
Appeal Decision

Site visit made on 12 August 2026 by S Jamieson BA(Hons) MPlan MRTPI

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2026

Appeal Ref: 6009246

Woodcotes, Fears Green, Sandon, Hertfordshire SG9 0QZ

- 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 Mr & Mrs Jani against the decision of North Herts Council.
 - The application Ref is 25/02883/FP.
 - The development proposed is the erection of three residential dwellings and associated works following demolition of no.3 redundant agricultural buildings, demolition of existing cartlodge and partial demolition of existing garage/outbuilding.
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Decision

1. The appeal is dismissed.

Appeal Procedure and Preliminary Matters

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.
3. I have taken the description of development from the Council's Decision Notice as this is more accurate given that the application is for full planning permission and not for amendments to a prior approval.
4. A new National Planning Policy Framework (the Framework) was published on 17 August 2026. Having given the main parties an opportunity to comment on the changes introduced, my decision reflects this recently revised Framework.

Main Issues

5. The main issues are:
 - whether the appeal site is a suitable location for the proposed development having regard to the development plan and site accessibility; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons for the Recommendation

Location

6. The appeal site is located on a narrow country lane, between the villages of Kelshall and Sandon, approximately half a mile from the edge of each of these settlements. There is a residential property that adjoins the site, and some sporadic

development along the lane. The site is otherwise surrounded by agricultural fields. It is therefore evidently within the open countryside.

7. Policy SP1 of the North Hertfordshire Local Plan 2011-2031 (2022) (Local Plan) supports the principles of sustainable development by directing housing, employment and new development to key settlements. This is reinforced by Local Plan Policy SP2 which sets out the settlement hierarchy for the District and seeks to focus development firstly within towns and secondly within five main villages. Thereafter, development is directed to Category A villages, including Sandon, where development is supported within the defined settlement boundary. In Category B villages, including Kelshall, only infill development is supported, provided it does not extend the built core of the village. Development outside these settlements is supported where it is planned for through a Neighbourhood Plan. From the evidence before me, there is no Neighbourhood Plan applicable to the appeal site.
8. As defined under the Local Plan, the site lies within the Rural Areas beyond the Green Belt (RABGB). Local Plan Policy CGB1 confirms that in RABGB, planning permission will be granted provided that the development falls within one of six categories. As the proposal relates to an existing agricultural building, I find no direct conflict with Policy CBG1.
9. Policy CBG4 relates to proposals for the re-use, replacement or extension of existing buildings in the RABGB. This requires that buildings to be converted do not require major extension or reconstruction; the resultant buildings do not have a materially greater impact on openness, purposes or general policy aims of the RABGB than the original buildings; and (*my emphasis*) any outbuildings are sited as close as possible to the main building(s) and visually subordinate to them. Given the proposal relates to the demolition of the existing agricultural building and its replacement with dwellings, it is inconsistent with Policy CGB4.
10. In a similar vein to the above Local Plan policies, Policy S5(1) of the Framework specifies the only forms of development that should be supported outside existing settlements. As a proposal for the demolition of an agricultural building and the erection of new dwellings, the appeal scheme would not constitute the reuse, extension, alteration of an existing building, or the replacement of a building for the same use, as defined within Policy S5(1)(c) of the Framework. According to the glossary of the Framework, it would not fall within the definition of previously developed land and, given the sporadic pattern of development in the vicinity the appeal site, could not reasonably be described as limited infilling. Given the site's location in the open countryside and the significant distance between the appeal site and the nearest villages, which are not served by railway stations, the site is also neither within reasonable walking distance of a well-connected railway station nor physically well-related to such a station or the settlement it serves.
11. While the Council cannot demonstrate a five-year supply of deliverable housing land, Policy S5(j) only supports housing development in such circumstances where the site is physically well-related to an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure. In this case, as explained above, the appeal site is physically separate from both Kelshall and Sandon and is divided from them by intervening countryside. It therefore cannot be regarded as being well-related to either village.

It is also not allocated for residential development. Consequently, the proposed residential development of the site would not fall within any of the categories of development listed within Framework Policy S5.

