

14 February 2025

Our Ref Planning Control Committee 25 February
2025
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To: Members of the Committee: Councillors Elizabeth Dennis (Chair), Nigel Mason (Vice-Chair), Amy Allen, Sadie Billing, Ruth Brown, Emma Fernandes, Ian Mantle, Bryony May, Caroline McDonnell, Louise Peace, Tom Tyson and Martin Prescott.

Substitutes: Councillors Val Bryant, Jon Clayden, Mick Debenham, Joe Graziano, Keith Hoskins, Steve Jarvis, Sean Nolan and Michael Muir

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, SG6 3JF**

On

TUESDAY, 25TH FEBRUARY, 2025 AT 7.00 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. 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.	
2. MINUTES - 30 JANUARY 2025	To take as read and approve as a true record the minutes of the meeting of the Committee held on the 30 January 2025.	(Pages 5 - 10)
3. 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.	
4. 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.	
5. PUBLIC PARTICIPATION	To receive petitions, comments and questions from the public.	
6. 24/02577/FPH 4 ARCH ROAD, GREAT WYMONDLEY, HITCHIN, HERTFORDSHIRE, SG4 7EP	REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Erection of office/gym outbuilding adjoining existing garage.	(Pages 11 - 20)

7. **24/02606/FP LAND WEST OF TUTHILL HOUSE, KELSHALL TOPS, THERFIELD, HERTFORDSHIRE** (Pages 21 - 46)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Erection of three detached dwellings (1 x 3-bed, 1 x 4-bed and 1 x 5-bed) and with associated infrastructure and landscaping

8. **APPEALS UPDATE** (Pages 47 - 48)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

To update Members on appeals lodged and any decisions made.

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Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

**MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERONON ROAD, LETCHWORTH GARDEN CITY, SG6 3JF
ON THURSDAY, 30TH JANUARY, 2025 AT 7.30 PM**

MINUTES

Present: *Councillors: Elizabeth Dennis (Chair), Nigel Mason (Vice-Chair), Emma Fernandes, Bryony May, Caroline McDonnell, Louise Peace, Tom Tyson, Martin Prescott, Val Bryant, Jon Clayden and Mick Debenham.*

In Attendance: *Peter Bull (Senior Planning Officer), Shaun Greaves (Development and Conservation Manager), Susan Le Dain (Committee, Member and Scrutiny Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Alina Preda (Trainee Solicitor), Callum Reeve (Electoral Services Assistant) and Sonia Sharp (Locum Senior Planning Solicitor).*

Also Present: *At the commencement of the meeting approximately 13 members of the public, including registered speakers.*

111 APOLOGIES FOR ABSENCE

Audio recording – 2 minutes 3 seconds

Apologies for absence were received from Councillors Ruth Brown, Amy Allen, Ian Mantle and Sadie Billing.

Having given due notice Councillor Jon Clayden substituted for Councillor Brown, Councillor Val Bryant substituted for Councillor Allen and Councillor Mick Debenham substituted for Cllr Mantle.

112 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minutes 30 seconds

There was no other business notified.

113 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 34 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be recorded.
- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (3) The Chair clarified matters for the registered speakers.
- (4) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.

114 PUBLIC PARTICIPATION

Audio recording – 5 minutes 14 seconds

The Chair confirmed that the registered speakers were in attendance.

115 24/01604/FP TEMPLE DINSLEY, (FORMERLY THE PRINCESS HELENA COLLEGE), SCHOOL LANE, PRESTON, HERTFORDSHIRE, SG4 7RT)

Audio recording – 5 minutes 48 seconds

The Senior Planning Officer provided an update regarding the Supplementary Document that had been published on 30 January 2025.

At the request of the Chair, the Senior Planning Officer presented the reports in respect of Application 24/01604/FP and 24/01605/LBC as one presentation, supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Tom Tyson
- Councillor Jon Clayden
- Councillor Nigel Mason
- Councillor Louise Peace
- Councillor Elizabeth Dennis
- Councillor Emma Fernandes

In response to questions, the Senior Planning Officer advised that:

- Electric Vehicle (EV) chargers would be fitted in the car ports.
- The roof of the sports hall would be fitted with solar tiles.
- Freestanding bathroom 'pods' were designed to sit in the middle of a room to minimise interactions with the existing building and to ensure this remained protected.
- No information was yet available on the type of refuse bins to be provided.
- Historic England had recommended to include a condition requiring a management company plan for the whole site be included.
- The footpaths would be for public use as part of the Section 106 agreement and would be secured by boundary fences, as cattle would graze in the open space.
- The section 106 agreement would secure 75 year leases for both the Preston Cricket Club and the Parish Council to take on responsibility for the sporting facilities and the Council would not be directly involved in the management of the facilities in the long term.
- The developer and Sport England had confirmed that 19 car parking spaces was sufficient for cricket use. There was also the possibility of making additional parking available on the grass verges adjacent to the East Drive if required.

In response to questions, the Development and Conservation Manager advised that:

- As there was no increase in floor space, there was no requirement for the developer to provide affordable housing as stated in paragraph 65 of the National Planning Policy Framework (NPPF).
- In this application existing vacant floorspace would be replaced with new floorspace, but with no net increase in floorspace.

The Chair invited Parish Councillor Margaret Trinder and Andrew Riant to speak in support of the application. Parish Councillor Trinder thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- She was the Chair of Preston Parish Council.
- All buildings on the new site had been sensitively drawn and the new building was appropriate in size.
- Provision had been made to protect wildlife, in particular barn owls which were of importance to the community.
- Preston Parish Council wanted to show their appreciation to the developer for keeping them well informed throughout the application process and to the Senior Planning Officer for his support in ensuring the views of the Parish Council were understood.
- Temple Dinsley was an important part of the parish.
- The footpaths would ensure that all residents could access the sporting facilities and the village.
- The 75 year lease on the two tennis courts for community use would ensure that they could not be removed by a future residents group.
- Preston Parish Council would do their best to promote the use of the sporting facilities for as much of the year as possible.
- She was accompanied by Andrew Riant, Co-Chair of the Preston Cricket Club who could answer any points of clarification from Members regarding the development of the cricket ground and supportive pavilion on the estate.

The following Members asked for points of clarification:

- Councillor Tom Tyson
- Councillor Louise Peace
- Councillor Mick Debenham

In response to points of clarification, Parish Councillor Trinder advised that:

- There were still people living in the village that remembered the levels of traffic from when the site was a school.
- It was accepted that this development would bring less vehicular traffic to the area and that this would be staggered throughout the day rather than coinciding with school drop off and collection times.

In response to points of clarification, Mr Riant advised that:

- The new grounds would allow the sharing of use by the women, men and junior cricket teams across the two grounds, freeing up the recreation ground to be used for other sports.
- Home matches were currently played in a nearby village and this would enable a permanent basis with a 8 grass wicket.

The Chair thanked Parish Councillor Trinder for her presentation and Mr Riant for his input and invited Jon Buck to speak in support of the application, alongside Tom Allington, as agent, and Russell Prince, as the applicant. Mr Buck thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- He was one of the architects involved with Temple Dinsley.
- They had worked together with Historic England for over two years on this project.
- The Grade II listed building was over 300 years old and needed to be preserved as a heritage asset for future generations.
- There would be 35 new apartments provided in the main building.
- The Tank House and Pump House would be converted into two premium new homes.

- The sports hall and science block would be demolished and replaced with 22 new homes.
- The no overall gain in floor space would help balance the substantial costs incurred in preserving the heritage assets.
- Under these new proposals there would be less vehicular traffic than when the building was used as a school.
- The landscaping proposals exceeded the net gain for biodiversity requirements.

The following Members asked for points of clarification:

- Councillor Nigel Mason
- Councillor Val Bryant
- Councillor Jon Clayden
- Councillor Caroline McDonnell

In response to points of clarification, Mr Buck advised that:

- It was still to be decided how to make key services available to residents and this would be confirmed at a later stage in the planning application.
- This proposal provided a good dwelling mix with two thirds of the apartments in the main building being a mix of two and three bedroomed dwellings.
- The majority of the site would be accessible and lifts would be provided in the main building where possible for access to some of the apartments.
- The 22 new houses would be completely accessible and had been designed where a lift could be installed.
- The two new houses in the Summer House Plantation were large and would have lifts installed, so were fully accessible.
- A small ramp would be installed for access to the main building.
- No affordable housing would be provided. The provision of affordable housing was not required for this application and it would not be viable to provide it.

