of the village. The terrace would fill almost the entire width of the grassed portion of the site. Despite being designed to emulate the style of the Lytton Almshouses that are located some distance away on the south-western side of the village and the use of traditional materials, the terrace would be a large, continuous massing of development that would be out of character with surrounding properties which are typically detached or semi-detached, set in more spacious plots with gaps between buildings providing views to the surrounding countryside. In contrast, the limited spacing around the terrace and its boundaries, coupled with the unbroken massing of the roofscape would result in a cramped, dominating form of overdevelopment. This would limit views to the surrounding countryside and overall would result in harm to the character and appearance of the area and the CA, which would harm its significance.
10. The development would also result in the removal of the majority of the trees within the eastern side of the site. The appellant has referred to the terrace being glimpsed above the existing hedgerow, however, the annotations on the plans indicate that the eastern part of the front boundary hedgerow would also be removed. A detailed Tree Survey was not submitted; however, the Biodiversity Net Gain (BNG) Assessment identifies the trees and hedgerows to be in a moderate to good condition. The trees are all visible from the public realm, not only along Park Lane but also when travelling along the Public Right of Way (PRoW) to the west of the site and have an important collective amenity value which contribute positively to the character and appearance of the area.
11. The front boundary hedgerow and vegetation also contributes to the area's verdant character and is identified as an important hedgerow on the CA map. In the absence of any substantive evidence to the contrary, these features would, in all reasonable likelihood, endure for some time into the future. Consequently, their loss would have a permanent, detrimental effect on the green, verdant character of the area and this would further harm the character and appearance of the area and the CA.
12. Replacement tree planting is proposed to the rear of the site and a hedgerow is shown along the highway boundary on the Proposed Street Scene. However, these would likely take many years to establish to provide the same level of contribution as the existing greenery and would not mitigate the harm that would arise from the development itself. Furthermore, even though half of the front boundary hedgerow would be retained, the uncharacteristic massing and form of the development would still be visible above the hedgerow and limit views to the surrounding countryside between buildings, such that this does not overcome the harm I have identified.
13. I am mindful that the wider area contains several listed buildings including the Grade II\* listed Knebworth House and Knebworth Park, a Grade II\* listed Registered Park and Gardens (RPAG). However, neither party has suggested that the appeal site is within the setting of any of these designated heritage assets and given the intervening distance, buildings and land between them I see no reason to disagree.

14. Nevertheless, for the above reasons, I find that the proposal would result in harm to the character and appearance of the CA which would fail to preserve its significance. Given the extent of development in relation to the wider CA, the harm to the CA resulting from the development would be localised, less than substantial and at the lower end of the scale in this instance, but nevertheless of considerable importance and weight. It would also result in harm to the character and appearance of the surrounding area, including by having an adverse effect on trees.
15. The proposal would therefore fail to satisfy the requirements of the Act and conflict with the Framework where it seeks to conserve and enhance the historic environment. It would also conflict with Policy D1 and NE2 (as identified in the officer report) of the North Hertfordshire Local Plan 2011-2031 (the NHLP). These policies collectively seek, amongst other things that developments respond positively to the site's local context, do not cause unacceptable harm to the character and appearance of the surrounding area and take all reasonable opportunities to retain existing vegetation.

*Whether inappropriate development*

16. The site is within the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework indicates that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. Policy SP5 of the NHLP states that the development will only be permitted in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated. The supporting text to this policy explains that developments in the Green Belt will be considered against national policy.
17. Paragraph 155 of the Framework sets out that the development of homes in the Green Belt should not be regarded as inappropriate where it utilises grey belt land and would not fundamentally undermine the purposes of the remaining Green Belt; where it would meet a demonstrable unmet need; would be in a sustainable location; and (where applicable) meets the 'Golden Rules'. The term 'Grey Belt' is defined in the Framework as land in the Green Belt comprising previously developed land and/or any other land that in either case does not contribute to any of the purposes (a), (b) or (d) in paragraph 143. It also excludes land where the application of policies relating to the areas or assets in footnote 7 (other than the Green Belt) would provide a strong reason for refusing or restricting development. Designated heritage assets are included in the list of exclusions.
18. I have found that the proposal would cause less than substantial harm to the significance of the CA, which is a designated heritage asset. The Framework is clear that great weight should be given to heritage assets' conservation and where a development would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. For reasons that I will go on to consider later in my decision, I have found that the public benefits would not outweigh the harm that I have identified. The proposal therefore conflicts with the historic environment protection policies of the Framework and Policy HE1 of the NHLP which requires that where a development will lead to less than substantial harm to the significance of the designated heritage asset, this harm is outweighed by the public benefits of the development. Consequently, the harm that I have identified in this respect provides a strong reason for refusing the development and the site would therefore not meet the

definition of grey belt land. The proposal therefore cannot be considered under the exception at paragraph 155 of the Framework.