12. With regard to accessibility, Fears Green comprises a narrow, unlit, national speed limit lane with no footway for most of its length. It thereby would not provide a suitable walking or cycling route, particularly during hours of darkness or inclement weather. During my site visit I also observed that there are no bus stops on Fears Green. Overall, the nature of the local highway network, the distances involved and the lack of a bus service in the vicinity of the site would not be conducive to encourage walking or the use of public transport to access day-to-day local services and facilities in the nearest villages or further afield. As a result, future residents would not have a genuine choice of sustainable modes of transport, contrary to the aims of Policy TR3 of the Framework, and consequently occupiers would be heavily, or solely, reliant on private vehicles. This is the least sustainable mode of travel.
13. In this regard, the proposal would fail to accord with the requirements of Policies SP6 and T1 of the Local Plan and Policy 5 of the Hertfordshire Local Transport Plan 2018-2031 (2018) (LTP) which seek, amongst other things, to encourage development in locations which enable sustainable journeys to be made to key services and facilities and require that the location and design of proposals encourage movement by sustainable transport modes and reduce travel demand.
14. Taking all the above into consideration, the location of the proposed development away from any settlement boundary would be inconsistent with the spatial strategy for the District and would be contrary to the aims of the Local Plan, LTP and the Framework in terms of promoting sustainable patterns of development.
15. Consequently, the appeal site would not be a suitable location for the proposed development having regard to the development plan and site accessibility.

Character and appearance

16. The appeal site comprises a simple arrangement of agricultural buildings including two open-sided, timber storage structures and a vacant poultry shed. The poultry shed is an expansive building, occupying a large area of the site, along its northern boundary. However, its modest height and squat form give it a discreet presence, while its timber and corrugated metal construction give it a notably agricultural appearance. Aside from the occasional dwelling and agricultural building, there is limited development between Sandon and Kelshall and the route is characterised by grass verges, hedgerows and mature trees, with gaps between vegetation providing intermittent views out over open fields. Collectively these elements contribute positively to the distinctly rural character of the area.
17. The proposal would see the removal of the poultry shed and other timber structures, which are somewhat dilapidated. Nevertheless, the erection of three substantial detached dwellings would represent a significant change in the character and appearance of the site. Although the overall volume of built development may be less than that of the existing structures, the proposal would introduce a markedly different form and pattern of development. In particular, the development would extend into the rear of the site, which is presently free from built form, thereby increasing the perception of encroachment into the rural landscape.

18. Furthermore, the largest of the proposed dwellings would incorporate a distinctly contemporary design, characterised by extensive glazing and a large first-floor terrace. While contemporary architecture is not inherently inappropriate in a rural context, in this case the dwelling would read as a conspicuously domestic and visually prominent feature that would sit uncomfortably with the site's agricultural and rural setting.
19. The development would also likely require substantial associated works, including areas of hard surfacing for access, parking, turning and refuse storage, together with domestic boundary treatments and formal landscaping. These elements would reinforce the residential character of the site and erode its existing rural qualities. Collectively, the introduction of domestic curtilages, hard landscaping and associated infrastructure would result in a pronounced urbanising effect that would appear incongruous within its countryside setting.
20. While the proposed dwellings would be set back from Fears Green and would benefit from a degree of screening provided by mature trees and hedgerows, the development would nonetheless remain visible in partial views from the site access, from the nearby public footpath and from wider vantage points across the open fields from the north. In addition, the occupation of the dwellings would introduce a level of domestic activity, external lighting and residential paraphernalia that is currently absent from the site. These features would increase the perception of development within the countryside, particularly during hours of darkness, and would further diminish the site's rural character.
21. While I acknowledge that aspects of the proposed design, including its scale and choice of materials, seek to draw reference from agricultural buildings, these design measures would fail to satisfactorily mitigate the fundamental change that would arise from the introduction of three permanent dwellings and their associated domestic curtilages.
22. Consequently, the proposed development would have a harmful effect on the character and appearance of the area. In that regard it would conflict with Policy SP9 and Policy D1 of the Local Plan which require, amongst other things, that developments are well designed and located; and respond positively to local context. It would also be inconsistent with the good-design objectives of the Framework.