The Chair thanked Mr Buck for his presentation and Mr Allington and Mr Prince for being in attendance.

In response to points raised, the Senior Planning Officer advised that the public footpaths were within the conservation area and these would be provided by Hertfordshire County Council Highways as part of the section 106 agreement.

Councillor Martin Prescott proposed to grant permission and this was seconded by Councillor Nigel Mason.

The following Members took part in the debate:

- Councillor Martin Prescott
- Councillor Mick Debenham
- Councillor Nigel Mason
- Councillor Jon Clayden
- Councillor Val Bryant
- Councillor Elizabeth Dennis

Points raised during the debate included:

- This was an excellent proposal which was very comprehensive and sympathetic to the community and showed that an extensive amount of work had been undertaken by the applicant.
- It was good to see how well the applicant and the Parish Council had worked together to provide something that would be of benefit to the whole community.

- It was good that young people in the village would be able to access the cricket club facilities.
- It was disappointing that there could not be any affordable housing provided at Temple Dinsley.

Having been proposed and seconded and, following a vote, it was:

RESOLVED: That application 24/01064/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager subject to:

- (a) The completion of a satisfactory legal agreement and the applicant agreeing to extend the statutory period in order to complete the agreement if required.
- (b) The Committee to delegate powers to the Development and Conservation Manager to resolve and amend matters as is appropriate and necessary.
- (c) The conditions and the additional section 106 agreement requirements and updated conditions as outlined in the original report and the Supplementary Document, including the addition of Condition 59.

“Condition 59

Permissive footpaths

Prior to the proposed new permissive path from the Dower House being first brought into use, details of alterations to existing boundary wall and gate where new access is proposed onto Hitchin Road shall be submitted to and approved in writing by the local planning authority. Thereafter, the alterations and gate shall be implemented in accordance with the approved details and be made available for pedestrian use in accordance with the phasing plan approved under condition 4.

Reason: In the interests of visual amenity and to protect the setting and appearance of heritage assets.”

116 24/01605/LBC TEMPLE DINSLEY, (FORMERLY THE PRINCESS HELENA COLLEGE), SCHOOL LANE, PRESTON, HERTFORDSHIRE, SG4 7RT)

Audio recording – 1 hour 34 minutes 10 seconds

The Senior Planning Officer provided an update regarding the Supplementary Document that had been published on 30 January 2025.

There were no further questions from Members or contributions from public participants on the Listed Building Consent application.

Councillor Martin Prescott proposed and Councillor Jon Clayden seconded and, following a vote, it was:

RESOLVED: That application 24/01065/LBC be **GRANTED** listed building consent subject to the reasons and conditions set out in the report of the Development and Conservation Manager subject to:

- (a) The Committee to delegate powers to the Development and Conservation Manager to resolve and amend matters as is appropriate and necessary.

(b) The inclusion of the additional condition (Condition 64):

“Prior to the proposed new permissive path from the Dower House being first brought into use, details of alterations to existing boundary wall and gate where new access is proposed onto Hitchin Road shall be submitted to and approved in writing by the local planning authority. Thereafter, the alterations and gate shall be implemented in accordance with the approved details and be made available for pedestrian use in accordance with the phasing plan approved under condition 4.

Reason: In the interests of visual amenity and to protect the setting and appearance of heritage assets.”

117 APPEALS

Audio recording – 1 hour 39 minutes 3 seconds

The Development and Conservation Manager presented the report entitled Planning Appeals and informed the Committee that:

- 6 appeals had been decided, of which 4 had been dismissed and 2 had been allowed.
- 3 appeals had been lodged.
- A Purchase Notice had been served on the Council by the landowners regarding listed building consent for double glazed windows in a property in Breachwood Green.
- A cost decision had been made to the Council for a property in Knebworth which related to a permission in principle which was a two-stage process.

The following Members asked questions:

- Councillor Elizabeth Dennis
- Councillor Caroline McDonnell
- Councillor Tom Tyson
- Councillor Nigel Mason

In response to questions, the Development and Conservation Manager advised that:

- A purchase notice was a notice served by a landowner on the Council requiring the purchase of land when a listed building consent had been refused and the landowner was claiming that the land was no longer capable of reasonably beneficial use. When the Council refused to accept a purchase notice, the case had to be referred to the Secretary of State.
- There was no further update available on the planning application in Hinkworth Road, Ashwell.
- The public enquiry into the planning application for 42 dwellings in Baldock would commence on 29 April and 4 days have been allocated for this hearing. An update would be provided at the next Planning Control Committee meeting.

The meeting closed at 9.22 pm

Chair

<u>Location:</u>	4 Arch Road Great Wymondley Hitchin Hertfordshire SG4 7EP
<u>Applicant:</u>	Mr Shaun Doughty
<u>Proposal:</u>	Erection of office/gym outbuilding adjoining existing garage.
<u>Ref. No:</u>	24/02577/FPH
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period:

8 January 2025

Reason for delay:

Committee cycles.

Reason for referral to Committee:

The application is to be determined by Planning Control Committee by reason of Cllr McDonnell requesting it be determined by the PCC if officers are minded to refuse permission, as set out in 8.4.5 (c) (iii) of the Council's Scheme of Delegation.

The reasons for the call-in request are:

I have looked through this planning application and the previous applications for 4 Arch Road, and I have a few comments which I'll put in bullet points:

- I am surprised that application 16/-1224/1HH was approved given the size of the building, at 8x11. This was significantly bigger than the original property and has a significant impact on greenbelt openness.*
- Moving the building to the west boundary decreases visual impact to the neighbours at number 5 and the openness of the views from both 4 and 5.*
- the build is in line with other development on this stretch of houses on Arch Road and isn't dissimilar to the garage extension of number 3 except for alignment.*
- The build is in character of its surroundings.*
- Given that we are accepting 4 bed homes in new developments, with scope to have a WFH office, I feel that we should be taking this into consideration when dealing with existing home extensions and outbuilding applications. This is consistent with the lifestyle changes we have because of the pandemic.*

If the homeowners don't get permission for this build, they have no other choice but to go with the option of permitted development.

In my opinion it will be more harmful in terms of impact on openness and views. Building on the East boundary will significantly change the character and openness of the property and the views of the Arch Road properties from the surrounding fields.

I would like this considered by PCC so I can put this case before them.

1.0 **Relevant Site History**

- 1.1 23/02585/FPH - Part two storey and part single storey side extension, replacement flat roof over existing rear extension and front porch canopy. Alterations to fenestration – Refused 01/02/24 for:
1. The proposed development would result in a disproportionate addition over and above the size of the original dwelling. The development would therefore be inappropriate development in the Green Belt. No very special circumstances have been demonstrated to outweigh the harm identified to the Green Belt, including its openness. The development is therefore contrary to Policy SP5 of the North Hertfordshire Local Plan 2011 - 2031 and Section 13 of the National Planning Policy Framework (NPPF).
- 1.2 16/01224/1HH - Single storey detached outbuilding as garage/workshop – Approved 12/07/16.
- 1.3 16/00742/1PUD - Single storey detached garage/workshop and music room – Withdrawn 03/05/16.
- 1.4 95/01301/1HH - Two storey rear extension and front entrance porch – Approved 08/01/96.
- 1.5 80/00784/1 - Erection of two storey side extension following demolition of existing single storey extension – Approved 19/05/80.

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan 2011-2031**

Policies:

SP5 – Countryside and Green Belt
SP9 – Design and sustainability
SP13 - Historic environment

D1 – Sustainable Design
D2 - House extensions, replacement dwellings and outbuildings
D3 – Protecting Living Conditions
HE1 - Designated heritage assets

2.2 National Planning Policy Framework

Chapter 12 – Achieving well-designed places

Chapter 13 – Protecting Green Belt land

Chapter 16 - Conserving and enhancing the historic environment

2.3 Wymondley Neighbourhood Plan – made September 2019

Policies NHE9, GB1, HOD2

3.0 Representations

3.1 **Archaeology** – No comments to make.

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 The site is a semi-detached two storey dwelling with a pitched roof. The site is part of a small group of other dwellings in a rural area. The site is within the Green Belt, and a Conservation Area.

4.2 Proposal

4.2.1 The erection of a new outbuilding with a pitched roof to the side of the main dwelling, and attached to an existing detached garage, which would be used as a gym/office. The plans also show the installation of new doors to the rear of the garage.

