

NORTH HERTFORDSHIRE DISTRICT COUNCIL



3 September 2021

Our Ref Planning Control Committee/16.09.21
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To: Members of the Committee: Councillors Ruth Brown, Sue Ngwala, John Bishop, Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, David Levett, Ian Moody, Mike Rice, Terry Tyler and Tom Tyson

Substitutes: Councillors Simon Bloxham, Sam Collins, George Davies, Ian Mantle, Michael Muir, Carol Stanier and Kay Tart

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERON
ROAD, LETCHWORTH GARDEN CITY**

On

THURSDAY, 16TH SEPTEMBER, 2021 AT 7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda **Part I**

Item		Page
1.	WELCOME	
2.	APOLOGIES FOR ABSENCE Members are required to notify any substitutions by midday on the day of the meeting. Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
3.	MINUTES - 2 SEPTEMBER 2021 To take as read and confirm as a true record the minutes of the meeting on 2 September 2021. Minutes to be circulated when available.	
4.	NOTIFICATION OF OTHER BUSINESS Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered.	
5.	CHAIR'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
6.	PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.	

7. **21/01456/FP LAND ON THE NORTH WEST SIDE OF, HIGH STREET, HINXWORTH, BALDOCK, HERTFORDSHIRE, SG7 5HQ** (Pages 5 - 24)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Erection of four-bedroom detached dwelling with associated access, car parking, private garden, hard and soft landscaping and triple bay garage and car port.

8. **21/01349/FP LAND WEST OF TUTHILL HOUSE, KELSHALL TOPS, THERFIELD, HERTFORDSHIRE - WITHDRAWN** (Pages 25 - 48)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Erection of three dwellings (1 x 4-bed, 1 x 5-bed and 1 x 6-bed) with associated infrastructure (amended plans received 27.07.2021).

PLEASE BE ADVISED THAT THIS ITEM HAS BEEN WITHDRAWN FROM THE AGENDA

9. **PLANNING APPEALS** (Pages 49 - 64)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

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<u>Location:</u>	Land on The North West Side Of High Street Hinworth Baldock Hertfordshire SG7 5HQ
<u>Applicant:</u>	Mr Nicholas Tiffin
<u>Proposal:</u>	Erection of four-bedroom detached dwelling with associated access, car parking, private garden, hard and soft landscaping and triple bay garage and car port.
<u>Ref. No:</u>	21/01456/FP
<u>Officer:</u>	Alex Howard

Date of expiry of statutory period: 2nd July 2021

Extension of statutory period: 30th September 2021

Reason for Delay: In order to present the application to an available committee meeting.

Reason for Referral to Committee:

Applicant is a close relative of former case officer (see history below) and as such was required to submit a declaration. To avoid any perception of impropriety this planning application is reported to Members at the discretion of the Development and Conservation Manager under the scheme of delegation and constitution.

1.0 **Site History**

- 1.1 06/02078/1 - Outline permission for erection of detached dwelling with detached double garage (scale, appearance and landscaping reserved) **Refused**

R1: Policy 6 of the North Hertfordshire District Local Plan No 2 with Alterations aims to maintain the character of the countryside and villages beyond the Districts towns. In this regard development will only be allowed if it is strictly necessary for agriculture, forestry or any proven community or identified rural housing need. Development is acceptable within settlements providing it comprises a single dwelling on a small plot within the built core and would have no other adverse impact on the local environment. The dwelling proposed would be sited on land which is not considered a small plot. Moreover, the proposal is not considered sustainable in terms of other relevant policies and would thus have an adverse impact on the local environment. In these circumstances it is considered that the scheme presented fails to comply with Policy 6 of the District Local Plan No 2 with Alterations.

R2: Given the lack of essential services in the settlement or vicinity, the proposed dwelling would be significantly reliant on private transport and thereby fail to take advantage of urban concentration. In the absence of any other measures or reasons which may offset its unsustainable impact the proposal would be contrary to Policy 1 of the Hertfordshire County Structure Plan Review 1991-2011.

Subsequent appeal
Dismissed

1.2 09/02308/1 - Erection of one 5-bedroom eco-house with detached double garage.
Withdrawn

1.3 10/01687/1 - Five-bedroom eco-house with detached car port and home office.
Refused

R1: Due to the lack of services, new household formation is deemed unsustainable on this site unless it can be clearly demonstrated that a single new dwelling is so truly ground breaking in terms of its energy performance and design that the concept could not be easily diluted by the specification of inferior building components and services. The Planning Authority considers that the presented scheme is not of a sufficiently high standard in this regard and that as such it is contrary to the advice in both PPS 1 and its climate change supplement and PPS 3.

R2: By reason of its scale, mass, and overall design relative to surrounding properties, particularly the modest cottages fronting the High Street, the proposed dwelling would appear discordant and overbearing in the locality such as to be deemed inappropriate in its context. Accordingly, the Authority considers that the proposal would fail to contribute positively to its context contrary to the advice in PPS 3.

1.4 11/01347/1 - Detached five-bedroom dwelling with integral double garage (as amended by plans LP 01; 101; 102; 103; 104; 105; 106; 107; 108 received on 30.03.12).
Refused

R1: Due to the lack of essential services and facilities locally, new household formation is deemed unsustainable in both environmental and social terms on this site as occupiers would be heavily reliant on private transport to access such services and facilities. This reliance would be unsustainable both socially and environmentally. The application is not accompanied by any evidence that the building of a new dwelling in this location would support or attract such services and facilities, consequently the benefits of granting permission are not considered to significantly or demonstrably outweigh these adverse sustainability concerns. Accordingly, the Planning Authority considers that the presented scheme is contrary to the advice set out in the National Planning Policy Framework (NPPF) as it relates to matters of sustainability.

R2: The two-storey element, by reason of its scale, fenestration and proximity to both 7 Homefield and 'Hamstewarde' would occasion a loss of privacy and reasonable amenity contrary to the advice on good design set out in the NPPF and Policy 57 of the District Local Plan No with Alterations.

Subsequent appeal
Dismissed

- 1.5 15/01625/1 - Erection of 1 x 4 bed dwelling and detached double garage. Installation of 9 rows of photo voltaic panels in front garden.

Refused

R1: Due to the lack of essential services and facilities locally, new household formation is deemed unsustainable in both environmental and social terms on this site as occupiers would be heavily reliant on private transport to access such services and facilities. This reliance would be unsustainable both socially and environmentally. The application is not accompanied by any evidence that the building of a new dwelling in this location would support or attract such services and facilities, consequently the benefits of granting permission are not considered to significantly or demonstrably outweigh these adverse sustainability concerns. Accordingly, the Planning Authority considers that the presented scheme is contrary to the advice set out in the National Planning Policy Framework (NPPF) as it relates to matters of sustainability.

R2: The proximity of the dwelling to the property at no. 5 Homefield would result in an unduly dominant form of design prejudicial to the reasonable living conditions of that property contrary to the advice on good design set out in the National Planning Policy Framework and Policy 57 of the North Hertfordshire District Local Plan No. 2 with Alterations 1996.

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan No. 2 with Alterations (Saved Policies)**

Policy 6: Rural Areas beyond the Green Belt

Policy 14: Nature Conservation

Policy 16: Archaeological Areas of Significance and other Archaeological Areas

Policy 26: Housing Proposals

Policy 55: Car Parking Standards

Policy 57: Residential Guidelines and Standards

Supplementary Planning Documents

Vehicle Parking at New Development SPD September 2011

2.2 **National Planning Policy Framework (July 2021)**

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable development

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

2.3 **Emerging North Hertfordshire District Local Plan 2011 – 2031 Proposed Submission**

The Emerging Local Plan (ELP) has now been through the re-scheduled examination hearings in November and December 2020 and further additional hearings were held on 1st and 2nd February 2021. The Inspector has stated that the hearings are now closed, and he does not intend to hold any further hearings. The further main modifications were received from the Inspector in March and presented to the Council's Cabinet meeting on 16th March 2021 (seeking approval to proceed with the consultation on the modifications). Following this, public consultation was held on the further main modifications in May and June, with the responses received from this published in July. The Council now hopes to receive the Inspectors final report in the Autumn. Weight can be attributed to the emerging North Hertfordshire Local Plan 2011 - 2031 Proposed Submission (September 2016) Incorporating the Proposed Main Modifications November 2018 and the policies contained within it (see below). The weight which can be attributed to the ELP is discussed in greater detail later in this report.

Policy SP1: Sustainable Development in North Hertfordshire
Policy SP2: Settlement Hierarchy and Spatial Distribution
Policy SP5: Countryside and Green Belt
Policy SP6: Sustainable Transport
Policy SP8: Housing
Policy SP9: Design and Sustainability
Policy SP11: Natural Resources and Sustainability
Policy SP12: Green Infrastructure, Landscape and Biodiversity
Policy SP13: Historic Environment
Policy T1: Assessment of Transport Matters
Policy T2: Parking
Policy CGB1: Rural Areas beyond the Green Belt
Policy D1: Sustainable Design
Policy D3: Protecting Living Conditions
Policy D4: Air Quality
Policy NE1: Landscape
Policy NEx: Biodiversity and Geological Sites
Policy HE11: Contaminated Land
Policy HE1: Designated Heritage Assets
Policy HE4: Archaeology

3.0 **Representations**

3.1 **Site Notice and Neighbour Consultation** - Representations received from 5, 6 and 7 Homefield and Hamstewarde (Summary):

1 support, 2 neutral and 1 objection.

- o Most state the importance of protecting the orchard to the rear of the site and would like to see as many trees incorporated in this area as possible.
- o Some concern over the loss of trees around the site's perimeter, especially T11.
- o Requested binding agreement that the orchard will be retained for the future.
- o One neighbour in full support of this application.

3.2 **Hertfordshire Highways** – No objection subject to conditions.

3.3 **Hinxworth Parish Council** – No objection.

3.4 **Environmental Health (Air Quality)** – No objection subject to conditions.

3.5 **Environmental Health (Land Contamination and Noise)** – No objection subject to conditions.

3.6 **Archaeological Implications** – None received, however given the history of the site, agreement was sought for the standard Archaeological Implications scheme of management.

3.7 **Waste and Recycling** – No objection.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site is a long and narrow stretch of land located on the eastern side of the High Street in Hinxworth. The site is located behind a row of terraced dwellings and is served by an existing access road. At present, the site is undeveloped and is largely overgrown with a variety of different trees, as well as an orchard located at the rear of the site. The site is within the Hinxworth Conservation Area and is designated in the Rural Area beyond the Green Belt.

4.2 **Proposal**

4.2.1 The application seeks planning permission for the erection of a 1.5 storey 4-bedroom dwelling, with associated access, private garden, hard and soft landscaping and a triple garage/car port. The dwelling and garage/carport are proposed at the front part of the site, with a small domestic garden in the middle section, leaving the remaining area of the site as an orchard.

4.2.2 The application is supported by the following documents:

Planning Statement (Incorporating Heritage, Design & Access)
Heritage Statement
Preliminary Ecological Assessment Including a Protected Species Assessment
Phase I Geo-Environmental Assessment
Arboricultural Impact Assessment
Tree Protection Plan

4.3 Key Issues

4.3.1 The key issues for consideration are the

- Principle of development
- Planning history
- Design of the development and its impact on the street scene/Conservation Area
- Impact on neighbouring dwellings
- Landscaping
- Parking.

