

NORTH HERTFORDSHIRE DISTRICT COUNCIL



26 September 2025

Our Ref Planning Control Committee 9 October 2025
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To: Members of the Committee: Councillors Nigel Mason (Chair), Emma Fernandes (Vice-Chair), Clare Billing, Ruth Brown, Val Bryant, Ian Mantle, Bryony May, Caroline McDonnell, Louise Peace, Martin Prescott, Tom Tyson and Dave Winstanley

Substitutes: Councillors Daniel Allen, Tina Bhartwas, Sadie Billing, Jon Clayden, Mick Debenham, Joe Graziano, Steve Jarvis and Claire Strong

**NOTICE IS HEREBY GIVEN OF A
MEETING OF THE PLANNING CONTROL COMMITTEE**

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCHWORTH GARDEN CITY, SG6 3JF**

On

THURSDAY, 9TH OCTOBER, 2025 AT 7.00 PM

Yours sincerely,

Isabelle Alajooz
Director – Governance

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL
AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION
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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 - 4 SEPTEMBER 2025	To take as read and approve as a true record the minutes of the meeting of the Committee held on the 4 September 2025.	(Pages 5 - 22)
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. TPO/00221 LAND AT CROUCHGREEN WOOD AND CHURCH WOOD, THREE HOUSES LANE, CODICOTE REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER	To consider the confirmation of Tree Preservation Order TPO/00221 (2025) – W1 & W2 – comprising trees of various species.	(Pages 23 - 30)

7. **25/01834/S73 LAND AT HEATH ROAD, BREACHWOOD GREEN,
HERTFORDSHIRE, SG4 8PL** (Pages
31 - 40)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Variation of condition 5 (re-worded to allow Plots 1 & 10 to be exempt from Permitted Development restrictions) of planning permission 24/02624/RM granted 17.04.2025 for Reserved Matters application for approval of appearance, landscaping, layout and scale for outline application 22/02942/OP granted 18.09.2024 for 10 dwellings

8. **APPEALS** (Pages
41 - 68)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

To update Members on appeals lodged and any decisions made.

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY, SG6 3JF
ON THURSDAY, 4TH SEPTEMBER, 2025 AT 7.00 PM

MINUTES

Present: *Councillors: Nigel Mason (Chair), Emma Fernandes (Vice-Chair), Clare Billing, Ruth Brown, Val Bryant, Ian Mantle, Bryony May, Caroline McDonnell, Louise Peace, Martin Prescott, Tom Tyson and Dave Winstanley.*

In Attendance: *Peter Bull (Project Officer), Amy Cantrill (Trainee Committee, Member and Scrutiny Officer), Robert Filby (Trainee Committee, Member and Scrutiny Officer), Roger Flowerday (Hertfordshire County Council Highways Officer), Shaun Greaves (Development and Conservation Manager), Edward Leigh (Senior Transport Policy Officer), James Lovegrove (Committee, Member and Scrutiny Manager) and Stephen Reid (Locum Planning Lawyer).*

Also Present: *At the commencement of the meeting approximately 50 members of the public, including registered speakers.*

Councillors Matt Barnes and Tim Johnson were also present as Member Advocates.

44 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 18 seconds

There were no apologies for absence.

45 MINUTES - 7 AUGUST

Audio Recording – 1 minute 25 seconds

Councillor Nigel Mason, as Chair, proposed and Councillor Ian Mantle seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 7 August 2025 be approved as a true record of the proceedings and be signed by the Chair.

46 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minutes 16 seconds

There was no other business notified.

47 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 20 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 confirmed the procedure for moving to debate on an item.
- (5) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.
- (6) The Chair informed Members that Item 9 had been withdrawn from the Agenda.
- (7) The Chair confirmed the cut off procedure should the meeting proceed at length.

48 PUBLIC PARTICIPATION

Audio recording – 5 minutes 48 seconds

The Chair confirmed that the registered speakers were in attendance.

49 21/00765/OP LAND OFF BARKWAY ROAD AND NORTH OF FLINT HALL, BARKWAY ROAD, ROYSTON, HERTFORDSHIRE

Audio recording – 6 minutes 22 seconds

The Project Officer provided a verbal update on matters relating to Application 21/00765/OP and advised that:

- Natural England had no objection to the application as they were satisfied that it would not adversely impact the nearby Site of Special Scientific Interest (SSSI), Therfield Heath. However, they had recommended that a Recreation Management Strategy should be secured as part of the outline permission and as such, delegated powers were included in the list of recommendations.
- The Hertfordshire County Council Growth and Infrastructure Unit fee should have been listed in the report as £420 rather than £340.
- The Emerging Strategy Document had not recommended any capital projects in the east analysis area, however, the views of Royston Cricket Club had not been considered as they had not responded to a survey sent out last summer.
- Therefore, a case existed for developer contributions to be put towards a project such as practice cricket nets or enhancements to the pavilion, but consultants and both Hertfordshire and Cambridgeshire Cricket Boards would need to verify any such project before it could be delivered on-site.
- If secured, the recommended developer contribution towards this would be £61,620 as per the Sport England playing pitch calculator.
- The Applicant had formally notified the Council of their intention to lodge an Appeal with the Planning Inspectorate and request the Inquiry procedure if the application was refused planning permission.
- An additional objection had been received from a resident whose reasons for objection were already set out in the published report.
- All matters within the outline permission were reserved except for access.

- There were recommendations within the report to secure technical matters, and together with the Masterplan, these would guide future Reserved Matters (RM) applications.
- Clarifications on the power line in the western part of the site had been provided.
- Matters relating to open space and parking facilities were also clarified.
- The Section 106 contribution to Rugby Union had been amended to reflect the recommendations within the Emerging Sports Pitch Strategy.
- There were updates to Conditions 9 and 29 as set out in the Addendum.
- Delegated authority was requested to amend the final condition wording.

The Project Officer then presented the report in respect of Application 21/00765/OP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Martin Prescott
- Councillor Louise Peace
- Councillor Bryony May
- Councillor Tom Tyson

In response to questions, the Project Officer advised that:

- The Masterplan was an illustrative layout of the site and did not fix anything other than the access to the site and its boundaries.
- If outline permission was granted, future RM applications would be tested against the Masterplan.
- The Town Council were present at site meetings where discussions on routing the active travel through Green Walk Plantation had taken place, however, it was unconfirmed as to whether the Applicant and the Town Council had a formal agreement in place for this to happen.
- The application site had a primary vehicular access point and a secondary emergency access point.

In response to questions, the Senior Transport Policy Officer advised that:

- The existing 30mph speed limit on Barkway Road would be extended south-east of the primary access to the site.
- Assumptions on mode share had been made by the Applicant using mode share data in Royston.
- To ensure the sustainability of the development, the Council had worked with the Applicant to include an active travel link that would be more attractive than walking or cycling along Barkway Road.
- There would be a route through to Shrubbery Grove, the A10 footway would be widened to allow for pedestrian and cycle use and connect to The Warren, and leftover Strand 2 contributions would fund the upgrade of the footway and pedestrian crossing nearby to connect to the town centre.
- Travel times to middle schools had not been provided as they only asked the Applicant to detail routes that were acceptable, however, that did not mean that investment would never be put towards improving those routes.
- It would be challenging to establish a sustainable transport connection through buses, therefore, the focus had been on active travel modes.
- The town centre would be within walking distance of the development but the train station would not and consequently, they had sought funding to improve cycling infrastructure to link to this and the retail park to the north.
- The planned route to Shrubbery Grove included steps, but this was not acceptable, and they would condition further work to achieve a step-free access.

- The gradient of the route would not be compliant with LTN 1/20, but it would be acceptable if the Applicant had put mitigation measures such as level sections that could act as rest points.

In response to questions, the Hertfordshire County Council Highways Officer advised that:

- The stretch of Barkway Road between Limekiln Close and the A10 gyratory would not have been modelled as it was a link. Only nearby junctions that the development would impact had been modelled.
- Traffic modelling undertaken had assumed the travel routes of potential residents based on the existing travel routes of nearby residents, and mitigations would be made to junctions based on these.
- In the morning peak period, it was anticipated that 153 vehicles would leave the development and travel north towards Royston which equated to 1 vehicle every 24 seconds.
- It would be difficult to notice the traffic once it was further away from the development as it would dissipate, therefore, it was unfair to ask the Applicant to model junctions beyond a certain distance from the development.

The Chair invited the first Public Objector, Mr Richard Jameson to speak against the application. Mr Jameson thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- The application site was at the top of a steep hill, far from the major amenities in Royston, and only accessible to vehicles via Barkway Road which was single file in some areas due to on-street parking.
- It would be too steep to cycle or walk to and from the development daily no matter which route was taken.
- The Applicant failed to recognise that most major amenities in Royston were north of the town centre, with some located 4-5 km away from the development which was greater than the acceptable travel distance detailed in their submission. Therefore, it was logical to conclude that residents of this development would only travel by car.
- Residents on this development would contribute more than 400 vehicles to Royston daily and would worsen the already severe congestion in the area.
- Barkway Road itself had not been modelled in the Transport Assessment.
- Highways acknowledged that traffic issues on Barkway Road already existed without this development or others in Barkway contributing to them.
- Highways had stated that upgrading the zebra crossing on the A10 gyratory to a pelican crossing would improve the safety of traffic users and not act as a solution to the traffic problems as detailed in the Transport Assessment.
- The problem of impatient vehicle users driving onto the pavement of Barkway Road would not be addressed by the application.
- Due to its location and proximity to major amenities, it was clear that residents of the development would primarily drive which would exacerbate congestion, pollution, and the danger to pedestrians on both Barkway Road and the A10.
- For these reasons alone, the application should be refused permission.

In response to a point raised by the Locum Planning Lawyer, Councillor Ruth Brown advised that she was a Royston Town Councillor but was not a Member of the Planning Committee at Royston Town Council.

In response to a further point raised by the Locum Planning Lawyer, Councillor Bryony May advised that her spouse was the Chair and a Trustee of Royston Cricket Club and apologised for not declaring this as an interest on the item.

Councillor Ruth Brown additionally advised that she was a Hertfordshire County Councillor and the Deputy Executive Member for Environment, Transport and Growth but that she did not comment on any Highways related issues as part of that role and had not been involved in the Highways matters relating to this application. It had been verified by the previous Locum Planning Lawyer that her position at Hertfordshire County Council would not conflict with her role as a Member of the Planning Control Committee.

After no objections from other Members of the Committee were received, The Locum Planning Lawyer advised that declarations of interest had been made and Councillors Brown and May could continue to participate in the discussion and debate on the item.

The following Members asked points of clarification:

- Councillor Martin Prescott
- Councillor Ruth Brown

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

- The 18mph average cycle speed on Barkway Road that had been detailed in the Transport Assessment was unrealistic as the road had a steep gradient.
- Parking on both sides of Barkway Road created pinch points.
- He had witnessed pedestrians taking avoiding action from cars that had driven onto the pavement.
- Barkway Road was two-way, but due to parked cars, its width was only one lane in some places.

The Chair thanked Mr Jameson for his presentation and invited the second Public Objector, Mr Oliver Neaves to speak against the application. Mr Neaves thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- They were a fellow of the Chartered Institute of Highways and Transportation and a Chartered Member of the Institute of Logistics and Transport with over two decades of experience in transport and planning.
- Their consultancy, Mayer Brown had thoroughly reviewed the 2021 and revised 2025 transport submissions to determine whether the concerns raised in the original submission had been resolved.
- Traffic surveys were conducted in December 2024, however, as per the Department for Transport guidance, December was not considered to be neutral to undertake traffic surveys due to atypical traffic patterns.
- It was impossible to verify whether the modelled queue lengths reflected real world conditions as the traffic survey data had not been made available.
- Highways had acknowledged that the software used for modelling roundabouts and priority junctions was two versions out of date.
- Modelling for the signalised junction at Kneesworth Street, Baldock Street and Melbourn Street was flawed as it assumed a lane length of 60 metres on Kneesworth Street where only 25 metres was available.
- The A505 – Baldock Road roundabout was over capacity with substantial queueing, and the same was true for the western arm of the A505 – A1198 roundabout. Both would worsen if the development was granted permission.
- Both Highways and their consultancy found that the Applicant had used inappropriate modelling for the A10 gyratory.
- Highways had listed several issues with the application including unaccounted for delays on Barkway Road due to on-street parking.
- Highways had not provided a comment on the acceptability of the development impact on the gyratory as the information provided by the Applicant was insufficient.

