



## Appeal Decision

Hearing held on 16 July 2025

Site visit made on 16 July 2025

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 August 2025

**Appeal Ref: APP/A1910/W/25/3360073**

**Land North Of Dixons Wharf, Wilstone, Tring, Hertfordshire**

**Grid Ref Easting: 490707, Grid Ref Northing: 214590**

- 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 Sedas Strategic Land against the decision of Dacorum Borough Council.
- The application Ref is 24/00320/OUT.
- The development proposed is Outline planning application for a residential scheme of up to 9 Self-Build plots, sustainable urban drainage (SuDs), and associated works. All matters are reserved except for access.

### Decision

1. The appeal is allowed and planning permission is granted for outline planning application for a residential scheme of up to 9 Self-Build plots, sustainable urban drainage (SuDs), and associated works. All matters are reserved except for access at Land North Of Dixons Wharf, Wilstone, Tring, Grid Ref Easting: 490707, Grid Ref Northing: 214590 in accordance with the terms of the application, Ref 24/00320/OUT, and the plans submitted with it subject to the conditions in the attached schedule.

### Preliminary Matters

2. The application was made in outline with all matters, except the means of access, reserved for subsequent approval. However, the application was accompanied by indicative plans showing the scale of the houses and landscaping (amongst other things), which I shall treat as being for illustrative purposes only.
3. Revised plans were submitted with the planning appeal. These are a Site Location Plan (Ref: PL01A), Parameters Plan (Ref: PL02C) and a Plot Parameters Plan (Ref: PL03C). The plans made a very small alteration to the site's 'red line' boundary line. Updated Environment Agency flood mapping was also submitted. There is nothing to indicate that the developable areas of the appeal site would be at risk of flooding or that the proposal would increase flood risk elsewhere and the Council has not raised concerns in relation to this matter.
4. I have carefully considered the implications of accepting these amendments in light of the Planning Inspectorate's Procedural Guide: Planning Appeals, England (2025) and the Holborn judgement<sup>1</sup>. Whilst it is not the purpose of the appeal process to evolve a scheme, the amendments effectively relate to a very minor change to the site boundary, rather than any design amendment to the proposal.

<sup>1</sup> Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

In these circumstances, I am satisfied that my consideration of the proposed amendments would cause no injustice to any party. For the avoidance of doubt, I have determined the appeal on the basis of the amended plans.

5. The Council has submitted a new Local Plan for examination. However, the main parties are in agreement that the new Local Plan has not yet reached a stage which can be afforded anything more than limited weight.
6. A Unilateral Undertaking dated 16 July 2025 (the UU) was submitted after the hearing<sup>2</sup>. It includes obligations towards the Strategic Access Management and Monitoring Strategy (SAMMS) and Suitable Alternative Natural Greenspace (SANG) to mitigate such adverse impacts to the Chilterns Beechwoods Special Area for Conservation (SAC). The UU also includes obligations to secure the dwellings as self-build custom housing (SBCH). Subject to the submission of the UU, the Council confirmed that it did not wish to defend its original refusal reason 3 related to the integrity of the SAC.

## **Main Issues**

7. The main issues are:

- Whether the proposed dwelling would be in a suitable location having regard to local policies concerned with housing in rural areas and the accessibility of the site to services, employment opportunities and facilities; and
- the effect of the proposal on the character and appearance of the area.

## **Reasons**

### *Suitable location*

8. The appeal site is a square piece of land located at the corner of Wingrave Road and Tring Road. One of the site's boundaries adjoins Dixons Wharf, a gated residential development located alongside the Aylesbury Arm of the Grand Union Canal. Open countryside surrounds the appeal site in all other directions.
9. The main parties agree that the appeal site is located outside the settlement boundary for Wilstone. Therefore, it is located within open countryside for planning purposes. Policy CS1 of the Dacorum Core Strategy (2013) (CS) sets out the strategic approach to the location of development. It identifies that decisions on the scale and location of development will be made in accordance with the settlement hierarchy in Table 1 of the CS. Development in the countryside is identified within tier 5 of Table 1, indicating that its location is the lowest priority within the hierarchy of settlements.
10. Policy CS2 of the CS allows for the extension of defined settlements subject to specific criteria, including that proposals allow good transport connections and respect the local character and landscape context. Wilstone is a largely linear settlement, centred around Tring Road. During my site visit I walked the route into the village from the appeal site, and found that it is located several minutes' walk to the northeast of the settlement boundary.

