

Planning Inspectorate
c/o QUADIENT
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26th February 2026

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Dear Sir/Madam

Planning Inspectorate Reference : 6003950
LPA Appeal Reference : 26/00008/REFUSE
LPA Application : 3/25/1565/FUL
Address : Rooks Nest Farm, 182 High Street, Walkern, Hertfordshire
Proposal : Development of 7no. self-build dwellings, with access route, associated landscaping and parking provision

Walkern Parish Council writes to confirm its strong objection to the appeal submitted in relation to the proposed development at Rooks Nest Farm. The Council maintains that the Local Planning Authority's refusal was correct, justified, and fully supported by planning policy, heritage evidence, and the site's physical characteristics.

The Council's principal grounds of objection are set out below.

1 Settlement boundary and policy context

The appellant's case overlooks the fundamental point that the site lies **outside** the designated Walkern village boundary.

Under both the **East Herts District Plan** and the **Walkern Neighbourhood Plan**, the settlement boundary is the determinative spatial tool for distinguishing village land from countryside.

Key points:

- The fact that the Conservation Area extends beyond the settlement boundary **does not redefine the land as part of the settlement**.
- Conservation Areas frequently include open spaces, farmland edges, and landscape features that contribute to historic character. Their inclusion does not override countryside policy designations.

Accordingly, the Council's application of **Policy GBR2** is correct: the site is within the **Rural Area Beyond the Green Belt**, and development must be assessed on that basis.

2 *Incorrect Claim of "Enclosure" by Built Development*

The appellant's assertion that the site is "entirely enclosed by the settlement" is factually incorrect (Appeal sections 2.2, 2.4, 2.25, 2.31, 7.7 and 7.8)

2.1 Western boundary

- The only built form to the west is **Rooks Nest Farm**, a historic farmstead.
- At least **75% of the western boundary** adjoins open agricultural fields.
- This open western edge is visually and functionally part of the wider countryside.

The site therefore **does not** form an enclosed or infill plot.

3 *Conservation area inclusion does not support development*

The appellant's argument in Appeal Section 2.3 misunderstands the purpose of Conservation Area designation.

- The site is included in the Walkern Conservation Area **because its openness and rural character contribute positively** to the historic setting of the village core.
- It is entirely legitimate—and common practice—for Conservation Areas to include important green spaces, farmland edges, and landscape gaps that are integral to the village's historic form.

4 *Countryside function and policy GBR2*

The appellant claims the site "does not perform a countryside function". This is contradicted by the evidence.

4.1 Neighbourhood Plan evidence

The Walkern Neighbourhood Plan explicitly identifies this area as an **Important Countryside Gap**, confirming that:

- The land contributes to the rural setting of the village.
- It prevents coalescence between built form and the wider countryside.
- It is valued by the community for its openness and landscape function.

This is strong, locally derived evidence that the site **does** perform a countryside role, directly supporting the Council's application of GBR2.

5 *Appeal Precedent*

The appellant refers to appeal precedent, but such cases typically turn on:

- Whether the site is genuinely enclosed;

- Whether it reads as part of the settlement;
- Whether local policy identifies it as countryside.

In this case:

- The site is **not** enclosed;
- It does **not** read as part of the built-up area;
- The Neighbourhood Plan identifies it as an **Important Countryside Gap**;
- The settlement boundary clearly excludes it.

These factors distinguish the site from the precedents cited by the appellant.

6 Rebuttal to appellant's historic development argument

6.1 Over-Reliance on historic OS Mapping (Sections 2.6 – 2.9)

The appellant places undue weight on historic OS maps to argue that the site was historically "built up". This is overstated.

6.1.1 OS maps do not confirm building form or scale

- OS maps are two-dimensional and do not record height, massing, or architectural form.
- The appellant's claim that the buildings were "two storeys" is speculative and unsupported.

6.1.2 Historic structures were likely modest and agricultural

Even if buildings once stood on the site, the most reasonable interpretation is that they were small agricultural outbuildings.