4.3 Key Issues

4.3.1 The key issues for consideration are as follows:

--The acceptability of the principle of the proposed works in this location.

--The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.

--The impact that the proposed development would have on the living conditions of neighbouring properties.

Principle of Development:

4.3.2 The site is in the Green Belt. Policy SP5 of the adopted Local Plan states that the Council will only permit development proposals in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated. Policy SP5 refers to the National Planning Policy Framework (NPPF) which sets out exceptions to inappropriate development in the Green Belt in paragraphs 154 and 155 (December 2024 version). Wymondley Neighbourhood Plan Policy GB1 also confirms that development proposals must comply with Government Green Belt policy. Para. 155 is not relevant, and the relevant part of 154 is:

154. Development in the Green Belt is inappropriate unless one of the following

exceptions applies:

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

- 4.3.3 In assessing the proposal against the above criteria, while the proposed outbuilding would not be attached to the host building, it would be attached to a nearby incidental outbuilding, would be close to the main dwelling at approx. 2.7m, and would be for a use incidental to the main dwelling. As such, it's considered that the proposed outbuilding would appear as an adjunct to the main dwelling and would effectively be an extension. 'Original building' is that which existed in 1948, or its original size if built after that.
- 4.3.4 The present building is not original, as set out in the officer report of previously refused application 23/02585/FPH. The report for that application confirmed that the original floorspace was considered to have been 82 m², based on the plans submitted for the 80/00784/1 planning application.
- 4.3.5 At the time of determination of 23/02585/FPH, the existing floorspace was 209 m², which is a 154% increase over the original floorspace of the building. The enlargements proposed under that refused application would have resulted in a further cumulative increase of 234% over the original floorspace.
- 4.3.6 The proposed outbuilding would have a floorspace of approx. 36.7 m², which would cumulatively be an increase of 245.7 m², and would be a percentage increase of 199.6%.
- 4.3.7 While the proposed cumulative enlargement would be smaller than that of the refused 2023 application, the cumulative enlargement of approx. 200% would remain very large. In my view, this cannot be considered as anything other than a disproportionate addition over and above the size of the original building. This is contrary to 154 c) of the NPPF; therefore, the proposal is inappropriate development, and by definition harmful to the Green Belt and should not be approved except in very special circumstances.
- 4.3.8 Previous planning permission 16/01224/1HH was for an outbuilding larger than the present proposed outbuilding, which also included the demolition of the detached garage of No. 4. From that file, it's considered that No. 4 was as large as it is now. The main material consideration that has resulted in a different recommendation being reached compared to the 2016 application is the intervening refused 2023 application, which is more recent and has a more detailed analysis of the evolution of the enlargement of the building and how it relates to Green Belt policy.
- 4.3.9 The additional floorspace that was approved to be added under the 2016 planning permission 16/01224/1HH was 88 m². This application included the demolition of the existing single garage on the SW site boundary – this garage building was considered to have been built after 1948 based on a historic map from 1950, and planning permission 68/00094/N which was for a new detached garage where the present garage is sited.
- 4.3.10 The floorspace figures used to assess the refused 2023 application didn't include the detached garage. Bearing this in mind, the 2016 permission approved a further increase in floorspace from 209 m² to 297 m², which was larger than the 274 m² floorspace refused under the 2023 application.

- 4.3.11 When the 2016 application was approved, there were different material considerations in planning policies. The most significant is that this application was assessed under a previous Local Plan adopted in 1996, which had different Policies relating to proposed development in the Green Belt, being:

Policy 2 - Green Belt

In the Green Belt, as shown on the Proposals Map, the Council will aim to keep the uses of land open in character. Except for proposals within settlements which accord with Policy 3, or in very special circumstances, planning permission will only be granted for new buildings, extensions, and changes of use of buildings and of land which are appropriate in the Green Belt, and which would not result in significant visual impact.

And

Policy 30: Replacement or Extension of Dwellings in the Countryside

For existing dwellings anywhere in the countryside outside excluded or selected villages, the Council will normally refuse proposals for their replacement or extension if a materially greater impact would result. A landscaping scheme related to the surrounding will be expected. Also extensions will normally be refused if they result in a size, scale and design out of keeping with the original building and give the effect of a new dwelling.

- 4.3.12 What was appropriate in respect of extensions was not defined in the above Policies of the 1996 Local Plan.
- 4.3.13 The 2016 application did not require the same local policy considerations that are the case now and when the 2023 application was refused, i.e. that the Council now has a new adopted Local Plan from November 2022, and Policy SP5 c) and 4.61 state that proposals for development in the Green Belt will be considered against national policy, being the December 2024 NPPF at this time (the key section is stated in 4.3.2 of this report). In addition, Wymondley Neighbourhood Plan was made in September 2019 and this requires that development proposals impacting on Wymondley Parish must comply with Government Green Belt policy.
- 4.3.14 These differences in Policy are considered material in respect of how the present application should be assessed, i.e. to consider whether the proposed addition would be disproportionate, rather than the different policy requirements of the 1996 Local Plan. The proposed outbuilding is therefore considered to cumulatively be a disproportionate addition to the original building. This application should be determined in accordance with the development plan unless material considerations indicate otherwise. An important material consideration is the NPPF. Based on current local and national policies and having regard to the recently refused planning application 23/02585/FPH at the site, it is considered that the planning permission should be refused.

- 4.3.15 The call-in reasons referred to a garage extension at neighbouring dwelling No. 3. The planning history for No. 3 shows that this garage was approved under planning permission 99/01256/1HH, and therefore was subject to different policy considerations as was the case with the 2016 application at No. 4. The permission granted for that garage is not considered a reasonable basis to justify the grant of planning permission for the current proposal at No. 4, contrary to relevant planning policies.
- 4.3.16 The applicant has not put forward a very special circumstances case by reference to material considerations, such as any fall-back position.
- 4.3.17 Whilst the proposed development is considered inappropriate development in the Green Belt and therefore harmful to the Green Belt there would be no substantive conflicts with the five purposes of Green Belts in para. 143 of the NPPF.
- 4.3.18 Wymondley NP Policy GB1 confirms that development proposals should not impact negatively on Wymondley Parish – particularly in terms of visual impact on the openness of the Green Belt landscape. The proposed building would be visible from outside the site, clearly from public views from Arch Road to the west. It would result in a further enlargement of the original building to the south and would result in greater coverage of the site by buildings and development. The proposal would therefore result in loss of openness to the Green Belt, spatially and visually. This harm is in addition to harm to the Green Belt by reason of inappropriateness.
- 4.3.19 In conclusion on this matter, the proposal would be inappropriate development in the Green Belt which should not be approved except in very special circumstances (VSC's), as stated in para. 153 of the NPPF. No VSC's have been put forwards by the applicant and are not evident from an assessment of the application. The proposal is therefore unacceptable in principle in the Green Belt location and does not comply with Policy SP5 of the Local Plan, Policy GB1 of the Wymondley Neighbourhood Plan and Section 13 of the NPPF.

Character and appearance:

- 4.3.20 Notwithstanding the above harms to the Green Belt, the proposed outbuilding would be of a size and design that is not considered harmful to the character and appearance of the dwelling and the site and would be integrated adequately with the smaller outbuilding it would be attached to.
- 4.3.21 The outbuilding would be visible in the street scene and adversely affect openness both visually and spatially. However, regarding the impact upon the heritage significance of the conservation area, there would not be harm in that regard. The character of the site is residential, and the proposal would be domestic in appearance. The space between the house and existing garage is not identified as an important open space or view within the conservation area. Therefore, it is considered that the proposal would not be harmful to the significance of the Conservation Area and the character and appearance of the conservation area as a whole would be preserved. Therefore, there would not be any conflict with S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the proposal complies with Policies D1, D2 and HE1 of the adopted Local Plan; and Sections 12 and 16 of the NPPF.

Impacts on Neighbouring Properties:

4.3.22 The proposed outbuilding would be set away from both neighbouring dwellings and would also be obscured by buildings within and outside the site. Therefore, it would not appear overbearing or cause loss of light. The use of the outbuilding is not considered to cause harmful noise or other disturbance. The proposal would not have a significant harmful impact upon the living conditions of occupiers of neighbouring dwelling houses and complies with Policy D3 of the adopted Local Plan and Section 12 of the NPPF.