---

<sup>2</sup> Document 1

11. Due to its location adjacent to Dixons Wharf the appeal site is situated near limited built development. To the southwest lies a relatively recent residential development known as The Barns (Council Ref: 21/00854/FULL). A medium-sized open field provides both visual and physical separation between this development and the appeal site. As a result, open countryside exists between the appeal site and the defined settlement boundary. The verdant landscape and sporadic pattern of development along this stretch of Tring Road contribute to a distinctly rural character. Based on the physical characteristics observed on site, I conclude that the appeal site does not share a close relationship with the village within the settlement boundary. Accordingly, I do not consider that the proposal would constitute an extension of Wilstone, and the proposal would not meet the locational criteria outlined in policy CS2.
12. There is disagreement between the main parties as to whether the site can, in part, be considered previously developed land (PDL). The appellant's evidence refers to the site's historic use for air raid shelters and includes historic aerial images of the structures. The Framework's definition of previously developed land contains certain exclusions, including where the remains of the permanent structure or fixed surface structure have blended into the landscape.
13. There are no structures or areas of hardstanding discernible from outside or at the edges of the appeal site. During my site visit I was able to observe occasional areas of hardstanding and remnants of structures which were surrounded by overgrown vegetation and difficult to access. These sparse elements account for a very small proportion of the appeal site. Other than being viewed close up, the elements are barely distinguishable from the landscape around them. Therefore, they have blended into the landscape. In result, the proposal cannot represent the redevelopment of PDL, within the meaning of the Framework.
14. Policy CS7 of the CS outlines that small-scale development for housing, employment and other purposes will be permitted at Wilstone, provided that it complies with policies CS1 and CS2 of the CS. Whilst the proposal would constitute small-scale development for housing, I have found that its location would not comply with policy CS2 of the CS.
15. Wilstone is identified within the CS as a "Small Village within the Rural Area". There is no school within Wilstone nor facilities such as a library or medical provision, however the village has a small community shop with limited opening hours, public house and a village hall. To access services and facilities within Wilstone future occupiers of the proposal would be most likely to walk via Tring Road. Whilst this is currently unlit and without a pavement for much of its length, the proposal involves the provision of a new pedestrian footway from the appeal site to the village. This would improve ease of access for both new and existing residents, and future occupiers would therefore support the facilities which do exist in Wilstone.
16. In addition, the nearest train station at Cheddington is located 5km from the appeal site, and I note guidance which indicates that this is within a suitable cycling distance. I experienced Wingrave Road to be busy with fast moving traffic. This may deter some from cycling to the station, but it seems to me, that it may be a reasonable proposition for some future occupiers. In addition there are bus stops 850 metres from the appeal site on Tring Road with services to larger urban areas

such as Leighton Buzzard, Pitstone and Aylesbury. An additional alternative such as the HertsLynx bookable bus service could also be used by future occupiers.

17. Whilst the main parties agree that the majority of trips by future occupiers are likely to be by private vehicles, I note that the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Overall, I consider that future residents of the proposed development would therefore benefit from access to some services and amenities to meet day to day needs, by means other than the private car.
18. Notwithstanding my findings above regarding the accessibility of the site, the location of the appeal scheme would conflict with the Council's strategy for the location of development. This is as set out in Policies CS1, CS2 and CS7 of the Core Strategy. These policies seek to locate new residential development within settlement boundaries, or as extensions to settlements, and support the creation of new dwellings within the countryside in limited circumstances. As I have found that the appeal site is not PDL it would not involve the re-use of redundant or disused buildings, as required by paragraph 84 (c) of the Framework, nor does it adhere to any of the other circumstances outlined under paragraph 84.

