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## Appeal Decision

Site visit made on 22 July 2025

**by N Bowden BA(Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7<sup>th</sup> August 2025

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**Appeal Ref: APP/P1940/W/25/3358883**

**15 Church Lane, Sarratt, Hertfordshire WD3 6HN**

- 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 and Mrs Guy Manson-Bishop against the decision of Three Rivers District Council.
  - The application Ref is 24/1339/FUL.
  - The development proposed is the erection of a detached bungalow.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - 1) whether the proposed development would preserve or enhance the character and appearance of The Green, Sarratt Conservation Area (The GSCA),
  - 2) whether the proposal would make an appropriate provision for affordable housing, and
  - 3) the effect of the development on biodiversity, in particular the provision of biodiversity net gain.

### Reasons

#### *Character and appearance*

3. The appeal site is set within The GSCA which is focused on and around the long Village Green from which the Conservation Area derives its name. Its significance is the aforementioned Green which is surrounded by linear development both around and leading off from it and this historical pattern of development. Buildings are commonly of a domestic scale with a variety of materials in use and this notably includes red brick, flint and render and under tiled roofs. Examples of more modern development are generally quite sympathetic and follow the pattern of linear development along established roads and lanes.
4. The proposed dwelling would be set to the rear of numbers 13 and 15 Church Lane which is set slightly off the Green itself. The site benefits from a frontage to a small lane leading to a farmhouse, stables and nursery along with some further footpaths which lead into the countryside beyond. The proposed dwelling would be a rectangular building under a shallow pitched roof. It would be orientated with its

principal elevation facing Church Lane despite this not being the principal frontage to the site.

5. Due to its large footprint, shallow pitch roof, squat appearance, lack of design detailing and orientation that fails to address the lane which it fronts; I find that the proposed dwelling would fail to integrate satisfactorily with the character or appearance of The GSCA. The proposed dwelling would not be of a sufficient design standard to represent a welcome modern addition to The GSCA nor would it have a form, features or a style that reflects the historic characteristics of the area. Additionally, I find the undeveloped site makes a positive contribution to The GSCA, as the lack of development in this location contributes to the setting of the area and the homes that address Church Lane by enhancing the linear pattern of development that is characteristic of the area.
6. I therefore conclude that it would result fail to preserve or enhance The GSCA due to the design and orientation and cause less than substantial harm to this heritage asset. I do not accept that the proposal shares any similarities with the house next door at Ferndale or the Huf Haus development to the north east as these are considered and detailed buildings which relate well to their surroundings.
7. In reaching my conclusions here I have considered the statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. I am also mindful of the provisions of paragraph 215 of the Framework which sets out that any less than substantial harm to a heritage asset should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
8. I recognise that the provision of an additional dwelling is a benefit as it would result in a small, but important, increase in the overall housing supply. This, however, does not negate the harm to The GSCA. Moreover, this decision to refuse planning permission would have no significant effect on the optimum viable use of the much wider Conservation Area.
9. The proposal therefore conflicts with policies CP1 and CP12 of the Three Rivers Core Strategy 2011 (TRCS) and policies DM1 and DM3 of the Three Rivers Development Management Policies Local Development Document 2013 (TRDMP) including Appendix 2 insofar as it is not of a design and scale that preserves or enhances the character or appearance of the area. Furthermore, it would not accord with the guidance in The GSCA Appraisal and Townscape Assessment and provisions of the National Planning Policy Framework (the Framework).

#### *Affordable housing*

10. Policy CP4 of the TRCS requires the provision of affordable housing of 45% for all new housing development. The policy sets out that on smaller sites of up to 9 dwellings, a commuted payment towards off-site provision would be acceptable in lieu of delivery on-site. However, there is dispute with regard to the amount of such contribution, and subsequently, whether the provision of a commuted sum would render the scheme unviable. Whilst the Council accepts that the full payment of £202,640 would render the scheme unviable, it has nominated a figure of £96,464. Conversely the appellant considers that any payment would render the scheme unviable.