4.4 **Conclusion**

4.4.1 In the absence of material planning reasons to the contrary it is my view that planning permission is **REFUSED**.

4.5 **Alternative Options**

4.5.1 None identified.

4.6 **Pre-Commencement Conditions**

4.6.1 Not applicable.

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.

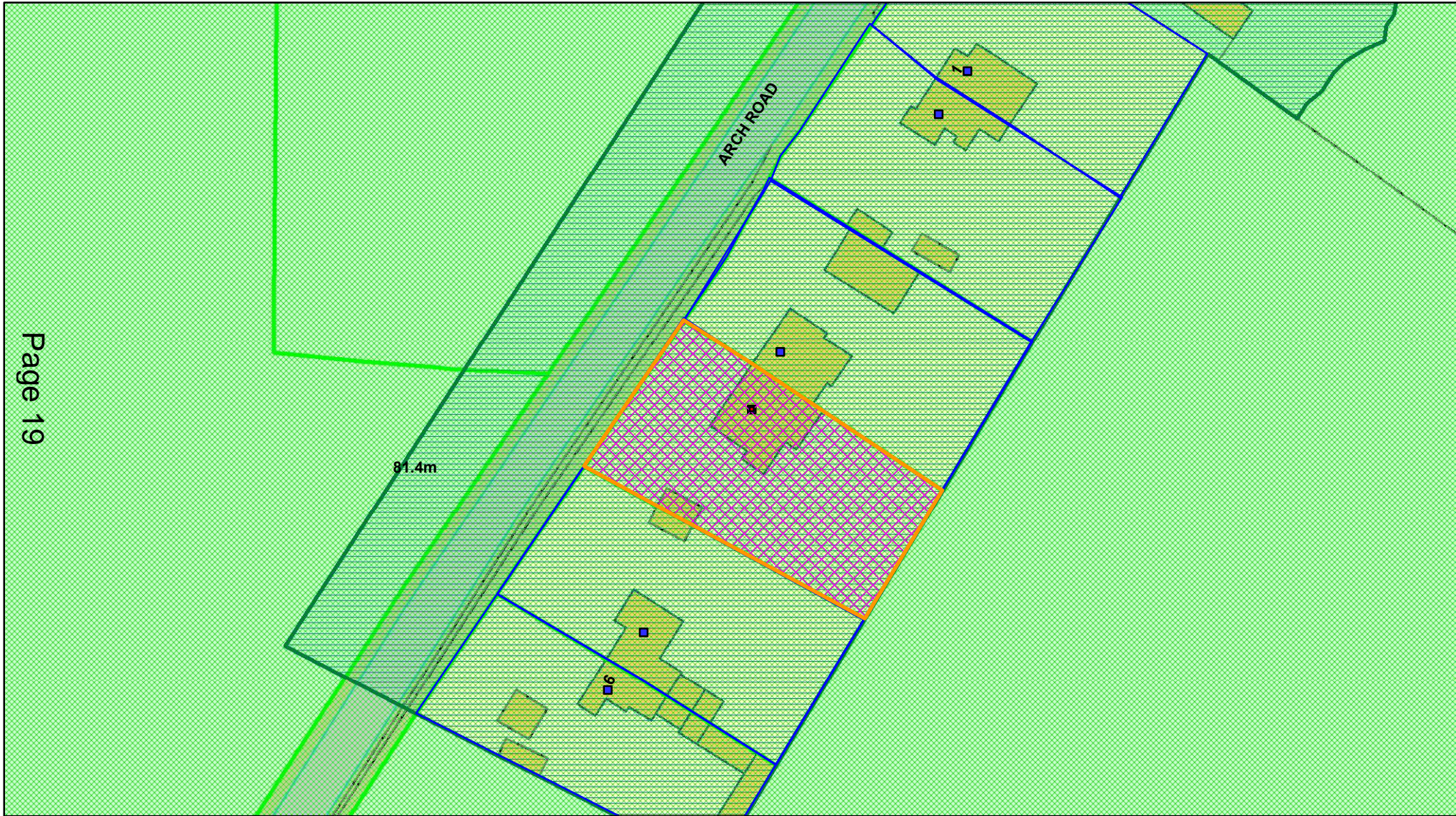
6.0 **Recommendation**

6.1 That planning permission be **REFUSED** for the following reason:

1. The proposed development would result in a disproportionate addition over and above the size of the original dwelling. The development would therefore be inappropriate development in the Green Belt. No very special circumstances have been demonstrated to outweigh the harm identified to the Green Belt, including its openness. The development is therefore contrary to Policy SP5 of the North Hertfordshire Local Plan 2011 – 2031, Policy GB1 of the Wymondley Neighbourhood Plan and Section 13 of the National Planning Policy Framework (NPPF).

Pro-active Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.



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<u>Location:</u>	Land West Of Tuthill House Kelshall Tops Therfield Hertfordshire
<u>Applicant:</u>	Mr And Mrs Bullard
<u>Proposal:</u>	Erection of three detached dwellings (1 x 3-bed,1 x 4-bed and 1 x 5-bed) and with associated infrastructure and landscaping
<u>Ref. No:</u>	24/02606/FP
<u>Officer:</u>	Anne McDonald

Date of expiry of statutory period : 24.01.2025

1.0 Policies

1.1 Target Determination date: 24/01/25

1.2 Extension of time date: 28/02/25

1.3 Reason for delay

1.3.1 Committee timetable and work load.

1.4 Reason for referral to committee

1.4.1 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.

1.5 Supporting documents

Plans

1. 01.001-A3-P02 – site location plan.
2. 01.002-A3-P03 – proposed site layout plan.
3. 10.001-A3-P01 – proposed plot 1 plans and elevations.
4. 10.001-A3-P01 – proposed plot 2 plans and elevations.
5. 20.001-A3-P01 - proposed plot 3 plans and elevations.
6. 10.001-A3-P01 – proposed plot 3 roof plan.
7. 20.010-A3-P02 – proposed street scenes.
8. 01.003-A3-P02 – site block plan.
9. 196661-001 – site visibility tracking plan.
10. 196660-005C – internal tracking plan.
11. 20360-d1-v2 – BNG – figure 1, Baseline habitats.
12. 20360-d2-v2 – BNG – figure 2, proposed habitats.

Supporting documents

1. Ecological Assessment Report.
2. Planning Statement v.2.
3. Design and Access Statement.
4. Heritage Statement.
5. Flood Risk Assessment.
6. Preliminary risk Assessment and Geo-Environmental Ground Assessment.
7. Arboricultural Impact Assessment.
8. Transport Assessment.
9. Statutory BNG Assessment.
10. Copy of press notification.

1.6 Policies

1.6.1 National Planning Policy Framework December 2024:

1. Section 2 – Achieving sustainable development.
2. Section 5 - Delivering a sufficient supply of new homes.
3. Section 11 – Making effective use of land.
4. Section 12 – Achieving well designed places.
5. Section 14 – Meeting the challenge of climate change, flooding and coastal change.
6. Section 16 – Conserving and enhancing the historic environment.

1.6.2 North Hertfordshire Local Plan 2011 - 2031

1. SP1 - Sustainable development in North Hertfordshire.
2. SP2 - Settlement Hierarchy.
3. SP5 – Countryside and Green Belt.
4. SP6 – Sustainable Transport.
5. SP8 – Housing.
6. SP9 - Design and Sustainability.
7. SP11 - Natural resources and sustainability.
8. SP12 - Green infrastructure, biodiversity and landscape.
9. SP13 - Historic Environment.

Development Management Policies:

1. CGB1 – Rural areas beyond the Green Belt.
2. T1 - Assessment of transport matters.
3. T2 – Parking.
4. HS3 - Housing mix.
5. D1 - Sustainable design.
6. D3 - Protecting living conditions.
7. NE1 – Landscape.
8. NE4 – Biodiversity and geological sites.
9. NE7 - Reducing flood risk;
10. NE8 - Sustainable drainage systems.
11. NE11 – Contaminated Land.
12. HE1- Designated Heritage Assets.
13. HE4 -Archaeology.