#### *Character and appearance*

19. In viewpoints from Wingrave Road and Tring Road, the appeal site appears as an undeveloped parcel of land covered in scrub vegetation, and surrounded by dense hedge and vegetation. Whilst it is adjacent to dwellings at Dixons Wharf, the appeal site's verdant appearance plays a role in separating the edges of Wilstone from the encroachment of built form into the countryside.
20. The site is not a valued landscape but has intrinsic value as part of the countryside. The parameter and illustrative layout plans show a built housing envelope of development stepped back from the boundaries of the site, with landscaping, open space, drainage pond and the retention and enhancement of hedgerows around the perimeter. Existing boundary planting would also be primarily retained. Although the proposal would require the removal of five individual trees and a group of trees, the submitted evidence indicates that replacement tree planting would provide a net increase in the number of trees across the site.
21. In terms of the proposal's visual effects, the Council identify concerns in relation to viewpoints 3, 4 and 7 which are considered within a Landscape Visual Impact Assessment (LVIA) submitted by the appellant. Identified receptors such as motorists would experience brief glimpses of the site. Passing pedestrians and cyclists would take in longer views, both at the entrance and in gaps through the hedging. Each of the viewpoints are identified as having medium sensitivity, with the primary receptors being road users. I agree that in general terms this appears reasonable given their transient nature for road users.
22. The proposal would be most prominent from viewpoint 4 on Tring Road adjacent to the site access. The proposal would be visible directly through the site entrance, with features such as the engineered highway access point and open views of the built form within the site. The LVIA indicates that this would initially have a major/moderate adverse effect. The scale of visual effect at the residual phase (after 15 years) would reduce to moderate adverse, particularly as much emphasis has been placed in the Parameter Plan on large extents of vegetation to mitigate

the effects. Whilst this is dependent on the eventual form of the development, its size and scale would still result in an urban incursion into the countryside, conflicting with a key characteristic of the verdant character of the existing site and the surrounding landscape, which is clearly separated from the edge of Wilstone.

23. The LVIA identifies the significance of the effect of the development, with mitigation, in year 15, to be moderate/minor adverse, from Tring Road (viewpoint 3) and moderate adverse from Wingrave Road (viewpoint 7). Roadside hedging largely limits views into, and through, the site, and these views would be localised only, and would not have significant visual effects.
24. Whilst the form of residential development within Wilstone is generally linear in nature, there is a notable variation in the built development which deviates from the linear pattern outside and at the edges of Wilstone. For instance, Dixons Wharf, the Rectory Fields Development and The Barns Development<sup>3</sup> all involve residential dwellings which are set back from the public highway and which feature a cluster of buildings fronting parking arrangements. The submitted Parameter Plans, indicate a form of detached dwellings arranged around a central courtyard area, which I do not consider would appear at odds to the layout of these identified developments. However, given the site's location which is some distance from the edge of the settlement of Wilstone, the consolidation of built form would not be sympathetic to the appeal site's particular rural setting.
25. The Council has concerns in relation to the extent of car parking within the centre of the appeal site, and a lack of active surveillance. As an outline application, details relating to scale, appearance and layout would be dealt with at any subsequent reserved matters application. From the submitted information, including the Parameter Plan, I consider that future consideration of the relevant reserved matters would be able to achieve a satisfactory layout of car parking and ensure that sufficient active surveillance can be achieved. Given that the envelope of development would be stepped back from the boundaries of the site, with ample landscaping and open space, I don't find that the proposal would fail to respect the adjacent properties at Dixons Wharf with regard to layout and site coverage.
26. As I have not identified harm in relation to car parking, the proposal would not conflict with policy CS11(f) of the CS which requires proposals to avoid large areas dominated by car parking. Equally, the proposal would respect the adjoining properties at Dixons Wharf, and therefore I find no conflict with CS12(g) of the CS, nor do I find conflict with Appendix 3 of the Dacorum Borough Local Plan (2004) which provides guidance in relation to the layout of developments.
27. Due to the limited views into and out of the site, the proposal would not have a significant adverse effect on the rural character of the area. Nevertheless, the provision of upto nine dwellings would have the effect of harmfully urbanising the surroundings by consolidating the built form adjacent to Dixons Wharf in this location.
28. Overall, I consider that the proposal would cause moderate harm to the character and appearance of the area with particular regard to the effect of the proposal on the countryside, principally as a result of its visual effects. For this reason, there would be some conflict with policy CS12 (f) insofar as it requires proposals to integrate with the streetscape character. There would also be conflict with policies

---

<sup>3</sup> Approved under Council Ref: 21/00854/FUL

CS1 of the CS2 of the CS insofar as the policies require proposals to protect the rural character of the borough and landscape context of the area.