Principle of Development

4.3.2 Hinxworth is designated as a Category B settlement within Policy SP2 of the Emerging Local Plan, where ***“infilling development which does not extend the built core of the village will be allowed”***. This settlement does not have a defined settlement boundary and is therefore designated as Rural Area beyond the Green Belt. Saved Policy 6 states that development in these areas will be allowed if ***“it is a single dwelling on a small plot located within the built core of the settlement which will not result in outward expansion of the settlement”***. Emerging Policy CGB1 also states that permission will be granted for ***“infilling development which does not extend within the built core of a Category B village”***.

4.3.3 Given that the site is located between a number of residential properties on Homefield and the High Street, it is considered that the scheme would be classed as infill development that would not extend the villages-built core. This is reaffirmed by the positioning of the dwelling towards the southern end of the site, within close proximity to the terraced properties on the High Street and the dwellings to the east. Therefore, with respect to spatial policy and those policies concerned with Rural Area beyond the Green Belt, the scheme is considered in accordance with Saved Policy 6 and Emerging Policies SP2 and CGB1, with the principle of development considered acceptable in my view.

4.3.4 Notwithstanding the above, Paragraph 11 of the NPPF states that for decision making:

“c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

4.3.5 National and local planning policies seek to increase housing densities where appropriate, as far as this is consistent with the principles of good design and place making. At the time of writing the Councils five-year land supply is 1.5 years, which is a significant shortfall. Therefore, the presumption in favour of sustainable development is engaged in accordance with paragraph 11(d) of the NPPF, where permission should only be refused if any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In line with paragraph 11(i), footnote 7 states that consideration must be given to protect areas of particular importance, which in this case is the Hinxworth Conservation Area. This will be addressed later on in the report. In any case, it is considered that the contribution that these types of developments make to the Districts housing supply is important. Therefore, in my view there is no objection to the general principle of development in this instance.

Planning History

4.3.6 This site has an extensive planning history, with 4 applications and 2 appeals dating back to as early as 2006 until 2015. These are stated in the ‘Site History’ section of this report, where it is exemplified that all four applications were refused and two of those applications were dismissed at appeal. This section will now outline the reasons for those refusals and dismissals:

- 4.3.7 06/02078/1 – Refused due to the consideration of the case officer that the site is not a ‘small plot’ for the purposes of Saved Policy 6 and the site is not sustainable, where occupiers would rely solely on private transport for access to services.

Subsequent Appeal – Dismissed due to (summary from 10/01687/1 officer report):
“The Council was entirely right to assert a sustainability case for even single dwellings in rural settlements with no services.

Dwellings with no ‘no counter balancing benefits’ would cause harm no matter how slight (as the argument could be employed many times over)

He (the Inspector) did not identify a problem with the principle of a new dwelling in terms of the site location, conservation area or structure of the village. He reached this conclusion based on an assessment of the character of the area as ‘mixed’”.

- 4.3.8 10/01687/1 – Refused due to consideration of the case officer that due to lack of services, the site is unsustainable regardless of the proposed measures of the ‘eco-house’ and that the design, scale and mass were such that proposal would be overbearing and discordant to its surroundings. Contrary to PPS1 and PPS3

- 4.3.9 11/01347/1 – Refused due to the consideration of the case officer that the site is unsustainable, where occupiers would rely solely on private transport for access to services, and that the two-storey element would occasion loss of privacy and amenity for neighbouring occupiers. Contrary to aims and purposes of the NPPF and Saved Policy 57 of the Local Plan.

Subsequent Appeal – Dismissed due to (summary from inspector’s report APP/X1925/A/12/2180935):

Proposal would have a harmful impact upon living conditions of existing occupiers of 7 Homefield.

The proposal would lead to reliance on the use of private car and therefore not be sustainable, regardless of the building design being sustainable.

- 4.3.10 15/01625/1 – Refused due to consideration of the case officer that the site is unsustainable, where occupiers would rely solely on private transport for access to services, and that the proposal would have an over-dominant impact upon 5 Homefield. Contrary to aims and purposes of the NPPF and Saved Policy 57 of the Local Plan.

- 4.3.11 These aforementioned decisions were taken under different circumstances to the current application being determined. The applications between 2006 and 2015 were determined in accordance with Policy 6 of the Saved Local Plan, with the 2006 application concluding that the site is not a ‘small plot’ for the purposes of this policy. Whilst there is no definition of what a ‘small plot’ is, it is my considered view that since the applicant is proposing to allow the majority of the site to remain as an orchard, the amount of the site that remains for built form is a small plot, with a modest rear garden and space surrounding the proposed dwelling.

4.3.12 Paragraph 48 of the NPPF states that:

“Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”

4.3.13 The Emerging Local Plan (ELP) has now been through the re-scheduled examination hearings in November and December 2020 and further additional hearings were held on 1st and 2nd February 2021. The Inspector has stated that the hearings are now closed, and he does not intend to hold any further hearings. The further main modifications were received from the Inspector in March, put before the Planning Control Committee on 18th March 2021 and presented to the Council’s Cabinet meeting on 16th March 2021 (seeking approval to proceed with the consultation on the modifications). Following this, public consultation was held on the further main modifications in May and June, with the responses received from this published in July. The Council now hopes to receive the Inspectors final report in the Autumn. Given that the examination of the ELP is now at a very advanced stage, it is considered that significant weight can be attributed to the emerging North Hertfordshire Local Plan 2011 - 2031 Proposed Submission (September 2016) Incorporating the Proposed Main Modifications November 2018 and the policies contained within it (see below). The weight which can be attributed to the ELP is discussed in greater detail later in this report.

4.3.14 As such, it is considered that due to the current position of the Emerging Local Plan hopefully nearing adoption, coupled with the lack of modifications proposed to Policies SP2 and CGB1, these policies can be afforded significant weight. The allocation of Hinxworth as a Category B settlement, which allows for suitable infill development, is considered to be a material change to policy, compared to the policy situation at the time of the previously refused decisions. The Council has accepted that Hinxworth is a sustainable location for a small amount of housing in accordance with the relevant policies, through its allocation as a Category B settlement within the Local Plan process. Although this is contrary to the previous planning decisions at this site, the changing policy circumstance now weighs in favour of the current proposal in my view. It is therefore considered reasonable to take a contrary view to those decisions.

Design

- 4.3.15 The dwelling is proposed at 1.5 stories and has been designed with materials and characteristics that resemble an agrarian barn style. The dwelling is 'L' shaped, 22.0m wide on its longest width and 13.5m on its longest depth, incorporating a variety of roof roofs. The main eaves are lower on the front elevation at 2.7m and are higher on the rear elevation at 4.0m. The main ridge is proposed 7.25m in height. In terms of materials, the dwelling is proposed with black weatherboarding to the external walls, natural slates to the roof and traditional black casement windows/doors. There is a large, hipped section proposed projecting from the front elevation with full height glazing, as well as full height glazing also proposed on the rear of the single storey element. The garage has been designed in a similar way and it deemed acceptable in my view.
- 4.3.16 In my opinion, the design of the development has been done sensitively to reflect the rural setting and village nature of Hinxworth. The half-pitched roofs, large, glazed sections and chosen materials will resemble a barn like development which is appropriate given the setting and surrounding context in my view. As such, it is considered that the proposed dwelling is acceptable with respect to materials and form.
- 4.3.17 Due to the scale of the proposed development, it may be visible from the street scene on certain aspects. These would be limited to the High Street, which would be hardly visible due to the narrow access road and distance from the road, and Homefield, which would have a good view of the dwelling through the boundary fence. That said, given that this part of Homefield does not form any real part of a street scene and the dwelling, it is my view that the proposed dwelling will not have an adverse impact upon the character and appearance of the street scene.
- 4.3.18 The site is within the Conservation Area. In my view, when looking at the existing site which has become a rubbish tip for debris and overgrown vegetation, it does very little to contribute to the character and appearance of the Conservation Area. The proposed development seeks to erect a sensitively designed dwelling, which will hardly be visible from the street scene, as well as landscaping that will soften any views. As such, although the proposal seeks to erect built form where there currently is none, it is my view that the proposed dwelling will not only have no negative impact but will have a positive impact upon the character and appearance of the Conservation Area. Under the terms of paragraph 202 of the NPPF this impact would be on the lower end of less than substantial harm and on that basis, I consider the public benefits of delivering one new dwelling outweigh this harm which tips the determination of this planning application back into paragraph 11 of the NPPF and the presumption in favour of sustainable development.
- 4.3.19 As such, the proposal is considered to be acceptable in design terms and will not occasion any harm to the character and appearance of the street scene/Conservation Area. This is in accordance with Policy 57 of the Saved Local Plan, Section 12 of the NPPF and Policies D1 and D3 of the Emerging Local Plan.

Impact on Neighbours

- 4.3.20 It is accepted that the proposed development will have some impact upon the outlook and amenities of neighbouring dwellings, due to its scale and nature as built form on a site where there is currently no existing. Previous applications at this site (see planning history) were all refused for concerns relating to loss of privacy, poor design and amenity. That said, the current scheme has been designed to limit its impact upon neighbouring dwellings with respect to overlooking, daylight/sunlight impacts and overdominance.
- 4.3.21 The location of the dwelling at the south end of the site is such that the first-floor windows on the side elevations will not have direct views into the neighbouring properties to the east, with no dwellings located on the part of the site visible to the west. The dwelling has been designed with roof lights in the front/rear facing roof slopes, which will have views over the front driveway/rear garden respectively and no increased overlooking abilities towards the terraced dwellings on the High Street in my opinion. Moreover, the 1.5 storey nature, shallow eaves and orientation of the dwelling is such that the scheme will have no impact upon the daylight/sunlight levels available to neighbours. Lastly, the development is located such a distance from its boundaries that, coupled with its subordinate roof form, it is unlikely to occasion any increased feelings of overdominance upon the neighbours to the south and east.
- 4.3.22 The garage is located and designed in such a way that it will not occasion any adverse impacts upon the reasonable living conditions and well-being of neighbours.
- 4.3.23 As such, the scheme will not give rise to any materially adverse impacts upon the reasonable living conditions and well-being of neighbouring properties. This is in accordance with Emerging Policy D3.

Landscaping

- 4.3.24 An important part of this proposed development is the retention and improvement of the orchard located at the rear of the site. A full arboricultural assessment has been completed on site, identifying trees that need to be removed/retained. As such, conditions requesting a detailed landscaping plan and tree protection conditions will be implemented on this decision, to hopefully address the concerns of neighbours who submitted representations regarding the site's vegetation/wildlife.

Parking

- 4.3.25 The proposed dwelling has 4 bedrooms and is proposing a triple garage/carport. This will provide ample car parking in accordance with the Vehicle Parking at New Developments SPD and Emerging Policy T2.

Planning Balance

- 4.3.26 In line with the above, it is stated within paragraph 11(d) of the NPPF that there must be significant and demonstrable reasons to refuse planning permission in the absence of an up-to-date Local Plan. The significant five-year land supply shortfall and the location of the site are all favourable considerations for the principle of this development. The site is located within a Category B settlement and Rural Area beyond the Green Belt within the Saved and Emerging Local Plans, where infill development is acceptable where it does not extend the built core of a village. The settlement has suitable services to accommodate limited growth and increased housing numbers. It is considered that due to changing Local Plan circumstances from the previously refused decisions to now, the advanced stage of the Emerging Local Plan and the absence of any proposed modifications to relevant policies is such that it is reasonable to take a contrary view to the previous planning decisions on this site.

The scheme is considered to be of good design, taking cues from the verdant nature of Hinxworth and other developments in the area, which will have a positive impact upon the character and appearance of the Conservation Area in my view. Furthermore, the scheme has been designed in such a way that it will likely not occasion any materially detrimental impacts upon the amenities, reasonable living conditions and wellbeing of neighbouring dwellings. The scheme also seeks to retain and improve the existing orchard and provides suitable levels of car parking. As such, given the modest economic benefits alongside the contribution towards the Districts five-year-land supply, the acceptable principle with respect to Local Plan policy and sympathetic design, it is considered that there are no significant or demonstrable reasons to refuse planning permission in my view.