19. The exception at paragraph 154 e) of the Framework allows for limited infilling in villages. 'Limited infilling' is not defined in the Framework but is commonly understood to be the development of a small gap within an otherwise built-up frontage. The glossary of the NHLP also defines 'infill development' as the development of a relatively small gap between existing buildings. In this case, the gap that exists between the neighbouring dwelling to the west and the closest dwelling to the east extends across part of an undeveloped agricultural field and is not relatively small. As such, the appeal site does not form a gap in an otherwise built-up frontage. There would be a significant gap between the side of the proposed terrace and the property to the east, and from my observations on the ground, the appeal site would not be sufficiently enclosed or surrounded by adjoining development to be accurately described as infill. The fact that the development would be within the confines of what the appellant refers to as the Old School House playground does not alter my view on this matter.
20. The appellant has referred to examples where limited infill development has been approved in the Green Belt in Old Knebworth which they consider set a precedent for the appeal scheme. I have not been supplied with copies of the approved plans, however, in both examples<sup>4</sup> the gaps between surrounding built development were smaller than at the appeal site. At Slip Lane the site was enclosed by development on several sides and the site at Nup End had a more intimate relationship with existing built form and was more enclosed. As such, these examples are not directly comparable to the appeal site and do not alter my conclusions in this regard.
21. Consequently, having assessed the site-specific circumstances on the ground, the appeal scheme does not comprise limited infilling and therefore does not meet the exception under paragraph 154 e) of the Framework.
22. Another exception at paragraph 154 g) of the Framework is the limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
23. There is some dispute between the parties over whether the eastern portion of the site is previously developed land (PDL). This land is predominately grassed, contains trees, small areas of hardstanding and a shed. The definition of PDL in the Framework includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. In this case, the areas of hardstanding on this portion of the site are relatively small and I have no substantive evidence before me as to whether the site has been lawfully developed. However, even if it has, there remains a requirement to ensure the proposed development would not cause substantial harm to the openness of the Green Belt.
24. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is an essential characteristic of the Green Belt and is capable of having both spatial and visual aspects. I note the development would be confined to the existing boundaries of the site and two-storey built form exists in close proximity on one side. However, the

<sup>4</sup> Council Refs. 20/02474/FP (Slip Lane) and 20/2109/FP (Nup End)

proposal would introduce built form on land where there is presently no permanent development. The footprint of the terrace would fill the majority of the width of the site where it bounds the highway, and the development would occupy ground and air space that is currently devoid of any permanent built form.

25. The development would also result in a marked increase in activity on the site with the comings and goings associated with five separate residential units, in addition to the effects of their respective garden areas and any associated domestic paraphernalia. The presence of the five dwellings would be perceptible from the highway, the nearby PRow and from surrounding residential properties. Given the land to the south and east of the site is open in character and the majority of the trees on site are proposed for removal, it is likely that the development would be prominent in both short and long-distance views and would result in a more urbanised character. Overall, when the spatial and visual effects are taken together, there would be substantial harm to the openness of the Green Belt. Accordingly, the proposed development would not meet the exception set out in paragraph 154 g) of the Framework.
26. Consequently, the proposed development does not meet any of the exceptions listed in paragraphs 154 and 155 of the Framework. The development would therefore be inappropriate development within the Green Belt and would result in substantial harm to the openness of the Green Belt. In accordance with paragraph 153 of the Framework, substantial weight should be given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. I will return to this matter later in the decision.
27. Insofar as I have found that the proposal would not represent infill development, it would also conflict with Policy SP2 of the NHLP where it requires development in Category B villages such as Old Knebworth to comprise infilling development which does not extend the built core of the village.