## **Other Matters**

### *Interested parties*

29. A significant number of concerns from interested parties have been raised in relation to the development.
30. Interested parties state that the proposal would harm highway safety, with concerns raised about an increase in traffic, the level of parking provision and the safety of the vehicular access and proposed footway on Tring Road. The appellant's Transport Statement and Technical Note are detailed and include an assessment of trip generation, as well as a Road Safety Audit in relation to the proposed footway. The appeal proposal would provide upto nine dwellings which would result in a limited increase in local traffic. In the interests of highway safety I have imposed a condition requiring the provision of visibility splays from the vehicular access. I have also imposed a condition requiring the provision of a policy compliant quantum of on-site car parking. Overall, I have been provided with no substantive evidence which would prompt me to disagree with the conclusions of the highways authority, which was that there would be no unacceptable harm in these respects.
31. Interested parties have raised concerns in relation to the felling of trees and clearance of shrubs prior to the submission of the planning application. However, there is little evidence before me to suggest that these trees could not have been felled. I have determined the appeal on its own merits and based on the appearance of the site during my visit. I understand that the site clearance was reported to the Police Wildlife Crime Unit. However, this matter does not alter my assessment of the planning merits of the appeal. Notwithstanding this, I have imposed a condition which requires details of soft landscaping which will include further planting.
32. Concerns in relation to construction traffic and noise have also been raised. I have sympathy for existing occupiers as development of this nature would inevitably give rise to some disruption. However, the works would be time limited and it would not be reasonable to withhold consent on this basis alone. The addition of upto nine dwellings within the area is unlikely to cause harmful noise and disturbance as a result of the additional comings and goings of future occupiers and visitors.
33. A number of parties have raised concerns about the proposal's impact on drainage, surface water, foul water and flooding. The Lead Local Flood Authority has been consulted and raised no objection to the proposal. I have also imposed planning conditions related to interim and temporary drainage measures during the demolition and construction phases, the disposal of surface water by sustainable drainage system, and to ensure that the development is constructed in accordance with the submitted Flood Risk Assessment. Overall, I have been provided with no substantive evidence which would prompt me to disagree with the Council's conclusions on these matters which was that there would be no unacceptable harm in these respects.

34. I acknowledge concerns related to the density of the development and the effect of the proposal on living conditions of neighbouring occupiers within Dixons Wharf. Matters relating to layout and design are reserved matters. The proposal was submitted with several relevant documents associated with the layout of the scheme. These include a Parameter Plan (showing the broad location of development within the site) and an indicative layout (though this would not form an approved document). However, it does indicate how the appellant envisages the scheme coming forward. The indicative layout suggests that a scheme could be brought forward on the site without affecting neighbouring occupiers' living conditions, albeit the final layout will be determined by future reserved matters applications.
35. Interested parties have raised concerns about the absence of affordable housing provision. However, the main parties are in agreement that, in this instance, no contributions to affordable housing are liable.
36. There are exemptions from biodiversity net gain (BNG) requirements for certain types of development. The exemptions are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and include self-build and custom build development. I am satisfied that the provisions of the UU are sufficient for this purpose and the proposal would therefore benefit from the BNG exemption.
37. A number of other matters have been raised by interested parties and I have taken them all into account. These include perceived lack of demand for larger dwellings, and the impacts on sewage services and local infrastructure. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects. Consequently, they do not lead me to a different overall conclusion than that the appeal should be allowed.

