

Written Statement of Case

Appeal Against Refusal

of

**Erection of one self-build
dwelling (all matters reserved
except means of access) and
demolition of existing
detached barn**

at

**Land at Fear End
Fears Green
Sandon
Herts
SG9 0QY**

**LPA Reference:
25/03120/OP**



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1.0 INTRODUCTION

1.1 This statement of case has been prepared on behalf of Ms Rosemary Campbell (hereafter referred to as “the Appellant”) in relation to the refusal of an outline planning application by North Hertfordshire District Council (hereby referred to as “the LPA”) with application reference 25/03120/OP for:

‘Erection of one self-build dwelling (all matters reserved except means of access) and demolition of existing detached barn’

1.2 A copy of the proposed Site Plan is attached at Appendix 1.

1.3 The application was submitted to the LPA on 16th December 2025. It was subsequently validated on the same day and refused under delegated powers on 11th February 2026.

1.4 It is worth noting that an appeal has been submitted on the main farmyard concurrently with this appeal, reference 6006777.

1.5 The reasons for refusal are as follows:

1. *The proposed development, by virtue of its remote location in a rural setting, would result in harm to the character of the countryside in the Rural Area beyond the Green Belt and would fail to comply with Policies SP1, SP5 and CGB1 of the Local Plan 2011-2031 and Sections 2, 5, 12 and 15 of the NPPF (2024).*
2. *The proposed development, by virtue [sic] of its remote and rural setting and distance from essential local services and facilities, would be deemed as unsustainable both socially and environmentally. The limited benefit of the delivery of the proposal is not considered to significantly or demonstrably outweigh [sic] these adverse concerns and is contrary to Policies SP1, SP5, SP6, CGB1 and T1 of the Local Plan 2011-2031 and Sections 2, 5, 9, 12 and 15 of the NPPF (2024).*



3. *The proposed development fails to demonstrate that the means of access would provide safe, inclusive, and accessible routes for all users, including those with disabilities and reduced mobility. The submitted plans do not adequately address pedestrian cycle connectivity, and therefore, do not comply with Paragraphs 8(b), 96, and 117 of the National Planning Policy Framework (NPPF) (as amended February 2025), which require developments to create well-designed places with accessible services and to meet the needs of all transport users.*

Furthermore, the proposal conflicts with North Hertfordshire Local Plan Policy SP6 (Sustainable Transport), which mandates accessible and integrated transport infrastructure, including rights of way and cycling routes, and seeks to deliver accessibility improvements and promote safe, sustainable travel. It also fails to comply with the Council's Inclusive Design SPD, which requires developments to ensure safe, inclusive, and accessible environments for all users

1.6 Copies of the Decision Notice and Officer's Report can be found at Appendices 2 and 3, respectively.

1.7 The application was accompanied with the following documents:

- Application Form and Ownership Certificate
- Planning Statement (Including Sustainability and Energy Statement)
- Ecological Appraisal by Small Ecology
- Self-Build exemption form
- Relevant Appeal Decision
- Location Plan
- Proposed Site Plan

1.8 Following due consideration, the Appellant has decided to appeal the LPA's decision. It is considered that the following main issues are to be addressed in this appeal:

- Impact upon the countryside
- Sustainability of the location



2.0 LOCATION AND SITE DESCRIPTION

- 2.1 The appeal site is located within the village of Sandon, outside of the development boundary and within the countryside. Opposite part of the site falls within a separate Parish Boundary. The site is situated between two residential dwellings on either side, making the proposal infill. It sits amongst agricultural land, with little else (other than the two dwellings) in the immediate vicinity. The site is approximately 1.0 km north-east of the village of Sandon, which itself is located around 6 km north-west of Buntingford and 8 km south-east of Royston. The site lies to the east side of Kelshall Road (shown as Fears Green on some maps) between Sandon and Kelshall in the southern corner of Kelshall Parish and occupies a site which is generally level but has a slight incline from the highway towards the rear of the site. The surrounding land is generally laid to arable farmland, although there are small, wooded areas located immediately to the east.
- 2.2 The property enjoys a quiet, rural location but is in close proximity to several larger settlements, each with a wide range of amenities, facilities, leisure, healthcare, educational institutions, and employment opportunities.
- 2.3 The property is located between the towns of Royston, Baldock and Buntingford, approximately 3km west of the A10. The area is well connected for travel with access to the A1(M), A10, M1 & M11 all in close proximity via the A505, access to which is within 2.5 miles. Rail services are available from Ashwell and Morden, Royston and Baldock, serving London King's Cross and Cambridge. The East Coast Main Line passes through Stevenage. The London airports are easily accessible.
- 2.2 The appeal site extends to approximately 0.19ha of land that is currently vacant and underutilised. Access to the site is currently via the property known as Fear End south of the site, utilising the existing domestic access. The highway, an unnamed road, runs along the western boundary of the site.