- It was clear that only microsimulation modelling would enable the full impact of the development to be assessed, however, this had not been undertaken.
- Given the shortcoming in survey data and junction modelling, the cumulative effect on the local highway network could be severe.
- In their opinion, paragraphs 115D and 116 in the National Planning Policy Framework (NPPF) had not been met by the proposal.
- While the Transport Addendum had resolved some issues, it was vital that mitigation proposals were based on accurate, robust, and valid data that reflected the road network.
- Only with these principles could the Committee make an informed decision that supported sustainable development while protecting community interests.

The following Members asked points of clarification:

- Councillor Louise Peace
- Councillor Bryony May
- Councillor Val Bryant

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

- On the Kneesworth Street approach to the signalised junction, modelling assumed that both lanes were 60 metres long, but they were only 25 metres in length which meant that less traffic was able to pass through the junction than the modelling had suggested.
- The local highways network along Barkway Road, the A10 gyratory and signalised junction already mentioned could only be correctly modelled using microsimulation modelling.
- They had not undertaken their own modelling, just a critique of the modelling provided by the Applicant.

The Chair thanked Mr Neaves for his verbal presentation and invited the third Public Objector, Ms Julie Dunthorne to speak against the application. Ms Dunthorne thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- The application site was not allocated under the Local Plan adopted in 2022 and was contrary to paragraph 12 of the NPPF.
- Supporting evidence had not been provided on archaeology, flood risk or noise.
- No Environmental Impact Assessment had been scheduled, the Habitat Survey was outdated and the Masterplan lacked credibility as there was no Construction Plan or Phasing Plan within it.
- The Transport Assessment was flawed and did not factor the impact of the parked cars along Barkway Road.
- An upgrade to Barkway Road had been deemed unfeasible by Highways in 2022 and no alternative had been found to this since it had been raised.
- Proposed cycle and footways would not be a realistic alternative to vehicular transport due to the site topography.
- The 1 in 10 gradient on Barkway Road was twice as steep as the maximum gradients advocated by Active Travel England.
- The site conflicted with Policy NE1 in the Local Plan due to its prominence and location.
- Forty-five acres of countryside and several public rights of way would be lost if the application was granted permission.
- Environmental impacts would be significant and irreversible.
- Proposed mitigation measures did nothing to alleviate the concerns raised in the original objection raised by Highways.
- The car share initiative proposed was voluntary and unenforceable

- Adverse impacts of the development demonstrably outweighed the benefits contrary to paragraph 14 of the NPPF.
- Members should be mindful when considering an application of this scale at an inaccessible and environmentally sustainable location which had been predicated on invalid and unproven assumptions.

In response to a point of clarification raised by Councillor Val Bryant, Ms Dunthorne advised that Archaeology had been deferred to the Reserved Matters stage of the application and that the Archaeological Assessment already carried out could have been a scoping exercise.

The Chair thanked Ms Dunthorne for her verbal presentation and invited the Member Advocate Objectors, Councillors Matt Barnes and Tim Johnson to speak against the application. Councillors Barnes and Johnson thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- This location would be unsuitable for the number of dwellings proposed and would be detrimental to existing infrastructure if approved.
- The application site was outside of the settlement boundary and was not in the adopted Local Plan as it was a rural area that enjoyed special protection under the plan itself.
- None of the tests set out in the Local Plan to deem it acceptable had been met.
- Granting permission for this application would set a precedent that the protections put in place by the Council to defend rural areas against inappropriate development did not matter.
- The A10 gyratory was narrow, confusing and sensitive to small increases in traffic which meant that it was regularly gridlocked at peak times.
- On the lower section of Barkway Road, rows of parked cars presented a major obstacle to vehicle movement as drivers coming from both directions were forced to stop and let oncoming traffic pass.
- Residents that lived around Barkway Road and travelled to a destination other than Barley or Barkway had to proceed north along Barkway Road towards the A10 gyratory, which possessed routine, unavoidable congestion.
- There were already 400 houses on Barkway Road and the roads stemming from it, and this development proposed to add another 280 houses which represented a 70% increase in dwellings and vehicles.
- The extent of this increase had not been adequately modelled in the Transport Assessment and no further modelling or mitigations were proposed.
- Lack of adequate modelling created cause for the Committee to defer the application and request additional modelling to receive the right information and ensure that the impacts of the development would be properly managed.
- Cyclists would be expected to cycle on Barkway Road as there would be no separated cycleway, and this would further add to the existing conflicts between cyclists, pedestrians and vehicles already described.
- The proposed cycle route in the west portion of the site was deemed to be primarily for recreational use in the Transport Assessment, therefore, it could not be expected to be a meaningful mitigation towards morning peak hour traffic.
- Furthermore, the cycle route would be stepped due to its steepness and be unlit due to nearby bat activity, adding to its unsuitability as an active travel route.
- Condition 34 stated that this issue would be resolved in a future application, however, it was vital that it be resolved before permission was granted as it was fundamental to the viability of the west portion of the site.
- Assumptions had been made that most journeys from the application site would be made to the town centre, however, travel distances to economic and social hubs elsewhere were twice as long as those detailed in the Transport Assessment and would not be comfortably accessible by walking or cycling.
- Reference to buses in the report failed to mention that the number 18 stopped only four times a day and the number 27 operated only twice a week.

- A car-centric development such as this was contrary to the sustainable travel guidelines in the NPPF and should not be allowed to proceed.
- If permission was granted, S106 contributions should be made towards hockey and cricket as the assertion that there was no local need for these was incorrect.
- The financial contribution that would be made towards the SSSI, Therfield Heath, was below the benchmarked level and had not been endorsed by the Conservators of Therfield Heath and Greens who also disputed the consultation of Natural England on the application.
- The application would be damaging to the countryside, contrary to the Local Plan, and had flawed traffic modelling and sustainable travel measures.
- Tests in the NPPF would not be met by the application and the Committee was urged to refuse permission.

There were no points of clarification from Members.

The Chair thanked Councillors Barnes and Johnson for their verbal presentations and invited the Agent to the Applicant, Ms Katherine Else to speak in support of the application. Ms Else thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- This application had been submitted to demonstrate its suitability for housing as it had not been possible for it to be put forward to the Local Plan examination.
- The Local Plan set out the need for a 20-22% growth in housing within the District, and being outside the Green Belt, Royston would need to accommodate a portion of this growth.
- This application presented an opportunity for sustainable growth in the south of Royston.
- The Council lacked a five-year housing land supply at the time of submission and to this day, therefore, the tilted balance applied and any adverse effects from the application would be outweighed by the benefits.
- 40% affordable housing within the application would contribute to local needs.
- Open space would be considerable as there would be a public park that would exceed the Fields in Trust Standards.
- A biodiversity net gain of 26% and hedge row net gain of 57% would be achieved.
- Allotment provision on-site would address the allotment shortfall within Royston.
- Virtual consultation with the Town Council, Highways Authority and Ward Members began in 2020 and wider consultation followed this through their website, leaflets and social media advertising.
- The Masterplan complied with Policy SP9 in the Local Plan and had been independently assessed by Design South East.
- Suitability of the site was demonstrated by its relationship with the urban edge of Royston and its visual containment by woodland.
- The development would respond to the site topography by positioning bungalows and landscape buffers adjacent to existing dwellings.
- Walking and cycling routes from the development would connect to existing networks within Royston, and put these travel modes in favour of vehicles.
- Green corridors would run east-west across the site.
- Highway infrastructure would be improved through the delivery of new crossings on Barkway Road and the A10 gyratory.
- Pedestrian connectivity would be enhanced to the standard required in the NPPF, ensuring the sustainability of the location.
- £8.3 million in S106 contributions would be made by the Applicant.
- Additional requests from Sport England would be taken on board.
- Medical facilities in Royston would be expanded to meet the need of NHS ICB.
- The Town Council had been consulted on the works to Green Walk plantation that would make the travel route to Shrubbery Grove possible. This proposed route would not have been included without their approval.

- In the original Transport Assessment, the link to King James Academy had been identified as a 15-minute route.

The following Members asked points of clarification:

- Councillor Martin Prescott
- Councillor Emma Fernandes
- Councillor Ruth Brown

In response to points of clarification, the Agent to the Applicant advised that:

- While all matters other than access had been reserved, the Masterplan offered the Council the ability to provide controls on drainage, open space and layout.
- A new Traffic Impact Assessment had been produced which the Highways Authority supported.
- It was accepted in the application that the traffic issues on Barkway Road and the A10 gyratory already existed and that they should not complicate them.
- In the pre-application advice, they were advised that there would be no solution to those traffic issues and consequently, the application had focused on mitigating the impact of the development through other solutions.
- They were six months from submitting an RM application, however, if additional archaeological surveys were required on the west part of the site, those might delay the submission.
- Extensive meetings with Ward Members took place in 2020 followed by wider consultation with the public.
- Social media advertising had taken place before the application submission to raise public awareness.
- Need to make the development green and use of the existing footpaths were two key points raised by the public during virtual conferencing.
- Concerns on accessibility, drainage and landscaping had also been taken on board during the consultation phase.
- After consultation, the application had been amended to improve its relationship with existing homes adjacent to the western portion of the site by lowering the height of dwellings to be bungalows and widening the landscape buffer.
- Parallel footpaths had been favoured over works to the central bridal way due to consultation comments.
- Representatives of the Applicant had also attended a local Area Forum meeting and distributed surveys door to door as part of the wider consultation.

In response to points raised in the verbal presentations, the Project Officer advised that a fair amount of on-site and off-site mitigation would be achieved through financial contributions that would comply with Community Infrastructure Levy regulations.

The following Members asked additional questions:

- Councillor Martin Prescott
- Councillor Ruth Brown
- Councillor Louise Peace
- Councillor Val Bryant

In response to additional questions, the Hertfordshire County Council Highways Officer advised that:

- It was not reasonable to request that an application of this scale carried out microsimulation modelling as it would be a detailed and expensive process and might

produce the same outcomes that had already been produced by the individual junction assessments if the same data was utilised.

- If the application was deferred to request the Applicant to carry out more traffic modelling, the Committee would only receive revised versions of what had already been produced.
- After balancing the application and the mitigations that had been offered with the view that the traffic was a peak period issue, Highways would not consider the additional traffic that would be brought by this development to result in a severe impact to the road network in terms of the NPPF.
- It was more helpful to look at the residual vehicle impact on the network based on the number of vehicles that would be added rather than the percentage increase of vehicles.

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

- The application was contrary to Policies SP5 and CGB1 in the Local Plan, however, due to the absence of a five-year housing land supply, the tilted balance was engaged and the NPPF deemed those policies to be out of date. Because of this, the application had been assessed against the policies in the NPPF rather than the Local Plan.
- Approval for the application had been recommended as the harms arising from the development would not demonstrably and significantly outweigh the benefits.
- Substantial weight had been given to the delivery of 280 homes as there was an identified shortfall of housing land supply in the district.

Councillor Martin Prescott proposed to refuse the application as it was in an unsuitable location and this was seconded by Councillor Ruth Brown.

In response to the proposal to refuse, the Locum Planning Lawyer advised to consider a proposal to defer the application to allow the Applicant to carry out further traffic surveying, followed by a proposal to refuse if the vote to defer was lost.

In response to advice received from the Local Planning Lawyer, Councillor Martin Prescott noted that the traffic issues on Barkway Road were outside the control of the Highways Authority, therefore, there would be no benefit to deferring the application.

In response to advice received from the Locum Planning Lawyer, Councillor Ruth Brown highlighted the following:

- The Committee had already been informed that it would not be reasonable to request that the Applicant undertook microsimulation modelling.
- The application site was outside the Local Plan settlement boundary.
- The tilted balance would not be engaged if it were not for the recent national planning policy change relating to five-year housing land supply.
- None of the exceptions detailed at paragraph 4.3.36 of the report had been met.
- They should be developing sites allocated in the Local Plan as detailed at paragraph 4.3.34 of the report before considering sites that were outside it.
- The Masterplan process was retrofitted to this site, but it had not been through the same level of scrutiny that Strategic Housing Sites had been through.
- Flaws in the Transport Assessment had been found.

In response to points raised by Members, The Agent to the Applicant advised that further traffic modelling could be undertaken with the data they already had, and that deferring the application would allow them to do this.