#### *Self-build*

38. Planning Practice Guidance recognises that SBCH housing helps to diversify the housing market and increase customer choice. The Framework accordingly includes a range of measures designed to boost the supply of such housing.
39. Legislation requires local planning authorities to establish and publicise a register of those who are seeking to acquire serviced plots of land in the authority's area for their own self-build and custom housebuilding; and to give development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area in each base period<sup>4</sup>.
40. The appellant's analysis demonstrates that the Council has a shortfall of 138 plots against demand arising from base periods 1 to 6, which is set to increase to a shortfall of 154 plots by 30 October 2025. As a result, the Council has failed to meet its statutory duty for the last five base periods and are on course to fail a further base period unless an additional 16 plots are consented towards base period 7 demand by 30 October 2025. The Council has not disputed this evidence. Therefore, insufficient permissions have been given in accordance with the statutory duty and so this matter is a material consideration in favour of granting planning permission.

---

<sup>4</sup> The Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).

41. The Council refers to the 2018 Tring Rural Parish Housing Needs Assessment (HNA), which confirms that 5 of the 30 respondents (16%) surveyed locally expressed a desire for self-build housing. The Council indicates that the HNA found the greatest level of demand for small residential units (1 and 2 bed).
42. However, the appellant outlines that information from the Council's Self-Build register shows as of 30 October 2024 the greatest level of demand within the borough is for 3 and 4 bedroom homes. I also note that the Council's statutory duty is on an authority wide basis. Finally, it seems to me, smaller sized dwellings could come forward within a future reserved matters application. For these reasons, the findings of the HNA do not temper the weight that I afford to the provision of SBCH in the planning balance.
43. In light of the shortfall in provision, the need to increase the supply of SBCH is an important planning consideration which carries substantial weight. Nine units would meet local demand and widen housing choice.
44. It is undisputed that the economic benefits arising from the self-build nature of the appeal proposals produce more than double the beneficial local economic impact of mainstream housing when labour and materials are viewed together. For this reason the economic benefits associated with the provision of the SBCH units is afforded significant weight.
45. As noted earlier, the appellant has submitted a Unilateral Undertaking (UU) to ensure that the dwellings are built and occupied in accordance with the proposal for SBCH properties. I am satisfied that the undertakings secured through the UU are reasonable and necessary to make the development acceptable. They are directly related to the development and are fairly and reasonably related in scale and kind to it. The UU therefore complies with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and the Framework.

#### *Chiltern Beechwoods Special Area of Conservation (SAC)*

46. The appeal site is located within the Zone of Influence (ZoI) for the Chilterns Beechwoods SAC. Such designations are afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended. It is incumbent upon me as a competent authority to consider whether the proposal would be likely to have a significant effect on the integrity of the SAC.
47. The Chilterns Beechwoods SAC is an extensive area on the Chilterns escarpment with ancient woodland, acid commons with relict heath, ancient Beech pollards, chalk grassland and scrub. Its key qualifying features are beech forests on neutral to rich soils, semi-natural dry grasslands and scrub on chalk, and its stag beetle population.
48. The SAC has been identified by Natural England (NE) as being vulnerable to harm as a result of recreational disturbance which would be exacerbated by an increase in the local population resulting from new residential development. The appeal proposal would result in a net gain of nine dwellings, and it is therefore likely that the proposal, alone and in combination with other development, would adversely affect the integrity of the SAC. As such, it is necessary for me, as the competent authority, to conduct an appropriate assessment in relation to the effect of granting permission on its integrity.

49. Strategic mitigation measures to address these effects are set out in the 'Chilterns Beechwoods Special Area of Conservation Mitigation Strategy for Ashridge Commons and Woods Site of Special Scientific Interest' (Mitigation Strategy). Strategic Access Management and Monitoring (SAMMS) involves access management and engagement work within the boundary of the SAC which is achieved via a per dwelling tariff based contribution. Suitable Alternative Natural Greenspace (SANG) involves the provision of alternative recreation opportunities away from the SAC.
50. The appeal is supported by a UU, which undertakes to make the required SAMMS and SANG contributions. The Mitigation Strategy has been arrived at in conjunction with NE. NE has also made representations on this proposal to the effect that, subject to securing the SANG and SAMMS contributions, there would not be an adverse effect on the ecological integrity of the SAC. I am therefore satisfied that the mitigation described above has been appropriately secured and that the proposal, either alone or in combination with other projects, would not adversely affect the integrity of the SAC.