### *Highway safety*

28. The new dwellings would utilise the existing access between the properties Little Hyde and the Old School House onto Park Lane which is a 30mph road.
29. The original Highway Authority (HA) comments state that visibility splays of 2.4m x 43m are required to be provided at the site access due to the intensification of vehicular movements onto Park Lane caused by the development. These have been annotated on the Site Location Plan<sup>5</sup>. The left-hand visibility splay intersects the corner of the Old School House and third-party land. The HA state that visibility is limited to the left due to existing fences and hedges, however, the appellant has agreed to partially remove the fence and trim the hedges at the left-hand splay to improve visibility as annotated on the plans. A condition has been recommended to require the visibility splays are maintained free from any obstruction between 600mm and 2m and on this basis the HA have withdrawn their objection.
30. This revised position of the Highway Authority is uncontested by the Council, however, the hedgerow along the front boundary of the Old School House is not within either the red or blue lines on the Site Location Plan. I therefore have no mechanism to impose

<sup>5</sup> Ref. 22416-100 Rev. B

such a condition as suggested by the HA to require the splay is kept free from obstruction or any substantive evidence that it is within the appellant's gift to undertake the works within the left-hand splay that the HA consider to be necessary. The left-hand splay is already constrained by existing built form and without such a condition, would be further obstructed. This could bring vehicles into conflict with users of Park Lane. Given the development would result in the intensification of the use of this access which has restricted visibility in the north-west/left-hand direction, I am not satisfied that the appeal scheme demonstrates the development would provide safe access

31. Considering the appeal on the plans against which the Council made its decision, the scheme fails to make provision for footways along the site access to connect to Park Lane. Future occupants would therefore have to walk along the front of the terrace, through the parking area and down the main site access to access Park Lane with no designated footway. Whilst this may be the case for the existing properties located off this access, this development would increase the intensity of use of the access and thus the likelihood of conflict between pedestrians, cyclists and vulnerable users with vehicles. As such, the development would not provide appropriate provisions for pedestrians, cyclist and vulnerable users to be able to access the site safely. This would fail to minimise the scope for conflicts between such users and vehicles, particularly given my findings in relation to visibility at the site access, and fail to prioritise sustainable travel.
32. Furthermore, as no swept path plans have been provided, the plans do not demonstrate that the site access could accommodate a refuse collection or emergency vehicle or that they could safely enter and exit the site within a forward gear. In the event that such vehicles could not safely enter the site, they would have to park on Park Lane and enter the site on foot along the site access and through the parking area with no dedicated footway, giving rise to the potential for conflicts with vehicles. Or residents would have to take their bins along the same route to the kerbside for collection, where no bin collection point has been identified, which would be over a significant distance and would give rise to the same potential conflicts with vehicles.
33. The appellant refers to comments made by the HA dated 18 February 2025 which state that amended plans had satisfactorily addressed their previous concerns and withdraws their objection. However, these relate in part to the amended Block Plan which was not accepted by the Council due to the addition of a footpath link to the front of the dwellings extending outside of the red line and have not been accepted as part of the determination of this appeal. As such, this does not alter my findings on these matters.
34. For the above reasons, I therefore conclude the development would be harmful to highway and pedestrian safety. This is contrary to Policy T1 of the NHLP insofar as it requires development to not lead to highway safety problems or cause unacceptable impacts upon the highway network.

#### *Protected species*

35. The Council contends that the trees on site have the potential to harbour bats, and their removal could therefore have an adverse effect on protected species.
36. The appellant's evidence indicates that a Preliminary Ecological Assessment (PEA) has been undertaken which found very little bat roost potential on the site. However, the Council has confirmed that the application was not supported by a PEA relating to

protected species and no such evidence was submitted within the relevant appeal timetable. In the absence of any substantive evidence, the presence or otherwise of protected species on the site is not known. Subsequently it is not possible to define the extent to which protected species may be affected by the proposed development.

37. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by development, is established before planning permission is granted. The Framework sets out that if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Based on the evidence before me, I cannot be satisfied that significant harm to biodiversity, specifically bats which are a protected species, would not occur.
38. I note that the application was validated without receipt of a PEA and this was not requested by the Council during the application. However, there is no substantive evidence before me that should've been a reason to invalidate the application.
39. Therefore, for the above reasons, I conclude that the appellant has failed to demonstrate that the development would not have an adverse effect on protected species, with particular regard to bats. This is contrary to Policy NE4 of the NHLP insofar as it requires that planning permission is only be granted for development proposals that appropriately protect, enhance and manage biodiversity and demonstrate that any adverse effects can be avoided and/or satisfactorily minimised.