4.4 **Conclusion**

- 4.4.1 The proposed development is deemed compliant with the relevant Saved and Emerging Local Plan policies, as well as the general principles expressed in the NPPF.

4.5 **Alternative Options**

- 4.5.1 N/A

4.6 **Pre-Commencement Conditions**

- 4.6.1 The applicant/agent are in agreement with the proposed pre-commencement conditions.

4.7 **Climate Change Mitigation Measures**

- 4.7.1 In accordance with the consultation from Environmental Health, a condition stating that the proposed development shall incorporate an EV charging point will be implemented on any subsequent decision notice. This is in accordance with Section 14 of the NPPF 2021.
- 4.7.2 The dwelling has also been designed with other aspects of sustainable measures to ensure a high standard of energy consumption, such as tripled glazed windows/doors, air-source heating and rainwater harvesting. These are deemed acceptable as they seek to promote sustainable practices that aid in the mitigation of climate change.

5.0 **Recommendation**

5.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. A) No 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
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.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted.

4. B) The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A).

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted.

5. C) The development shall not be occupied/used 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 (A) and the provision made for analysis and publication where appropriate.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted.

6. Before any development commences, full details of the landscaping plan for the areas surrounding the proposed dwelling are to be submitted to and agreed in writing by the Local Planning Authority. The approved details are to be implemented on site in the first planting season following the completion of the development, and maintained for as long as the development hereby approved is occupied. The details of the landscaping scheme must include the following:

- a) what new and existing trees, shrubs, hedges and grassed areas are to be retained/planted, together with the species proposed and the size and density of planting;
- b) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed;
- c) details of any earthworks proposed.

Reason: To ensure a suitable scheme is implemented on the site and in the interests of the finished appearance of the completed development.

7. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced above ground level and shall be implemented as approved.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

8. The development shall not be brought into use until the properly consolidated and surfaced parking and turning areas have been provided within the curtilage of the site as identified on drawing number PO1. The turning space should be free from obstruction and available for use at all times.

Reason: To allow vehicles to enter and leave the site in forward gear and to ensure that the internal access road and parking areas are built to Highway Authority standards and requirements in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

9. Prior to the occupation of the development the location of the waste enclosure/store for the use of the new dwelling shall be located within 15 metres of the road.

Reason: To provide adequate waste collection facilities within working distance of the adjacent highway in the interests of highway safety.

10. Prior to occupation, the proposed new dwelling shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

11. a) The recommendations detailed in section 7 of submitted "Phase 1 Geo Environmental Assessment, Land off Homefield Road, Hinxworth" Report reference UN.118.21, Version 1.0 dated 25/4/21 by Unity Environmental shall be implemented prior to first occupation of the proposed development and records retained and submitted to the Local Planning Authority.

b) Any contamination, other than that reported by virtue of condition (a) encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

12. Prior to occupation, the recommendations and enhancements set out in the 'Preliminary Ecological Appraisal Including a Protected Species Assessment at Land at Rear of the Cottages, High Street, Hinxworth' will be implemented on site and details of such completion submitted to the Local Planning Authority.

Reason: the site is home to a variety of local wildlife species and the measures proposed would limit the impact upon these species.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

1. 1) EV Charging Point Specification:

A charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.

o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).

o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at

<https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

2. During the construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

















During the change of use phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.

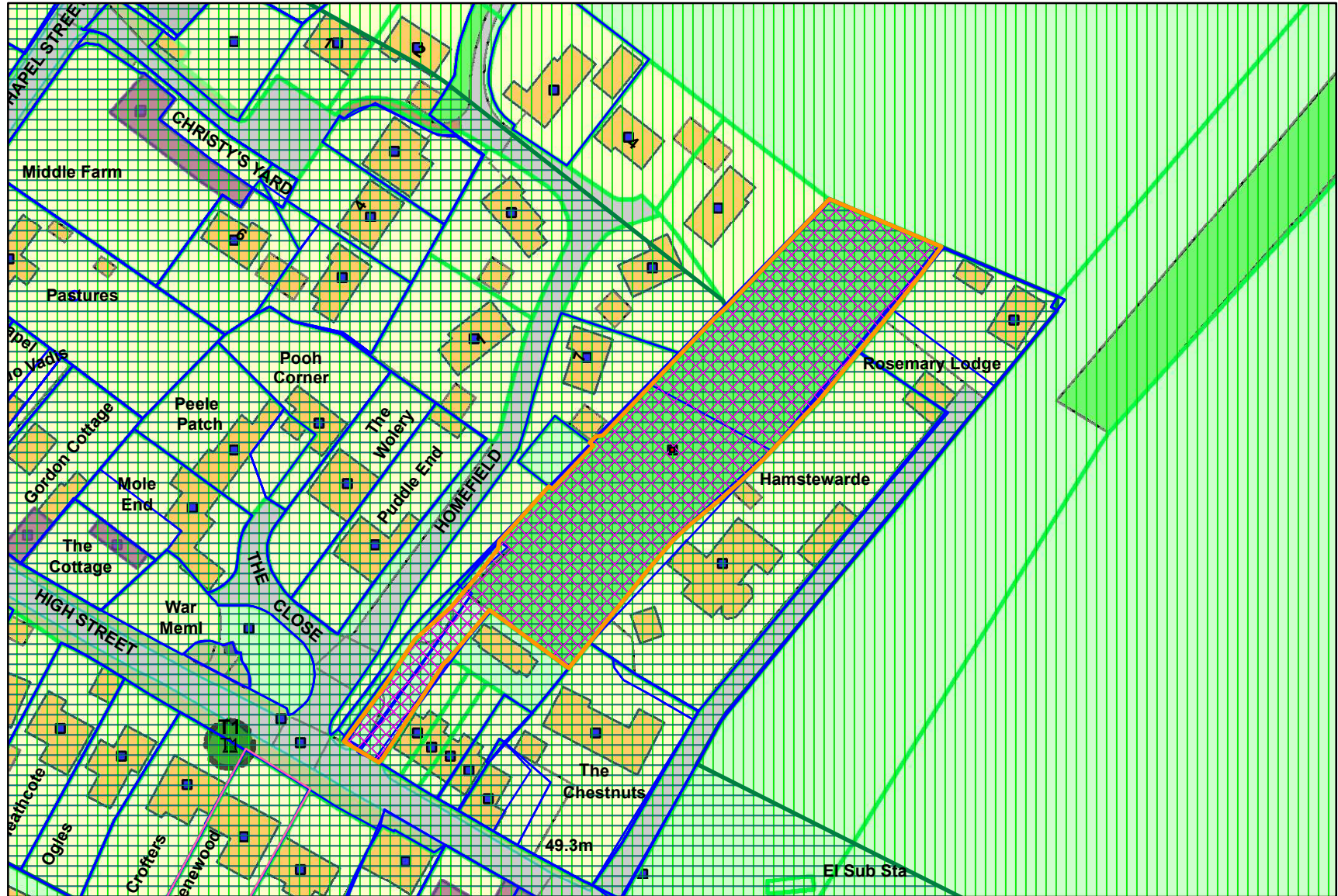
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Application Validation Sheet

21/01456/FP Land on The North West Side of High Street, Hinxworth, Baldock, Hertfordshire, SG7 5HQ

-  Acolaid Land Parcel
Property.shp
-  Acolaid Address Point
ap.shp
-  Planning Application (1999)
Prapps99.shp
-  Area of Outstanding Natural Beauty
Pranob.shp
-  Listed Buildings
Prlistbld.shp
-  Tree Preservation Order (Single)
ORACLE
-  Tree Preservation Order (Group)
ORACLE
-  Parish Boundary
Prparish.shp
-  Conservation Area
Prconca.shp
-  District Local Plan Boundary
Prdlp2.shp
-  Green Belt
Prgrnblt.shp
-  Health & Safety Consultation Zone
Prjnzzone.shp
-  Landscape Conservation
Prlandca.shp
-  Ward Boundary
Prwardcd.shp
-  Noise Nuisance Indicators
Prnnis.shp
-  Indicative Flood Plain
Prifpm.shp



Scale 1:1,250
Date: 01/09/2021



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<u>Location:</u>	Land West of Tuthill House Kelshall Tops Therfield Hertfordshire
<u>Applicant:</u>	Mr & Mrs Bullard & Mr I Bell
<u>Proposal:</u>	Erection of three dwellings (1 x 4-bed, 1 x 5-bed and 1 x 6-bed) with associated infrastructure (amended plans received 27.07.2021)
<u>Ref. No:</u>	21/01349/FP
<u>Officer:</u>	Simon Ellis

Date of Statutory Expiry Period: Agreed extension to 30.09.21

Reason for Delay

Amended plans received and progression of related S106 Obligation.

Reason for Referral to Committee

The application site area at just over 0.5ha requires that this planning application for residential development must be determined by the Planning Control Committee under the Council's constitution and scheme of delegation.

Submitted Plan Nos:

Dapa_1548_102_02 – Existing Site Layout Plan (received 27.07.2021)

Dapa_1549_300_07 – Proposed site Layout and Roof Plan (received 27.07.2021)

Dapa_1549_310_00 – Landscape Strategy Plan (received 27.07.2021)

Dapa_1549_103_01 – S106 Plan Appendix Plan for Landscape Strategy (received 27.07.2021)

Amended note on Landscaped Land and Landscaping Strategy (received 27.07.2021)

Dapa_1549_305_02 – Proposed Ariel View

Dapa_1549_306_02 – Proposed Entrance View

Dapa_1549_304_03 – Proposed Street Scene

Dapa_1549_302_04 – Proposed Barn House

Dapa_1549_303_04 – Proposed Manor House

Dapa_1549_301_04 – Proposed Stable House

Associated Documents:

Amended Arboricultural Assessment Report (received 27.07.2021)
Note on Existing S106 and draft S106
Ecological Assessment Report
Accommodation Schedule
Geo Environmental Investigation and Desk Study and Appendices
Flood Risk Assessment
Design and Access Statement
Transport Statement
Planning Statement
Tuthill Yard Heritage Statement

1.0 Policies

1.1 North Hertfordshire District Local Plan No. 2 – with Alterations (Saved Policies):

Policy 6 'Rural Area Beyond the Green Belt'
Policy 14 'Nature Conservation'
Policy 26 'Housing Proposals'
Policy 55 'Car Parking Standards'
Policy 57 'Residential Guidelines and Standards'

1.2 National Planning Policy Framework (NPPF) (July 2021):

In total but in particular:

Section 2 'Achieving Sustainable Development'
Section 4 'Decision Making'
Section 5 'Delivering a Sufficient Supply of New Homes'
Section 8 'Promoting Healthy and Safe Communities'
Section 11 'Making Effective Use of Land'
Section 12 'Achieving Well Designed Places'
Section 14 'Meeting the Challenge of Climate Change, Flooding and Coastal Change'
Section 15 'Preserving and Enhancing the Natural Environment'
Section 16 'Conserving and Enhancing the Historic Environment'

1.3 Supplementary Planning Documents:

Vehicle Parking Provision at New Development (SPD – 2011)
Design SPD
Planning Obligations SPD (November 2006)

1.4 **Submission Local Plan (2011-2031) (with Modifications):**

Section 2 – Strategic Policies

SP1 - Sustainable development in North Hertfordshire;
SP2 - Settlement Hierarchy;
SP5 – Countryside and Green Belt
SP6 – Sustainable Transport
SP8 - Housing;
SP9 - Design and Sustainability;
SP10 - Healthy Communities;
SP11 - Natural resources and sustainability;
SP12 - Green infrastructure, biodiversity and landscape;
SP13 - Historic Environment

Section 3 – Development Management Policies

CGB1 – Rural areas beyond the Green Belt
T1 - Assessment of transport matters
T2 - Parking;
HS3 - Housing mix;
HS5 - Accessible and Adaptable Housing
D1 - Sustainable design;
D3 - Protecting living conditions;
NE1 - Landscape;
NE5 - New and improvement public open space and biodiversity;
NE6 – Designated biodiversity and geological sites;
NE7 - Reducing flood risk;
NE8 - Sustainable drainage systems;
NE9 - Water Quality and Environment;
NE10 - Water Framework Directive and Wastewater Infrastructure;
NE11 – Contaminated Land
HE1- Designated Heritage Assets
HE4 -Archaeology

2.0 Site Planning History

- 2.1 This site has a complex planning history the relevant highlights of which have been summarised below.
- 2.2 92/00643/1 Application to use the land for open storage of agricultural vehicles and as operating depot for 4 HGV. This was approved subject to a S106 agreement.
- 2.3 93/00543/1TD Application for a 15m telecommunications mast was accepted as permitted development subject to an amendment to the S106 agreement.