The Locum Planning Lawyer added that if the Committee resolved to refuse permission for the application, the Applicant had already informed them that they would lodge an appeal against

this decision, therefore, there would be no downside in deferring the application to allow the Applicant to undertake further modelling.

In response to a question from Councillor Ian Mantle, The Development and Conservation Manager advised that:

- An application could be refused if it was deemed to be unsuitable for residential development, however, this site had been assessed over several years and numerous amendments had been made to increase its suitability and allow officers to recommend that permission should be granted.
- If planning permission was refused on reasons related to highways without an objection from the Highways Authority, then it would be difficult to sustain that reason for refusal at an Appeal.

In response to a question from Councillor Martin Prescott, Councillor Ruth Brown detailed her reasons to refuse the application, however, she noted that she would be more inclined to defer the application as the Applicant was willing to undertake traffic further modelling.

In response to a question from Councillor Martin Prescott, the Locum Planning Lawyer advised that:

- The Applicant had indicated that further modelling could be carried out, however, they could not guarantee the results of this.
- Deferring the application to allow for further modelling would either give the Council a better position to defend an Appeal if they decided to refuse permission or reassure them on a decision to grant permission.

Councillor Martin Prescott withdrew his motion to refuse the application and this was accepted by Councillor Ruth Brown as seconder.

Councillor Martin Prescott proposed to defer the application and this was seconded by Councillor Ruth Brown.

The following Members took part in the debate:

- Councillor Dave Winstanley
- Councillor Nigel Mason

The following points were made as part of the debate:

- Deferring the application would be the most pragmatic approach.
- There should be a future visit to the application site to investigate the issues that had been mentioned.

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

RESOLVED: That application 21/00765/OP be **DEFERRED**.

REASONS FOR DECISION:

- (1) To allow the Applicant to conduct further traffic modelling.
- (2) To enable Members to undertake a visit to the application site.

N.B. Following the conclusion of this item, there was a break in proceedings at 21.08 and the meeting reconvened at 21.20.

50 24/01042/FP LAND AT CHURCH WOOD, THREE HOUSES LANE, CODICOTE, HERTFORDSHIRE

Audio recording – 2 hours 15 minutes 21 seconds

The Development and Conservation Manager provided a verbal update on matters relating to Application 24/01024/FP and advised that:

- An email had been received from a local resident to recommend that if the Committee granted permission, a condition should be applied to ensure the method of working complied with BS5837:2012, Trees in Relation to Design, Demolition and Construction.
- If permission was granted and that condition was not secured, there should be a condition that stated compensation would be paid if trees died within 20 years of the development.
- Compensation should be based on Capital Asset Value for Amenity Trees.

The Development and Conservation Manager then presented the report in respect of Application 24/01042/FP accompanied by a visual presentation consisting of plans and photographs.

In response to questions from Councillor Dave Winstanley, the Development and Conservation Manager advised that:

- An Appeal had been lodged against the buildings adjacent to the application site.
- There would be no reason to determine the decision on this application pending the decision of the Appeal.

The Chair invited the Public Objector, Mr Tim Wise to speak against the application. Mr Wise thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- He was speaking on behalf of the Three Houses Lane Action Group.
- He urged the Committee to support the officer recommendation to refuse permission for the proposal.
- Built form would be within the 20-metre root protection zone of the Church Wood Ancient Woodland which was protected by a Tree Protection Order.
- This also conflicted with the mandatory BS5837:2012, Trees in Relation to Design, Demolition and Construction document.
- A Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan, Arboricultural Method Statement and Construction Management Plan should have been provided by the Applicant to comply with BS5837.
- Nearby trees were threatened from the stables as horse urine and faeces could cause their death.
- Trees on and off-site were at risk from an individual and cumulative impact of excavation, compaction, pollution, contamination, flooding, service provision, and damage to bark, trunks and canopies.
- If the Council were to grant permission, the building footprint should be moved away from the woodland.
- At over 1900 square metres, the proposed buildings were vastly larger than the 800 square metre barn already on-site and there was no proposed mitigation or buffer zone for the loss of residential amenity that this would cause.
- In their opinion, the building did not relate to outdoor activities as permitted in paragraph 154 of the NPPF.
- The application site could not be classified as Grey Belt as the Applicant had not demonstrated an unmet need which the facilities would address.

- Special circumstances had not been advanced by the Applicant to explain why this development should be approved.

There were no points of clarification from Members.

The Chair thanked Mr Wise for his verbal presentation and invited the Agent to the Applicant, Mr Simon Warner to speak in support of the application. Mr Warner thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- The Appeal had been withdrawn and the ceased activity had been relocated to another site.
- This application had sought to provide a modest equestrian facility in keeping with the rural character of the area.
- Council Officer concerns had been listened to carefully, and they had responded by submitting amended plans which generously reduced the stables by 23% and menage by 25%.
- The Applicant was open to considering further reductions and they had requested a follow up meeting to discuss additional amendments to make the scheme acceptable.
- The Applicant had engaged drainage consultants to prepare a Flood Risk Assessment and Drainage Strategy.
- The Applicant was a breeder of high-quality horses which met a recognised need for horses in the UK and internationally.
- Several neighbouring sites were used for equestrian activities and an agreement had been reached with adjoining paddocks to provide more land outside this site.
- A pre-application on the wider site had been submitted to reach a long-term amicable agreement on its use.
- The points already raised showed that the Applicant was committed to work with the Council to produce a policy compliant and proportionate outcome that balanced Green Belt protection with rural economic activity.
- Over half of UK riding centres reported that they did not have enough horses to meet demand which had surged since the increase in recreational horse ownership and equestrian activities after the COVID-19 pandemic.
- He advised the Committee to defer the application to allow time to overcome the remaining issues and deliver the benefits to the equestrian community.

There were no points of clarification from Members.

In response to points raised in the verbal presentations, the Development and Conservation Manager advised that:

- The Applicant had indicated a willingness to alter the scheme, however, the Senior Planning Officer had indicated that the proposed amendments were not sufficient to address the initial concerns raised.
- The Applicant was open to submit further amendments, however, it would be up to Members to defer the application to receive these.

In response to an additional question from Councillor Martin Prescott, the Development and Conservation Manager advised that the proposed revisions had been received after this application had been scheduled for consideration at this meeting.

Councillor Nigel Mason proposed to refuse permission and this was seconded by Councillor Emma Fernandes.

There were no points made as part of the Debate.

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

RESOLVED: That application 24/01042/FP be **REFUSED** planning permission for the reasons set out in the report of the Development and Conservation Manager.

51 25/00949/FP LAND BETWEEN SHANGRI-LA AND TODDS CORNER, STEVENAGE ROAD, TODDS GREEN, HERTFORDSHIRE, SG1 2JE

Audio recording – 2 hours 34 minutes 7 seconds

N.B. Councillor Caroline McDonnell declared an interest in this item due to her role as a Parish Councillor for Wymondley Parish Council but clarified that she had not been involved in the application nor made any public comments on it. She remained in the Council Chamber and took part in the debate and vote.

The Development and Conservation Manager advised that there were no updated matters to report on since the publication of the agenda.

The Development and Conservation Manager then presented the report in respect of Application 25/00949/FP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Dave Winstanley
- Councillor Martin Prescott
- Councillor Tom Tyson
- Councillor Clare Billing
- Councillor Bryony May

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

- After assessing the application against purposes A, B and D of the Green Belt as set out in the NPPF, they had concluded that the application site was classified as Grey Belt.
- It had also met the criteria at paragraph 155 of the NPPF.
- If the application was larger, they would ask for a greater housing mix, however, as it was a small development, there was no reason to resist the application because it comprised two 5-bed dwellings.
- Decisions could not be made using assumptions of what the Applicant might do in the future, they could only consider the application before them.
- A gap between the dwellings would be made to retain a view of the land to the rear within a substantially built-up frontage.
- This was not a major development and the Golden Rules relating to 50% affordable housing did not apply.
- If more applications were submitted by the Applicant on the adjacent site, they would look at the cumulative impact of each additional application and assess the need for affordable housing on this, therefore, affordable housing provision would not be avoided by submitting separate applications of fewer dwellings.
- There would not be a noticeable difference in height between these dwellings and those nearby in Shangri-La and Todds Corner.
- No conditions on the gap between the dwellings would be necessary to prevent an access road being built there to access the land to the rear.

The Chair informed Members that the Member Advocate Objector, Councillor Dominic Griffiths had given their apologies and was unable to attend the Committee meeting to provide a verbal presentation and read out a written statement on their behalf, and highlighted the following:

- The land was Green Belt unless the Committee was minded to redesignate it.
- No very special circumstances had been demonstrated to allow development on the Green Belt.
- Infilling was not allowed in the proposed development area as it was within a hamlet.
- The open land provided the hamlet with the only place to enjoy distant country views.
- There was risk of adjoining properties being overlooked and the street scene being diminished with parked cars.
- Access to the proposed dwellings would be next to the roundabout which would be unfeasible in their view.

There were no points of clarification from Members.

The Chair invited the Agent to the Applicant, Mr Scott Moore to speak in support of the application. Mr Moore thanked the Chair for the opportunity to speak and provided the Committee with a verbal presentation, and highlighted the following:

- Biodiversity Net Gain could not be achieved in the gardens, therefore, the gap between the dwellings was designed to create a separate piece of land where this could be achieved that could also be accessed for maintenance and landscaping.
- The Applicant lived nearby and had a desire to see nice dwellings on this site.
- The gap between the dwellings would not be wide enough for refuse vehicles or fire engines to use as an access point to the adjacent site in the future.
- Contributions towards affordable housing would have to be made after 9 dwellings or 10,760 square feet of developed land were provisioned across this site and the adjacent one in future applications.
- Very special circumstances to build on the Green Belt were not necessary for this application.
- Stevenage Borough Council and North Herts Council had already approved applications in Todds Green as it was regarded as a village.
- This application presented an opportunity to deliver much needed homes for the district in a sustainable, sensitive and well-designed way to complement the rural setting of Todds Green.
- This application was not in isolation and would complete the existing line of frontage without extending built form into the countryside.
- They agreed with the report of the Senior Planning Officer that the proposal would be limited infill within the village and thus be appropriate in the Green Belt.
- Grey Belt requirements had been met and the proposal would be compliant with paragraph 155 of the NPPF.
- Proposed dwellings had been carefully designed to integrate sensitively with the prevailing character of the street scene and existing Edwardian dwellings in Todds Green.
- North Herts Council faced significant pressure for new housing and delivering small-scale, well-located homes such as these would address that issue.
- The application was modest, sensible, sustainable, appropriate in the Green Belt, respected local character and contributed to local housing need.
- With respect to the reasons above, they asked the Committee to grant permission for this application.

There were no points of clarification from Members.

In response to an additional question from Councillor Ruth Brown, the Development and Conservation Manager advised that the distance from the roundabout to the site access would be approximately 15 metres.

Councillor Caroline McDonnell proposed to refuse permission on the grounds that no very special circumstances had been demonstrated to allow development under the Green Belt but this was not seconded.

Councillor Nigel Mason proposed to grant permission and this was seconded by Councillor Tom Tyson.

The following Members took part in the debate:

- Councillor Dave Winstanley
- Councillor Caroline McDonnell
- Councillor Clare Billing
- Councillor Tom Tyson

The following points were made as part of the debate:

- It was a shame that areas of greenery accompanied by nice views such as this would be lost due to the absence of a five-year housing land supply.
- This was the only piece of land left under the Green Belt in Todds Green.
- Stevenage and Sperberry were further encroaching on Todds Green, and it was disappointing that this land would disappear if granted permission.
- Todds Green was not particularly busy and cars coming and going from this site would not present an issue to the nearby roundabout.
- The feel of the village would be changed by this development.
- Most people in the village would not be able to afford these luxury homes.
- There were no policy or legal reasons to refuse the application.

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

RESOLVED: That application 25/00949/FP be **GRANTED** planning permission subject to the conditions set out in the report of the Development and Conservation Manager.

52 24/01994/S73 LAND BETWEEN ROYSTON ROAD AND, CAMBRIDGE ROAD, BARKWAY, HERTFORDSHIRE

Audio recording – 3 hours 6 minutes 2 seconds

The Chair confirmed that this item was withdrawn from the Agenda, as the Applicant had withdrawn the application.

53 APPEALS

Audio recording – 3 hours 6 minutes 25 seconds

The Development and Conservation Manager presented the report entitled 'Planning Appeals' and advised that:

- There were no appeal decisions to report on.
- Two appeals had been lodged, one on a householder application and the other on application 24/01994/S73 which had been withdrawn.