#### *Other issues*

51. The creation of a pedestrian footway along Tring Road would improve pedestrian connectivity for existing residents of the local area and future occupiers of the proposal. Given the scale of development I afford this factor limited weight.
52. The appellant indicates that self-build plots have a higher take-up rate of renewable energy, sustainable technologies and modern methods of construction and have lower carbon emissions than conventional housing stock. Given the size of the proposal I afford this limited weight.
53. The addition of nine households would, in a small way, contribute to the social vitality of the local community and the viability of local businesses. It has been put to me that the proposal would have recreational, social, and biodiversity benefits, which, although subject to detailing, would include designated play space, landscaped open spaces, water features, meadows and wildflower planting. Due to the small scale of the proposal these factors are afforded limited weight.
54. I am satisfied that no harm would arise to archaeological interests subject to the condition recommended by the Hertfordshire County Council advisor. However, the absence of harm or conflict with other relevant development plan policies is a neutral factor and does not weigh in favour of the proposal.

#### **Planning Balance**

55. The Council does not have a five year supply of deliverable housing sites. The main parties agree that the Council's housing land supply is currently 1.03 years. This equates to a very significant shortfall of housing supply. Consequently, in these circumstances, the presumption in favour of sustainable development is engaged.
56. Paragraph 11(d)(ii) of the Framework confirms that, in such circumstances, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of

land, securing well-designed places and providing affordable homes, individually or in combination.

57. The appeal site is located in the open countryside for planning purposes, outside any defined settlement boundary. I have found that the proposal would conflict with the settlement strategy and would cause moderate harm to the character and appearance of the area with particular regard to the effect of the proposal on the countryside. Consequently, there would be conflict with policies CS1, CS2 and CS7 of the CS.
58. However, I am mindful of the advice at paragraph 110 of the Framework that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. Furthermore, aside from the emerging Local Plan, there is no other obvious remedy to the housing shortfall in the short or medium term. This overall position indicates that the development plan is failing to meet its strategic challenges and the settlement strategy is not working effectively. The conflict with policies relating to these matters should therefore be afforded limited weight.
59. The Framework seeks to significantly boost housing supply and highlights the important contribution small and medium sized sites can make. Whilst the provision of nine residential units is modest, given the very poor housing land supply confirmed by the Council, I give this contribution substantial weight.
60. The proposal would also contribute self-build dwellings towards meeting the significant current unmet demand for SBCH in the area. I have found that there would be substantial beneficial contributions to the provision of SBCH plots in a context of ongoing undersupply.
61. Overall, applying the so-called 'tilted balance', I find the substantial benefits of the scheme, comprising the provision of self-build housing, and the various economic, biodiversity and social benefits, all taken together, clearly outweigh any harms arising. Therefore, I find the adverse effects of the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently, the appeal should succeed.

## **Conditions**

62. I have had regard to the planning conditions that have been suggested by the Council. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents and for clarity and consistency.
63. I have imposed standard conditions relating to the submission and timing of reserved matters applications and the commencement of development. I have imposed an approved plans condition in the interests of certainty, however, I have modified it to include only the necessary approved plans.
64. I have imposed the Council's suggested condition requiring the submission of a phasing plan to ensure that adequate provisions are made to enable the discharge of planning conditions for individual plots within the development.
65. In the interests of character and appearance I have imposed the conditions requiring elevations of the proposed buildings and outbuildings, cycle and bin

storage, samples of materials and details of the proposed slab, finished floor and roof levels of the buildings. A condition requiring details of the hard and soft landscaping of the development is also necessary in the interests of character and appearance.

