Planning Inspectorate

Appeal Decision

Site visit made on 2 September 2026

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th October 2026

Appeal Ref: 6008063
Land South of Ellison Close, Stanstead Road, Hunsdon
Ordnance Survey grid ref: 541519:213813

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Peter Findlay against the decision of East Hertfordshire District Council.
- The application Ref is 3/25/1383/OUT.
- The development proposed is outline planning application with all matters reserved except for access for the erection of up to 7 dwellings and associated parking and landscaping.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline, with details of access only, so the appearance, landscaping, layout and scale of the development would be for later consideration. The proposed access is detailed on drawing no. 1007.0018-0001 Rev P02, in a Highways Response Note[1] submitted while the application was under consideration, which supersedes the version in the Transport Statement[2]. Other drawings show how up to seven dwellings could be laid out on the site, but they are described as indicative and I have considered them on that basis.

3. A revised National Planning Policy Framework (the Framework) was issued in August 2026 and is a material consideration in this appeal. Both main parties have commented on its implications for their cases, and I have taken those additional representations into account.

4. The appellant's final comments introduced new evidence, comprising Committee reports and Minutes for two planning applications determined in April 2026, just after the appeal had been submitted. The Committee reports quote a housing land supply figure less than the one referred to in a 2024 appeal decision which had been referenced in the Officer Report on this application. However, the lower supply figure had already been quoted in the appellant's August 2025 Planning Statement, and the Council has confirmed that it is not disputed.

5. The appellant's evidence already establishes that planning permission has been granted for other developments outside village boundaries in East Herts. The April 2026 decisions both relate to larger schemes, outside different settlements and within different Neighbourhood Plan areas. They also pre-date publication of the

[1] Paul Basham Associates Highway Response Note October 2025 ref 1007.0018/HRN/1
[2] Paul Basham Associates Transport Statement April 2025 ref 1007.0018-TS/2

revised Framework, upon which both parties have had the opportunity to comment. At this point, they do not introduce any relevant information not adequately covered elsewhere. Having applied the principles in the Procedural Guide[3], I have disregarded the late evidence regarding those decisions.

6. The original landscaping proposals for the Ellison Close development were also provided at a late stage. However, while that information could have been provided earlier, it was submitted in response to a point made in the Council's Statement of Case and no clear prejudice would arise from my having had sight of it at a later stage in the appeal timetable. I have taken the landscaping details into account, to the extent that they are relevant, along with the Council's comments in response.

Main Issues

7. The main issues are:

- whether the proposed development would provide a suitable location for housing, having regard to the development plan and the provisions of the Framework,
- the effect of the proposal on the character and appearance of the area, having particular regard to its effect on hedges and tree cover along Stanstead Road and on the wider countryside around Hunsdon, and
- its effect on availability of agricultural land.

Reasons

Location

8. The appeal site is a parcel of undeveloped land just outside Hunsdon, alongside a recent development at Ellison Close. Within the East Herts District Plan (EHDP) 2018, Hunsdon is a Group 1 village, described as the most sustainable villages in the District. Policy DPS2 plans for limited development in villages as a component of the spatial strategy, and Policy VILL1 plans for at least a 10% increase in housing stock in Group 1 villages. The supporting text confirms that may require amendment of the village boundary through a Neighbourhood Plan.

9. The Hunsdon Area Neighbourhood Plan (HNP) was made in 2022 and according to its Policies Map, the appeal site remains outside but adjacent to the village boundary. As such, the site is within an area defined as 'Rural Area Beyond the Green Belt', which is covered by EHDP Policy GBR2. The proposed development does not accord with that policy.

10. In the Framework, Policies S3 to S5 collectively define the presumption in favour of sustainable development. Policy S5 applies to development outside settlements and paragraph 1 lists forms of development which 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 in the Framework. They include, in paragraph 1j, development which would address an evidenced unmet need. That includes housing proposals where a five-year housing land supply cannot be demonstrated, provided the development would be physically

[3] Procedural Guide: Planning Appeals - England

well-related to an existing settlement and of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure.

11. The Council acknowledges that there is a shortfall in housing land supply, which is in the range of 3.4-3.7 years according to the Council's own published evidence. There is, as such, an evidenced unmet need for housing. The development would be physically well-related to the existing settlement, being directly alongside the existing housing at Ellison Close which is within the village boundary. No lack of accessibility to village services and facilities has been alleged and nor is there any evidence to suggest that up to seven additional dwellings could not be accommodated by the existing village infrastructure. Consequently, Policy S5 of the Framework indicates that the development 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 in the Framework.