In response to questions from Councillor Martin Prescott, the Development and Conservation Manager advised that:

- The Applicant for application 24/01994/S73 had withdrawn their appeal on the grounds of non-determination, therefore the application had been withdrawn.
- A further Section 73 application would be submitted by the Applicant in due course.
- There was no indication that the new Section 73 application would include a variation on Condition 9.

The meeting closed at 10.15 pm

Chair

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Location: Crouchgreen wood and Church wood, Three Houses Lane, Codicote

Proposal: Tree Preservation Order

Ref no: TPO00221 (2025)

Officer: Tom Rea

1.0 Proposal

- 1.1 Confirmation of Tree Preservation Order TPO/00221 (2025) – W1 & W2 – comprising trees of various species.

2.0 Site History

- 2.1 In accordance with The Town and Country Planning Act 1990 (as amended) and The Town and Country Planning (Tree Preservation) (England) Regulations 2012, North Hertfordshire Council served a provisional Tree Preservation Order under TPO/0214 (2025) dated 16th October 2024. However, the Tree Preservation Order was not formally confirmed hence the need to revisit this which resulted in the serving of provisional Tree Preservation Order TPO/00221 (2025) dated 10th June 2025 which provides for a period of 6 months (up to 10th January 2026) for the Local Planning Authority to confirm the Order.

- 2.2 Prior to the serving of the current provisional Tree Preservation Order an application for planning permission was submitted under ref: 24/02343/FP for the following works :

‘Change of use of existing site from agricultural to use Class B8 (Storage and Distribution). Extensions and alterations to existing barns; erection of detached temporary structure of three years and supporting substation and concrete base. Installation of hardstanding for outside storage and parking and installation of electric front entrance gates. Drainage pond and associated outfall pipe, alterations to surface access track (Development has commenced).’

This application was refused permission by the LPA on 10th March 2025. A subsequent appeal was withdrawn on 3rd September 2025.

- 2.3 Planning application ref: 24/01042/FP for the Change of use of land to equestrian and erection of stables and covered ménage was submitted on 24th April 2025 and refused by the LPA on 5th September 2025. The access to this development site involves land within Church Wood.

3.0 **Representations**

3.1 A period of 28 days from the date of service of a provisional Tree Preservation Order provides for comments to be made. In this case, one objection has been received by Warner Planning on behalf of the owners of the woodland and raises the following concerns:

- TPO/00221 (2025) does not meet the national tests for designation as the woodland offers limited public benefit due to its private, screened setting
- Applying a blanket woodland TPO is premature and disproportionate especially in the absence of any evidence of imminent threat or intent to remove trees.
- Responsible woodland management practices such as selective thinning and coppicing would become unnecessarily encumbered by TPO controls
- Request that the TPO is withdrawn and the LPA engage with the owners on a Woodland Management Plan

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site lies on the south side of Three Houses Lane north west of the former Node Conference Centre. The site is within the Green Belt and is listed as a Local Wildlife Site by Hertfordshire County Council Environmental Records Centre. A Site of Special Scientific Interest (SSSI) lies to the north east.

Winter Wood on the north side of Three Houses Lane is partly covered by TPO 068 and is considered to be ancient woodland comprising a mixture of oak and hornbeam.

4.2 **Key Issues**

4.2.1 When considering whether to confirm the TPO, it is essential that certain matters are considered, these are: any impact on the local environment in terms of loss of amenity if the trees were to be removed; any benefit in their retention for the present and the future and other relevant factors such as flora and fauna.

4.3 **Consideration**

4.3.1 Trees represent an important environmental, economic and amenity resource within the built and natural environment. They are recognised within the England Trees Action Plan 2021-2024; Tree Preservation Orders and Trees in Conservation Areas 2014 and the North Hertfordshire Council Tree Strategy 2017 and Climate Change Strategy 2020-2025. In addition to these, Section 14 (Meeting the challenge of climate change, flooding and coastal damage) of the NPPF (2024) and Policies SP12 – Green Infrastructure, biodiversity and landscape and NE1 – Landscape of the North Hertfordshire Council Local Plan 2011-2035, all of which seek to support the contribution trees make to the natural environment.

- 4.3.2 During consideration of the above noted planning applications The Local Authority has been alerted to significant tree removal and earth moving works, provision of new hardstanding and new buildings / structures, excavation of trenches to provide drainage and utilities connections and clearance of woodland flora included protected wild bluebells. New perimeter fencing and non-native species have been planted within and around the woodlands.
- 4.3.3 Representations have been received from CPRE Hertfordshire, Natural England and The Woodland Trust all being concerned at the adverse impact of works that have already taken place on the Local Wildlife site and Priority Habitat, including a potential, presently unmapped, Ancient Woodland, particularly given the important role these sites and habitats play in supporting the functioning and resilience of the wider ecological network
- 4.3.4 Ancient woodland is an irreplaceable resource of great importance for its wildlife, soils, recreational and cultural value, historical and archaeological significance, and the contribution it makes to the country's diverse landscapes. It is a scarce and threatened resource, covering only 2.5% of England's land area, and has a high level of protection in planning policy.
- 4.3.5 Natural England and the Forestry Commission define ancient woodland as follows:
- “Ancient woodland takes hundreds of years to establish and is defined as an irreplaceable habitat. It is a valuable natural asset important for: wildlife (which include rare and threatened species); soils; carbon capture and storage; contributing to the seed bank and genetic diversity; recreation, health and wellbeing; cultural, historical and landscape value. It has been wooded continuously since at least 1600AD. It includes:-*
- Ancient semi-natural woodland [ASNW] - mainly made up of trees and shrubs native to the site, usually arising from natural regeneration.*
 - Plantations on ancient woodland sites [PAWS] - replanted with conifer or broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi”*
- 4.3.6 In providing comments on the above planning applications The Woodland Trust (WT) advise that ancient woodland is characterised by a unique, complex and irreplaceable ecosystem of plants and animals, both above ground and in the soils. It is therefore impossible to recreate the ecosystem of an ancient woodland by planting new woodland. The WT advise that Ancient woodland is an irreplaceable habitat and as such, it should be protected from any form of development that will result in its loss or deterioration.
- 4.3.7 Whilst it is understood that the business use of the site is being relocated elsewhere the future of the site including the woodlands is uncertain. Officers assessment is that in view of the high ecological status of the site together with the scale of unauthorised works and damage that has already been caused to the woodlands it is imperative that the woodlands are given protection through the proposed woodland TPO.
- 4.3.8 In terms of the objection received, it is contended that the woodlands do have public amenity value. They are located alongside a rural lane maintained by Hertfordshire County Council which is used by walkers, cyclists and horse riders. The recent works within the woodlands reported by many members of the public point to the woodlands being under threat from further damaging activity. There has been no responsible management of the woodland since being acquired by the current

owners rather the opposite and as such a woodland TPO is the only option for the LPA at this point in time.

- 4.3.9 The confirmation of the provisional Tree Preservation Order would not mean that the owner/occupiers of the site would not be able to undertake works to the trees. However, an application for 'Works to tree covered by a Tree Preservation Order' would need to be submitted to and approved by the Local Planning Authority prior to undertaking such works. There is no local authority fee payable to submit an application to undertake works though there may be times when an application would need to be accompanied by an arboricultural assessment which would incur a fee in its own right. Given the position of the woodlands relative to the few nearby properties it is unlikely that the proposed Tree Preservation Order would impact to any significant degree on the residential amenity enjoyed by nearby residents.
- 4.3.10 Given the public amenity and ecological value the woodlands provide, a Tree Preservation Order is the most appropriate way to afford the trees a level of protection.

5.0 **Environmental Implications**

- 5.1 Trees contribute a key role in helping to tackle the climate emergency and creating a greener district. They not only directly remove carbon dioxide from the atmosphere and provide us with oxygen but also deliver many other benefits including: providing visual public amenity; softening or complementing the effect of the built environment; displaying seasonal changes and providing opportunities for biodiversity; making places more comfortable in noticeable ways by contributing to screening and shade; reducing wind speed and turbulence; reduce flooding by intercepting snow and rainfall and reducing sun glare.
- 5.2 Trees are also a key element of the green infrastructure network and represent a key resource that can significantly contribute to climate change adaptation.

6.0 **Legal Implications**

- 6.1 There are no financial implications for the council at this stage. Compensation is potentially payable only where sufficient evidence has been provided by an applicant to support an application to carry out works to a protected tree and where that application is refused.

7.0 **Human Rights Act Implications**

- 7.1 The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy his possessions, but it is capable of justification under Article 1 of the First Protocol as being in the public interest (the amenity value of the trees) and subject to the conditions provided for by The Town and Country Planning Act 1990 (as amended) and The Town and Country Planning (Tree Preservation) (England) Regulations 2012 and by the general principles of international law.

8.0 **Alternative Options**

- 8.1 None.

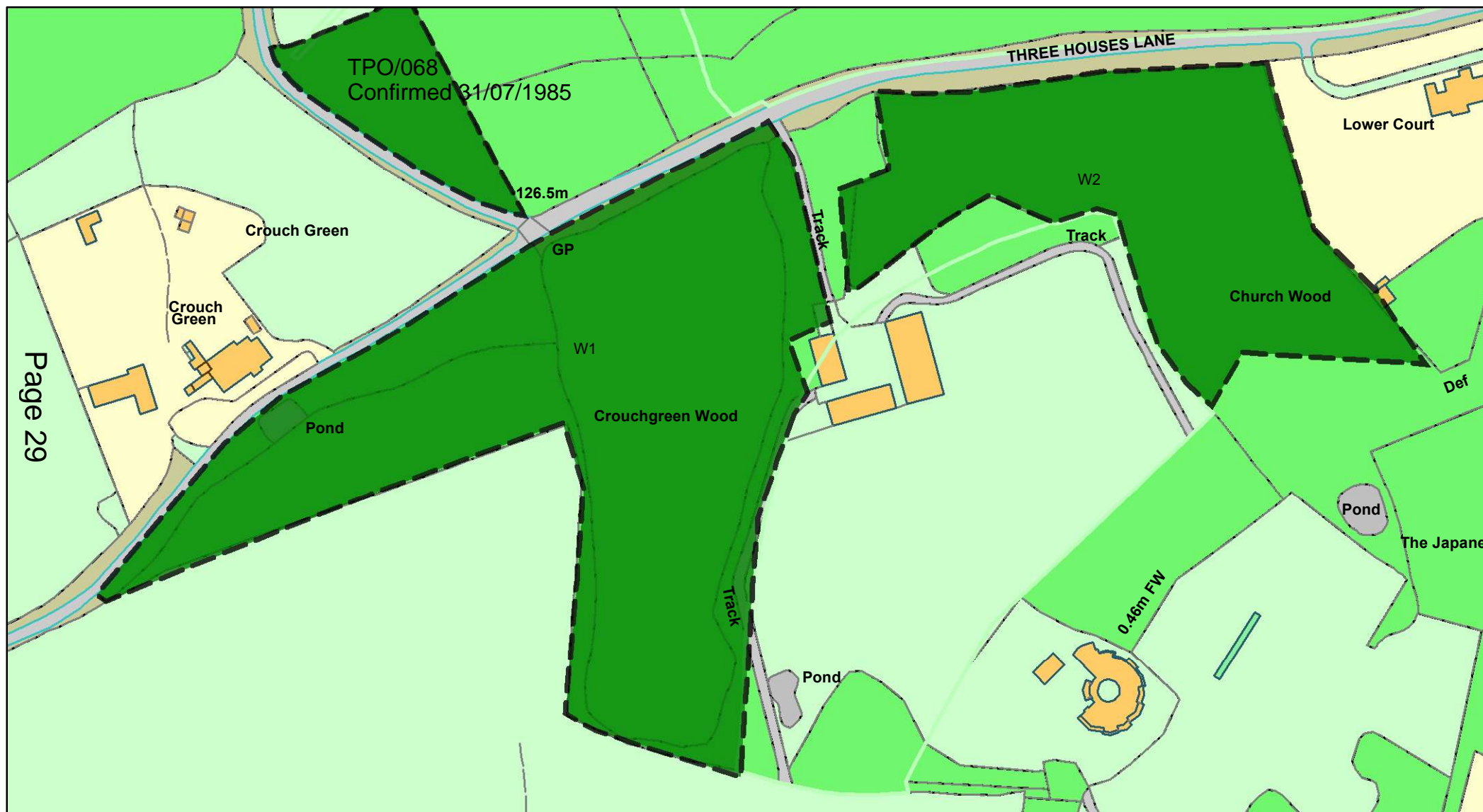
9.0 **Conclusion**

- 9.1 Whilst there has been some removal of trees within the woodlands, they still provide a valuable contribution to the character and appearance of the area and contribute to the setting and ecological importance of the Local Wildlife site. The loss of the woodlands would also be considered to have an adverse impact on local residents experience and enjoyment of the area.
- 9.2 Over time, given the condition of many of the trees there will be losses, however, a Tree Preservation Order would ensure native mixed replacement species are re-planted which would, over the longer term, not only strengthen, but would improve the quality of the woodlands and ensure their retention for future generations.
- 9.3 Should members decide not to confirm the provisional Tree Preservation Order, no protection would be afforded to the trees within both woods which could result in the loss of trees at any point in time.
- 9.4 In view of the importance of the woodland trees, it would be appropriate, in my view, to confirm provisional TPO/00221 (2025) dated 10th June 2025.