- 2.4 93/01303/1 Application for a small storage building approved subject to an amendment to 106 agreement.
- 2.5 05/00355/1 Application for use of site for storage and distribution of building materials. Refused at the Royston and District Area Committee on 21 April 2005.
- 2.6 Applications for residential development were submitted in 2015 but subsequently withdrawn.
- 2.7 An application to vary/remove the S106 agreement was submitted in 2018 but subsequently withdrawn.
- 2.8 Planning application no. 20/00118/OP: Outline planning application for an 18 dwelling scheme. Refused at the meeting of the Planning Control Committee held on 16 July 2020.
- 2.9 Planning application no. 20/00117/OP: Outline planning for a 6 dwelling scheme. Refused at the meeting of the Planning Control Committee held on 16 July 2020.
- 2.10 Prior to the submission of this planning application two virtual meetings took place between the applicant's agents and the Development and Conservation Manager. At the meetings the applicant presented the plans for the scheme and the contents of a continuity S106 agreement to replacement existing S106 agreement was discussed.

3.0 Representations:

3.1 Technical and Statutory Consultees:

Hertfordshire County Council (Highways):

Originally objected to the application on the basis of insufficient space within the site to achieve manoeuvring space within the site for refuse collection vehicles. Amended plans received show a kerb side collection and on that basis HCC (Highways) have removed their objections. They note that with the proposed kerb side refuse collection some drag distances for residents to reach the collection point are beyond standard but this deficiency does not amount to a reason for refusal in their view (officer note, this issue has never been successful on appeal at NHDC). Suggested conditions set out below **(see recommended condition nos. 6-10)**.

3.2 Hertfordshire County Council (Lead Local Flood Authority):

No objections. Suggested condition. **(see recommended condition no.11)**.

3.3 Hertfordshire County Council (Historic Environment – Archaeology):

No objection. Suggested condition **(see recommended condition no. 12)**.

3.4 Hertfordshire County Council (Ecology):

Nothing received within the consultation period.

- 3.5 **Environment Agency (Contaminated Land and Controlled Waters):**
No objection. Suggested conditions (**see recommended condition nos. 13-15**).
- 3.6 **Historic England:**
No objections. Recommends the below ground archaeological potential of the site is examined.
- 3.7 **Senior Conservation Officer:**
Conservation surgery discussion and considers that overall harm to designated heritage assets is within the lower end of the less than substantial harm test set out in paragraph 202 of the NPPF. Considers that some harm would be caused by the larger dwelling proposed on plot 3 to be of a scale that would be dominant within the courtyard setting when compared with the smaller barn style dwellings on plots 1 and 2.
- 3.8 **NHDC Waste Collection and Recycling Service:**
Nothing received within the consultation period.
- 3.9 **NHDC Environmental Health (Noise):**
No objection. Recommend informative regarding construction management (**see recommended informative no. 4**).
- 3.10 **NHDC Environmental Health (Air Quality):**
No objection. Recommend condition regarding EV charging points associated with the development (**see recommended condition no. 16**).
- 3.11 **NHDC Environmental Protection (Contaminated Land – Human Health):**
No objections. Suggested condition (**see recommended condition 13**).
- 3.12 **Therfield Parish Council:**
Object to the proposed development. Consider the site to be greenfield, all previous reasons for refusal still stand, consider the existing controls of the S106 agreement should be maintained and no housing development should be allowed on this site.

3.13 **Public Comments:**

Full details can be viewed on the Council's website. A summary of views is set out below:

The application site is not allocated in the 2011-2031 Local Plan and is located outside the Therfield Settlement boundary as proposed in the Plan;

Any development of this site would set a dangerous precedent and undermine countryside protection in the wider area;

This is a greenfield site tied as agricultural use within the S106 agreement and these controls should remain;

All previous reasons for refusal still stand;

This is an ideal site for three houses;

The proposed development does not meet the housing needs of the village, which is for smaller houses than those proposed here;

The planning application is invalid as some of the trees shown for retention are outside the red line and outside the application site, and therefore their retention cannot be controlled;

Welcome development on this site as it would become a seamless addition to the village but would like to see restriction on any further development to the rear of the site.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site comprises an enclosed and gated area of land which is largely down to concrete hardstanding. The site occupies a prominent position on the high ground to the south of the Kelshall Road on the edge of the village of Therfield, west of Tuthill Farmhouse.

4.2 **The Proposals**

4.2.1 Full planning permission is sought for the development of three detached dwellings and associated infrastructure on this site. The accommodation mix proposed would be 1x4 bed, 1x5 bed and 1x6 bed dwellings.

4.2.2 Vehicular access to this courtyard form of development would be gained from the current gated vehicular access point. The two dwellings proposed on either side of the proposed entrance would be of barn style design and appearance and the larger dwelling proposed in the western section of the site would have a more traditional farmhouse style appearance.

4.2.3 The proposal includes the establishment of three generous plots within a landscaped setting and would require the breaking up and removal of the large concrete apron which dominates the application site, covering almost the total area of the site at present.

4.3 Key Issues

4.3.1 Taking account of the relevant development plan policies and other material considerations listed above, together with the representations also listed above and the relatively recent decisions of the Planning Control Committee to refuse permission for larger scale development schemes on this site I consider the main issues to be addressed in the determination of this planning application are as follows:

- The principle of development on the site and the overall policy basis for any decision;
- Whether this revised scheme has overcome the reasons for refusal of the most recent two planning applications and whether there have been any material change in circumstances since those decisions;
- Whether any harm identified that would be caused by this development proposal would significantly and demonstrably outweigh the benefits of delivering new homes in the clear absence of a five-year land supply of deliverable housing sites in this District (latest published estimate 1.5 year land supply (April 2021)).
- Finally, if Members are minded to grant planning permission for this development proposal how does the Council ensure the existing planning controls contained in the current S106 agreement that relate to this site are maintained continuously post any grant of planning permission up until the establishment of new land use on this which would remove the requirement for the current controls by making them unnecessary?

The following paragraphs address these broad issues and related detailed matters in this order before reaching conclusions on the planning balance and setting out a recommendation.

4.3.2 Principle of Housing and Policy Basis for the Decision

The application site is located outside the settlement boundary of Therfield both in the Saved Local Plan (Policy 6) and the emerging Local Plan (Policy CGB1). The site is located within the Rural Area Beyond the Green Belt, wherein pre- the National Planning Policy Framework (NPPF) (both 2012, 2019 and 2021 versions) the planning system could effectively prevent market housing and most housing schemes in principle, certainly for market housing. With the presumption in favour of sustainable development set out in the NPPF this is no longer the case.

4.3.3 Paragraph 11 of the NPPF is of critical importance in setting out the presumption in favour of sustainable development, which for decision making reads as follows:

‘[for housing development]

c) Approving development that accords with an up to date Development Plan without delay, or

d) where there are no relevant development plan policies, or the policies which are most relevant are out of date, granting permission, unless;

i) the application of policies within this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework when taken as a whole.’

4.3.4 Addressing point c) first. The Council does not have an up to date Development Plan. In the year 2021 of an emerging Plan period 2011-2031 the Council has still not adopted a new Local Plan since 1996. Therefore, the Saved Policies of the 1996 Plan represent the current Development Plan for North Hertfordshire. For point d), there are no policies in the Framework listed in the footnote to the paragraph 11, such as Green Belt, National Park, SSSI or heritage (see discussion below) that indicate a refusal for development on this site in principle. Moreover, the Council currently has at best a 1.5 year land supply of deliverable housing sites (April 2021), down from 2.2 years in 2020 and is in fact one of the worst performing authorities for housing delivery in England. This means policies that are most relevant (Saved Local Plan Policy 6) are out of date in their entirety.

4.3.5 On this basis any assessment of development on this site is firmly within the test set out in the NPPF paragraph 11 (d) (ii). To refuse planning permission the Council must demonstrate with evidence that any harm identified as a result of the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

4.3.6 Assessment of Revised Scheme against Previous Refusals

The scheme proposed in this planning application is for 3 dwellings not 6 or 18 as were proposed in the previous applications. The reasons for refusal of the 6 dwelling scheme (ref. 20/00117/OP) which most closely resembles the quantum of development proposed here are set out in order below, together with my opinion of the scheme in relation to those earlier reasons for refusal:

4.3.7 Reason for refusal 1 of planning application no. 20/00117/OP

'By reason of its suburban form and layout, the proposed development would appear at odds with the informal agrarian character of the surrounding countryside in this edge of village location. As such the proposal would fail to take the opportunity to safeguard or enhance the character of the area and the way it functions contrary to the advice set out in the NPPF, specifically paragraphs 127 and 130 and the requirements of saved Policies 6 and 57 of the local plan (SLP) and Policies CGB1 and D1 of the emerging local plan (ELP).''

4.3.8 In my opinion the current proposal creates a more agricultural style layout in the form of a group of buildings surrounding an enclosed courtyard of development which is more appropriate for this location and with the reduced number of dwellings proposed would in my view be a less suburban form of development than the recently refused scheme.

4.3.9 The policies referred to in this reason for refusal also seek to protect the intrinsic value of the countryside (although this objective is not referred to in the text) and in which case are consistent with the aims and objectives of the NPPF. As I set out above it is no longer the case the planning policies impose an effective embargo on housing development outside defined settlements and with the presumption in favour of sustainable development it is for the decision maker to assess a scheme against the objective of seeking to preserve the intrinsic value of the countryside. To this end I consider that this site which consists largely of a concrete apron on an admittedly elevated site has a very limited contribution to the intrinsic value of the countryside and on that basis I consider that in terms of protecting the countryside, the proposed development does not unduly harm the character the countryside in this location. Overall, therefore I consider the proposed development overcomes this reason for refusal and the balance between development and protection of the countryside, given that this site is not an open green space, is dominated by concrete hard standing and has an extant permission for HGV storage, is neutral in my judgement.

4.3.10 Reason for refusal 2 of planning application no. 20/00117/OP

'The application proposal would be in an area remote from services and facilities such that the occupiers would be almost exclusively reliant on private transport for most of their everyday needs. This inadequacy would be compounded by the site's poor connectivity with the limited facilities available in the village itself, most notably the school. Being some 800m from the school with no footpaths or lighting, along narrow country lanes, non-car access from the site would be poor and possibly hazardous. This poor local connectivity would further militate against the development's successful assimilation into the settlement. If approved, this would amount to the promotion of unsustainable development at variance with the National Planning Policy Framework and its aim to promote sustainable patterns of well connected, inclusive development and policies in the Council's emerging local plan (ELP), principally Policy SP1, supporting the same.'

