



Appeal Decision

Site visit made on 16 July 2026

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st July 2026

Appeal Ref: 6003684

156 The Drive, Rickmansworth, Hertfordshire WD3 4DH

- 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 Vincent Millen of Millen Homes Limited against the decision of Three Rivers District Council.
 - The application ref is 25/1679/OUT.
 - The development proposed is described as 'development of 2 self build dwellings'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was made in outline with details of access, landscaping and layout submitted for consideration. I have therefore determined the appeal on this basis and have dealt with any drawings relating to matters of appearance and scale as illustrative.
3. A Unilateral Undertaking was submitted during the course of the appeal, dated 10 March 2026 (the UU). This has been taken into account in determining the appeal.

Main Issues

4. In light of the UU the Council have confirmed that its first reason for refusal, relating to affordable housing, has been overcome. As this is no longer a matter in dispute I have not dealt with it as a main issue in the appeal.
5. The main issues are the effects of the development proposed on i) the character and appearance of the area, and ii) ecology and biodiversity.

Reasons

Character and Appearance

6. The surrounding area comprises predominately detached homes set in generous, landscaped gardens positioned on an undulating streetscape. The area has a distinctly verdant character, derived in part from the sporadic mature trees close to the edge of the road together with the canopies of trees in rear gardens which in many cases are apparent above the houses and in the gaps between them. The trees on the appeal site which are close to the edge of The Drive contribute positively to the leafy character of the area and provide relief in the built forms on this side of the road. Given the slope of the land, the more dense area of trees at the back of the appeal site has limited visibility from The Drive. The dense

canopies can, however, be seen from a number of surrounding public viewpoints, including the public footpath which runs along the far side of the railway line, views from the railway bridge on Nightingale Road, above the single storey garages of Nightingale Court, and between and behind the neighbouring buildings on Winchfield Way. As such they contribute positively to the character of the area and have high amenity value through forming part of the backdrop of the surrounding development.

7. While the appeal site generally slopes downwards away from The Drive, it contains a number of other irregular and steep slopes, both to the side of no.156 where the land is partially terraced, and towards the rear of the site, particularly where it adjoins the garages of Nightingale Court. This is reflected in the datum levels contained among the evidence¹. A vast number of the existing trees on the appeal site are protected by Tree Preservation Orders (TPOs)² and the evidence confirms that 92 trees would be removed to facilitate the development. These are predominantly towards the back of the site where the new houses would be positioned, but also include removals close to the intended access. These comprise trees of varying quality, but include those of Category B and C, defined as being moderate or low quality, with life expectancies of at least 20 or 40 years. Many other trees proposed to be removed are un-categorised. The trees closest to the road edge, and a buffer of woodland adjacent to the railway line at the back are among those shown to be retained, however the dense wooded appearance of the site would be notably reduced.
8. No-dig methods are proposed for the access road, which is shown to encroach significantly into the root protection areas of several trees and close to their trunks. I have no reason to doubt the effectiveness of those methods. However, given the gradient of the land to the side of the house, which falls away steeply to the north, there is a heavy likelihood that the land would need to be regraded to provide the access. This would present further, potentially significant, effects on those trees or necessitate their removal. This is similarly the case at the back of the site, around the position of Plot 2, where the ground slopes steeply downwards from the southeastern boundary. While proposed sections have been provided, it is not clear which lines across the site these follow or how they compare to the existing levels across the wider site. In combination and in the absence of substantive evidence to the contrary, the proposal would necessitate the removal of additional trees or cause harm to their health affecting their longevity, and contribute to the substantive loss of the site's verdant character.
9. The landscaping scheme would include 26 replacement trees, being Oaks, Beech and Silver Birch trees which are capable of becoming large with substantial canopies. Their maintenance could be secured by the UU for a period of ten years and I have no reason to doubt that the new trees could become well established over that period. These new trees would assist in enclosing the new homes and the site's boundaries, helping to reinstate the wooded and verdant nature of the site. While there could be changes in wind loading, I do not have evidence of the likelihood of that creating additional tree losses on this site.
10. Despite this, given their extent, proximity to the houses and enclosure, the trees are likely to give rise to overshadowing of the homes and gardens once