12. While Policy GBR2 allows for some development outside village boundaries, it does not provide for the full range of development listed in Framework Policy S5. Most importantly for purposes of this appeal, it does not include an equivalent category to Policy S5 1j. In that respect, Policy GBR2 is materially inconsistent with national decision-making policy S5. Therefore, while there is a conflict with Policy GBR2, and also with the underlying spatial strategy in Policies DPS2 and VILL1, for purposes of this proposal, that carries very limited weight.

13. Having had regard to the development plan and the provisions of the Framework, I conclude that the proposed development would provide a suitable location for housing in principle. Nevertheless, Policy S5 also requires that the benefits of the proposal are weighed against any adverse effects.

Character and appearance

14. The site adjoins the housing at Ellison Close, which is on the edge of Hunsdon, a short distance outside the historic village core. Along the frontage to Stanstead Road, there is a hedgerow and an ash tree. Otherwise, the land is contiguous with the rest of the field to the south and west.

Hedges and tree cover

15. In the HNP, Policy HE4 identifies several Valued Hedgerows, of which the hedge identified as H4a extends along both sides of Stanstead Road, and includes the hedge on the site frontage. Policy HE4 describes the Valued Hedgerows as being important as boundaries and wildlife habitats and requires that they are retained wherever possible to minimise disruption to wildlife and retain local landscape character. The supporting text refers to widespread local concern about loss of hedgerows and describes them as being important to the landscape character of the rural area. There is no dispute that approximately 13.5m of Valued Hedgerow H4a would have to be removed to create the vehicular access and visibility splay.

16. Within the hedgerow, there is also a single Ash tree, just to one side of the proposed access. The access drawings indicate that a wider pavement would be formed directly in front of the tree, which would continue into the site, alongside the vehicle-bearing surface. Based on the access drawings, the new hard surfaces would be close enough to the trunk to raise significant concern that the root system would be disturbed. However, while it is proposed that the tree would be retained, no arboricultural evidence has been provided to confirm the extent of its

root protection area or assess whether this detailed aspect of the development could be implemented without loss or substantial damage to the tree.

17. As part of the wider hedgerow network, the hedged front boundary contributes positively to the rural setting of the village. Notwithstanding the details on the original landscaping drawing, there is currently only very limited soft landscaping in front of the dwellings at Ellison Close and there are significant gaps in the hedgerow on the other side of Stanstead Road. However, since such loss of hedgerows is part of the underlying justification for Policy HE4, that reinforces, rather than reduces, the justification for retaining the remaining hedgerows which are protected by that policy.

18. The proposals would fragment the currently continuous hedgerow and the length to be removed is not insignificant. While the hedgerow is of only localised habitat value, according to the Ecological Appraisal, that does not negate its role as a landscape feature. Since standing trees within hedges also contribute to their visual value, the risk of loss or damage to the Ash tree would further jeopardise its positive contribution to the rural landscape around the village.

19. Any new planting would be largely around the side and rear boundaries and internally within the site. Even if footpath openings are minimised, there would be a significant discontinuity at the access. As such, any new landscape framework could not adequately compensate for removal of a section of H4a. While the hedge planting undertaken by the appellant elsewhere on the holding may well be of genuine landscape value, that does not compensate for loss of this specific hedgerow, which the HNP seeks to protect.

20. In the Framework, Policy DP3 sets out several key principles for well-designed places. They include, in paragraph 2c, that development proposals should incorporate and/or connect to a network of multi-functional green infrastructure, including by maintaining and enhancing tree cover, and in paragraph 2g that development should establish or maintain a strong sense of place, including through planting. The fragmentation of hedgerow 4a and potential loss of the Ash tree are contrary to those principles. HNP Policy HE4 is broadly consistent with those aspects of Policy DP3, taking into account the relevant green infrastructure in this case, and its identified local landscape value, so the conflict with that aspect of the development plan weighs substantially against the proposal.