- 4.3.11 This remains the case, there have been no changes to the wider higher network in the intervening period and the proposed development seeks to utilise the same access point. The lack of access to local facilities therefore remains a negative in the planning balance and other than a reduction in the number of dwellings proposed and therefore a reduction in harm there is also no corresponding increase in benefits as the costs benefit equation between harm caused to sustainability against benefits of new homes remains the same. There has however been a reduction in housing land supply since July 2020 from the 2020 AMR figure of 2.2 years to a current even worse figure of 1.5 years.
- 4.3.12 Reason for refusal 3 of planning application no. 20/00117/OP
‘The developments reliance on private transport to access essential services in the village and beyond, and the provision of car parking at the minimum standard, with limited surplus capacity for visitors, would likely combine and give rise to hazardous and unsightly on street parking conditions in what is a very narrow country lane. Given the nature of the highway network local to the site, this concern is considered serious and likely to manifest in locally severe highway issues contrary to the advice in the NPPF and policies in the local plan (SLP Policy 55) and the emerging plan (ELP Polices T1 and T2) promoting adequate parking and highway safety.’
- 4.3.13 This reason for refusal is overcome in my view as there is more than sufficient car parking proposed within the site and with no objection from HCC (Highways) in my view this reason for refusal would be very difficult to sustain on appeal if repeated. Each of the three dwellings would include double garages and space outside the dwellings for two additional car parking spaces therefore creating spaces for four cars for each dwelling. On that basis the likelihood of this development proposal leading to dangerous additional on-street car parking is very limited and certainly not a sufficiently high likelihood to justify a refusal of planning permission.

4.3.14 Reason for refusal 4 of planning application no. 20/00117/OP

‘The proposal would, by its very nature, introduce a form of development which would inevitably occasion a marked change to the rural setting (and therefore significance) of the adjacent conservation area as it is currently framed on this important entrance to the village. Further, the suburbanising nature of development would occasion harm to the setting of the scheduled monument referred to as ‘Motte and Bailey castle and associated earthworks and the grade 2 listed building known as Tuthill Manor. Not only would this change manifest itself by the introduction of development more typical of a suburban environment, but by the inevitable chattels and general domestication associated with such development, including overspill car parking onto the narrow Kelshall Road. Accordingly, it is considered that the proposal would adversely impact upon the setting (and therefore significance) of the listed building and conservation area as well as the scheduled monument. This being the conclusion, the proposal would fail to satisfy the provisions of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of Section 16 (particularly paragraphs 192, 193, 194 and 196) of the NPPF and Policy HE1 of the North Hertfordshire District Proposed Submission Local Plan 2011-2031.’

4.3.15 Paragraph 202 of the NPPF (July 2021) states that:

‘Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including where appropriate, securing its optimum, viable use.’

4.3.16 In terms of designated heritage assets the comments of Historic England address the scheme in relation to the nearby scheduled monument and Members will note that whilst they raise concerns regarding the effect on the setting of scheduled monument (i.e. some harm would occur as a result of this development) they do not object to the current planning application.

4.3.17 The Therfield Conservation Area boundary runs immediately to the east of the application site. Also, the grounds of the grade 2 listed building Tuthill Manor lie immediately to the east of the track that runs to the east of the application site. On this basis the proposed development of three dwellings in this location would have an effect on the setting of both these designated heritage assets. Visually, given the level of screening within the site on this side of the development and the design features of the development as a relatively close-knit courtyard development of three dwellings in appropriate materials and finish for each dwelling I consider that any harm both visually and in terms of built form would be on the lower end of the less than substantial test set out in paragraph 202 of the NPPF. Moreover, as there is more than sufficient car parking proposed and potential for generous landscaping within the scheme the specific harms set out in the above referenced previous reasons for refusal, namely overall suburbanisation and potential spill over car parking in the wider area, would not occur with this new development proposal in my judgement.

- 4.3.18 Given the less than substantial harm identified to the nearby designated heritage assets, consideration of the public benefits of the scheme must be weighed against this harm under the terms of paragraph 202 of the NPPF. More detailed discussion of the public benefits are set out in the Planning Balance section of the report, these being mainly the delivery of new homes in a situation where the Council has a substantial under delivery of new homes and the development proposal providing an opportunity to break up and remove an unsightly large expanse of concrete that defines this site and replace it with a well landscaped small scale housing scheme. In my view these benefits outweigh the less than substantial harm to the designated heritage assets. The conclusion of this balance under paragraph 202 of the NPPF places the overall assessment of the development proposal firmly within the presumption in favour of sustainable development set out within paragraph 11 of the NPPF as set out above.
- 4.3.19 In my opinion reason for refusal 4 of the earlier application has been overcome.
- 4.3.20 Reason for refusal 5 of planning application no. 20/00117/OP
'The Preliminary Risk Assessment report provided with the planning application 20/00117/OP appears to be incomplete and will therefore need to be updated to reflect all recent, as well as historic activity and uses, including the storage and/or dismantling of end-of-life vehicles. In the absence of this additional information, the application has not adequately demonstrated what risk the proposed development poses to controlled waters.'
- 4.3.21 Advising on potential contamination of controlled waters is the responsibility of the Environment Agency and Members will note above that they raise no objection to this planning application. On that basis this reason for refusal has been overcome.
- 4.3.22 Reason for refusal 6 of planning application no. 20/00117/OP
'The Flood Risk and Surface Water Assessment carried out by Ardent Consulting Engineers reference 196660-04 Rev A dated April 2020 submitted with this application does not comply with the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.'
- 4.3.23 Members will note that there are no objections to the current application from the Lead Local Flood Authority (LLFA) and on that basis this sixth reason for refusal of the earlier application has also been overcome.

4.3.24 Conclusions on Merits of the scheme and Planning Balance

From the above discussion there remain some harms that would be caused by this development that must be weighed in the planning balance, most notably the lack of access to local services and the reliance on the private car that would be necessary to access services and poor pedestrian facilities (including lack of footpath link from the site to the village) to access the wider village. There would also be albeit within the lower range of less than substantial harm to nearby designated heritage assets. Does this remaining harm significantly and demonstrably outweigh the benefits of the scheme? The benefits of the scheme in my view are the delivery of three new homes when the Council is manifestly unable to demonstrate a five-year supply and the benefits of new homes only increases in the decision-making equation the more the shortfall in supply (note that this shortfall is more acute now than it was in 2020). Other benefits include the associated removal of the concrete apron which dominates the site and other benefits in the form of new planting and landscaping. Paradoxically the operational development required to remove some or all of the concrete apron without a new planning permission would represent a breach of the terms of the current S106 agreement (as it prohibits operational development) so to deliver this benefit a new planning permission and associated modification of the current agreement is required as at this time such an operation is prohibited even if the current owner wanted to return the site to greenspace without any associated housing. The extant permission (92/00643/1) to which the associated S106 agreement relates to also allows for the storage of 4 HGVs on this site and by the proposed removal of this use and associated controlling agreement in my view would also be of benefit to the local environment.

4.3.25 As can be seen from the representations set out above and displayed on the Council's website, many local residents consider that the use of the site should remain as an agricultural use (albeit there is also permission for HGV storage). In my view the current non-use / agricultural use of this site which simply consists of a raised concrete apron contributes very little the character of the area and in my judgement if permission is granted for this relatively small scale housing development in this edge of village location (outside the settlement boundary but close to it) would provide an incentive to properly and carefully break up and remove a huge swathe of concrete and replace it with a well-designed housing layout within a landscaped setting. This in my view represents a positive benefit to the scheme as well as the delivery of three new homes. In my view the remaining harm of poor access to the village and wider services and at the lower end of less than substantial harm to nearby heritage assets does not significantly and demonstrably outweigh these benefits and on that a basis in terms of planning merits and on that basis I support this scheme.

4.3.26 A matter has been raised through public comments and through Therfield Parish Council which is that some of the trees which are located around the boundary of the application site are located outside the red line as they are not under the control and ownership of the applicant. This is indeed the case and some trees are outside the application site which means their retention cannot be controlled by suitably worded planning conditions. Having assessed this matter I am of the view that the development is acceptable in landscape and visual terms regardless of whether or not any of the trees outside the application site are retained. There is more than sufficient space within the application site (land under the control of the applicant) for a comprehensive and robust landscaping scheme, the details of which can be controlled through suitably worded planning conditions.

4.3.27 Applicant's Proposal to Ensure Continuity of Control of Existing S106 Agreement

As Members have been advised before and as is reflected in earlier decisions on planning applications relating to this site, the existence of a controlling S106 agreement which places additional controls to regulate the current authorised use of the land as an HGV depot and open agricultural storage is not a material consideration that effects the merits of the current planning application. In particular Members must note that the existence of this S106 agreement did not amount to a reason for refusal of planning permission on the previous schemes. Notwithstanding this as is explained below to develop the site for housing without removing, revoking or changing the controls of the S106 agreement would be a breach of the currently worded agreement. On this basis if Members were minded to grant planning permission for this development a suitable mechanism is required to ensure that if the development is implemented it does not breach the terms of the current S106 agreement.

4.2.28 The option I put to the applicant in the pre-application discussion that took place was for the applicant to enter into a new S106 agreement that revokes all previous permissions on this site (except the telecoms approval) and to revoke the associated controls and for this to be agreed at the time that any new permission is granted, leaving a nil use on the site before any new development can commence. Under this scenario if new development permitted is commenced for housing that development would not be in breach of the agreement as it would have been revoked. The applicant rejected this suggestion as they wanted the terms of the existing permission and use to remain up until a new development is commenced and implemented as the revocation suggestion I proposed would have occurred upon the grant of planning permission rather than upon commencement or completion of any new development. On that basis the applicant has put forward an alternative S106 agreement which seeks to achieve the following:

4.2.29 The new agreement would replace the old agreement and would maintain all current controls on the land contained in the extant agreement until commencement of development. Maintain the 'landscaped area' identified in the agreement plan and on the application drawings as landscaped area in perpetuity. Maintain all current controls progressively between commencement of the new development (whilst allowing for the commencement) and then progressively remove all other controls up until practical completion of the new housing development. At this time a new planning chapter commences on the land and the previous land use and controls are removed as by that time they would serve no planning purpose.

4.2.30 A draft S106 agreement has been submitted as part of the planning application documents. Should Members be minded to grant planning permission for this development proposal the final wording and completion of the legal agreement would need to be finalised before planning permission is granted.

4.3.31 Climate Change Mitigation

The scheme would create new soft landscaping opportunities and other sustainable development objectives could be secured by conditions (such as EV charging points) were Members minded to grant planning permission for this development. This is in accordance with Section 14 of the NPPF 2021

4.3.32 In terms of building construction and design the scheme includes the following features: highly insulated building fabric, passive ventilation, solar energy, energy efficient lighting and rainwater harvesting.

4.3.33 Conclusions

The absence of a five-year land supply of deliverable housing sites underscores the benefits of delivering new homes. Other benefits include the removal of a large area of concrete apron, and the provision of HGV car parking permitted via the extant permission. There remains harm that would be caused by the revised scheme in the form of poor pedestrian links and the relative isolation of the site in relation to services as well as to the lower end of less than substantial harm to nearby designated heritage assets. However, in my opinion, and subject to the completion of a necessary legal agreement to ensure continuity of land use control up to and including the development of the new housing scheme, the identified harm of this scheme does not significantly and demonstrably outweigh the benefits of the scheme and on that basis I recommend that planning permission is granted for this scheme as is set out below.