10.0 **Recommendation**

- 10.1 That the provisional Tree Preservation Order (TPO/00221) is **CONFIRMED**

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<u>Location:</u>	Land At Heath Road Breachwood Green Hertfordshire SG4 8PL
<u>Applicant:</u>	.
<u>Proposal:</u>	Variation of condition 5 (re-worded to allow Plots 1 & 10 to be exempt from Permitted Development restrictions) of planning permission 24/02624/RM granted 17.04.2025 for Reserved Matters application for approval of appearance, landscaping, layout and scale for outline application 22/02942/OP granted 18.09.2024 for 10 dwellings.
<u>Ref. No:</u>	25/01834/S73
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 28th February 2025

Extension of statutory period: 17th April 2025

Reason for Delay: Awaiting consultation responses and in order to present the application to an available committee meeting.

Reason for Referral to Committee: Residential development on a site in excess of 0.5 hectares

1.0 Site History

22/02942/OP: Outline planning application for 10 dwellings (all matters reserved except for access) Granted 18.09.2024.

24/02624/RM : Reserved Matters application for approval of appearance, landscaping, layout and scale for outline application 22/02942/OP granted 18.09.2024 for 10 dwellings. Granted 17.04.2025

2.0 Policies

2.1 North Hertfordshire District Local Plan (The Local Plan) 2011 – 2031

Policy SP1: Sustainable development in North Hertfordshire
Policy SP2: Settlement Hierarchy and Spatial Distribution
Policy SP6: Sustainable Transport
Policy SP7: Infrastructure requirements and developer contributions
Policy SP8: Housing
Policy SP9: Design and Sustainability
Policy SP12: Green Infrastructure, landscape and biodiversity
Policy SP13: Historic Environment

Policy T1: Assessment of Transport matters
 Policy T2: Parking
 Policy HS3: Housing mix
 Policy D1: Sustainable Design
 Policy D3: Protecting living conditions
 Policy D4: Air Quality
 Policy NE2: Landscape
 Policy NE4: Biodiversity and geological sites
 Policy NE7: Reducing flood risk
 Policy NE11: Contaminated land
 Policy HE1: Designated heritage assets
 Policy HE4: Archaeology
 Policy IMR1: Five Year Housing Land Supply
 Policy IMR2: Local plan early review

Policy KW1: Land west of The Heath, Breachwood Green

2.2 National Planning Policy Framework 2024

Section 2: Achieving sustainable development
 Section 5: Delivering a sufficient supply of homes
 Section 9: Promoting sustainable transport
 Section 11: Making effective use of land
 Section 12: Achieving well-designed places
 Section 14: Meeting the challenge of climate change, flooding and coastal change
 Section 15: Conserving and enhancing the natural environment
 Section 16: Conserving and enhancing the historic environment

2.3 Supplementary Planning Documents

Vehicle Parking Standards at new development (2011) plus Appendix 4 of the Local Plan.
 Design Supplementary Planning Document

Neighbourhood Plan

Kings Walden Parish does not currently have a made neighbourhood plan.

2.4 **Vehicle Parking at New Development SPD (2011)** (Plus Appendix 4 in North Herts Local Plan 2011 – 2031)

3.0 Representations

3.1 **Site Notice and Neighbour Consultation** – No responses received

3.2 **Hertfordshire Highways** – Advises that they do not wish to raise an objection

3.3 **Kings Walden Parish Council** - No response received.

3.4 **Environmental Health (Air Quality/Land Contamination/Environmental Health (Noise))** – No objection.

3.5 **Historic Environment Advisor:** Requests an archaeological condition.

3.6 **North Herts Waste and Recycling** Requires a swept path analysis for a refuse vehicle and general guidance on bin storage.

3.7 **Local Lead Flood Authority** – Advises no comments to make to the application.

3.8 **Environment Agency-** No response.

4.0 Planning Considerations

4.1 Site and Surroundings

4.2 The application site comprises a rectangular shaped piece of land of approximately 0.6hectares located on the west side of The Heath. To the north the site abuts land now being used as residential gardens by a number of terraced properties facing The Heath. The western boundary of the site abuts public footpath FP08 whilst the southern boundary abuts the curtilage of a single residential plot known as The Pheasantry. The application site itself is mainly open in character with the site boundaries to the west and south as well as part of the site frontage onto The Heath containing trees and other vegetation. The site is relatively flat with only a slight fall from south west to south east. The site was formerly used as allotments which were cleared in September 2021. The allotments have been re-provided on another site on Coleman Road in the village.

4.3 There is no conservation area in the village however there are nearby listed buildings to the north and south.

4.4 Following the adoption of the Local Plan the village of Breachwood Green is designated a Category 'A' village and the whole of the site falls within the village boundary. The site has been allocated as a housing site (KW1 – Land west of The Heath, Breachwood Green). The site the subject of this application accounts for approximately 75% of the land allocated as KW1 with the northern part (25%) now forming extended gardens to properties fronting The Heath.

4.5 Construction work is under way to implement the above listed planning permissions.

4.2 Proposal

4.2.1 This application seeks a variation to condition 5 of planning permission ref: 24/02624/RM to allow Plots 1 and 10 to be exempt from the permitted development restrictions in the condition relating to Class B of Part 1 of the Town and Country Planning i.e. the enlargement of a dwellinghouse consisting of an alteration to its roof.

4.2.2 The existing wording of condition 5 of planning permission removes permitted development rights for any roof alterations to all of the dwellings on the application site and is set out as follows:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Class B 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 of the North Hertfordshire Local Plan 2011 to 2031

4.2.3 The revision of the wording to condition 5 is therefore proposed as follows:

‘With the exception of Plots 1 and 10 of the approved development and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Class B 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 of the North Hertfordshire Local Plan 2011 to 2031’

4.2.4 The application is supported by a covering letter which advises that paragraph 56 of the NPPF states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all respects. Reference is also made to the Planning Practice Guidance that states that conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity.

4.3 Key Issues

4.3.1 The Local Planning Authority imposed condition 5 *‘in the interests of the character and amenities of the area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031’*.

The key issue for consideration is whether the relaxation of permitted development rights to allow roof alterations to Plots 1 and 10 would result in any harm to the character and appearance of the area.

4.3.2 In attaching condition 5 at the Planning Control Committee of 15th April 2025 when considering application ref: 24/02624/RM the following points were raised during the debate :

- the already undesirable housing mix of all 4-bed dwellings on the proposed development would be made worse if they were developed into 5-bed or 6-bed dwellings.
- The affordability of the dwellings would be affected if they were extended into 5 or 6 bed dwellings
- Adding more bedrooms would increase cars, lead to more traffic and potentially more congestion
- More concern over roof extensions than restrictions on outbuildings

4.3.3 In this case only Plots 1 and 10 are proposed to retain their permitted development rights for roof alterations under Class B of Part 1 of Schedule 2 of the General Permitted Development Order .

4.3.4 Class B allows for additions or alterations to roofs such as loft conversions involving dormer windows. Development is not however permitted if the roof works:

- exceed the highest part of the existing roof,

- are located on a roof slope which forms the principal elevation of the dwelling and faces a highway,
- exceeds 50 cubic metres (for a detached house)
- would include a veranda, balcony or raised platform
- would include the installation, alteration or replacement of a chimney

Class B is also subject to the following conditions:

- materials shall be similar to those used on the main house
- the eaves of the original house are maintained
- a minimum of 0.2m should be made between the edge of the dormer and eaves
- any windows on a side elevation shall be obscure glazed and non-opening below 1.7m from internal floor level

4.3.5 It must be noted that Class C of Part 1 of Schedule 2 of the General Permitted Development Order allows for any other alterations to the roof of a dwellinghouse such as the provision of roof lights / windows. Class C has not been restricted under planning permission ref: 24/02624/RM therefore the internal conversion of the roof spaces within the approved dwellings to habitable accommodation can be undertaken without planning permission.

4.3.6 This proposal relates to just two of the approved dwellings and could, should the new occupiers wish to exercise their permitted development rights (if granted), result in dormer windows on the rear elevations only of the two properties. Class B already restricts overly large or inappropriate additions in the conditions to the schedule including materials being required to match the main dwelling. Plots 1 and 10 are set back from Heath Road and any dormers cannot be on the principal elevation. The Council will still control the provision of dormers on the rest of the development site (i.e. plots 2 – 8 inclusive). Given the above factors and taking into account the overall scale of the development, it is not considered that the provision of roof extensions to plots 1 and 10 would be harmful to the character and amenities of the area.

4.3.7 As regards the likely impact on parking and congestion, Plots 1 and 10 are both allocated 3 off street car parking spaces which exceeds the requirement in the Council's Vehicle Parking at New Development Supplementary Planning Document for a two bedroom plus dwelling. There is no difference in parking requirement in the SPD between a 2 or even 5 bed dwelling. Furthermore, the development has 5 visitor car parking spaces and further on street parking within the site (if needed) would be possible given the 5.5 metre wide carriageway. It is concluded therefore that relaxing condition 5 for Plots 1 and 10 is unlikely to lead to any parking issues or congestion within the site or the surrounding area as adequate parking provision is provided for within the development.

4.3.8 The development site is under the affordable housing threshold and all of the dwellings are expected to be sold on the open market. All of the dwellings fall within the larger homes category already (being 4 bedroom houses) and therefore the housing mix would be unaffected by the proposed partial relaxation of permitted development rights. The density of the development (approximately 16.6 dwellings per hectare) would not change.

4.3.9 All of the dwellings have private gardens of approximately 80 – 90 sqm providing adequate levels of outdoor amenity space for the occupants. Each dwelling will have a floorspace that meets or exceeds the Nationally Described Space Standards and M4(2) disabled access requirements to ensure an inclusive and future proofed form of development. A loft conversion at plots 1 and 10 would make no material difference to the amenity space provision for each dwelling.

4.3.10 Conclusion

4.3.11 The applicant has asked for a limited relaxation of permitted development rights for roof alterations relating to just two of the approved 10 dwellings. Given the scale of the overall development and the potential for roof alterations on only the rear roof slope of Plots 1 and 10 and taking into account that a couple of extra bedrooms is unlikely to result in any adverse impact on parking conditions at the site, it is considered that the proposed request to alter the wording of condition 5 of permission ref: 24/02624/RM is not unreasonable in the circumstances.

4.3.12 Given all of the above, in my judgement the proposed development would still comply with Policies KW1, SP9, D1 and D3 of the adopted local plan and other relevant local plan policies as set out above and there are no sound or clear cut reasons to withhold permission.

4.4 Alternative Options

4.5.1 None 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 **GRANTED** subject to the following conditions:

1. 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.