Effect on wider countryside

21. There is currently an open and expansive outlook over the rural landscape from the Byway to Fillets Farm and from the Public Footpath which connects that with the High Street. While the housing at Ellison Close and Tanners Way is already visible, so are the wide, open fields around and beyond that housing. The Ash tree is visible on the horizon, standing apart from the existing development. From that perspective, additional housing beyond the established settlement edge would incrementally erode the attractive, open, rural setting around the village, even if the height of the dwellings was limited and some boundary planting introduced.

22. There would still be a significant distance between the edge of Hunsdon and the more sporadic rural housing at Hunsdonbury, so the two communities would not coalesce. From Stanstead Road, the level of visible encroachment would be limited by the relatively narrow site frontage and its relationship with Ellison Close. Nevertheless, the open land currently offers a strong rural landscape setting

around this edge of Hunsdon, and the development would not integrate well with that established rural landscape context.

23. It is evident that there have been successive housing developments outside the historic core of Hunsdon, over several decades. Those vary in style and layout, and some have a distinctly built-up character. That notably includes the recent development at Ellison Close, but the same could be said of some of the older terraced housing closer to the village centre. While the indicative layout suggests that plot sizes would be smaller than is typical, it also includes an area of open space. Bearing in mind that the scale, layout and appearance of the dwellings would be reserved matters, it appears that the development could be designed to integrate acceptably with the existing housing. If so, that would make good use of the site's development potential, according with Framework Policy L3. However, that would not mitigate the intrusion into the open setting around the village.

24. In conclusion, for the reasons given above, the proposal would have a harmful effect on the character and appearance of the area, having particular regard to its effect on hedges and tree cover along Stanstead Road and on the wider countryside around Hunsdon. It would conflict with relevant requirements in Policies DES2, DES3, HOU2 and VILL1 of the EHDP, which collectively require that development proposals conserve landscape character, protect existing landscape features including hedgerows and trees and avoid detracting from the openness of the countryside or the loss of significant open spaces which are important to the setting of a village. The loss of a section of Valued Hedgerow H4a would conflict with HNP Policy HE4, and also with EHDP Policies NE3 and NE4 which resist the loss or fragmentation of green infrastructure, including hedgerows.

25. Of the other policies in the relevant reasons for refusal, Policy GBR2 is more clearly relevant to the suitability of the location in principle, as considered above. Policy DES4 would be more clearly relevant at reserved matters stage, since it relates to the detailed design requirements. Policy DES4 includes support for making best use of land, as do some of the other policies mentioned, and they also allow for mitigation of landscape harm through planting and other compensatory measures. However, in this case neither factor would outweigh the harm arising to the character and appearance of the area, which would bring the proposal into conflict with the development plan as a whole.

26. The effect on the existing hedgerow and Ash tree would be contrary to Policy DP3 of the Framework, and the effect on the wider countryside around Hunsdon would also conflict with Policy DP3 paragraph 1, which requires that development proposals should respond to their context, including the character and features of the site and its setting, so as to integrate with and enhance their surroundings.

Agricultural land

27. In the Planning Statement, the appeal site is described as being in arable rotation. It is contiguous with a larger agricultural field where, at the time of my site visit, there were indications that a crop had been harvested relatively recently. However, the appeal site and the adjacent parcel to the south were not apparently in productive use. The appellant describes the site as Grade 3 agricultural land, which currently lays fallow, having been excluded from the adjacent agricultural field. That has not been disputed, although neither party has provided any supporting evidence to confirm the agricultural land classification.

28. The EHDP highlights in the supporting text that Hertfordshire has a rich tradition of providing food for London and that food production is a key element of the rural economy, supporting food security and local employment. That is the context for the protective approach in Policy ED2. That policy requires, amongst other things, that where a development proposal would result in the loss of an agricultural use in a rural area to a non-employment-generating use, evidence should be provided to demonstrate that the current agricultural use is no longer needed or viable.

29. The site is in a narrower section of the field, between Ellison Close and the Byway. However, it remains continuous with the adjacent field with no significant physical barrier. While access with the large machinery used by the current contractors may well be difficult, placing limitations on the crops which can be grown, the evidence provided falls some way short of demonstrating that agricultural use is not needed or viable, as required in Policy ED2.

30. Even so, neither party has provided clear evidence whether the site is classified as Grade 3a or 3b, which would have a bearing on whether it is defined as Best and Most Versatile Agricultural Land. Even if it is Grade 3a, the land would be at the lower quality end of that category and the amount of land at risk is also limited. As far as can be determined, most of the rest of the field remains in productive arable use. As such, any adverse effect of the proposal on agricultural employment or productivity would be inherently limited.