¹ Ground levels contained in Arboricultural Survey dated 21 October 2024

² TPO934, TPO173 and TPJ063

established. They would also provide detritus to varying extents across the year, bird mess and present potential safety hazards, particularly around the parking areas and along the access road which would be the only vehicular and pedestrian route to the new homes. As a consequence, the new and retained trees are likely to experience pressure from future occupants of the development for pruning, or removal. While the UU could prevent this within the maintenance period, it is the period beyond this, when the new trees were established, that this pressure is most likely to arise. While the Council may have control over determining such applications by virtue of the TPOs, it is not apparent that these could all reasonably be resisted. While there are examples given of other houses which co-exist with mature trees, I cannot be satisfied that the circumstances involved are the same as those before me.

11. Taken in combination, the effects of the proposed tree removals, the heavy likelihood of additional removals or harm to the longevity of trees, together with the significant additional pressure to remove or prune trees arising from the site's more intensive use, would cause the substantial loss of the site's verdant and wooded character and create a development heavily at odds with the prevailing local character. Even if the existing site has been managed as part of a residential curtilage, this would not provide justification for the above effects, which would be significantly different.
12. I note the appellant's concerns regarding the imposition of the TPOs and their timing, however, this is a matter for the Council rather than this appeal. The appellant refers to development approved behind No.6 Valley Road, and also an appeal decision relating to replacement planting at Little Hammonds. However the circumstances surrounding the effects of both those proposals would appear to be very different to the effects of this appeal.
13. The UU would secure a financial contribution of £50,000 for planting of trees in Rickmansworth. It is not apparent that the relevant development plan policies support this approach, since they include the need to retain landscape features. I understand the extent of the contribution is based on the cost of establishing standard-sized trees in highway verges. However, in the absence of supporting information, I cannot be satisfied that the contribution is fairly and reasonably related in scale and kind to the development. Since it has not been demonstrated that it meets all the statutory tests, I cannot take the obligation into account. Furthermore, while the contribution could fund 100 to 150 trees, which would be a valuable contribution to the town in helping to create tree lined streets, there is not evidence before me of any agreed strategy for this planting or its location. Together with the Council's concerns for the size of the grass verges in the surrounding area, this casts significant doubt on whether the contribution could reasonably be spent for its intended purpose or the mitigation delivered.
14. Concerns have been raised that the proposed dwellings could appear dominant and visually prominent. However, given the ground levels generally drop towards the back of the site and as matters of scale and appearance are not before me, I have no strong reason to believe that the dwellings themselves could not be appropriately designed. I do not consider that the houses themselves would necessarily add to the visual harm arising from the effects on trees.
15. For the reasons given, the proposal would have a harmful effect on the character and appearance of the area through the significant tree losses on the site. It would

conflict with policies CP1, CP3 and CP12 of the Council's Core Strategy 2011 (the CS), DM1 and DM6 of the Council's Development Management Policies 2013 (the DMP), as well as its associated appendix 2, and Policy BW DE1 of the Batchworth Neighbourhood Plan 2023 (the BNP). Together these policies require development to protect and enhance the natural and built environment, and respect the character of the District as well as local context.

Ecology and Biodiversity

16. The appellant's Ecology Report³ (the ER) describes a portion of the site as lowland mixed deciduous woodland habitat, which would be lost as a result of the proposal. Lowland mixed deciduous woodland is a priority habitat by virtue of its inclusion on the list of habitats and species of principle importance in England.
17. The ER sets out that a full Ground Level Tree Assessment for bats was not within the scope of the survey, given no veteran trees would be affected. It goes on to discuss that no trees had the potential to provide suitable habitat for roosts, given they are unlikely to have bat-suitable features. However, it is not apparent that roosts may be limited to veteran trees and the ER is at odds with the findings of the appellant's Arboricultural Method Statement, which describes one of the trees to be removed as having major deadwood and others with dieback. Both reports refer to the difficulty in inspecting some trees due to dense surrounding foliage. Overall, I cannot conclude that the effects of the development on bats would be acceptable.
18. While the ER found no signs of reptiles during the survey, it acknowledged a moderate likelihood of reptile presence on the site, given its suitability for commuting and foraging opportunities and some limited hibernation habitat. The recommendations of the report for precautionary measures during construction are based on the site's disconnect from other habitats. However the report does not acknowledge the site's relationship with long mature gardens to the north and the connectivity potential provided by the railway line. This casts significant doubt on the extent to which the site could accommodate reptiles and whether the precautionary measures put forward would be sufficient.
19. In the absence of this information the impacts of the development on these protected species cannot be fully assessed and it cannot be established that the necessary mitigation could be secured. For these reasons it would not be appropriate to condition the required surveys for completion at a later date. The proposal could have significant and harmful impacts on protected species including through the loss of the priority habitat and this conflicts with policies CP1 and CP12 of the CS and DM6 of the DMP which among other things, require protection of the natural environment, important natural features, habitats and species.