2. The approved details of landscaping 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 safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

3. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031

4. Any tree felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

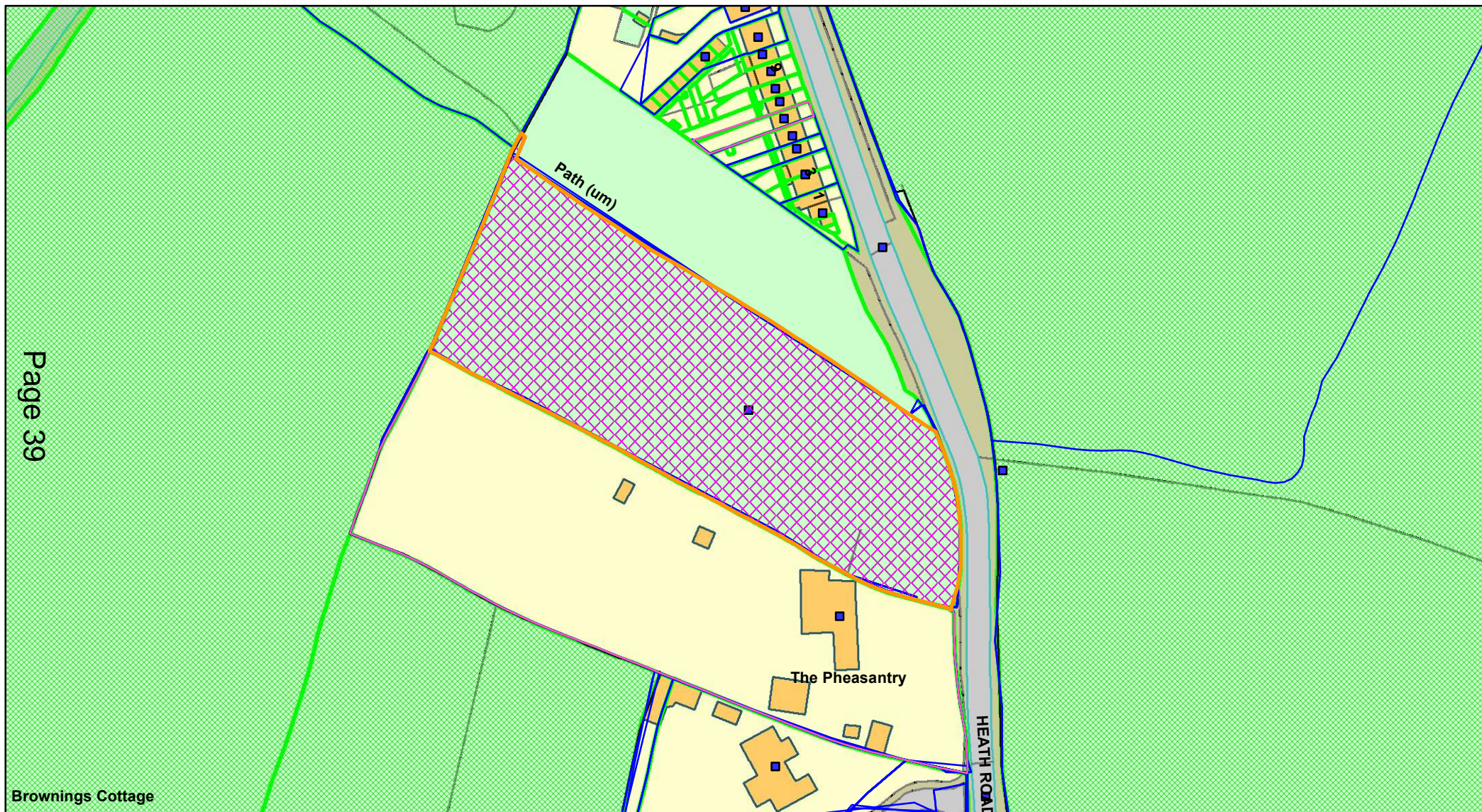
5. With the exception of Plots 1 and 10 of the approved development and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Class B of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument 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 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.

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PLANNING CONTROL COMMITTEE

DATE: 09 October 2025

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Redrow Homes South Midlands	Variation of wording to Condition 3 and Condition 20 of planning permission 18/01502/OP granted on 25.07.2023.	Land Between Royston Road And Cambridge Road Barkway	24/01994/S73	Appeal Withdrawn On 05 September 2025	Not Applicable	
Mr Bruce Parker	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	Appeal Dismissed On 11 September 2025	Delegated	<p>The Inspector concluded that:</p> <ul style="list-style-type: none"> The proposal would not preserve the openness of the Green Belt. It would not assist in safeguarding the countryside from encroachment. The proposed development would therefore fall outside the exceptions set out in paragraph 154 h) of the Framework and would be inappropriate development in the Green Belt. The proposal would be contrary to Policies SP1(Sustainable development in North Hertfordshire) and

						<p>SP2 (Settlement Hierarchy and Spatial Distribution) of the of the North Hertfordshire Local Plan 2011 – 2031(LP) which seek, amongst other things, to manage the pattern of development across the Council area in order to support the principles of sustainable development. The proposal would also be contrary to an overarching aim of the Framework, which is to manage patterns of growth in support of promoting the use of sustainable transport.</p> <ul style="list-style-type: none"> • The proposal would also be contrary to Hertfordshire's Local Transport Plan 2018 – 2031 (May 2018) which seeks to achieve a change in travel behaviour so that people choose to travel by other modes for journeys that do not need to be made by car. • The proposal would be contrary to Policy T1 (Assessment of transport matters) of the LP which seeks, amongst other things, that development does not lead to highway safety problems or cause
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						unacceptable impacts upon the highway network.
Mr Bruce Parker	Erection of one detached 2-bed farm workers dwelling.	Land At New Pound Farm East Side Of Old Hale Way Hitchin SG4 0SA	24/02009/FP	Appeal Dismissed On 11 September 2025	Delegated	The Inspector concluded, that the proposal would harm the Green Belt. Therefore, this is a situation in terms of paragraph 11 (d) (i) of the Framework, where the presumption in favour of sustainable development is not engaged because the application of the policies in the Framework that protect land designated as Green Belt provides a clear reason for refusing the development proposed.
Knebworth Estates	Erection of five single storey terraced dwellings with associated landscaping, boundary fencing and cycle storage.	Old School House Park Lane Old Knebworth SG3 6PR	24/02652/FP	Appeal Dismissed On 15 September 2025	Delegated	The Inspector concluded that the proposal would be inappropriate development in the Green Belt and the very special circumstances necessary to justify the development do not exist. The Inspector also concluded the development would result in harm to the significance of the Old Knebworth Conservation Area which would not be outweighed by public benefits. Both of these matters provide a strong reason for refusing the development. Consequently, irrespective of the level of shortfall (the Council concedes that it cannot currently demonstrate a five-year supply of deliverable housing sites), paragraph 11(d)ii of the Framework is not engaged and the proposal does not

						benefit from the presumption in favour of sustainable development in this instance.
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Appeal Decision

Site visit made on 26 August 2025

by **H Whitfield BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 September 2025

Appeal Ref: APP/X1925/W/25/3367306

Old School House, Park Lane, Old Knebworth, Hertfordshire SG3 6PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Edward Lytton Cobbold of Knebworth Estates against the decision of North Hertfordshire District Council.
 - The application Ref is 24/02652/FP.
 - The development proposed is the construction of a terrace containing 5no. single storey residential dwelling houses with associated landscaping, boundary fencing and cycle storage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted three plans with this appeal which differ to those cited on the Council's Decision Notice. The amended Block Plan¹ shows the realignment of the path to the front of the proposed dwellings and the addition of a connecting footpath to the highway which is outside of the red line on the Site Location Plan. The Proposed Bike Stores, Bin Stores and Fire Distances plan² also shows the addition of this footpath outside of the red line in addition to additional information relating to fire hose and refuse travel distances. The new Site Location Plan³ submitted does not contain any amendments to the original red line but includes an extract showing visibility splays.
3. The Council has confirmed that whilst it had sight of these plans during the determination of the planning application, they were not the plans upon which it made its decision. This is due to the changes to two of the plans necessitating an amendment to the red line, which was not provided. The Council did not undertake a re-consultation on these amended plans. On this basis, I consider that accepting the amended Block Plan and Proposed Bike Stores, Bin Stores and Fire Distances plan would result in a fundamental change to the application and cause procedural unfairness to interested parties as it would deprive those entitled to be consulted on an application the opportunity to make a representation.
4. However, the annotations on the new Site Location Plan only provide additional information and therefore do not make a substantial difference or fundamental change to the development when compared to the plans upon which the Council made its decision. This Council has also had the opportunity to review and comment on this additional information such that it would not cause unlawful procedural unfairness to

¹ Ref. 22416-101 Rev. B

² Ref. 22416-102 Rev. B

³ Ref. 22416-100 Rev. B

anyone involved in the appeal. I have therefore determined the appeal on the basis of the amended Site Location Plan.

5. The appeal property is located within the Old Knebworth Conservation Area (CA). In considering whether to grant planning permission, I have been mindful of my statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

Main Issues

6. The main issues are:

- the effect of the proposed development on the character and appearance of the surrounding area, including whether it would preserve or enhance the character or appearance of the Old Knebworth Conservation Area (CA) and the effect on trees;
- whether the proposal would be inappropriate development in the Green Belt having regard to relevant development plan policies and the National Planning Policy Framework (the Framework), including the effect upon the openness of the Green Belt;
- the effect of the proposed development on highway and pedestrian safety;
- the effect of the development on protected species, with particular regard to bats; and
- if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Character and appearance including CA and trees

7. The appeal site is within the Old Knebworth CA and the Green Belt. The significance of the CA, insofar as is relevant to this appeal, derives from the architectural and historic value of the surrounding buildings, many of which are listed, the evolution of the small, linear village settlement and its verdant parkland and countryside setting. The density of development in the CA is low and properties are typically set back from the road in plots of land that stretch back to field boundaries. In contrast to the south-western portion of the CA, which is relatively enclosed, the land to the east of Old Knebworth Lane in the vicinity of the appeal site, has a more rural and open character due to the gaps that exist between buildings which afford views of the surrounding countryside.
8. The appeal site relates to a parcel of land on the southern side of Park Lane, accessed between the properties Little Hyde and the Old School House. Due to its positioning adjacent to a large, open agricultural field, the site is relatively prominent when travelling along Park Lane. The eastern portion of the land is partially laid to grass and contains small areas of hard surfacing and a shed. There are also several trees and an established front boundary hedgerow on this portion of the site which are prominent in the street scene. On the western side of the site, behind Little Hyde, is an area of hard standing which is understood to be used for parking by residents of the

Old School House. At the time of my site visit, I observed some external storage on the grassed part of the appeal site. Nevertheless, the appeal site forms part of the green, verdant and rural approach into the CA and therefore contributes positively to its character and appearance.

9. The appeal scheme proposes the erection of a single storey terrace of five dwellings in a relatively prominent location on the approach into the western part of the village. The terrace would fill almost the entire width of the grassed portion of the site. Despite being designed to emulate the style of the Lytton Almshouses that are located some distance away on the south-western side of the village and the use of traditional materials, the terrace would be a large, continuous massing of development that would be out of character with surrounding properties which are typically detached or semi-detached, set in more spacious plots with gaps between buildings providing views to the surrounding countryside. In contrast, the limited spacing around the terrace and its boundaries, coupled with the unbroken massing of the roofscape would result in a cramped, dominating form of overdevelopment. This would limit views to the surrounding countryside and overall would result in harm to the character and appearance of the area and the CA, which would harm its significance.
10. The development would also result in the removal of the majority of the trees within the eastern side of the site. The appellant has referred to the terrace being glimpsed above the existing hedgerow, however, the annotations on the plans indicate that the eastern part of the front boundary hedgerow would also be removed. A detailed Tree Survey was not submitted; however, the Biodiversity Net Gain (BNG) Assessment identifies the trees and hedgerows to be in a moderate to good condition. The trees are all visible from the public realm, not only along Park Lane but also when travelling along the Public Right of Way (PRoW) to the west of the site and have an important collective amenity value which contribute positively to the character and appearance of the area.
11. The front boundary hedgerow and vegetation also contributes to the area's verdant character and is identified as an important hedgerow on the CA map. In the absence of any substantive evidence to the contrary, these features would, in all reasonable likelihood, endure for some time into the future. Consequently, their loss would have a permanent, detrimental effect on the green, verdant character of the area and this would further harm the character and appearance of the area and the CA.
12. Replacement tree planting is proposed to the rear of the site and a hedgerow is shown along the highway boundary on the Proposed Street Scene. However, these would likely take many years to establish to provide the same level of contribution as the existing greenery and would not mitigate the harm that would arise from the development itself. Furthermore, even though half of the front boundary hedgerow would be retained, the uncharacteristic massing and form of the development would still be visible above the hedgerow and limit views to the surrounding countryside between buildings, such that this does not overcome the harm I have identified.
13. I am mindful that the wider area contains several listed buildings including the Grade II* listed Knebworth House and Knebworth Park, a Grade II* listed Registered Park and Gardens (RPAG). However, neither party has suggested that the appeal site is within the setting of any of these designated heritage assets and given the intervening distance, buildings and land between them I see no reason to disagree.