- 2.3 Close by to the site is a recent approval for the conversion of agricultural buildings into 7 residential dwellings (24/02908/PNQ – Delegated Report at appendix 1). The site itself has never been the subject of any historic planning applications. An appeal is currently running to demolish these barns and replace them with five new dwellings. The reduction in units is a material consideration in the determination of this appeal.
- 2.4 The site is not located within flood zones 2 and 3. No TPO's are present on the site. The site is not within a Conservation Area and no listed buildings are within the vicinity.
- 2.5 Opposite the site is a modern barn building. In order to mitigate the impact of the proposed infill dwelling on the landscape, it is proposed to remove the barn building. The removal of this will enhance the openness of the area significantly, as the building currently protrudes significantly into the countryside landscape.

3.0 BACKGROUND AND PLANNING HISTORY

- 3.1 The site does not benefit from any earlier planning permissions. However, as previously mentioned, the farmyard to the east of the site has been the subjection of a recent Class Q Prior Approval consent for the conversion of agricultural buildings into 9 dwellings 24/02908/PNQ. The Appellant currently has a live appeal on that site for the replacement of all agricultural buildings with five dwellings. This reduction in units is a material consideration in the determination of this appeal.

4.0 APPEAL PROPOSALS

- 4.1 The appeal seeks outline planning permission to erect a new dwelling at the site and demolish the existing agricultural building opposite the site. The new dwelling would be positioned in between Fear End and Fallowfields, in an infill position. Although at an outline stage, the design and materials will complement the adjacent buildings and make better use of the vacant land whilst also providing much needed dwellings in a District with a 5 year supply shortfall in their housing supply.



- 4.2 The indicative layout plan shows how this could be accessed and how the dwelling could fit on the site. This can take place without any detrimental impacts upon the surrounding neighbouring dwellings or the countryside setting and will add to the Council housing shortfall promptly, as explained in detail within this report.
- 4.3 The proposed dwelling will be built above the requirements of the Building Regulations in terms of energy efficiency, a ground/air source heat pump, solar panels and additional insulation will all be considered at the construction stage. The Appellant's intention will be to construct an energy-efficient dwelling, future-proofed so far as practicable, this is specifically for a self/custom build dwelling.
- 4.4 As part of the proposal, it is proposed to remove the barn building opposite the site. This would mitigate for any perceived impact upon the countryside resulting from the erection of a new dwelling. The impacts of development of an infill plot would be more than mitigated by the removal of the barn, which currently protrudes out into the open countryside in a conspicuous position. The replacement dwelling will be akin to the size of the building opposite in order that the impacts upon the countryside are mitigated.

5.0 PLANNING POLICY CONTEXT

National Planning Policy

- 5.1 National planning policy is contained within the National Planning Policy Framework (NPPF), adopted 2012 with the most recent amendment in December 2024. It is a material consideration in the determination of planning applications.
- 5.2 Development plan policies are material to an application for planning permission and the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).
- 5.3 The NPPF identifies at paragraph 7 that: *“the purpose of the planning system is to contribute to the achievement of sustainable development”* and identifies three overarching objectives, which are economic, social and environmental.



- 5.4 Paragraph 10 goes on to state: *“So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11). For decision-taking this means: c) Approving development proposals that accord with an up-to-date development plan without delay; or d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
- 5.5 Paragraph 11d is of specific relevance to this appeal as discussed in more detail below.
- 5.6 Government seeks to encourage LPA’s to be positive in their decision making, stipulating at paragraph 39 that they ***“should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”*** [emphasis added]
- 5.7 As set out in Section 5 of the NPPF, one of the Government's objectives is to deliver a sufficient supply of new homes. Paragraph 61 states that: *“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area’s identified housing need as possible, including with an appropriate mix of housing types for the local community.”*



- 5.8 Paragraph 73 goes on to state that “Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.” It goes on to state at section ‘d’ that *“support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”*
- 5.9 Of specific relevance to this application is Paragraph 78, which requires LPAs to update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing for decision making purposes if their adopted plan is more than five years old, which is the case here.
- 5.10 The National Planning Practice Guidance (NPPG) on Housing supply and delivery states at Paragraph 008 that *“In decision-taking, if an authority cannot demonstrate a 5 year housing land supply, including any appropriate buffer, the presumption in favour of sustainable development will apply, as set out in paragraph 11d of the National Planning Policy Framework.”*
- 5.11 Finally, paragraph 83 of the NPPF is also pertinent to the case in hand as it refers to promoting sustainable development in rural areas, stating that housing should be located where it will enhance or maintain the vitality of rural communities. It also states that *“where there are groups of smaller settlements, development in one village may support services in a village nearby”*.