4.3.34 Alternative Options Considered

See discussion of case merits above.

5.0 Legal Implications

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

6.1 That planning permission be **GRANTED** subject to the following conditions and subject to the completion of the necessary S106 agreement;

6.2 That the applicant agrees all necessary extensions to the statutory determination - period to enable the completion of the S106 agreement. In the event that agreement is not secured to extend the statutory determination that the Members allow the Development and Conservation Manager to refuse planning permission based on absence of the requisite legal agreement

6.3 Recommended Conditions, Reasons and Informatives

Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

4. Prior to the commencement of the development hereby permitted full details of a comprehensive hard and soft landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. All approved hard standing shall be completed prior to the first occupation of the development and thereafter retained and maintained to the satisfaction of the Local Planning Authority. The approved soft landscaping / planting details shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To ensure that the full landscaping scheme set out in the application is improved and implemented in full in a timely manner in the interests of phasing and to ensure the development is comprehensively landscaped in the interests of visual amenity.

5. Prior to the commencement of the development hereby permitted a full management plan and method statement to achieve the break up and safe and sustainable disposal of the concrete apron on the site shall be submitted to and approved in writing by the Local Planning Authority, Such works shall thereafter be carried out in complete accordance with the approved details or particulars unless otherwise agreed in writing by the Local Planning Authority and must be completed prior to the first occupation of the development hereby permitted.

Reason: To ensure the correct phasing of the development and to enable a comprehensive soft landscaping plan to be delivered on this site in association with the development hereby permitted.

6. Before first occupation of the approved development, the new vehicle access serving the development shall be completed in accordance with the approved in-principle plan, drawing number 196660-005 Rev A, and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction. This shall include the permanent provision of visibility splays of 2.4 metres x 59 metres to the west, and 2.4 metres x 57 metres to the east, within which there shall be no obstruction to visibility between 600mm and 2 m above the carriageway level.

Reason: To ensure the provision of an access appropriate for the development in the interests of highway safety and convenience.

7. Before first occupation of the approved development, a 2 metre wide pedestrian link from the site onto the adjacent public right of way (Therfield 034 Footpath) shall be provided and permanently maintained to the Local Planning Authority's satisfaction, as shown on the in-principle drawing 300.06 and referenced in paragraph 3.12 of the Transport Statement.

Reason: In the interest of sustainable travel, to reduce the reliance on the private motorcar and ensure a safe and suitable alternative route for pedestrians and cyclists to the village centre.

8. Before development commences, additional plans shall be submitted and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which demonstrate that all on-site parking spaces can be accessed by a vehicle, and that on-site turning space is sufficient to enable mid-sized service vehicles (e.g. a supermarket delivery van at 6.5 metres in length) and a fire tender to enter and exit the site in forward gear.

Reason: To ensure that service and emergency vehicles entering and exiting the site do not adversely affect the free and safe flow of traffic on the public highway.

9. Before the development hereby approved is first occupied, all on site vehicular areas shall be accessible and surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

10. The construction of the development shall not commence until details of construction vehicle movements (routing, amount, types) and traffic management measures are submitted to and approved by the Highway Authority.

Reason: To ensure the impact of construction vehicles on the local road network is minimised.

11. No development shall take place until the final design of the drainage scheme is completed and sent to the Local Planning Authority for their approval in writing. The surface water drainage system shall be based on the submitted Flood Risk and Surface Water Management Report, produced by Ardent Consulting Engineers, Project No. 19660, Rev A, dated March 2021. The scheme shall include:

1. Full details of the drainage plan including location of all the drainage features;
2. Where infiltration is proposed, evidence of ground conditions / underlying geology and permeability including BRE digest compliant infiltration tests at the precise location of the proposed infiltration features. Where deep bore soakage is proposed, failing head tests should be provided with associated ground investigation and assessment;
3. If infiltration is not feasible, the applicant will need to provide an alternative surface water discharge mechanism. If discharge to the local sewer network is proposed, confirmation from the relevant water company that they have the capacity to take the proposed volumes and run off rates is provided. With discharge from the site should be at an agreed rate with the water company. This should be at Greenfield run off rate; justification will be needed if a different run off rate is used;

4. Detailed engineering drawings of the proposed SuDs management and treatment and inclusion of above ground features such as permeable paving and basin;
5. Demonstrate appropriate SuDs management and treatment and inclusion of above ground features such as permeable paving and basin;
6. Provision of half drain down times within 24 hours;
7. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime,

Reason: To prevent the increased risk of flooding, both on and off the site and to reduce the risk of flooding to the proposed development and future occupants.

12. A) No development shall take place until an archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording;
2. The programme and methodology of site investigation and recording as required by the evaluation results;
3. The programme for post investigation assessment;
4. Provision to be made for analysis of site investigation and recording;
5. Provision to be made for publication and dissemination of analysis and records of the site investigation;
6. Nomination of a competent person or persons/organisation to undertake the works set out in the Written Scheme of Investigation.

B) The development shall be carried out in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the Written Scheme of investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

Reason: To ensure that the appropriate site investigation relating to potential archaeological remains are investigated on this site prior to the implementation of the planning permission.

13. Following the breaking-out of the concrete surface of the site, a visual olfactory survey shall be made of the surface of the site by a qualified, experienced environmental consultant. Any evidence of contamination, encountered either during the above mentioned survey, or during the development of this site, shall be brought to the attention of the Local Planning Authority as soon as practically possible and development shall cease; a scheme to render the contamination harmless shall be submitted to and approved in writing by the Local Planning Authority, and subsequently fully implemented prior to the occupation of the development.

Reason: To ensure that any contamination affecting this site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

14. Prior to the commencement of the development hereby permitted a scheme of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not cause a risk to ground water quality. The development shall be carried out in accordance with the approved details.

Reason: Infiltration through contaminated land has the potential to impact on ground water quality.

15. Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site which it has to be demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Contamination can still be missed by an investigation and this condition gives the Local Planning Authority the ability to require a new, or amendments to an existing, remediation strategy to address any previously unexpected contamination.

16. Prior to occupation, each of the three proposed new dwellings an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off set the adverse impact of the operational phase of the development on local air quality.

Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informatives

1. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.
3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
4. During the construction phase the guidance in BS5228-1: 2009 (code of practice for control and construction on open sites) should be adhered to. During the construction phase no activities should take place outside the following hours: Monday to Friday 0800 to 1800 hours; Saturdays 0800 to 1300 and no work on Sundays or bank holidays.

5. **EV Charging Point Specification:**

A charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.

- o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).

- o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

- o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

















7.0 **Appendices**

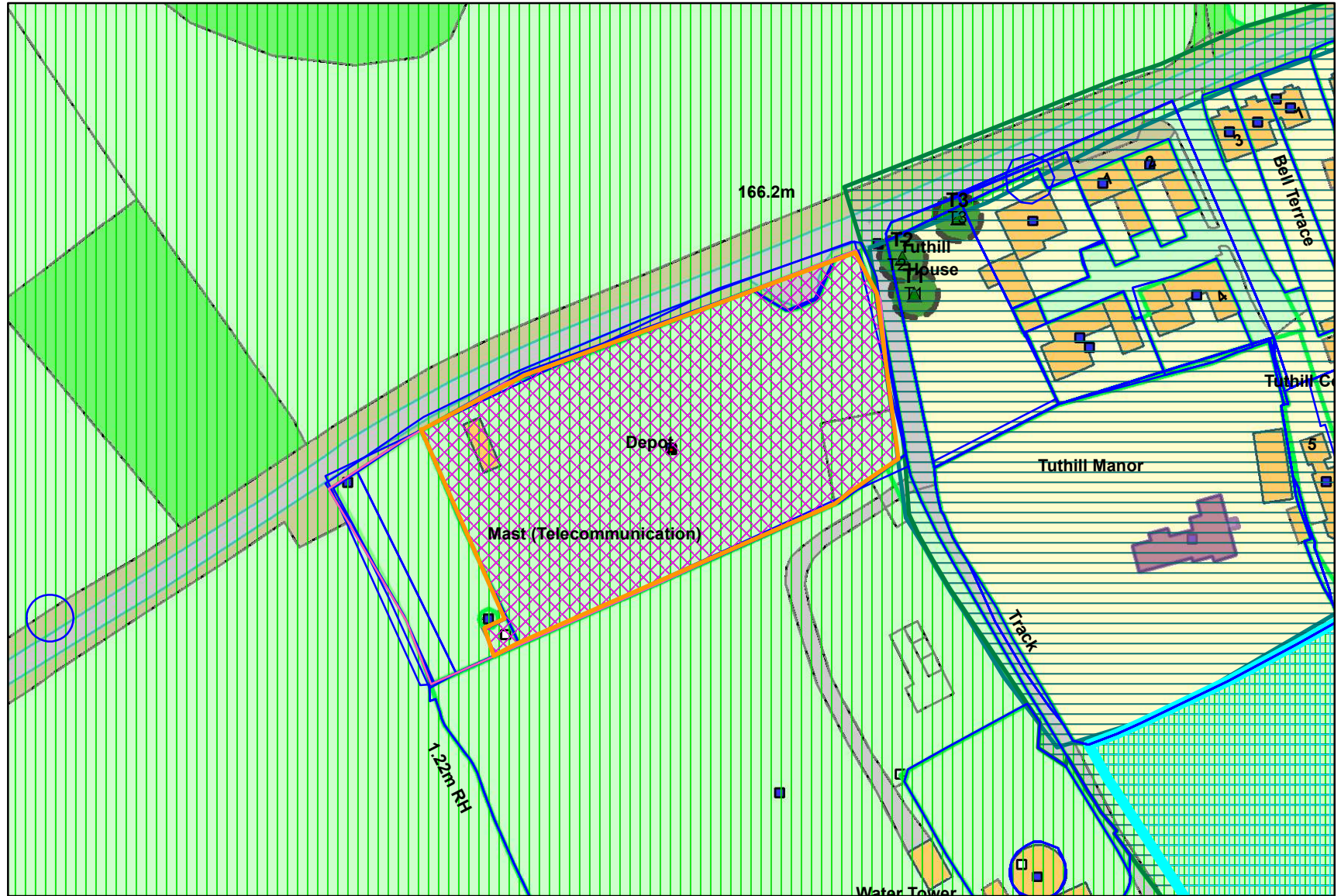
7.1 None



Application Validation Sheet

21/01349/FP Land West of Tuthill House, Kelshall Tops, Therfield, Hertfordshire

-  **Acolaid Land Parcel**
Property.shp
-  **Acolaid Address Point**
ap.shp
-  **Planning Application (1999)**
Prapps99.shp
-  **Area of Outstanding Natural Beauty**
Pranob.shp
-  **Listed Buildings**
Prlistbd.shp
-  **Tree Preservation Order (Single)**
ORACLE
-  **Tree Preservation Order (Group)**
ORACLE
-  **Parish Boundary**
Prparish.shp
-  **Conservation Area**
Prconrea.shp
-  **District Local Plan Boundary**
Prdlp2.shp
-  **Green Belt**
Prgrnbt.shp
-  **Health & Safety Consultation Zone**
Prjnzzone.shp
-  **Landscape Conservation**
Prlandca.shp
-  **Ward Boundary**
Prwardcd.shp
-  **Noise Nuisance Indicators**
Prnoise.shp
-  **Indicative Flood Plain**
Prifpm.shp