1.7 Supplementary Planning Documents:

1. Vehicle Parking at New Development Supplementary Planning Document (Sept 2011)
2. Design Supplementary Planning Document (July 2011)

2.0 **Site History**

- 2.1 This site has a complex planning history summarised below.
- 2.2 92/00143/1 – 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.
- 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 18/02846/S106A - application to vary/remove the S106 agreement was submitted in 2018 but subsequently withdrawn.
- 2.7 20/00118/OP - outline planning application for 18 dwellings. Refused at the meeting of the Planning Control Committee held on 16 July 2020.
- 2.8 20/00117/OP - outline planning for a 6 dwellings. Refused at the meeting of the Planning Control Committee held on 16 July 2020.
- 2.9 20/03071/FP – application for 3 dwellings. Withdrawn 23.03.21.
- 2.10 21/01349/FP - application for 3 dwellings. Withdrawn 06.01.22.
- 2.11 21/03533/FP – application for 3 dwellings. Refused on 13.02.23 and subsequently appealed and dismissed at appeal. The decision letter for this appeal is attached at Appendix 1.
- 2.12 24/01986/FP – application for 3 dwellings. Application was found to be invalid and was not proceeded with.

3.0 **Representations**

- 3.1 **HCC Historic Advisor** – no objection subject to conditions.
- 3.2 **HCC Highways** – no objection subject to conditions.
- 3.3 **Historic England** – no comment.
- 3.4 **NHDC Ecology Officer** – no objection subject to BNG conditions.
- 3.5 **NHDC Environmental Health** – no objection subject to conditions.
- 3.6 **NHDC Conservation Officer** – no response at the time of writing. Any response received prior to the PCC meeting will be published.

3.7 **Environment Agency** – we have significant resource pressures and do not currently have the capacity to technically review this application.

3.8 **Conservators of Therfield Heath** – no response.

3.9 **Therfield Parish Council** – objects for the following reasons:

1. Development on this site has been rejected a number of times.
2. It was rejected by the Inspector in 2024.
3. The site was rejected from the Local Plan as an allocated housing site.
4. It is outside of the development limits of the village and in a sensitive location on the top of a ridge.
5. Its development would result in ribbon development along Kelshall Road.
6. It does not satisfy any of the criteria of Policy CGB1 and should not be permitted.
7. To ignore the Local Plan's clear terms and approved a development which is contrary to its new policies and which will actually cause harm would be clearly irresponsible and potentially unlawful.
8. This development is contrary to the existing S106 legal agreement. We continue to object to any release or waiver of these covenants.
9. This is not Previously Developed Land and should not be regarded as such.

3.10 The application has been advertised twice with neighbour notification letters, letters sent to consultees and a site notice posted. The reason for the re-consultation was that a corrected application form was submitting removing the incorrect grid references stated on the original planning application form. Responses have been received from 12 neighbours or third parties. Two are in support, 7 are objecting and 3 are general representations. Key points raised include:

3.11 Support:

1. I have no objection to the application, only request that swift boxes are used in the development.

3.12 Object:

1. The land is agricultural green belt land outside of the village boundary.
2. Development on this site has been previously refused.
3. Does not comply with the criteria of Policy CGB1.
4. Local covenants on the site prevent this development.
5. There is no need for this type of development.
6. The access will be dangerous on the 60 mile per hour limit road.
7. A S106 requiring this land to be returned to agricultural land still exists and should be enforced.

3.13 Other:

1. The application is currently not valid as incorrect grid references have been stated. Officer note – an updated application form has been submitted removing the grid references (which are not mandatory to state), and a full re-consultation was carried out following the submission for the revised application form. The application is valid.

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 position on the south side of the Kelshall Road and has a slightly elevated land level in comparison to the lane with a belt of trees running along the boundary with lane.

4.2 Proposal

4.2.1 This is a full application for three detached houses with large private gardens, a central courtyard style parking area and a pond / SUDs drainage area with significant planting and landscaping around the edges of the site and in the western section of the site forming a bio-diversity gain area.

4.2.2 The design of the houses is 'rural' in style, with the layout being a modern style farmstead arrangement. The dwellings in plots 1 and 2 have the external appearance of barns whilst plots 3 is to replicate a farmhouse. The access into the site is the same access point as existing, with the area of land to the east of the access to form the pond feature area. Plot 1 is to the west of the access with its private garden extending down to the lane boundary. Plot 2 is on the south side of the of the site and plot 3 is the end / west dwelling within the farmstead courtyard area, and has an extensive garden area. All three dwellings are large houses providing generous accommodation and the external materials are sections of buff brick and black stained weather boarding for the elevations and plain or slate tiles. In detail:

4.2.3 Plot 1 has an 'L' shaped footprint with the base of the 'L' being the two storey 'barn' with a single storey rear extension. The house comprises an extensive kitchen / living / lounge / dining area, utility, W.C., study and en-suite bedroom with a double car port at ground floor level and a master bedroom with en-suite and dressing room, another en-suite bedroom, two further bedrooms and a family bathroom at first floor level. The two-storey part of the house is 15m by 7.5m with a ridge height of 8.1m. The private garden area for this house is 28m by 15m (420 sqm).

4.2.4 Plot 2 also has a 'barn' appearance, with a car port on one side and a single storey rear projection. This house has an open plan living / dining / kitchen area, a utility and boot room, W.C. and study at ground floor with four bedrooms, three with en-suite and a family bathroom at first floor level. The main two storey part of the house also has a footprint of 15m by 7.5m and a ridge height of 8.1m. The private rear garden area for this house is 43m by 10m (430 sqm).

4.2.5 Plot 3 is a mainly brick, chalet bungalow style dwelling and is a smaller dwelling than plots 1 and 2. It comprises a hallway with W.C., and open plan kitchen / dining / living room, study, snug and utility at ground floor level with three en-suite bedrooms at first floor level. This house also has a double car port. This dwelling has a footprint of 17.3m wide by mainly 7m deep and a ridge height of 7m. The private rear garden for this house is 30m by 50m (1,500 sqm) and backs onto the BNG area which is a further 1,450 sqm of land.

4.2.6 As listed above, documents have been submitted in support of this application. Key points raised include:

4.2.7 Planning Statement:

1. It is important to note that this application is submitted following the previous application 21/03533/FP. The previous application was refused and dismissed at appeal. However, the appeal was only dismissed on design grounds. The Inspector noted: "The site is eminently suitable for a residential development of three houses which would make a contribution to housing supply in the district, consisted with the objective to boost housing supply contained in the Framework".
2. This proposed has been revised with the design of plot 3 amended with a reduction in scale and these amendments address the Inspector's comments.
3. There are considerable benefits from the development. These are:
 - creation of three homes;
 - development on brownfield land as encouraged by the Government;
 - more appropriate use of the site with the removal of the vacant storage depot;
 - no harm to the countryside;
 - contribution to the Council's housing supply;
 - significant BNG enhancement;
 - reduction of hardstanding and increase of green space;
 - improve drainage;
 - new landscaping will improve the overall appearance of the site;
 - more appropriate land use by removing commercial activities from the site;
 - connection with adjacent PRoW.

4.2.8 Heritage Statement:

1. The assessment provided follows Historic England guidance and has been prepared in accordance with paragraph 200 of the NPPF. It provides an assessment of the heritage assets affected by the proposed development, with consideration given to how their settings contribute to this significance.
2. It demonstrates that the Site does not possess a rural character and has not been in agricultural use since the mid-20th century. However, the boundaries of the Site include dense planting and provide a soft edge to the Site and a rural approach to the conservation area.
3. These will be retained and improved as part of the proposed development.
4. The design and layout of the proposals will ensure the proposed development has a minimal visual impact on the setting of the heritage assets and will not alter the ability to experience or appreciate their significance.
5. The retention and strengthening of the boundaries and provision of landscaped open space within the Site will provide a softer, green edge to the conservation area and the setting of the heritage assets, with no impact to their significance.
6. The proposed development would have no impact on the significance of the scheduled Motte and Bailey Castle, the Grade II listed Tuthill Manor or the Therfield Conservation Area.
7. The proposed development accords with sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990, in addition to relevant local plan policies and policies provided in the NPPF

8. The proposed development will conserve the significance of the three designated heritage assets and represents an appropriate form of new development within this commercial site.

4.2.9 Flood Risk assessment:

1. According to the EA flood maps, the Site is located within Flood Zone 1, area deemed to be suitable for development, as defined by the NPPF.
2. As the site is shown to be within Flood Zone 1 and site is not susceptible to any fluvial/pluvial/surface water flooding, the Sequential Test will not need to be undertaken.