Local Planning Policy

- 5.12 Local Planning Policy comprises the North Herts Local Plan 2011-2031. The most relevant policies are mentioned below, whilst others may be pertinent to the application, they are covered in section 6 of this report.
- 5.13 Policy SP2 sets out the settlement hierarchy for the district. Sandon is stated to be a Category A village, where general development will be allowed within the defined settlement boundaries.
- 5.14 Policy CGB1 is concerned with the Rural Area beyond the Green Belt. It states that planning permission will be granted provided that development:-



- 5.15 'a) Is infilling development which does not extend the built core of a Category B village;
- b) Meets a proven local need for community facilities, services or affordable housing in an appropriate location;
- c) Is strictly necessary for the needs of agriculture or forestry;
- d) Relates to existing rural buildings
- e) Is a modest proposal for rural economic development or diversification; or
- f) Would provide land or facilities for outdoor sport, outdoor recreation and cemeteries that respect the generally open nature of the rural area.'

5.16 The most pertinent policy in the Local Plan in respect of these proposals is CBG4. This states that:-

'a) Planning permission for the re-use, replacement or extension of buildings in the Rural Area beyond the Green Belt will be granted provided that:

- b) Any existing building to be converted for re-use does not require major extension or reconstruction;
- c) The resultant building(s) do not have a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original building(s); and
- d) Any outbuilding(s) are sited as close as possible to the main building(s) and visually subordinate to them.'

6.0 GROUNDS OF APPEAL

6.1 The following matters are of material importance to the appeal at hand, and will be addressed in the paragraphs that follow:

- The impact upon the countryside
- The sustainability credentials of the site
- Other matters



- 6.2 The Case Officer's Delegated Report (Appendix 3) sets out considerations that led to the application being refused.

Impact upon the countryside

- 6.3 Turning firstly to the harm to the character of the countryside, as laid out in refusal reason 1. The Delegated Report does not contain any commentary on the actual perceived impact upon the countryside. There is no quantitative discussions regarding the actual harm. Furthermore, there is no commentary in the Report regarding the removal of the large barn opposite the proposed house, which forms part of the proposals in order to mitigate for any impacts of the development.
- 6.4 The existing barn sits prominently in the landscape, is positioned well into the field which maximises the impact. Although now a tall building, it does stand out in the landscape setting. The proposed dwelling, however, will be position between existing built form, filling in a small gap with limited landscape harm.
- 6.5 The Council have suggested that the proposal is contrary to paragraph 84 of the NPPF, however, case law would indicate otherwise. For paragraph 84 to be relevant, the proposals must be isolated, however, as previously mentioned, the proposed dwelling would sit in between two dwellings, and seven dwellings have been permitted to the rear of Fear End, with an appeal for five units currently under determination by the Planning Inspectorate. Subsequently, the site cannot be accurately described as isolated.
- 6.6 In terms of case law, Braintree District Council v Secretary of State for Communities and Local Government [2018] is pertinent to this case (appendix 4). In this case, the judge held that 'isolated' has its ordinary meaning in the NPPF and needs no over-interpretation. The paragraph's (Para 84) advice was to avoid "new isolated homes in the countryside", which Lindblom J said: "Simply differentiates between the development of housing within a settlement - or village - and new dwellings that would be 'isolated' in the sense of being separate or remote from a settlement".