66. Conditions requiring the provision of the off-site footway, on-site car parking, vehicular access and visibility splays are necessary in the interests of highways safety. Conditions requiring details for interim and temporary drainage measures during the demolition and construction phases, the disposal of surface water by sustainable drainage system, and ensuring that development is constructed in accordance with the submitted Flood Risk Assessment, are necessary to ensure that flood risk is addressed.
67. I have imposed a condition requiring a Construction Management Plan to mitigate the effects on neighbouring occupiers' living conditions. Conditions related to remediation of the site and requiring a scheme for managing boreholes on site are required to ensure that the proposal does not contribute to local pollution. An archaeological watching brief is necessary to ensure that there is adequate investigation and recording of archaeological remains. A condition requiring an updated walkover of the site by a qualified ecologist is necessary to ensure that the proposal does not have a harmful effect on protected species.
68. An interested party has suggested the inclusion of a condition which would require the provision of swift bricks in the dwellings. However, this condition would be more appropriate at reserved matters stage when the detailed design of dwellings is considered.

## **Conclusion**

69. The proposal would conflict with the development plan but material considerations, specifically the presumption in favour of sustainable development, indicate that a decision should be made other than in accordance with it. Therefore, the appeal should be allowed.

*B Pattison*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

Matthew Dale-Harris, Barrister, Landmark Chambers  
Heather Vickers, Planning Consultant, Planning Potential  
Katy Lister, Planning Consultant, Planning Potential  
Andy Moger, Self-Build Need Consultant, Tetlow King  
Damian Tungatt, Transport Consultant, Markides  
Emily Gardiner, Transport Consultant, Markides,  
Dean Thody, Architect, ECE Architecture  
Teerath Atwal, Sedas Strategic Land

### **FOR THE LOCAL PLANNING AUTHORITY:**

Robert Freeman, Dacorum Borough Council  
Joan Reid, Dacorum Borough Council

### **INTERESTED PARTIES:**

Brian Smith, local resident

### **DOCUMENTS SUBMITTED AT OR AFTER THE HEARING**

1. Unilateral Undertaking dated 16<sup>th</sup> July 2025
2. Environment Agency flood mapping
3. Appeal decision Ref: APP/V2255/W/24/3350524

## **SCHEDULE OF CONDITIONS**

- 1) The development shall not commence until details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") have been submitted to and approved in writing by the local planning authority. The application/s for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 2) The development hereby permitted shall begin no later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) The development shall not commence until details including a phasing plan for the development of the site have been submitted to and approved in writing by the local planning authority. The phasing plan shall set out how the construction of the key elements of infrastructure necessary to provide serviced plots will be provided and thereafter how delivery of the housing permitted may be delivered. The development shall be completed in accordance with the approved phasing plan.
- 4) For each phase of development, the details of appearance to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include:
  - a) A complete set of elevations for the proposed buildings including any ancillary buildings thereto
  - b) Full details of the proposed floor plans to the approved dwellings
  - c) Samples of the materials to be used in the construction of the external surfaces of the development
  - d) Details of bin storage provision including recycling facilities
  - e) Details of secure cycle storage; and
  - f) A statement demonstrating compliance with the requirements set out within the Design Code/Design and Access Statement.

No dwelling within a phase of development shall be occupied until the development has been carried out in accordance with the approved details.

- 5) The details of scale of each phase of development to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include details of the proposed slab, finished floor and roof levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land and buildings. The development shall be constructed in accordance with the approved levels.
- 6) The details of landscaping for each phase of the development to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include:
  - a) Hard surfacing materials
  - b) Means of enclosure
  - c) Soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed

numbers/densities where appropriate

- d) Tree protection measures
- e) Proposed finished levels or contours
- f) External lighting
- g) Minor artefacts and structures (e.g. furniture, storage units, signs etc.)
- h) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines), indicating lines, manholes, supports etc
- i) Details of the long term management and maintenance of any communal landscaped areas within the site together with a management plan
- j) A programme for the implementation of the landscaping works to the site. The approved landscape works shall be carried out in accordance with the approved programme of implementation. Any communal landscaping, trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

7) The development shall not be occupied until the details of the off-site footway have been submitted to and approved in writing by the local planning authority. These details shall reflect those illustrated in drawing 22299-MA-XX-SS-DRC-0102 Revision P02 (Proposed Footway by Markides Associates). The development shall not be occupied until the footway and any tactile crossings have been constructed in accordance with the approved details and shall thereafter be retained in accordance with the approved plan.