4.2.10 Arboricultural Report:

1. The site is low quality in landscape and arboricultural terms and the proposal has little negative arboricultural impact.
2. A small amount of suckering blackthorn will be removed and the low-quality hedge coppiced.
3. Trees to be retained will be protected by tree protection fencing during work. This is a simple site to develop in arboricultural terms, with no requirement for bespoke arboricultural method statements.
4. It will be straightforward to avoid the root protection areas for new services and surfacing and all building is remote from the crowns and root protection areas.
5. Five trees will be removed to enable site splay visibility. This will be more than compensated with new planting.

4.3 **Key Issues**

4.3.1 Principle and planning history

4.3.2 The Local Plan Policy SP2 sets out the hierarchy for new residential development within the District, with most housing being provided on allocated housing sites within the adjusted settlement boundaries to towns and then with general development allowed within the category A villages, in-filling within category B villages and development for limited affordable housing and facilities for local community needs meeting the requirements of policy CGB2 in category C settlements.

4.3.3 The application site is located outside the settlement boundary of Therfield, a category A village. It is in an area protected by the designation of Policy CBG1, Rural Areas beyond the Green Belt where there is a presumption against new development. The criteria of Policy CGB1 states:

'In the Rural Areas beyond the Green Belt, as shown on the Policies Map, planning permission will be granted provided that the development:

a) Is infilling development which does not extend the built core of a Category B village;

b) Meets a proven local need for community facilities, services or affordable housing in an appropriate location;

c) *Is strictly necessary for the needs of agriculture or forestry;*

d) *Relates to an existing rural building;*

e) *Is a modest proposal for rural economic development or diversification; or*

f) *Would provide land or facilities for outdoor sport, outdoor recreation and cemeteries that respect the generally open nature of the rural area’.*

4.3.4 It can be concluded that this proposal fails to comply with the above criteria. However, consideration needs to be given to policies in the NPPF and the planning history for the site. Paragraph 11d) ii. the NPPF sets out that for decision making, where the policies of the Local Plan are out of date permission should be granted *‘unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as whole’.*

4.3.5 Even though the Local Plan is still within its date range of 2011 – 2031, the Council is behind in its delivery of new housing being below its 5-year housing land (5YHL) target with current figures being 3.9 years supply. This means that the tilted balance set out at NPPF paragraph 11d) applies whereby any adverse effects that would arise from a proposed development would need to significantly and demonstrably outweigh the benefits of providing new homes. Paragraph 73 of the NPPF sets out that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and that (criteria d) there is support for the development of windfall sites through policies and decisions. Paragraph 124 states that decisions should promote the effective use of land in meeting the need for new homes and that as much use as possible should be made of previously developed or brownfield land.

4.3.6 It is noted that Therfield Parish Council state in the past it has been concluded that this is not a brownfield site and that no consideration should be given to this issue. However, the NPPF provides a glossary of planning terms. For brownfield land it states:

‘See Previously developed land’.

4.3.7 For Previously development land it states (my emphasis in bold):

*‘Previously developed land: Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). **It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed’.***

4.3.8 The sentence in bold above is an addition to the December 2024 NPPF version. Given that this site comprises a large area of hardstanding with a planning history (as set out above) for its use, it has to now be concluded that this is a previously developed or brownfield site, and the appropriate consideration must be given to this factor.

4.3.9 It is acknowledged that this application site is outside of the defined settlement area of Therfield, but that it adjoins it lying outside the west side boundary of the village. As the site is a brownfield site, enclosed by fencing, it can be concluded that it makes a very limited contribution to the intrinsic value of the countryside. In comparison, the proposed development of three houses with a high degree of landscaping will result in both visual and environmental (removal of the hardstanding) enhancement, as well as contributing to the housing stock. As the Council does not have a current 5YLS, great weight has to be given to the delivery of housing and whilst three new dwellings would only make a modest contribution to the District's housing stock, it is nevertheless a positive contribution and a planning benefit. Combined, these factors are considered to be significant planning benefits resulting in there being no objection raised to the principle of the development.

4.3.10 Existing S106 Agreement

4.3.11 Application 92/00143/1 granted planning permission the use of this land for the open storage of agricultural machinery as an operating depot for 4 HGVs. This planning permission imposed no conditions which would limit the hours when the site could be operational, the number of vehicle movements or the intensity of the activity on the site. Alongside this application a S106 Agreement was completed. This contains the three main requirements of:

1. not to use any part of the land coloured red on the attached Plan for any purpose other than as a landscaped area.
2. Not to use that part of the Land coloured blue on the attached plan for any purpose other than the storage of agricultural vehicles machinery and equipment which are used by the Owner in connection with the business carried out on the Land.
3. Not to use that part of the Land hatched black on the attached Plan for any purpose other than for parking of four heavy goods vehicles owner and operated by the Owner of the Land coloured blue.

(Please note the plan referred to above is not attached to this committee report but is the plan referred to in the S106 Agreement).

4.3.12 The committee report for application 21/03533/FP states:

'It has been established that the existence of the controlling legal agreement was not itself a reason for refusal of previous applications for housing. The existing restrictions are intended to control the use of the current authorised land use on the site, not to prevent other forms of development following any other grant of planning permission. If the proposed development is complete the existing authorised use of the site falls away and no longer needs to be controlled by the existing agreement. This matter is not a material consideration that effects the merits of the current planning application for the provision of residential dwellings on the site and therefore does not amount to a reason for refusal of planning permission.

On the other hand, to develop the site for housing without revoking or changing the controls in the extant S106 agreement would be a breach of it, as currently worded. There is however a mechanism available to ensure that the current controls on the land remain until any new development is occupied and therefore the existing agreement does not prevent the Local Planning Authority from allowing a new, alternative development on this site that it considers acceptable in planning terms'.

4.3.13 These paragraphs are replicated in this report as these conclusions still apply. The recommendation for this application is to grant planning permission subject

to the variation of this S106 Agreement being competed. With a change in land use, from hardstanding for agricultural vehicles to residential development, the S106 becomes obsolete so there is no objection to the removing of the S106 restrictions imposed on the site as existing to allow the development to be constructed.

4.3.14 Sustainability

4.3.15 The NPPF December 2024 version, like the versions before, sets out that the purpose of the planning system is to contribute to the achievement of sustainable development and that to achieve this the planning system has three overarching objectives. These are that development must have an economic, social and environmental objective. These core aims are reflected within the Local Plan Policies SP1 and D1.

4.3.16 Regarding economic sustainability, the build process will provide for local jobs and will contribute to the local economy. Socially friendships may form between new neighbours and residents can join in with local groups and activities if they wish. The new houses will have to meet the high environmental code of current building regulations with regards to insulation, double glazing, low energy light fittings, low flow water fittings and an energy efficient boiler and each house will be provided with EV parking provision secured by condition. Solar panels and ground source heat pumps are not included on the plans. A condition is recommended to ensure that a scheme of sustainability measures to address the climate change emergency is agreed and implemented on site. On this basis, the development is considered to be sustainable and comply with the aims of the NPPF and Policies SP1 and D1.

4.3.17 Layout and design

4.3.18 Local Plan Policy SP9 states that the Council considers good design to be a key aspect of sustainable development and that we will support new development where it is well designed and located and responds positively to its local context. These aims are supported by Policy D1 which requires for new development to 'respond positively to a site's local context'.

4.3.19 There is no objection to the layout or design of the development. The external design and materials are complementary to this rural location. Plots 1 and 2 are the same as proposed under the previous application where the Inspector commented that his only concern was with regards to the size of the house in plot 3. The house at plot 3 has been substantially reduced in height, as this proposed house is just under 4m lower than the house considered by the Inspector, so will have a significantly reduced visual presence in comparison to the refused scheme and will allow for a better transition to the open countryside in this edge of village location. The footprint of this proposed house has also been reduced in depth. These changes are considered to overcome the Inspector's concerns regarding the size of the house in plot 3.

4.3.20 The development as a whole is considered to be a high-quality development that can be regarded as positive place making. The houses are designed to appear as a modern farmstead and are set in large plots with significant open space around them. The layout plan shows there would be substantial planting along the site boundaries to enhance the existing tree belts, and a landscaping condition to ensure this is achieved is recommended. The site is in a slightly elevated position in comparison to the lane. Plot 1 has its end elevation set to **Page 30** at this elevation is set into the site from the lane edge by 11m and with trees planted along the boundary which will provide visual

screening and setting to the development, it is not considered that there will be any adverse visual impact or dominance on the lane from the development.