14. Nevertheless, for the above reasons, I find that the proposal would result in harm to the character and appearance of the CA which would fail to preserve its significance. Given the extent of development in relation to the wider CA, the harm to the CA resulting from the development would be localised, less than substantial and at the lower end of the scale in this instance, but nevertheless of considerable importance and weight. It would also result in harm to the character and appearance of the surrounding area, including by having an adverse effect on trees.
15. The proposal would therefore fail to satisfy the requirements of the Act and conflict with the Framework where it seeks to conserve and enhance the historic environment. It would also conflict with Policy D1 and NE2 (as identified in the officer report) of the North Hertfordshire Local Plan 2011-2031 (the NHLP). These policies collectively seek, amongst other things that developments respond positively to the site's local context, do not cause unacceptable harm to the character and appearance of the surrounding area and take all reasonable opportunities to retain existing vegetation.

Whether inappropriate development

16. The site is within the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework indicates that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. Policy SP5 of the NHLP states that the development will only be permitted in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated. The supporting text to this policy explains that developments in the Green Belt will be considered against national policy.
17. Paragraph 155 of the Framework sets out that the development of homes in the Green Belt should not be regarded as inappropriate where it utilises grey belt land and would not fundamentally undermine the purposes of the remaining Green Belt; where it would meet a demonstrable unmet need; would be in a sustainable location; and (where applicable) meets the 'Golden Rules'. The term 'Grey Belt' is defined in the Framework as land in the Green Belt comprising previously developed land and/or any other land that in either case does not contribute to any of the purposes (a), (b) or (d) in paragraph 143. It also excludes land where the application of policies relating to the areas or assets in footnote 7 (other than the Green Belt) would provide a strong reason for refusing or restricting development. Designated heritage assets are included in the list of exclusions.
18. I have found that the proposal would cause less than substantial harm to the significance of the CA, which is a designated heritage asset. The Framework is clear that great weight should be given to heritage assets' conservation and where a development would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. For reasons that I will go on to consider later in my decision, I have found that the public benefits would not outweigh the harm that I have identified. The proposal therefore conflicts with the historic environment protection policies of the Framework and Policy HE1 of the NHLP which requires that where a development will lead to less than substantial harm to the significance of the designated heritage asset, this harm is outweighed by the public benefits of the development. Consequently, the harm that I have identified in this respect provides a strong reason for refusing the development and the site would therefore not meet the

definition of grey belt land. The proposal therefore cannot be considered under the exception at paragraph 155 of the Framework.

19. The exception at paragraph 154 e) of the Framework allows for limited infilling in villages. 'Limited infilling' is not defined in the Framework but is commonly understood to be the development of a small gap within an otherwise built-up frontage. The glossary of the NHLP also defines 'infill development' as the development of a relatively small gap between existing buildings. In this case, the gap that exists between the neighbouring dwelling to the west and the closest dwelling to the east extends across part of an undeveloped agricultural field and is not relatively small. As such, the appeal site does not form a gap in an otherwise built-up frontage. There would be a significant gap between the side of the proposed terrace and the property to the east, and from my observations on the ground, the appeal site would not be sufficiently enclosed or surrounded by adjoining development to be accurately described as infill. The fact that the development would be within the confines of what the appellant refers to as the Old School House playground does not alter my view on this matter.
20. The appellant has referred to examples where limited infill development has been approved in the Green Belt in Old Knebworth which they consider set a precedent for the appeal scheme. I have not been supplied with copies of the approved plans, however, in both examples⁴ the gaps between surrounding built development were smaller than at the appeal site. At Slip Lane the site was enclosed by development on several sides and the site at Nup End had a more intimate relationship with existing built form and was more enclosed. As such, these examples are not directly comparable to the appeal site and do not alter my conclusions in this regard.
21. Consequently, having assessed the site-specific circumstances on the ground, the appeal scheme does not comprise limited infilling and therefore does not meet the exception under paragraph 154 e) of the Framework.
22. Another exception at paragraph 154 g) of the Framework is the limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
23. There is some dispute between the parties over whether the eastern portion of the site is previously developed land (PDL). This land is predominately grassed, contains trees, small areas of hardstanding and a shed. The definition of PDL in the Framework includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. In this case, the areas of hardstanding on this portion of the site are relatively small and I have no substantive evidence before me as to whether the site has been lawfully developed. However, even if it has, there remains a requirement to ensure the proposed development would not cause substantial harm to the openness of the Green Belt.
24. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is an essential characteristic of the Green Belt and is capable of having both spatial and visual aspects. I note the development would be confined to the existing boundaries of the site and two-storey built form exists in close proximity on one side. However, the

⁴ Council Refs. 20/02474/FP (Slip Lane) and 20/2109/FP (Nup End)

proposal would introduce built form on land where there is presently no permanent development. The footprint of the terrace would fill the majority of the width of the site where it bounds the highway, and the development would occupy ground and air space that is currently devoid of any permanent built form.

25. The development would also result in a marked increase in activity on the site with the comings and goings associated with five separate residential units, in addition to the effects of their respective garden areas and any associated domestic paraphernalia. The presence of the five dwellings would be perceptible from the highway, the nearby PRoW and from surrounding residential properties. Given the land to the south and east of the site is open in character and the majority of the trees on site are proposed for removal, it is likely that the development would be prominent in both short and long-distance views and would result in a more urbanised character. Overall, when the spatial and visual effects are taken together, there would be substantial harm to the openness of the Green Belt. Accordingly, the proposed development would not meet the exception set out in paragraph 154 g) of the Framework.
26. Consequently, the proposed development does not meet any of the exceptions listed in paragraphs 154 and 155 of the Framework. The development would therefore be inappropriate development within the Green Belt and would result in substantial harm to the openness of the Green Belt. In accordance with paragraph 153 of the Framework, substantial weight should be given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. I will return to this matter later in the decision.
27. Insofar as I have found that the proposal would not represent infill development, it would also conflict with Policy SP2 of the NHLP where it requires development in Category B villages such as Old Knebworth to comprise infilling development which does not extend the built core of the village.

Highway safety

28. The new dwellings would utilise the existing access between the properties Little Hyde and the Old School House onto Park Lane which is a 30mph road.
29. The original Highway Authority (HA) comments state that visibility splays of 2.4m x 43m are required to be provided at the site access due to the intensification of vehicular movements onto Park Lane caused by the development. These have been annotated on the Site Location Plan⁵. The left-hand visibility splay intersects the corner of the Old School House and third-party land. The HA state that visibility is limited to the left due to existing fences and hedges, however, the appellant has agreed to partially remove the fence and trim the hedges at the left-hand splay to improve visibility as annotated on the plans. A condition has been recommended to require the visibility splays are maintained free from any obstruction between 600mm and 2m and on this basis the HA have withdrawn their objection.
30. This revised position of the Highway Authority is uncontested by the Council, however, the hedgerow along the front boundary of the Old School House is not within either the red or blue lines on the Site Location Plan. I therefore have no mechanism to impose

⁵ Ref. 22416-100 Rev. B

such a condition as suggested by the HA to require the splay is kept free from obstruction or any substantive evidence that it is within the appellant's gift to undertake the works within the left-hand splay that the HA consider to be necessary. The left-hand splay is already constrained by existing built form and without such a condition, would be further obstructed. This could bring vehicles into conflict with users of Park Lane. Given the development would result in the intensification of the use of this access which has restricted visibility in the north-west/left-hand direction, I am not satisfied that the appeal scheme demonstrates the development would provide safe access

31. Considering the appeal on the plans against which the Council made its decision, the scheme fails to make provision for footways along the site access to connect to Park Lane. Future occupants would therefore have to walk along the front of the terrace, through the parking area and down the main site access to access Park Lane with no designated footway. Whilst this may be the case for the existing properties located off this access, this development would increase the intensity of use of the access and thus the likelihood of conflict between pedestrians, cyclists and vulnerable users with vehicles. As such, the development would not provide appropriate provisions for pedestrians, cyclist and vulnerable users to be able to access the site safely. This would fail to minimise the scope for conflicts between such users and vehicles, particularly given my findings in relation to visibility at the site access, and fail to prioritise sustainable travel.
32. Furthermore, as no swept path plans have been provided, the plans do not demonstrate that the site access could accommodate a refuse collection or emergency vehicle or that they could safely enter and exit the site within a forward gear. In the event that such vehicles could not safely enter the site, they would have to park on Park Lane and enter the site on foot along the site access and through the parking area with no dedicated footway, giving rise to the potential for conflicts with vehicles. Or residents would have to take their bins along the same route to the kerbside for collection, where no bin collection point has been identified, which would be over a significant distance and would give rise to the same potential conflicts with vehicles.
33. The appellant refers to comments made by the HA dated 18 February 2025 which state that amended plans had satisfactorily addressed their previous concerns and withdraws their objection. However, these relate in part to the amended Block Plan which was not accepted by the Council due to the addition of a footpath link to the front of the dwellings extending outside of the red line and have not been accepted as part of the determination of this appeal. As such, this does not alter my findings on these matters.
34. For the above reasons, I therefore conclude the development would be harmful to highway and pedestrian safety. This is contrary to Policy T1 of the NHLP insofar as it requires development to not lead to highway safety problems or cause unacceptable impacts upon the highway network.

Protected species

35. The Council contends that the trees on site have the potential to harbour bats, and their removal could therefore have an adverse effect on protected species.
36. The appellant's evidence indicates that a Preliminary Ecological Assessment (PEA) has been undertaken which found very little bat roost potential on the site. However, the Council has confirmed that the application was not supported by a PEA relating to

protected species and no such evidence was submitted within the relevant appeal timetable. In the absence of any substantive evidence, the presence or otherwise of protected species on the site is not known. Subsequently it is not possible to define the extent to which protected species may be affected by the proposed development.

37. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by development, is established before planning permission is granted. The Framework sets out that if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Based on the evidence before me, I cannot be satisfied that significant harm to biodiversity, specifically bats which are a protected species, would not occur.
38. I note that the application was validated without receipt of a PEA and this was not requested by the Council during the application. However, there is no substantive evidence before me that should've been a reason to invalidate the application.
39. Therefore, for the above reasons, I conclude that the appellant has failed to demonstrate that the development would not have an adverse effect on protected species, with particular regard to bats. This is contrary to Policy NE4 of the NHLP insofar as it requires that planning permission is only be granted for development proposals that appropriately protect, enhance and manage biodiversity and demonstrate that any adverse effects can be avoided and/or satisfactorily minimised.

Other considerations

40. I have insufficient evidence as to whether the entire site constitutes PDL, however, the development would nevertheless make use of underutilised land for housing which is supported by the Framework. Benefits would derive from the contribution that these five smaller dwellings would make to the choice of homes in the area and the supply of housing land. Social and economic benefits would also arise during construction and after occupation. Housing delivery is supported by the Framework and, therefore, these benefits weigh in favour of the proposal. However, the contribution that would be made by five dwellings would be modest, even in the context that the Council cannot currently demonstrate a five-year supply of deliverable housing sites and even if that shortfall were significant. I therefore afford these considerations moderate weight.
41. Replacement planting is proposed, however, the BNG assessment identifies a net loss of habitat and hedgerow units across the site overall, such that the benefit of any replacement planting would attract very limited weight.
42. Reference has been made to the dwellings being affordable and for local people to rent, which the appellant states is in high demand. The appellant also states that priority would be given to employees of the Knebworth Estate, and this would support the local community, sustainability of local businesses and, in turn, would support Knebworth House and the RPAG which is stated to be a heritage asset at risk. However, there is no substantive evidence before me to demonstrate this demand and how the proposed dwellings would align with the local housing need. Furthermore, there is no mechanism before me that would secure the dwellings for only local people to rent or to link them with the Knebworth Estate. As such, there is no certainty that any rental income would support these designated heritage assets either. These considerations therefore attract very limited weight.

43. The appellant states the site has no viable alternative use and the development would improve the site's current appearance which would provide a benefit to the character and appearance of the CA. However, in light of my conclusions in respect of the main issues I do not agree. I am also not persuaded that there would not be a less harmful way of repurposing the land and securing the same benefits.