Other Considerations

23. The parties have referred to an extant Class Q Prior Approval (Ref. 24/01733/PNQ) at the appeal site for the conversion of the poultry shed to three residential dwellings. As I have no reason to doubt that this scheme would be implemented if this appeal were to fail, the prior approval scheme represents a realistic fallback position and an important consideration in this case.
24. The fallback permits the conversion of the agricultural buildings to residential use. However, the PPG is clear that the permitted development right does not apply a test in relation to the sustainability of the location. This is deliberate because many agricultural buildings will be in locations where planning permission for new dwellings would not normally be granted. Therefore, the fallback does not establish that the location is sustainable for new residential development.

25. In character and appearance terms, the existing buildings, while large and in a poor state of repair, are characteristic of the surrounding area and of the agricultural land use in terms of their scale, form and appearance. Despite their collectively significant footprint, they assimilate into the landscape. The prior approval works would not fundamentally alter this character because the restrictions on prior approval prevent material changes to the external appearance of the barns. It would result in very limited changes to the external space and the overall domestication of the wider area.
26. While the amendments to the Class Q regime could potentially allow a greater number of residential units to be created within the existing building, and / or for the conversion of the other structures on the site to residential use, no such scheme has been presented and there is insufficient evidence before me to establish either the form that such developments might take or whether they would satisfy all of the relevant limitations, conditions and requirements of the permitted development regime. Even if a more intensive Class Q scheme were capable of being pursued, the proposal is for three substantial, detached dwellings, with significant expanses of glazing, and the domestication of the appeal site through the creation of three separate gardens, driveways and the associated domesticated paraphernalia that would likely follow. It would, therefore, despite any increase in traffic movements, clearly have a more harmful effect on the character and appearance of the rural landscape than the fallback position.
27. There is no evidence before me regarding the value of the appeal scheme compared to the extant Class Q approval. That said, such an assessment is not determinative in the assessment of the planning benefits of the proposal. Nor are the personal aspirations of the appellant in terms of their desire for a new house to live in after their retirement.
28. I note the appeal decisions (Ref. APP/M1710/W/20/3258256) cited by the Appellant. I do not have the full details of that scheme before me. However, it is clear from the appeal decision, and the accompanying costs decision, that the main issue in that case was site suitability, and not the effect of the proposed development on the character and appearance of the area. Given my findings above, this is a fundamental difference when assessing the weight that should be attributed to the fallback position. It is not therefore directly comparable to the appeal before me.

Planning Balance and Recommendation

29. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the appeal be determined in accordance with the development plan unless material considerations indicate otherwise.
30. The Council is unable to identify a supply of deliverable sites sufficient to provide a minimum of 5 years' worth of housing. Indeed, the evidence before me suggests that the Council is only able to demonstrate between 2.6 and 3.3 years' worth of housing land supply. Policy H07 of the Framework indicates that substantial weight should be given to the benefits of providing homes that would help address the evidenced accommodation needs of the community. While the provision of three dwellings would make a small contribution in terms of addressing unmet housing needs, this is an important factor given the Council's housing land supply position.

31. In addition, the proposal would align with some aspects of the Framework insofar as making effective use of land, conserving and enhancing the natural environment, providing energy-efficient dwellings and some socio-economic benefits that would arise from construction and additional support for local services and facilities in nearby villages. In the context of three dwellings however, such benefits would be limited in magnitude and are therefore attributed moderate weight in favour of the proposal.
32. I have also considered the appellant's intention that one of the dwellings would be self-build. However, no planning obligation or other mechanism has been provided to secure the development as self-build or custom housebuilding. Furthermore, there is no substantive evidence before me that the Council is failing to meet its duties in this respect. Accordingly, I attach this benefit limited weight. For the reasons given above, I also attribute limited weight to the fallback position.
33. Against these benefits, the site's location in the open countryside and the absence of any realistic alternative to the car means the development would conflict with the development plan. I give this conflict considerable weight. Independent of that finding, the proposal would also constitute poor design, which adds further weight against the proposal.
34. As the proposal does not fall within any of the categories in Framework Policy S5(1), under S5(4) the proposal should be approved only where exceptional circumstances exist and the benefits would substantially outweigh the adverse effects. No such circumstances exist and the benefits fall short of that test. Accordingly, there are no material considerations indicating a decision should be made other than in accordance with the development plan.
35. For these reasons, and having regard to all other matters raised, I recommend that the appeal should be dismissed.

S Jamieson

APPEAL PLANNING OFFICER

Inspector's Decision

36. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

A M Nilsson

INSPECTOR