Scale 1:1,250
Date: 01/09/2021



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PLANNING CONTROL COMMITTEE

DATE: 16 September 2021

PLANNING APPEALS LODGED

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Mr and Mrs Shelford	30 June 2021	Erection one detached 3-bed dwelling following demolition of existing garage including creation of vehicular access off Pryor Road	1 Pryor Road Baldock Hertfordshire SG7 6LJ	20/01766/FP	Written Representations
Mr Jignesh Patel	09 August 2021	Part Change of Use from Retail (Use Class A1) to Hot Food Takeaway (Use Class A5), alterations to shopfront and installation of an external fume extraction flue	1-3 The Mead Hitchin Hertfordshire SG5 1XZ	20/00547/FP	Written Representations

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PLANNING CONTROL COMMITTEE

DATE: 16 September 2021

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mr Rick Willmott	Extension and alterations to garden room between Westbury Moat House and Westbury Farm House. (Amended plans received 01/07/20 and 24/07/20).	Westbury Farm House West End Ashwell SG7 5PJ	20/00734/FPH	Appeal Dismissed on 01 July 2021	Delegated	The Inspector concluded that the proposed development/works would fail to preserve the grade II listed Westbury Farmhouse and its setting and would also fail to preserve or enhance the character or appearance of the Conservation Area.
Mr Rick Willmott	Extension, alterations and internal alterations to garden room between Westbury Moat House and Westbury Farm House. (Amended plans received 01/07/20 & 24/07/20).	Westbury Farm House West End Ashwell SG7 5PJ	20/00735/LBC	Appeal Dismissed on 01 July 2021	Delegated	See above comment
Mr K Haer	Single storey rear conservatory	6 Cubitt Close Hitchin SG4 0EL	20/02902/FPH	Appeal Dismissed on 12 July 2021	Delegated	The Inspector concluded that the development would harm the character and appearance of the area. It would be in conflict with Policies 28 (House Extensions) and 57 (Residential Guidelines and Standards) of the North Hertfordshire District Local Plan 1996 and paragraph 127 of the National Planning Policy Framework, which seek, amongst other things, house extensions are sympathetic to the existing dwelling.

Mr Danny Dance	Retention of storage shed	Austen Lodge Node Park Hitchin Road Codicote SG4 8TH	20/01810/FP	Appeal Dismissed on 13 July 2021	Delegated	The Inspector found that the proposal is inappropriate development that would be harmful to the Green Belt by definition and it would harm the openness of the Green Belt.
Mr & Mrs J Winstanley	Relating to Application 18/03349/S73 granted on 15/03/2019 - Variation of Condition 2 (Approved Plans) to facilitate relocation of parking at plots 5 and 6, change of external material at plot 5 and variations to the dwelling type, scale and appearance of plots 3	The Gables High Street Barley SG8 8HY	20/03072/S73	Appeal Dismissed on 17 August 2021	Committee	The Inspector stated that the proposal would conflict with the character and heritage requirements of policies 6 (Rural Area Beyond the Green Belt) and 57 (Residential Guidelines and Standards) of the North Hertfordshire District Council Local Plan No. 2 with Alterations 2007; and the requirements of the Framework. There would also be conflict with the design and heritage aspirations of policies SP9 (Design and sustainability), SP13(Historic environment), D1 (Sustainable design) and HE1 (Designated heritage assets) of the emerging North Hertfordshire Local Plan 2011-2031.



Appeal Decision

Site visit made on 26 July 2021

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 August 2021.

Appeal Ref: APP/X1925/W/21/3271157

The Gables, High Street, Barley, Royston, Hertfordshire, SG8 8HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr & Mrs J Winstanley.
 - The application Ref 20/03072/S73 is dated 24 December 2020.
 - The application sought planning permission for residential development of eight dwellings, garages, parking and landscaping. New access road, car park for existing surgery, relocation of existing electricity substation and double garage and store attached to existing garage for 'Chadwick' without complying with a condition attached to planning permission Ref 18/03349/S73 dated 15 March 2019.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.
 - The reason given for the condition is: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The original approval for the site was Ref 17/02316/1, issued 30 May 2018. The council's report sets out that the development approved was described as Residential development of eight dwellings, garages, parking and landscaping. New access road, car park for existing surgery, relocation of existing electricity substation and double garage and store attached to existing garage for 'Chadwick'.
 3. The above permission was varied by application Ref 18/03349/S73, dated 15 March 2019. A section 73 Application does not change the description of development. That consent therefore retains the original description but imposed a revised condition 2.
 4. This proposal is to amend permission Ref 18/03349/S73 dated 15 March 2019. I have retained the original description of development in the banner above.
-

The proposal seeks the relocation of parking at plots 5 and 6, to change the external materials at plot 5 and to vary the dwelling type, scale and appearance of plots 3 and 8 by amending condition 2.

5. Although the council did not determine the application before the appeal was lodged, they subsequently considered the matter at their planning committee. The council resolved that had it been able to reach a decision, it would have been to refuse the application. The council's main concern is the changes in terms of the increased scale and bulk of the revised dwellings at plots 3 and 8, notwithstanding that it acknowledges that there would be some benefit to the removal of parking from the central green area.

Main Issue

6. The main issue is whether the proposal would preserve or enhance the character or appearance of the Barley Conservation Area and the setting of the Grade II Listed building known as White Posts, having particular regard to the changes proposed to plots 3 and 8.

Reasons

7. Although the application is for a new permission for the entire development, of relevance to this appeal is that the proposal seeks the relocation of parking at plots 5 and 6, a change of external materials at plot 5 and variations to the dwelling type, scale and appearance of plots 3 and 8. Concerns have only been raised with regard to the changes to plots 3 and 8 and I have considered the proposal on this basis.
8. The approved plans for plot 8 illustrate a two storey property with a large single storey addition to the rear. This plot is to the rear of the curtilage of White Posts which is a Grade II listed building. The approved arrangement ensures that the listed property maintains a relatively open setting despite the scale of development that is approved to the west. This is a similar arrangement to that considered by the inspector in relation to application 18/02299/FP for ten units which was dismissed on 24 September 2019 under Ref APP/X1925/W/19/3228265. The current proposal for plot 8 would extend the rear of the dwelling further to the south, creating a greater built overlap with the rear garden of White Posts. The design would include twin rear facing gables above a further single storey addition.
9. The previous inspector found that given the separation distance and the intervening landscaping that would be retained, the development would have a neutral impact on the setting of the designated heritage asset. The landscaping to be retained is within the grounds of the listed building and new planting is proposed which would form a further buffer between the properties. However, I consider that the increased depth of two storey development in particular, would extend further into the previously retained open aspect to the rear of the listed property. The openness of the land to the rear of White Posts contributes to the significance of this historic building and this further encroachment would be sufficient to result in harm to its setting.
10. The approved plot 8 dwelling has a relatively narrow floorplan with a two storey addition to the front which extends across approximately half of the width of the house. The proposed larger house would be almost square with regard to

its first floor plan which would result in it having side elevations of substantial bulk and depth. These would be dominant in views when entering the site, above the adjacent proposed garage; and from the greenspace at the centre of the site. Rather than only the first floor front wing extending towards the front boundary, the entirety of the wider frontage would be set only marginally back from the access road. This would significantly increase its prominence and reduce the perceived openness of the plot. It would also restrict views towards the greenspace when approaching from the east and would reduce the plot's contribution to the openness of the layout in general. The reduction in the greenspace to accommodate the parking for plot 8 would further erode the perception of openness.

11. Plot 3, as approved, would sit forward of the adjacent pair of semi-detached houses but would have a relatively narrow floorplan with the rear two storey addition stepped back from the side elevation. The appeal statement illustratively suggests that it would have a marginally narrower frontage than the approved, but this does not appear to be the case when comparing elevation details. The overlay drawing appears to be more accurate. The revised dwelling would have a much lower roof form but it would be set slightly further forward in the plot. It would be perceived as having a deeper plan form.
12. The proposed lower side facing gables would help to reduce the perceived scale of the side elevation when viewed from the east, in front of the neighbouring properties. Although marginal, the forward position would reduce the openness of the development overall, but this too would be balanced, to some extent, by the lower height of the house; and the removal of parking from the greenspace opposite. Its corner position would reduce the impact of the greater bulk of its western flank, but I am not satisfied that the scale and detail of this relatively unrelieved elevation would represent a design standard commensurate with the other elevations, or the house designs more generally within the site.
13. Overall, the proposed revised layout would reduce the perceived openness of the site. Despite the reduced height of plot 3, development would be more dominant. Whilst the removal of parking from the greenspace would be a benefit in relation to that particular corner, the loss of greenspace to the curtilage of plot 8 and the greater dominance of the side facing elevation would be less satisfactory than the approved plans. The greater prominence of plot 8 and the harm to the setting of White Posts, together with the reduced quality with regard to design and layout generally, would result in more harm than the approved scheme.
14. As reported by the previous inspector, the level of built development would suburbanise the site resulting in an enclave of dwellings that would fail to provide a sense of openness that would enable the development to assimilate into the wider context of the conservation area. It was found that the level of development at the site would seek to compete with, rather than complement, the open and spacious character of this part of the village, which in turn would fail to preserve or enhance the conservation area. Those findings related to a ten house scheme. However, the approved eight house scheme would have a similar impact, although the level of harm would be reduced as it would result in a more spacious layout, set around a significantly larger and more open area of greenspace. Similarly, the lack of two storey development at depth within plot 8 and the openness of the greenspace would assist in preserving the

- setting of White Posts. This proposal, particularly but not limited to plot 8, would increase the prominence of development and would erode the open character.
15. Although the changes to the significance of the conservation area would be small, they would be negative, thereby increasing the harm. The proposal would continue to result in less than substantial harm to the conservation area. Furthermore, the proposal would also result in less than substantial harm to the setting of the listed property, when previously the impact was considered to be neutral.
 16. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker to pay special attention to the desirability of preserving a building or its setting or any features of special architectural or historic interest which it possesses. In addition, Section 72(1) requires that in making decisions on planning applications and appeals within a conservation area, special attention be paid to the desirability of preserving or enhancing the character and appearance of the area.
 17. The benefits of the permitted schemes have been well rehearsed during the considerations of previous applications and the appeal. I have had full regard to these benefits, particularly having regard to the provision of new houses. This proposal would bring similar benefits from the same number of houses. I accept however that the provision of self-build housing provides additional benefits as described by the appellant and set out in paragraph 62 and footnote 28 of the National Planning Policy Framework 2021. However, even if I accepted that self-build housing would not come forward unless larger houses were accepted, which is not an argument that has been persuasively made, given the harm to the setting of the listed building, the benefits would not outweigh the great weight that the Framework requires to be given to the conservation of heritage assets. The additional harm to the conservation area provides further weight against the proposal.
 18. The proposal would conflict with the character and heritage requirements of policies 6 and 57 of the North Hertfordshire District Council Local Plan No. 2 with Alterations 2007; and the requirements of the Framework. There would also be conflict with the design and heritage aspirations of policies SP9, SP13, D1 and HE1 of the emerging North Hertfordshire Local Plan 2011-2031. Given the progress towards adoption and the conformity of these policies with the Framework, they can be afforded moderate weight.
 19. As with the previous appeal, even if the Council is unable to demonstrate a five year supply of deliverable housing sites and the policies which are the most important for determining the appeal are out-of-date, the Framework is clear that as the policies relevant to the designated heritage assets, as set out in the footnote to paragraph 11, provide a clear reason for refusing the development, the requirement of paragraph 11(d) to grant permission does not apply. For the reasons set out above, the appeal is dismissed.