31. I conclude that the proposed development would have a minor adverse effect on the availability of agricultural land. Since the evidence before me does not adequately demonstrate that agricultural use is not needed or viable, that brings the proposal into conflict with Policy ED2. There is, to a more limited extent, some conflict with policies in the Framework which require that the effect of development on agricultural land is considered (Policy N2) and the rural economy supported (Policy E4). Nevertheless, only minor harm would arise, given the scale of the site, the quality of the land and the apparently ongoing agricultural use of the rest of the holding. As such, the loss of agricultural land carries only limited negative weight.

Other Considerations

32. Examples have been given of other housing developments having been approved outside Group 1 and Group 2 villages. In the case of the 2024 appeal decision at Widford[4], a conflict was found with the spatial strategy, but planning permission was granted following application of the presumption in favour of sustainable development as defined in the Framework at that time. The dwelling permitted by the Council at Furneux Pelham[5] was approved in similar circumstances.

33. The fact that other dwellings have been approved outside settlements does not imply any inherent inconsistency on the part of the Council, since the site-specific circumstances are rarely identical. Furthermore, with the Framework having been revised since any of the decisions cited were made, the relevant tests have changed. In this case, the approach in Policy S5 of the Framework is applicable, and that is a material consideration of critical importance, along with the other relevant national decision-making policies.

[4] Appeal Ref: APP/J1915/W/24/3340086
[5] Planning application ref: 3/23/0158/FUL

34. The proposed development would contribute up to seven dwellings to the supply of housing, and there is an evidenced unmet need, given the housing land supply shortfall. As such, the benefits of providing a modest number of new homes should be given substantial weight, in accordance with Policy HO7 of the Framework. The development would make use of a small site, which could be delivered relatively quickly and there is potential for the layout to make best use of the development potential, subject to the detailed design.

35. Occupiers of the new homes would have convenient access by walking or cycling to local services and facilities in Hunsdon and Widford, as well as a bus service to other settlements. Seven additional households may make a modest contribution toward supporting the vitality of those rural settlements and there would also be shorter-term economic benefits associated with the construction process. The intended use of sustainable construction methods and renewable energy provision would carry some positive weight if secured, but since the application is in outline, those details are relatively undefined at this stage. Biodiversity net gain would also be secured, at a level which would meet the statutory requirements.

Planning Balance

36. The proposal would deliver a number of benefits, as summarised above. However, there would also be adverse effects. While the loss of agricultural land carries only limited negative weight when assessed against the national decision-making policies, the effect on the character and appearance of the area would bring the proposal into conflict with Policy DP3. Policy S5 states that the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include situations where the development would fail to comply with one of the national decision-making policies which state that proposals should be refused in specific circumstances. Policy DP3 is one of those policies.

37. Policy S6 of the Framework is also relevant, since the proposal conflicts with the HNP, which became part of the development plan less than five years before this decision is made. The HNP includes an identified housing requirement, which is derived from the spatial strategy for Group 1 villages in the EHDP. It also includes details of housing which had already been delivered towards that requirement at the time of preparing the HNP, as well as site allocation HHD2, which is explicitly included to secure the residual requirement.

38. The HNP would have been subject to independent examination before it became part of the development plan, and it is not the function of this appeal to re-consider the housing requirement identified in it. While the calculation of local housing need will have changed in the meantime, there is no indication in Policy S6 that the policy should be disapplied for that reason, provided a decision is made within five years of the HNP becoming part of the development plan. Nor is the position affected by the status of any supply-based policies in a different Neighbourhood Plan. As such, based on the evidence before me, the HNP accords with the criteria in Policy S6, and that also indicates that the benefits of approving the development are likely to be substantially outweighed by the adverse effects.

39. Against that background, while acknowledging the contribution towards the housing supply shortfall, and the other benefits of the proposal, those would be substantially outweighed by the adverse effects when assessed against the

national decision-making policies in the Framework. Even if Policy S6 was not also engaged, the conflict with Policy DP3 means that planning permission should be refused. As such, the proposal does not benefit from the presumption in favour of sustainable development.

Conclusion

40. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

Jane Smith

INSPECTOR