8) The development shall not be occupied until the vehicular access has been completed and thereafter retained in the position indicated in drawing 22299-MA-XX-XX-DR-C-0101 Revision P03 in accordance with details submitted to and approved in writing by the local planning authority. The approved access shall include visibility splays as set out within this drawing and these shall be kept free from obstructions between a height of 600mm and 2m above the carriageway.

9) Prior to the construction of the first dwelling, the detailed design of a scheme for the disposal of surface water by a means of sustainable drainage system, including detailed hydraulic calculations shall be submitted to and approved in writing by the local planning authority in accordance with the approved drainage strategy and discharge rates as contained within the approved Flood Risk Assessment/Drainage Strategy (Ref: Flood Risk Assessment BR31071-JNP-XX-XX-RP-C-1001 P06 dated July 2024). The scheme shall be implemented in full in accordance with the approved details prior to first occupation of the development.

10) All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment Flood Risk Assessment/Drainage Strategy (Ref: Flood Risk Assessment BR31071-JNP-XX-XX-RP-C-1001 P06 dated July 2024), this includes all new residential dwellings to have a finished floor level raised a minimum of 150mm above the surrounding proposed ground level unless otherwise approved in writing by the local planning authority.

- 11) The development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the local planning authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with the approved method statement, unless alternative measures have been subsequently approved by the local planning authority.
- 12) The development shall not be occupied until details of the maintenance and management of the sustainable drainage scheme (SuDS) have been submitted to and approved in writing by the local planning authority. The details of the scheme to be submitted for approval shall include:
  - I. a timetable for its implementation.
  - II. details of SuDS features and connecting drainage structures and maintenance requirements for each aspect including a drawing showing where they are located.
  - III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

The drainage scheme shall be implemented prior to the first occupation of the development and thereafter managed and maintained in accordance with the approved details in perpetuity. The local planning authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development.

- 13) Each of the dwellings hereby approved shall not be occupied until adequate provision for the parking of vehicles has been made in accordance with the Car Parking Standards SPD (2020). This shall include the installation of electric vehicle charging points which shall thereafter be retained for the parking and servicing of vehicles.
- 14) No development, including any works of demolition or preparation works prior to building operations shall take place on site until a Construction Transport Management Plan has been submitted to and approved in writing by the local planning authority.  
The approved statement shall be adhered to throughout the construction period and shall include details of:
  - (a) Parking and turning areas for vehicles of site personnel, operatives and deliveries
  - (b) Loading and unloading of plant and materials
  - (c) Storage of plant and materials used in constructing the development
  - (d) Timing of deliveries
  - (e) Provision of wheel washing facilities
  - (f) Measures to control the emissions of dust and dirt during construction
  - (g) A scheme for the recycling/disposing of waste resulting from demolition and

construction works

- (h) Routing of construction and delivery vehicles to / from the site
- (i) Temporary traffic management / signage; and
- (j) Hours of operations.

15) No development approved shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A site investigation scheme, based on the Phase I report to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site. This will also include a presentation of the hydrogeological data for the site and a hydrogeological risk assessment that assesses the risks to controlled waters from the proposed drainage strategies (both run-off and foul)
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

16) Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

17) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

18) No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. A review of all the options for the drainage strategy will also be presented. The development shall be carried out in accordance with the approved details.

- 19) A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.
- 20) No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions, and:
  1. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation
- 21) i) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition 20.  
ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (20) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 22) The development hereby approved shall be undertaken in accordance with the following approved plans and documents:  
Site Location Plan – PL01A  
Parameters Plan – PL02C  
Plot Parameters Plan – PL03C
- 23) No earlier than three months prior to the commencement of the development, an updated walkover shall be undertaken by a suitably qualified ecologist to identify any active badger sett entrances within the site or within 25 metres of the site boundary. Should active setts, which will be impacted by the development, be identified a badger mitigation strategy including the results of any additional surveys undertaken, shall be submitted to and approved in writing by the local planning authority prior to commencement of the development (including site clearance). Thereafter, the approved badger mitigation strategy shall be implemented and adhered to throughout the entire construction period.

## **END OF SCHEDULE**