Peter Eggleton

INSPECTOR



Appeal Decision

Site Visit made on 22 June 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th July 2021

Appeal Ref: APP/X1925/W/21/3270288

Austen Lodge, Node Park, Codicote, Herts SG4 8TH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Danny Dance against the decision of North Hertfordshire District Council.
 - The application Ref 20/01810/FP, dated 10 November 2020, was refused by notice dated 19 January 2021.
 - The development proposed is described as the "installation of 16 sq. m timber shed for the purpose of storing equipment to maintain the grounds".
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development has already been carried out. I have dealt with the appeal on the basis that permission is sought to retain what has already been built.

Main Issues

3. The main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework),
 - the effect of the proposal on the openness of the Green Belt, and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

Inappropriate Development

4. The Framework states at paragraph 133 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Furthermore, the essential characteristics of the Green Belt is their openness and permanence. The construction of new buildings should be regarded as inappropriate in the Green Belt, other than in a limited range of specified exceptions, as set out in Paragraphs 145 and 146 of the Framework, none of which are relevant to the proposal before me.
5. Therefore, as the proposal would not fall within any of the exceptions outlined in the Framework it would be inappropriate development in the Green Belt, which is

by definition, harmful. In accordance with Paragraph 144 of the Framework, I attach substantial weight to this harm. The proposal would also conflict with Policy 2 of the North Hertfordshire District Council District Local Plan No.2 with Alterations (Written Statement 2007) insofar as it seeks to only permit new buildings which are not inappropriate within the Green Belt.

Openness

6. Openness is not defined in national policy or the development plan, but case law establishes that it has both spatial and visual aspects. Openness is an essential characteristic of the Green Belt, which it is necessary to preserve for the Green Belt to be an effective policy instrument. The appeal site is part of an open field and it is essentially surrounded by other fields which are all characterised by their openness. Moreover, the appeal building is spatially isolated from surrounding dwellings and has no physical relationship with any built form.
7. The proposal has resulted in the development of an area that was previously open and a loss of openness, albeit this is reasonably limited given the size of the development. The shed is visible from the access road that runs adjacent to the field that the shed is positioned within. The loss of openness would therefore be evident to passers-by. On this basis, I conclude that the proposal would result in some harm to the openness of the Green Belt and thereby conflict with the advice in the Framework. Although this is a minor effect any harm to the Green Belt must be given substantial weight in the final balance.

Other Considerations

8. The appellant owns the parcel of land on which the shed is located and it is argued that the appellant requires a ride on mower to manage the land. However, whilst the current location of the shed is desirable, there is nothing before me to suggest it is essential in that position or indeed that theft at the site is an issue. Moreover, the appeal site does not form agricultural land and as such, the analogy to such land is of limited weight in support of the development.

Other Matters

9. I note that representations were made by a local resident raising additional concerns. However, given my findings on the main issue, it is not necessary to consider these matters in detail.

Overall Planning Balance

10. I have found that the proposal is inappropriate development that would be harmful to the Green Belt by definition and it would harm the openness of the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt. For the reasons given, the weight of the other considerations does not clearly outweigh the Green Belt harm and any other harm. Consequently, the very special circumstances necessary to justify the development do not exist.
11. For the reasons given above I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR



Appeal Decision

Site Visit made on 22 June 2021

by **Graham Wyatt BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th July 2021

Appeal Ref: APP/X1925/D/21/3270152

6 Cubitt Close, Hitchin SG4 0EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr K Haer against the decision of North Hertfordshire District Council.
 - The application Ref 20/02902/FPH, dated 9 December 2020, was refused by notice dated 25 January 2021.
 - The development proposed is described as a “proposed ground floor rear conservatory”.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has referred to policies in the emerging Local Plan. However, the Council has not provided information on the extent and content of any unresolved objections to the plan, nor how these may affect the policies to which it has referred. Therefore, whilst I have had regard to them, these policies carry limited weight.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site sits within a small cul-de-sac within a larger estate that is generally residential in character and contains a variety of style and size of property. The proposal seeks to erect a conservatory to the rear of the main dwelling.
5. The existing dwelling is larger than the other properties in the cul-de-sac, and indeed most of those that are in the vicinity of the appeal site. The property has benefitted from previous planning permissions to extend the building, which includes an existing conservatory attached to the rear of the dwelling. Although I acknowledge that the proposal seeks to remove the existing detached conservatory from the site, the proposed development nonetheless is much larger and adds additional bulk onto a building that has already been extensively enlarged.
6. Therefore, the existing building is quite large in comparison to its plot size and the extension of the dwelling through the proposed conservatory would only serve to exacerbate the overall massing of the dwelling. This would result in an

unsympathetic addition that would be generally harmful to the host property and the character and appearance of the area, and would be clearly visible from surrounding dwellings.

7. Thus, the development would harm the character and appearance of the area. It would be in conflict with Policies 28 and 57 of the North Hertfordshire District Local Plan 1996 and paragraph 127 of the National Planning Policy Framework, which seek, amongst other things, house extensions are sympathetic to the existing dwelling.

Other Matters

8. I note the appellant's desire to create a space with light and air for his elderly father to utilise. However, whilst acknowledging the benefits that would result in this respect, these are not sufficient to outweigh the harm that I have identified.
9. Representations were made by a neighbour raising additional concerns. However, given my findings on the main issues, it is not necessary to consider these matters in detail.

Conclusion

10. Thus, for the reasons given above, I conclude that there are no material considerations of such weight as to indicate that a decision be taken other than in accordance with the development Plan. Therefore, the appeal is dismissed.

Graham Wyatt

INSPECTOR



Appeal Decision

Site Visit made on 6 April 2021

by L Fleming BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st July 2021

Appeal Ref: APP/X1925/W/20/3261714

Westbury Farm House, West End, Ashwell SG7 5PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Rick Willmott against the decision of North Hertfordshire District Council.
 - The application Ref 20/00734/FPH, dated 31 March 2020, was refused by notice dated 3 August 2020.
 - The development proposed is extension and alterations to garden room between Westbury Moat House and Westbury Farm House.
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Appeal Ref: APP/X1925/Y/20/3261713

Westbury Farm House, West End, Ashwell SG7 5PJ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Rick Willmott against the decision of North Hertfordshire District Council.
 - The application Ref 20/00735/LBC, dated 31 March 2020, was refused by notice dated 3 August 2020.
 - The works proposed are extension, alterations and internal alterations to garden room between Westbury Moat House and Westbury Farm House.
-

Decision - Appeal A

1. The appeal is dismissed.

Decision - Appeal B

2. The appeal is dismissed.

Procedural Matters

3. Both appeals relate to the same scheme under different but complimentary legislation, I have therefore dealt with them together in my reasoning.

Main Issue

4. The main issue in both appeals is whether the proposed development/works would preserve the grade II listed Westbury Farm House, West End or its setting and any features of special architectural or historic interest that it possesses and whether the scheme would preserve or enhance the character or appearance of the Ashwell Conservation Area.

Reasons

Significance

5. The appeal property is a grade II listed dwelling (Westbury Farm House) within the Ashwell Conservation Area (CA).
6. The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to be given to the desirability of preserving a listed building or its setting and any features of architectural or historic interest it possesses. The same act also requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Furthermore, paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
7. Westbury Farm House is a C15 or C16 timber-framed hall house with more recent extensions. It has been extensively refurbished and altered. The original hall has been subdivided, it has sash windows and rebuilt chimney stacks. The external walls are mainly rendered with brick base and it has a clay tiled roof.
8. The historical maps show Westbury Farm House surrounded by buildings as part of a farm complex. To the west of Westbury Farm House large barns were replaced in the 1990's by new dwellings known as Westbury Moat House and Westbury Spring House. Westbury Moat House, closest to Westbury Farm House was acquired by the occupants of Westbury Farm House in 2006. Subsequently, the two properties were combined to form a single dwelling through the construction of a garden room link which the appeal proposals seek to extend and alter. Other former agricultural buildings originally part of the farmstead have also now been redeveloped.
9. Westbury Farm House is on the western edge of the CA which covers a large part of the built-up area of the village. It includes a variety of traditional buildings, many also of medieval origin, all set in a rural and agricultural landscape.
10. Insofar as is relevant to these appeals the significance of Westbury Farm House derives from its historical and architectural interest as a late medieval hall house, its associated architectural detailing and its positioning within a group of buildings as the focal point of a traditional farmstead. The significance of the CA derives from the architecture and layout of the buildings within it and the agricultural relationship between the village and the surrounding countryside.

Effects on Westbury Farmhouse and Ashwell Conservation Area

11. In considering a very similar proposal to the garden room already in place an Inspector in 2006¹ found that the wall against which the new link would be sited has already been rebuilt. The proposed extension of the existing garden room would enclose a small section of the same rendered external wall. It would be attached to it by two resin bonded dowl bars with modest additional loading carried by new trench-fill foundations. Overall, due to the proposed method of construction, the alterations to the external wall and foundations of

¹ Appeal References APP/X1925/E/06/2022838 & APP/X1925/A/06/2022843

- the listed building would be limited. As such there would be no harm to the historic fabric of the grade II listed Westbury Farm House.
12. Although linking Westbury Moat House with Westbury Farm House, the existing garden room is a much larger space than would be necessary for passage between them. It is already a reasonably sized space which could comfortably accommodate seating and furniture for dining whilst also allowing passage through it. Therefore, although the scheme would increase the size of the garden room, its function would not change as a result of the proposals.
 13. Furthermore, the proposed chimney would be in matching brickwork, with a wide base and would be an overall sympathetic addition to the modern garden room having a neutral effect on the setting or significance of the listed building.
 14. The existing mainly timber framed and glazed single storey garden room with a section of flat roof at its juncture with Westbury Farm House is subservient to the grade II listed building. The simple flat roof elements retain the detached character of both Westbury Farm House and Westbury Moat House even though they are joined together. The proposed extension would also have a flat roof, filling in a small corner between the two buildings. Although the flat roof elements would be larger, the detached character would be retained.
 15. However, on top of the proposed flat roof would be a large roof lantern. This would be of symmetrical and formal appearance more reflective of Victorian or Georgian architecture and in conflict with the simple traditional architectural detailing of the grade II listed farmhouse. It would also complicate the appearance of the purposefully low and simple lead flat roof. Thus, through the conflicting form and siting of the proposed roof lantern, the appeal proposals would harm the setting and significance of the grade II listed building.
 16. I have found harm to the setting and significance of a grade II listed building within the CA. I accept that the roof lantern would not be visible from any public vantage point within the CA. However, its conflict with the grade II listed farmhouse would be visible from within the appeal site which is part of the CA. Thus, the harm I have identified to the setting and significance of a traditional building within the CA would also fail to preserve or enhance its character or appearance, harming the significance of the CA as a whole.

Planning and Heritage Balance

17. The combined harm I have identified to the significance of the designated heritage assets would be less than substantial. In which case paragraph 196 of the Framework requires it to be weighed against the public benefits of the proposals, including where appropriate, securing optimum viable use.
18. The proposals would improve the living conditions for the occupiers in terms of additional internal living space. However, these benefits are largely private and would be insufficient to outweigh the great weight I must attach to the harm I have identified to the designated heritage assets.
19. Thus, overall, I find the proposed development/works would fail to preserve the grade II listed Westbury Farmhouse and its setting and would also fail to preserve or enhance the character or appearance of the CA contrary to the respective sections of the Act and the Framework. For the same reasons both appeal proposals would also conflict with the development plan, particularly

Policy HE1 of the North Hertfordshire Local Plan 2011-2031 (2016) which amongst other things seeks to ensure that proposals do not cause harm to designated heritage assets.

Conclusion

20. For the reasons given above and taking into account all other matters raised, I conclude that both appeals should be dismissed.

L Fleming

INSPECTOR