- 6.7 He explained: “Whether a proposed new dwelling is, or is not, ‘isolated’ in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand. “In my opinion, the language of paragraph 55 (now para 84) is entirely unambiguous, and there is therefore no need to resort to other statements of policy, either in the NPPF itself or elsewhere, that might shed light on its meaning.”
- 6.8 Therefore, given the ordinary dictionary meaning of the word ‘isolated’, which is ‘far away from other places, buildings, or people; remote’, the Appellant does not consider that paragraph 84 is relevant in this instance as the site cannot accurately be argued to be isolated.
- 6.9 In respect of the Appellant's contention that the proposals would result in an infill proposal, the Council have ruled this out, stating that the site is not infill due to its location, away from shops and services. However, the applicant contends that the location away from shops and services does not rule out the fact that the site is neatly positioned between two existing dwellings. As with the Braintree case mentioned above, there would be no reason to rule that the meaning of a word should be somehow different because it is contained in a planning policy – infill means infill, commonly taken as a site between existing buildings in planning terms, with the dictionary meaning being ‘material that fills or is used to fill a space or hole’. The Appellant, therefore, takes the firm view that the proposal would promote infill development.
- 6.10 Given the lack of identified harm resulting from the proposals and any harm being mitigated by the removal of the barn opposite, coupled with the fact that the proposal is infill development, a generally accepted form of development in the rural area, the Appellant believe that the harm suggested in refusal reason 1 is overstated and on the contrary, resulting impacts will be improved openness and added character to the countryside setting.



Sustainability

- 6.11 The site is not central in the village, however, shops and services are located within a short walk of the site. Furthermore, paragraph 110 recognises that *“opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making”*.
- 6.12 It is worth noting that the site is within walking distance of the church, post office, primary school, village hall and Sandon Manor, which now employs over 30 local people. Various activities take place at the village hall which are organised by the villagers. There is also the HCC Lynx bus service for travelling to local towns and good delivery services available from grocery stores.
- 6.13 Another material consideration is the earlier Class Q permission on the Appellant's farmyard, which allowed for seven dwellings to be erected. An appeal has been lodged to reduce this scheme down to 5 dwellings, thus reducing the number of units at Fears Green by two. In order to add to the Council's five year supply, this proposal will increase these figures back up to 6 dwelling overall. The location of the dwelling, between built form, is also deemed more appropriate than another unit behind Fears End. When the proposals are assessed in the round, they would appear to form a sustainable development proposal.
- 6.14 Hertfordshire Highway have objected to the proposal on sustainability grounds, rather than a specific highway concern. They suggest that the plans submitted do not adequately address pedestrian cycle connectivity and therefore do not comply with various paragraphs of the NPPF. However, the site's location does not entirely rule out walking or cycling, on the contrary, cycling would be a realistic alternative to the private motor vehicle if the occupants wanted to take up this opportunity. The location of the site does not rule out sustainable transport options.



Other material considerations

- 6.16 The proposal is for a self-build dwelling, this is another matter that has been given no weight in the Officer's Delegated Report, this is a primary strand to the case for planning permission. There is a shortfall in serviced plots, and this proposal would add to the provision of plots. The full benefits of self-build are documented in the Planning Statement at 4.18 – 4.27 but not commented on in the Delegated Report at all, other than the description of development and the BNG exemption.
- 6.17 Finally, the lack of a five year supply is briefly touched on in the Delegated Report, but the fact that this will deliver an additional dwelling to the Council supply in the short term has not, in the Appellant's opinion, been afforded sufficient weight in the decision making process.

7.0 PLANNING BALANCE AND CONCLUSIONS

- 7.1 The appeal scheme is a unique opportunity to provide much needed residential accommodation in an attractive rural setting without any harm to the immediate environment when the demolition of the barn is borne in mind.
- 7.2 As evidenced in this appeal statement and the Delegated Report, North Herts District LPA cannot currently demonstrate a 5-year housing land supply. As such, the '*tilted balance*' applies as per paragraph 11(d) of the NPPF. It is set out here that the reasons for refusal of the appeal planning application is outweighed by the benefits that weigh in favour of supporting the scheme through efficient use of suitable and available land to appropriately accommodate new dwellings that would contribute to the LPA's housing supply.
- 7.3 The two primary issues relating to the refusal were the sustainability of the site and the impact upon the character of the countryside. These issues failed to take into account the realistic fallback position of the Class Q consent, the self-build nature of the proposal, the infill nature of the proposal, and the removal of the barn opposite. These material considerations, of considerable weight when coupled together. However, this has not been recognised by the LPA, who have refused on development plan grounds against the principle of the development, with no coverage of the benefits of the scheme.



- 7.4 When these matters are given consideration in the decision making process, the Appellant believes that they are sufficient to override any impact upon the countryside or sustainability issues. The proposals will make better use of land and propose a well thought out development proposal.
- 7.5 Collectively, the matters set out in this Statement are considered to positively achieve the aims of sustainable development. Therefore, it is respectfully requested that the appeal is allowed.