Other Matters

20. The UU adopts a formula which can be applied to determine the required affordable housing contribution after the agreement of reserved matters. This reflects the requirements for a commuted sum set out in the Affordable Housing Supplementary Planning Document (SPD) 2011 and I have no strong reason to doubt that the UU would be effective in securing the contribution if permission was

³ Preliminary Ecological appraisal, Preliminary Roost Assessment, Biodiversity Metric Assessment, dated 8 October 2025

granted. The contribution meets the tests for a planning obligation and the development would comply with Policy CP4 of the CS regarding affordable housing. The UU would also secure the development as self-build in accordance with the relevant definition. As benefits of the scheme, these factors are weighed in the balancing exercise below.

21. I am mindful of the other issues raised by third parties. However it is not necessary to address those further since they would not alter the outcome of this appeal.

Planning Balance

22. The Council accept that it is unable to demonstrate a five year land supply for housing. Accordingly the provisions of paragraph 11d) of the National Planning Policy Framework (the Framework) apply to the appeal. The application of policies in the Framework that protect areas or assets of particular importance do not provide a strong reason for refusing the proposed development, and the balancing exercise of 11d)ii is therefore required.
23. In terms of adverse impacts, I have found that the development would cause harm to the character and appearance of the area. This would be significant and long lasting and would be in conflict with the policies in paragraphs 129 and 135 of the Framework which require development to take into account the desirability of maintaining an area's prevailing character and setting, and be sympathetic to local character including landscape setting. There is also conflict with paragraph 139 insofar as the development fails to reflect local design policies as set out above. In addition, the proposal could have significant and harmful effects on bats and reptiles, which are protected species. In combination these harms attract very significant weight.
24. Turning to the benefits, the proposal would contribute to the housing stock in the District, where there is an acknowledged shortfall. The situation surrounding the Council's emerging Local Plan adds uncertainty to when and how the shortfall will be resolved. The delivery of new homes is therefore particularly important in these circumstances and small sites can make an important contribution to meeting the housing requirement. The proposed homes would be in an existing built up area and Rickmansworth is identified as the District's principal settlement and focus for new development. Accordingly future occupants would have very good access to services and facilities, including public transport links, which could reasonably be accessed on foot, encouraging sustainable means of travel which is supported by paragraphs 110 and 115 of the Framework. While there is little supporting evidence of the alleged improper counting of self-build permissions by the Council or the effects of suppressing the register, or the extent of the shortfall in sites as a consequence, the proposal would nonetheless contribute to the supply of planning permissions for self-build housing which also weighs in favour of the development.
25. The proposal would provide a financial contribution to help provide affordable housing elsewhere, which is similarly important given the acknowledged acute affordable housing need. There would also be economic benefits arising from the construction process as well as ongoing expenditure by future occupants into the economy. Biodiversity enhancements could also be secured as set out in the ER. For the reasons set out above, the contribution to off-site tree planting does not add weight in favour of the development since it does not meet the tests for an obligation and given the doubt surrounding the delivery of the planting.

26. Taken together, and given the scale of the development and quantum of new homes which would be delivered, I give the benefits of the scheme considerable weight. The adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits and therefore the proposal does not benefit from the presumption in favour of sustainable development set out in the Framework.
27. The appellant has referenced other appeal decisions where the outcome of this exercise has been in favour of development given the housing needs of the District. However each case is assessed on its own merits and the above conclusions are specific to the site and effects of the appeal scheme before me.

Conclusion

28. For the reasons given, the proposal would conflict with the development plan and there are not material considerations of sufficient weight, including approaches in the Framework, which indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

C Shearing

INSPECTOR