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Planning Inspectorate
Room 4/05 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

8th August 2023

**RE: APP/A1910/C/23/3323871- Land at Church Road, Little Gaddesden
Herts HP4 1NX**

Description of appeal notice sent to residents of Little Gaddesden

“S215 APPEAL Extension to existing building, construction of aviary building, dog cage and siting of caravan, blue lorry and other vehicles/trailers”

Dear Sir/Madam

Little Gaddesden Parish Council (LGPC) would like to support Dacorum’s Enforcement Notice and object to the appeal above. LGPC consider ground B and C to be spurious and answers only on Ground C here, concerning permitted Development (PD) rights. LGPC believes that it has to reply to the building extension only after communication from Dacorum. However, it strongly objects to all other objects listed above on this site for the similar reasons.

Related decisions/Documents:

1. Appeal decision APP/A1910/C/21/3282333 on same plots.
2. Appeal decision APP/A1910/W/20/3264515 on plot 17.
3. Historic England response to planning application on plot 7 Feb 2020 – 20/00176/FUL. Attached Appendix 3. Taken from Dacorum web site.

LGPC would like to object to the appeal as follows:

1. LGPC confirms that there was a small hidden open dilapidated animal shelter/building (shed) was on the land in August 2020 in approximately the same position as the current building covered under this enforcement notice and appeal. Two photographs are attached showing the original shed in Appendix 1: Shed Photo 1 and Appendix 2: Shed Photo 2. LGPC has seen no evidence that the shed existed prior to August 2020.

2. On the 20th August 2020 the shed was measured to have an internal dimension of width 3.6m by depth 2.2m (+/- 0.2m). Detailed evidence of this was provided to Dacorum. A video of the internals of the shed was also provided to Dacorum at the same time. This video verifies the approximate internal dimensions above, as it shows the sheets of ply used in construction (2.44m x 1.22m). A video of the internals of the shelter is available from LGPC if required.

3. Over a period of time, the people living on the plots off Church Road were observed using dilapidated wooded timbers and sheets to extend the size of the shed under appeal. Numerous residents of the village complained about these works and other works. It is difficult to ascertain the age of the shed from the current materials, as they have been modified significantly over time with second hand materials. A photo has been attached of a pile of second hand materials used in construction/modification of various sheds on the site. Appendix 3: Photo of dilapidated construction material, 21st August 2021. There are numerous photographs of other dilapidated materials been delivered to site, which are available if required.

4. Assuming it is shown by the appellant that the shed was built more than four years prior to the enforcement notice, LGPC objects to the appeal on the grounds that the original shed has been so significantly altered by the residents of the plots (without consent), that it is difficult to argue that it still exists, and that the current shed is effectively a new building. As a new building it should therefore be removed as per the previous enforcement and appeal.

5. Further, in summary LGPC objects to the appeal on the grounds that there is harm to (1) the open character of the land, (2) to the enjoyable uses of numerous footpaths (including the Chiltern way), (3) the Conservation area, (4) the setting/views of the listed church from all direction and (5) the ANOB.

6. In addition, if it is accepted that the original shed still exists, LGPC argues that several breaches of permitted development rights have occurred with the extensions under Class B of the General Permitted Development Order (GPDO) 2015. Since plots 5 & 6 are less than 0.4 hectares, LGPC have listed some potential breaches as follows:

The extended development :

- is within 400m of the protected Church (200m measured)
- is within 5 metres of the boundary of the curtilage of the plots.
- materially effects the view of the protected Church from numerous footpaths and playing fields.
- had no prior notification for works and none were given
- has a greater than 20% increase in original volume (if allowed)
- is in breach of the article 4 designation.

7. LGPC also argue the shed is not being used for agricultural purposes and is not valid, for the following reasons:

1. There have been sheep farmed on this land for decades without the need for a shed.
2. The shed is not moveable as generally required for any permitted development rights.
3. The shed appears to be used for the housing of the horses overnight, which is not consistent with agricultural use of horses.

8. LGPC also argues that the shed cannot be required for the horses on plots 5&6, because land area is too small for the agricultural farming of horses, for the following reasons:

1. The sum of the size of plot 5 & 6 is under 0.4 hectares (0.94 acres).
2. One acre is the bare minimum for one horse. Additional feed will be required in the winter. (i.e. equestrian not agricultural). The occupants currently have two horses and many sheep.
3. There appear to be no formal arrangements with the owners of adjacent plots for the use of their land. The owners of other plots have formally complained to LGPC about the appellants' animals trespass.

9. There was no need for Historic England to be consulted on this appeal, but they were consulted on the proposal to build a house on the adjacent plot 7 by the appellant. Their reply is attached in Appendix 4 and the points raised have significance to this appeal concerning the setting of the listed Church.

Thank you



Paul Kelly
Chair – Little Gaddesden Parish Council

Appendix 1: Shed Photo 1



Appendix 2: Shed Photo 2



Appendix 3: Photo of dilapidated construction material, 21st August 2021



Appendix 4: Historic England – Downloaded from Dacorum web site:

Response to housing application for Plot 7 Housing application for Dacorum Feb 2020 - 20/00176/FUL – Application subsequently withdrawn.

Comment Date: Wed 11 Mar 2020

Thank you for your letter of 25 February 2020 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application. The application is for the construction of single dwelling on land at Church Road, Little Gaddesden. The application site is undeveloped open countryside and lies within the Little Gaddesden Conservation Area. Historic England has been consulted on the basis that the proposed development has the potential to affect the setting of the grade I listed church of St Peter and St Paul, which lies approximately 240 metres to the north-east of the application site. We consider that the change of use of the field to residential would have a negative impact upon the setting of the listed building, which would therefore result in harm to its significance as a heritage asset. We do not recognise that the development would yield any public benefit and therefore we object to the planning application on heritage grounds. **The parish Church**

of St Peter and St Paul is listed at Grade I placing it with the top approximately 2 percent of listed buildings in the country. It is largely of 15th century fabric, with south-east chapel, south aisle and porch of circa 1819 by Jeffry Wyatt, and late 19th century restoration by EW Godwin. The church stands on its own to the north-east of the village settlement, surrounded by open fields. **All of the more recent development has been contained to the north side of Church Road and finishes at the south-western boundary of the last field before the churchyard. This has preserved the historic setting of the church, and the essential rural character of this part of the conservation area, and there is no precedent for development to the south of Church Road** We note that the applicant has not provided any assessment of the heritage assets that would be affected, and has therefore failed to demonstrate the impact that the proposed development would have upon their significance, contrary to the requirements of the National Planning Policy Framework (NPPF) paragraph 189. We are concerned by the prospect of developing this site as it would permanently remove the agricultural use of the land and so change the setting of the church in a fundamental way. The proposed dwelling would be present in views to and from the church/churchyard, and would affect the way one experiences it within its setting - for example, when approaching the church along Church Road. The NPPF defines the setting of a heritage asset as, 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral' (Annex 2). Paragraph 194 of the NPPF states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting; and makes it clear that any harm (to, or loss of the significance of designated heritage asset) should require clear and convincing justification. Detailed guidance on assessing the impact of development on the setting of heritage assets is set out within GPA3 The Setting of Heritage Assets 2nd edition (published by Historic England on behalf of the Historic Environment Forum, December 2017). We do not consider that the harm to the significance of the heritage asset that we have identified is justified, nor do we recognise any public benefit would be delivered from the proposed development that would outweigh that harm.

Recommendation

Historic England objects to the application on heritage grounds We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 189, 194, 196. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Your authority should take these representations into account in determining the application. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.