- There is no evidence they were visually dominant.
- The proposed dwellings are substantially larger and more intrusive than any historic structures.

6.2 The appellant's visual relationship argument (Section 2.10)

The appellant argues that because historic buildings once sat closer to the road, the proposed dwellings would recreate a similar visual relationship with Rooks Nest Farmhouse. This is flawed.

6.2.1 The argument is based on supposition

- There is no evidence of the height or massing of the historic structures.
- The appellant's claim that they formed a "dominant foreground" is conjecture.

6.2.2 The proposed development is not comparable

The proposed dwellings:

- extend much further across the site,

- introduce suburban domestic form,
- introduce multiple new units,
- create a far more intensive and permanent visual presence.

6.3 Passage of time and natural reversion

Inspectors consistently recognise that long-lost structures carry little or no weight when assessing modern development proposals.

6.3.1 Reversion to natural or semi-natural land

Inspectors regularly conclude that:

- Land that has reverted to a natural or semi-natural state cannot rely on historic structures to justify new development.
- The passage of time diminishes the relevance of any former built form, particularly where no physical trace remains.

This principle directly supports the position in the current case.

6.3.2 Demolished buildings and "healed" landscapes

Across numerous decisions, Inspectors have found that:

- Buildings demolished decades earlier cannot justify new development, whether through fallback arguments, heritage claims, or assertions of previous use.
- Land that has "healed" and returned to greenfield status must be assessed as such, with no planning weight given to former structures.
- Historic uses or structures that no longer exist carry no material heritage or planning weight.

These established principles apply equally here.

7 Reason for Refusal 5 – Biodiversity Net Gain and self-build

We cite the Planning Inspectorate appeal decision of 26th January 2021 reference APP/P1940/W/20/3246212

In this case Millen Homes also asserted that the development was self-build. It was determined that the proposed development did not meet the definition of self-build and custom housing. The proposal in this regard was almost identical to the proposal now under appeal including the offer of a Unilateral Undertaking.

We quote from that decision:

"It is disputed whether or not the proposal would be self-build housing. The Self Building and Custom House Building Act 2015 states self-build and custom housebuilding means the building or completion by (a) individuals, (b) associations of individuals, or (c) persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals. It

also states it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person. Furthermore, the relevant Planning Policy Guidance says in considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing.

I note the need for self-build dwellings in the area and the Council's record in providing sufficient plots. I also acknowledge the appellant's comments about the site specific circumstances, the need to provide sufficient certainty for self-builders and for valuation purposes and the use of planning passports.

However, in my view, selecting the finishing materials and designing landscaping and fixtures such as kitchens and bathrooms within the parameters of approved layouts and elevational drawings is not having primary input into the final design and layout. Thus, I am not satisfied the proposal would meet the definition of self-build and the unilateral undertaking seeking to secure them as self-build, even if duly executed would not overcome this. Therefore, irrespective of the appellant's description, I have not treated the proposed dwellings as self-build and instead treated them as market housing."

8 Missing documents

At the time of writing the following documents, said to be included with the appeal, are not available:

5. Visibility Splay Plan
6. Swept Path Analysis for Emergency Vehicles
7. Unilateral Undertaking (Self-Build)
8. Site context photographs

Consequently it is not possible to fully respond to section 3 (Highways) of the appeal.

9 Conclusion

The appellant's case rests on a mischaracterisation of the site's physical, policy, and heritage context. In reality:

- The site lies outside the settlement boundary.
- It is not enclosed and does not read as part of the village.
- It performs a clear countryside function, confirmed by the Neighbourhood Plan.
- The Conservation Area designation supports protection of its openness.
- Historic structures long since removed carry no weight.

- The proposed dwellings would harm both heritage assets and residential amenity.

Further, the proposal does not qualify as self-build housing.

Walkern Parish Council therefore respectfully urges the Inspector to dismiss the appeal and uphold the Local Planning Authority's refusal.

Yours faithfully

on behalf of Walkern Parish Council

Abi Brown

Clerk to Walkern Parish Council