#### *Other considerations*

40. I have insufficient evidence as to whether the entire site constitutes PDL, however, the development would nevertheless make use of underutilised land for housing which is supported by the Framework. Benefits would derive from the contribution that these five smaller dwellings would make to the choice of homes in the area and the supply of housing land. Social and economic benefits would also arise during construction and after occupation. Housing delivery is supported by the Framework and, therefore, these benefits weigh in favour of the proposal. However, the contribution that would be made by five dwellings would be modest, even in the context that the Council cannot currently demonstrate a five-year supply of deliverable housing sites and even if that shortfall were significant. I therefore afford these considerations moderate weight.
41. Replacement planting is proposed, however, the BNG assessment identifies a net loss of habitat and hedgerow units across the site overall, such that the benefit of any replacement planting would attract very limited weight.
42. Reference has been made to the dwellings being affordable and for local people to rent, which the appellant states is in high demand. The appellant also states that priority would be given to employees of the Knebworth Estate, and this would support the local community, sustainability of local businesses and, in turn, would support Knebworth House and the RPAG which is stated to be a heritage asset at risk. However, there is no substantive evidence before me to demonstrate this demand and how the proposed dwellings would align with the local housing need. Furthermore, there is no mechanism before me that would secure the dwellings for only local people to rent or to link them with the Knebworth Estate. As such, there is no certainty that any rental income would support these designated heritage assets either. These considerations therefore attract very limited weight.

43. The appellant states the site has no viable alternative use and the development would improve the site's current appearance which would provide a benefit to the character and appearance of the CA. However, in light of my conclusions in respect of the main issues I do not agree. I am also not persuaded that there would not be a less harmful way of repurposing the land and securing the same benefits.

### **Heritage Balance**

44. Paragraph 212 of the Framework states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. For the reasons set out above, I find that the proposal would result in harm to the character and appearance of the CA which would fail to preserve its significance. I have found the harm to be less than substantial and at the lower end of the scale, but nevertheless of considerable importance and weight. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal.
45. As I have set out above, the appellant has identified a number of benefits of the scheme which could be deemed as public benefits, notably in relation to the delivery of housing on underutilised land and the consequential social and economic benefits. However, taken together, these public benefits would be relatively modest and would not outweigh the harm that I have identified and consequently, the great weight to be attached to the conservation of heritage assets. The proposal would therefore conflict with the historic environment protection policies of the Framework and would conflict with Policy HE1 of the NHLP which requires that where a development will lead to less than substantial harm to the significance of the designated heritage asset, this harm is outweighed by the public benefits of the development.

### **Green Belt Balance**

46. The development would be inappropriate development in the Green Belt in that it would result in a new building comprising five dwellings within the Green Belt which does not fall under any of the listed exceptions. The proposed development would also result in substantial harm to the openness of the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt and the development should not be approved except in very special circumstances.
47. In addition, I have concluded that the development would result in harm to the character and appearance of the surrounding area and the CA which would fail to preserve its significance. The development would also be harmful to highway and pedestrian safety and would have a potentially harmful effect on protected species. This harm renders the development contrary to the requirements of the Council's aforementioned development plan policies and in conflict with the Framework where it seeks the creation of well-designed places, the conservation of the historic environment, the prevention of unacceptable impacts on highway safety and the protection of protected species. Consequently, these other additional harms carry significant weight.
48. Very special circumstances will not exist unless the harm to the Green Belt and any other harms are clearly outweighed by other considerations.
49. Overall, when taken together, in the context of five dwellings, the abovementioned benefits of the development attract limited weight in favour of the proposal. Therefore, the other considerations in this case are not sufficient to clearly outweigh the totality of

harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

50. The development therefore conflicts with Policy SP5 of the NHLP which sets out that development proposals in the Green Belt will only be permitted where they would not result in inappropriate development or where very special circumstances have been demonstrated.

### **Planning Balance and Conclusion**

51. The Council concedes that it cannot currently demonstrate a five-year supply of deliverable housing sites. In such circumstances, paragraph 11(d) of the Framework indicates that permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 of the Framework lists land designated as Green Belt and designated heritage assets (which includes conservation areas) as such asset of importance.
52. I have concluded that the proposal would be inappropriate development in the Green Belt and the very special circumstances necessary to justify the development do not exist. I have also concluded the development would result in harm to the significance of the CA which would not be outweighed by public benefits. Both of these matters provide a strong reason for refusing the development. Consequently, irrespective of the level of shortfall, paragraph 11(d)ii is not engaged and the proposal does not benefit from the presumption in favour of sustainable development in this instance.
53. For the reasons given above, I therefore conclude the proposal conflicts with the development plan when read as a whole and the material considerations do not indicate a decision should be made other than in accordance with it. I therefore conclude that the appeal should be dismissed.

*H Whitfield*

INSPECTOR