11. For the developers return, the Planning Practice Guidance (PPG) provides no advice with regard to assumptions in relation to development proposals. However, it does advise that for the purposes of plan-making, an assumption of 15-20% of gross development value should be considered a suitable return. Having regard to the Framework, which states that viability assessments should reflect the recommended approach in national guidance, this would be a reasonable figure to consider as a starting point.
12. The appellant has considered a figure of 20% as this would reflect the market risk associated with speculative development for a project of this scale and current market conditions. The Three Rivers Local Plan Viability Study 2009 nominates 15% but I am mindful of the age of this Study and the notably different conditions under which this was undertaken.
13. The Council has applied a rate of 17.5%. This is the mid-point between that recommended in the PPG and appellant's suggestion, and the evidence before me does not indicate that the circumstances of this scheme, having regard to its nature, scale and location, would justify an expectation of a higher level of return. Therefore, a rate of 17.5% would be reasonable in this instance.
14. There is a broad agreement between the parties in relation to most costs. Nevertheless, there is significant discrepancy between the parties' estimations of the existing land/benchmark use value and build costs.
15. The appellant estimates the existing land value at £275,000 and benchmark land value to be £316,250. Whilst the Council has not provided an estimate of the existing land value, it considers the benchmark use value to be around £100,000. The affordable housing contribution would be more than covered by this discrepancy. In terms of build costs, I am unable to reconcile the costs proposed by the appellant, which are set out as costing in the upper quartile rate. This is despite the fairly standard materials to be used in the construction of the proposed dwelling and the simple form of the building.
16. Drawing all the above together, the proposal would be able to provide a contribution to affordable housing. Had I been minded to allow the appeal, I would have sought additional evidence from the parties to clarify the cost differences in greater detail and come to a view on the level of contribution required. However, as the proposal to be dismissed on other grounds it has not been necessary to do so. Furthermore, in the absence of a planning obligation, there is no mechanism available to secure any commuted contribution towards affordable housing. The proposal therefore would be contrary to policy CS4 of the TRCS, which seeks to increase the provision of affordable homes in the District.

#### *Biodiversity*

17. Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (the Act) (inserted by the Environment Act 2021). Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met.
18. The application was submitted with a biodiversity metric which shows a net loss of habitat units arising from the proposed development. A biodiversity net gain plan was also provided however this does not set out how the required 10% net

increase is to be achieved. Even so, I am satisfied that, given the area of the land available on site that is not proposed to be developed, this 10% could potentially be achieved. Although there remains no indication as to how this would be delivered, in this context, this could be secured through the use of appropriate planning conditions and/or the mandatory biodiversity net gain condition.

19. Likewise, the appellant has nominated that they are willing to provide offsite contributions. However, no planning obligation to secure this has been provided and therefore I have not explored this any further. The proposal therefore could meet the requirements of Schedule 7A of the Act.

### **Other Matters**

20. The Officer's report provides conflicting information as to whether the appeal site lies within the zone of influence for the Chilterns Beechwoods Special Area of Conservation. However, as the appeal is to be dismissed, there is no need for further consideration to be given to this or to the provisions of the Conservation of Habitats and Species Regulations 2017.

### **Planning Balance and Conclusion**

21. The Council accepts that it cannot demonstrate a five year supply of deliverable housing land. In accordance with paragraph 11 d) of the Framework this means granting permission unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. As the site is within The GSCA and the effect on the character and appearance of this heritage asset is a strong reason for refusing permission for the development, the provisions of paragraph 11 d) are therefore not engaged.
22. The proposal would fail to preserve or enhance the character and appearance of The GSCA and does not make contributions towards affordable housing. Whilst the information on biodiversity net gain is limited, I am satisfied this could be secured.
23. However, overall, 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.

*N Bowden*

INSPECTOR