4.3.21 The houses would provide for one three bed, one four bed and one five bed home so the development does provide for a mix of dwelling sizes as advocated Local Plan Policy HS3. Each house has car port parking for two vehicles plus two surface spaces, which will also provide for visitor parking, and space on plot for secure bike and bin storage. The dwellings are large in terms of floorspace, well in excess of the minimum home size as set out in the Nationally Described Space Standards. It can be concluded that these homes will provide for a high degree of amenity for future residents and that the layout and design of the development is acceptable and in accordance with the aims of Local Plan Policy D1.

4.3.22 Residential Amenity

4.3.23 Local Plan Policy D3 seeks to protect the living conditions of existing and future occupiers. No objection is lodged against the application on this basis. The three proposed houses are well spaced from each other, with front elevations looking towards side elevations so there are no opposing windows that could cause an unacceptable loss of privacy between these homes

4.3.24 Due to the location of the site, set to west of the existing PRoW, and due to the neighbours on the east side of this PRoW having large gardens, Plots 1 and 2 are set well away from existing neighbouring homes. The tree line along the east site boundary will be enhanced providing for significant screening, and there will be no adverse overlooking or loss of privacy to nearby neighbours. Furthermore, whilst neighbours will see the roofs of the new houses in long range views, these new dwellings will not appear adversely over dominating or over bearing to these neighbours. It is concluded that the proposal would not materially adversely affect the living conditions of occupiers of nearby residential properties and would provide high-quality living accommodation for future occupiers. Therefore the proposal complies with Local Plan Policy D3 and paragraph 135 of the NPPF, which requires amongst other things to create places with a high standard of amenity for existing and future users.

4.3.25 Heritage considerations

4.3.26 Local Plan Policy HE1 requires for designated heritage assets or their setting to be considered as part of the application process. The application site is set outside of, but neighbours the boundary of the Therfield Conservation Area and the listed building Tuthill Manor and its grounds are positioned to the south east of the application site. Due to the PRoW the application site does not immediately neighbour Tuthill Manor.

4.3.27 As set out above a Heritage Statement has been submitted with the application. This concludes that due to the existing and proposed landscaping along the east boundary of the site combined with the good design and layout of the development, there will be minimal visual impact and no adverse harm on the setting of the Conservation Area and listed Tuthill Manor. This conclusion is agreed with, and no objection is lodged against the application with regards to any harm to these two nearby heritage assets.

4.3.28 The Motte and Bailey castle and associated earthworks are a Scheduled Monument and are positioned to the south of Tuthill Manor. Whilst this Scheduled Monument is

nearby, it is not within the immediate setting of the application site and no impact from this proposal is considered to arise on the Schedule Monument from the proposal.

4.3.29 Local Plan Policy HE4 Archaeology states that planning permission for proposals that affect heritage of archaeological interest will be granted planning permission subject to the appropriate site investigation and survey work being undertaken. The HCC Historic Advisor has commented that it can be concluded that under the existing hardstanding the ground is likely to be largely undisturbed, and that there is the possibility for archaeological artefacts to be on site. Therefore, a condition requiring the appropriate site investigation work is recommended. This is in accordance with the aims of Policy HE4 and no objection is raised on this basis.

4.3.30 Highways, Public Rights of Way (PRoW) and parking

4.3.31 Local Plan Policy T1 seeks to ensure that the development does not result in highway safety problems or to cause unacceptable impacts on the highway network, whilst Policy T2 requires that new development meets the car parking requirements. The Highways Authority has raised no objection to the application subject to conditions, which are recommended.

4.3.32 The Local Plan in Appendix 4 sets out the car parking standards for new residential development. This states that new dwellings with 2 or more bedrooms must have 2 spaces per dwelling (minimum) and one secure cycle space per house and a visitor allocation of 0.25 spaces per dwelling as the houses all have a car port / garage. As set out above, each house has four parking spaces which allows for visitor parking for each house and cycle parking is provided on plot for each dwelling. As the parking spaces are minimum standards no objection is raised to the over provision of parking spaces in the scheme and the car and cycle parking requirements are considered to be met.

4.3.33 A public footpath runs along both the east side and west side boundaries of the application site. However, this proposal is contained within the application site and proposes no changes or modification to either PROW.

4.3.34 Bio-diversity and landscaping

4.3.35 Local Plan Policy NE4 seeks to ensure that there is a net gain of bio-diversity on site. Furthermore, the provisions of the Environment Act are now in place which requires for the development to achieve a 10% gain in on site bio-diversity. The documentation submitted with the application shows that this is to be a significant uplift in on site bio-diversity with a gain in habitats of 117% and hedgerows of 167%. The layout plan shows that the western end of the site is to be a habitat protection area, and the securing of this in the long term is to be achieved via a clause in a S106 Agreement. The Senior Ecology Officer has raised no objection to the application subject to conditions, which are recommended. One of the conditions requires for an Ecological Enhancement Plan to be submitted and agreed and delivered on site. This will require for bat and bird boxes / bricks to be included in the development and thus satisfies the neighbour concern regarding the provision of swift bricks in the development.

4.3.36 As stated above, extensive landscaping is shown on the proposed layout plan. However full landscaping details are not included. A condition is therefore recommended to ensure planting across the site is achieved. On this basis, no objection is raised with regards to bio-diversity of landscaping.

4.3.37 Other matters

4.3.38 A condition is recommended removing permitted development rights to prevent extensions to the dwellings, that could harm the design integrity of the development, but more importantly as these houses have large rear gardens it is considered prudent to control the ability of future occupiers of being able to erect large garden outbuildings without a planning consideration, which could adversely affected the design integrity of the site and the character and appearance of the area including the setting of nearby heritage assets.

4.3.39 As stated above, there is space on plot for each house to store waste and recycling bins and each home owner will be able to drag the bins out to the frontage of the site on collections days. This drag distance is a factor for future occupiers to be aware of and is not considered to be a material objection to the scheme.

4.4 Conclusion

4.4.1 In accordance with the advice set out in paragraph 11d of the NPPF, the application is recommended for conditional permission on the basis that the planning benefit of delivering three homes to the Council's housing supply is a positive planning benefit and there are no identified adverse impacts from the proposal that would significantly and demonstrably outweigh this benefit. Whilst the site is outside of the existing village boundary, it is adjacent to the village edge. Moreover, the site is previously developed land that does not contribute to the intrinsic character and beauty of the countryside. Whereas, the proposed development would deliver a high quality layout and design with a large area of the site laid out to soft landscaping which will result in both bio-diversity and visual enhancement of the site. The application is considered to be acceptable and to comply with the necessary Local Plan policies and is recommended for conditional planning permission subject to the completion of the S106 Agreement.

4.5 Alternative Options

4.5.1 None applicable

4.6 Pre-Commencement Conditions

4.6.1 I can confirm that the applicant agrees with the pre-commencement conditions that are proposed.

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:

- a) The agreement for further extensions of time as needed;
- b) The completion of the S106 Agreement;
- c) The recommended conditions and informatives.

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 and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

4. Prior to the commencement of the development hereby permitted full details of a comprehensive hard and soft landscaping, planting scheme and boundary treatments 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. Local Plan Policies D1 and N2.

5. Prior to the commencement of the development hereby permitted a full management plan and method statement (including a timetable for the works) 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 accordance with the approved details or particulars unless otherwise agreed in writing by the Local Planning Authority.

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. Local Plan Policy NE2

6. In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with BS10175:2011. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

7. No gates shall be provided across the access to the site.

Reason: In the interests of local visual amenity and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

9. Prior to occupation, each dwelling shall incorporate one Electric Vehicle (EV) ready domestic charging point and it shall thereafter be retained.

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 and to comply with Policy D4 of the North Hertfordshire Local Plan 2011 to 2031.

10. Prior to the first occupation of the development hereby permitted, modification to the vehicular access shall be completed and thereafter retained at the position as indicated on the drawing number (Ref. THS15-SCN-XX-XX-DR-A01. 002.A3, Rev PO3) in accordance with the highway specification as Setout in the Place & Movement

Planning Design Guidance. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. These works shall be secured and undertaken as part of the s278 works.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

11. Prior to occupation the development hereby permitted vehicle to vehicle inter-visibility splays of 2.4 metres by x 57 metres to the eastern direction and 2.4 metres by x 59 metres to the western direction shall be provided and permanently maintained as shown on the drawing (Ref-196661-001), Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

12. The gradient of the main access from the adjacent Kelshall Road shall not exceed 1 in 20 for the first 12 metres from the edge of the carriageway into the site as measured from the near channel edge of the adjacent carriageway.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

13. Before first use of the development, all onsite parking areas as shown on the drawing (Ref-196660-005, Rev C) shall be 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 minimize danger, obstruction, and inconvenience to users of the highway and of the premises.

14. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:
- o Construction vehicle numbers, type, routing.
 - o Traffic management requirements.
 - o Construction and storage compounds (including areas designated for car parking);
 - o Siting and details of wheel washing facilities.
 - o Cleaning of site entrances, site tracks and the adjacent public highway.
 - o Timing of construction activities to avoid school pick up/drop off times.
 - o Provision of sufficient on-site parking prior to commencement of construction activities.
 - o Post construction cleanness.

Reason: In the interests of highway safety and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

15. Prior to the commencement of the development, a detailed construction management plan shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
- a) The demolition construction programme and phasing
 - b) Hours of operation, delivery and storage of materials
 - c) Control of dust and dirt arising from demolition and construction
 - d) Waste management proposals
 - e) Mechanisms to deal with environmental impacts such as noise, air quality, light and odour during construction.

Reason: In the interests of environmental impacts and local amenity. Local Plan Policy D3.

16. A) No demolition/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 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 the site investigation and recording
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 6. Provision to be made for archive deposition of the analysis and records of the site investigation
 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation
- 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)

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: To comply with the provisions of Local Plan Policy HE4.

17. Prior to the commencement of development, a site-wide sustainability strategy shall be submitted to the Local Planning Authority for approval addressing renewable energy, reducing carbon emissions and water conservation. The approved measures must be implemented on site for each dwelling hereby approved prior to its first occupation.

Reason: To reduce carbon dioxide emissions and promoting principles of sustainable construction and the efficient use of buildings in accordance with Policies SP9 and D1 of the North Hertfordshire Local Plan 2011 to 2031

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. Highways Informatives:

1. Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

2. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

2. Environmental Health Informative:

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.

3. Environmental Health Informative:

During the construction works 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.

4. EV CHARGING POINT SPECIFICATION INFORMATIVE:

Each 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 determination 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.

5. External materials informative:

Further to condition X (external materials), with regards to submitting details to the Council when an application to discharge the condition is made, in the first instance please provide a website link / photographs / brochure details of the proposed material choice. If it is necessary to submit an actual sample, this Council will only accept a single brick or tile or sample panel without prior agreement. If you need to submit a sample larger than this, please contact the named case officer for your discharge of condition application to determine if the materials are to be viewed on site or if it / they can be delivered to the NHDC Council Offices. In the event that a larger sample is delivered to the Council Offices please ensure that you arrange collection / removal of the sample once the discharge of condition application is agreed.

7.0 **Appendices**

7.1 Appendix 1 – appeal decision letter for application 21/03533/FP.

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Appeal Decision

Site visit made on 7 February 2024

by **Michael Boniface MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 February 2024

Appeal Ref: APP/X1925/W/23/3324095

Land West of Tuthill House, Kelshall Tops, Therfield, Hertfordshire

- 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 Quanta Homes 6 Ltd and Mr and Mrs G Bullard against the decision of North Hertfordshire District Council.
 - The application Ref. 21/03533/FP, dated 23 December 2021, was refused by notice dated 10 February 2023.
 - The development proposed is three detached dwellings (1 x 4-bed, 1 x 5-bed and 1 x 6-bed) with associated infrastructure and landscaping.
-

Decision

1. The appeal is dismissed.

Application for costs

2. Applications for costs were made by an interested party, Lynne Bogie, against North Hertfordshire District Council and the appellants, Quanta Homes 6 Ltd and Mr and Mrs Bullard. These applications are the subject of separate Decisions.

Preliminary Matters

3. As the application is close to a Grade II listed building, Tuthill Manor, I have had special regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). I have also had particular regard to the adjacent Thurfield Conservation Area and nearby Scheduled Monument (Motte and bailey castle and associated earthworks 100m south of Tuthill Farm).
4. The Government recently published a revised National Planning Policy Framework (December 2023) (the Framework). I have had regard to this document in reaching my conclusions.
5. The appeal documents included a new drawing, Urban Grain Plan (311.00), which was not before the Council at the time of its decision. The drawing does not alter the proposals but provides contextual information. The Council had the opportunity to consider the plan during the appeal process and I am satisfied that no party would be prejudiced by accepting it at the appeal stage. As such, I have had regard to the drawing in reaching my decision.

Main Issues

6. The main issue is whether the site is a suitable location for the proposed development, having regard to local and national planning policies.

Reasons

7. The site is a former depot for the storage of vehicles and machinery on the edge of Therfield. It is currently unused but enclosed by tall security gates and the remnants of a tall fence, which is in a poor state of repair. Ground levels are elevated within the site and surfaced with concrete.
8. Policy SP2 of the North Hertfordshire Local Plan 2011-2031 (2022) (NHLP) sets out the plan's settlement hierarchy and spatial distribution. It seeks to focus the majority of development on the larger settlements, with more limited forms of development across the villages and rural areas. Therfield is defined as a Category A village, where general development will be allowed within defined settlement boundaries.
9. The appeal site is outside of the defined settlement boundary for the village, within the 'Rural Area beyond the Green Belt'. Policy SP5 of the NHLP imposes a general policy of restraint in such areas, whilst Policy CGB1 defines the limited circumstances where development will be supported.
10. The proposed development would not accord with the specified criteria and would be in conflict with policies SP2, SP5 and CGB1. In a plan-led system, harm clearly arises from such a conflict. However, there is both a legislative and policy requirement to consider other material considerations and perform a balancing exercise before deciding whether to grant planning permission.
11. In this case, there would be a range of harms and benefits arising from the development which were carefully balanced in the officer's report to the planning committee, resulting in a clear conclusion that the benefits would outweigh the harms and so planning permission should be granted i.e. material considerations indicate a decision other than in accordance with the development plan. The Council has not provided evidence of any alternative balancing exercise performed by it in refusing planning permission and so I have not sought to repeat all the considerations explored by the officer.
12. There is only one area where I disagree with the planning officer's recommendation and that is in relation to the effect on the character and appearance of the area, or more specifically the design of the scheme. Whilst redevelopment of the site would be a significant benefit, given its unsightly and discordant appearance at present, the proposed 'Manor House' (Plot 3) is simply too large. Two stories with additional rooms within the roof, coupled with the substantial width and depth of the proposed building would result in a building of excessive scale and mass. It would become overly prominent on the edge of the village, where it might be expected that development would be diminishing, transitioning between the settlement and the countryside beyond.
13. The site is eminently suitable for a residential development of three houses, which would make a contribution to housing supply in the district, consistent with the objective to boost housing supply contained in the Framework. The introduction of a residential use would also be far more appropriate than the extant use, which could continue at any time, albeit subject to conditions and obligations. The proposed design approach, to introduce buildings of an

agricultural style would reflect the site's rural context, as would the use of timber weather boarding, but that does not overcome my concerns in relation to plot 3.

14. The Framework requires a high standard of design, and the current proposal falls short of this high bar. This would detract from the character and appearance of the area, including the intrinsic character and beauty of the countryside. It is for this reason alone that planning permission should be refused. I have had regard to the benefits identified by the appellant, including the provision of housing (where there is no evidence of a demonstrable five-year housing land supply, notwithstanding the relatively recent adoption of the NHLP), the removal of an unsightly depot, biodiversity net gain and various economic benefits. However, the Framework is clear, development that is not well designed should be refused. The benefits do not outweigh the harm that I have identified.
15. I have had regard to comments from interested parties supporting the appeal, but these do not alter the harm that I have identified. I have also considered representations opposing the development, but since I am dismissing the appeal on the principal controversial issues, it is not necessary to consider every other matter raised.
16. In light of the above, the appeal is dismissed.

Michael Boniface

INSPECTOR

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**PLANNING CONTROL COMMITTEE
PLANNING APPEALS LODGED**

DATE: 25 February 2025

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Mr Bruce Parker	29.01.2025	Altered vehicular access to facilitate the use of land as a community car park together with the installation of new gates and fencing and associated landscaping	Land To The East Of Old Hale Way Hitchin	24/01920/FP	Written Representations

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