Heritage Balance

44. Paragraph 212 of the Framework states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. For the reasons set out above, I find that the proposal would result in harm to the character and appearance of the CA which would fail to preserve its significance. I have found the harm to be less than substantial and at the lower end of the scale, but nevertheless of considerable importance and weight. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal.
45. As I have set out above, the appellant has identified a number of benefits of the scheme which could be deemed as public benefits, notably in relation to the delivery of housing on underutilised land and the consequential social and economic benefits. However, taken together, these public benefits would be relatively modest and would not outweigh the harm that I have identified and consequently, the great weight to be attached to the conservation of heritage assets. The proposal would therefore conflict with the historic environment protection policies of the Framework and would conflict with Policy HE1 of the NHLP which requires that where a development will lead to less than substantial harm to the significance of the designated heritage asset, this harm is outweighed by the public benefits of the development.

Green Belt Balance

46. The development would be inappropriate development in the Green Belt in that it would result in a new building comprising five dwellings within the Green Belt which does not fall under any of the listed exceptions. The proposed development would also result in substantial harm to the openness of the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt and the development should not be approved except in very special circumstances.
47. In addition, I have concluded that the development would result in harm to the character and appearance of the surrounding area and the CA which would fail to preserve its significance. The development would also be harmful to highway and pedestrian safety and would have a potentially harmful effect on protected species. This harm renders the development contrary to the requirements of the Council's aforementioned development plan policies and in conflict with the Framework where it seeks the creation of well-designed places, the conservation of the historic environment, the prevention of unacceptable impacts on highway safety and the protection of protected species. Consequently, these other additional harms carry significant weight.
48. Very special circumstances will not exist unless the harm to the Green Belt and any other harms are clearly outweighed by other considerations.
49. Overall, when taken together, in the context of five dwellings, the abovementioned benefits of the development attract limited weight in favour of the proposal. Therefore, the other considerations in this case are not sufficient to clearly outweigh the totality of

harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

50. The development therefore conflicts with Policy SP5 of the NHLP which sets out that development proposals in the Green Belt will only be permitted where they would not result in inappropriate development or where very special circumstances have been demonstrated.

Planning Balance and Conclusion

51. The Council concedes that it cannot currently demonstrate a five-year supply of deliverable housing sites. In such circumstances, paragraph 11(d) of the Framework indicates that permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 of the Framework lists land designated as Green Belt and designated heritage assets (which includes conservation areas) as such asset of importance.
52. I have concluded that the proposal would be inappropriate development in the Green Belt and the very special circumstances necessary to justify the development do not exist. I have also concluded the development would result in harm to the significance of the CA which would not be outweighed by public benefits. Both of these matters provide a strong reason for refusing the development. Consequently, irrespective of the level of shortfall, paragraph 11(d)ii is not engaged and the proposal does not benefit from the presumption in favour of sustainable development in this instance.
53. For the reasons given above, I therefore conclude the proposal conflicts with the development plan when read as a whole and the material considerations do not indicate a decision should be made other than in accordance with it. I therefore conclude that the appeal should be dismissed.

H Whitfield

INSPECTOR

Appeal Decisions

Hearing held on 8 July 2025

Site visit made on 8 July 2025

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 11th September 2025

Appeal Ref: APP/X1925/W/25/3362553

Land at New Pound Farm, East Side of Old Hale Way, Hitchin SG4 0SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Bruce Parker against the decision of North Hertfordshire District Council.
 - The application Ref is 24/02009/FP.
 - The development proposed is erection of a detached farm workers dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. In the interests of clarity, I have taken the description of development above from the planning application form. This description of development along with the information submitted with the planning application and the further explanation provided at paragraph 3.2 of the Appellant's Statement of Case clearly identifies that the proposal is for a farm worker's dwelling to provide tied accommodation for an agricultural worker to reside on the site in association with the agricultural use of the site. The Council has clearly considered the proposal on this basis and as such so must I.

Main Issues

3. The main issues in this case are:
 - whether the appeal site is grey belt land and whether or not the proposal would be inappropriate development in the Green Belt having regard to the Framework, and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt; and,
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, including whether there is an essential need for a dwelling to accommodate a rural worker, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether it would be inappropriate development

4. There is no dispute between the parties that the appeal site is within the Green Belt. The Framework states at paragraph 153 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This approach is also identified through Policy SP5 of the North Hertfordshire Local Plan 2011-2031 (LP) which states that development proposals will only be permitted in the Green Belt, where they would not result in inappropriate development or where very special circumstances have been demonstrated.
5. The appellant contends that whilst the proposal would not comprise of any of the exceptions set out under paragraph 154 of the Framework, the proposal would accord with the requirements of paragraph 155 and therefore would not be inappropriate development.
6. Paragraph 155 states that the development of homes in the Green Belt should not be regarded as inappropriate where four criteria are complied with, including, that
a. the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, b. there is demonstrable unmet need for the type of development proposed, c. the development would be in a sustainable location and d. where applicable the development proposed meets the 'Golden Rules'.
7. There is no dispute between the parties that the proposal would not represent major development and that as a result the Golden Rules requirement is not applicable in this case. I therefore must consider whether the appeal proposal would meet criteria a, b and c.

Grey belt

8. In order for the appeal proposal to be considered under paragraph 155, the appeal site must meet the definition of grey belt. The Framework defines grey belt as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to three of the five purposes of Green Belt, as set out in paragraph 143 of the Framework. That is (a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns from merging into one another; and (d) to preserve the setting and special character of historic towns.
9. There is no dispute between the parties that the appeal site does not strongly contribute to the prevention of neighbouring towns from merging or the preservation of the setting and special character of an historic town. Based on the evidence before me and my site visit, I can see no reason to disagree. A key issue remaining in dispute is therefore whether the appeal site strongly contributes to checking the unrestricted sprawl of large built-up areas. The large built-up area in question is Hitchin.
10. The appeal site sits to the rear of an existing agricultural building, adjacent to the allotments and is situated only a short distance from dwellings that front on to Old Hale Way which forms a residential area on the edge of Hitchin. The appeal site is therefore near to the large built up area.

11. The Council refers to its North Hertfordshire Green Belt Review July 2016 (GBR) which identifies that parcel 13, in which the appeal site is located, plays a significant role in preventing sprawl northward of Hitchin. I agree with the conclusions of the GBR that the wider parcel does play a significant role in respect of purpose (a).
12. However, the appeal site is limited in size and only represents a very small part of the wider parcel. The proposed dwelling would be located to the rear of an existing building on an existing hard surfaced area. A low level earth bund separates the yard area from the more open agricultural land to the north. Mature trees and vegetation alongside the river bounds the site to the east and well-established vegetation separates the appeal site from the Buzzworks Discovery Centre and allotments to the south. The appeal site is therefore contained within these established boundary features. For the above reasons I find that the appeal site makes only a moderate contribution towards checking the unrestricted sprawl of large built up areas.
13. I have not been referred to any policies relating to the areas or assets in footnote 7 of the Framework (other than Green Belt) that would provide a strong reason for refusing or restricting development. I therefore find that the appeal site would constitute grey belt in line with the definition provided in the Framework.

Purposes (taken together) of the remaining Green Belt

14. The second requirement of paragraph 155 a. is that the development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. There is no dispute between the parties that the proposal would not be at odds with paragraph 143 (e) which relates to assisting urban regeneration. Nevertheless, I find that the appeal proposal would run counter to the purpose set out in paragraph 143 (c) which is to assist in safeguarding the countryside from encroachment.
15. Whilst the appeal site is currently a hard surfaced area, it relates to an agricultural use and is currently devoid of built development, other than small scale structures such as an existing storage container and a water tank. The site is visually linked to the adjacent agricultural building and the agricultural land to the north and is more rural in character. I therefore find there would be some encroachment of built form into the countryside as a result of the appeal proposal.
16. However, the location of the site adjacent to the existing agricultural building, the limited size of the site and its containment, means that the effect would be localised and as such would be limited in the wider context. I do not consider that the site plays a strategic role in the functioning of the Green Belt, consequently the appeal proposal would not affect the ability of the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way. Therefore, taking my conclusions on both grey belt and the remaining Green Belt purposes into account, the appeal proposal would comply with paragraph 155 a. of the Framework.

Unmet need

17. The Council has confirmed that the current housing land supply stands at 3.9 years, falling below the five year land supply requirement. As a result, there is no

dispute between the parties that there is an unmet need for housing in the Council's area.

18. However, the appeal proposal is for a farm worker's dwelling which is a specific type of development. It would provide a dwelling which would be extremely limited in terms of the occupants that could reside in it and it would not be available to the vast majority of the population.
19. I have not been provided with any evidence that there is a demonstrable unmet need for rural worker's dwellings across the Council area. Consequently, I find that the proposal would not accord with the requirements of 155 b. of the Framework.

Location

20. The appeal site is within easy walking distance of services, facilities, schools and bus services, and reasonable opportunities would be available to maximise the use of sustainable transport modes. The scheme would therefore contribute to the Framework's aim to actively manage patterns of growth in support of sustainable transport objectives. As such, the development would be locationally sustainable. Paragraph 155 c. of the Framework would therefore be complied with.

Conclusion on whether the proposal would be inappropriate development

21. Whilst I have found that the proposal would comply with criteria a and c set out under paragraph 155 of the Framework, I do not find that it would comply with criterion b. As such, I find that the proposal would be inappropriate development in the Green Belt. As a result, the proposal would be contrary to Policy SP5 of the LP, the aims of which are set out above, unless very special circumstances have been demonstrated. I will return to this matter later.

Effect on openness

22. The essential characteristics of Green Belts are their openness and their permanence. Openness is the absence of development, and it has both spatial and visual aspects.
23. The appeal proposal comprises a detached part single and part two storey dwelling which would be situated to the rear of an existing agricultural building within an existing yard area. The appeal site is situated to the north of the existing allotments, with agricultural land to the north and a woodland area to the east. To the west and south of the allotments is existing residential development. The appeal site is beyond but adjacent to the settlement of Hitchin. The village of Ickleford is also in close proximity to the appeal site.
24. Whilst the nearby residential development is visible from the appeal site, the separation between them and the existing characteristics of the site mean that it appears as being outside of the settlement and more visually connected to the countryside, particularly given its current agricultural use.
25. The introduction of a dwelling along with any associated domestic paraphernalia on an area which currently does not house any buildings, or domestic features would inevitably impact upon spatial openness.
26. The existing hardstanding that forms the existing yard area is at ground level and as such, it has very little effect upon the visual openness of the Green Belt in this

location. The proposal would result in development above ground level and as a result it would be visually more imposing than the current situation. The mass and scale of the development, being part two storey and part single storey, would be visible in localised public views from Old Hale Way, the network of public footpaths, the adjacent access road and from the allotments. Whilst some views would be more limited given the proposed positioning to the rear of the existing agricultural building and due to the presence of vegetation, the appeal proposal would nonetheless result in a noticeable reduction in visual openness. I consider the harm to openness would be moderate and localised.

27. In conclusion, I find that the proposal would result in permanent harm to the openness of the Green Belt.

Other considerations

28. Policy SP2 of the LP identifies where new homes will be supported, within the adjusted settlement boundaries of the towns, such as Hitchin, and a number of villages, including Ickleford, subject to certain criteria. The Council identify that the appeal site sits outside of the settlement boundaries for Hitchin and Ickleford. Therefore, there is no support under the Council's settlement hierarchy or approach to the spatial distribution of new homes for a dwelling on the appeal site.
29. Policy CGB3 of the LP, which relates to rural workers' dwellings is referred to by both parties. This policy sets out a number of different matters that need to be demonstrated to support the provision of isolated new homes in the countryside for rural workers, including that there is an existing functional need. This approach largely reflects paragraph 84 a) of the Framework which provides support for isolated homes in the countryside, where there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near to their place of work in the countryside.
30. Whilst the terms essential and functional need are referred to in the different national and local policies, the appellant refers to persistent need. To my mind, in the context of the various evidence before me, all wording appears to refer to a need for one or more workers to be available at all times in order to sustain the business, ensuring the effective operation of a rural based enterprise. In the interests of clarity and for consistency, I will refer to 'essential need'.
31. I agree with the appellant that whilst the appeal site is located in the countryside it is not isolated in terms of the Framework test, given its proximity to the edge of Hitchin and to other built form. Nevertheless, I do not find that the lack of isolation precludes the Council from applying a similar assessment in terms of demonstrating the need for a rural worker's dwelling, given the description of development provided on the application form and that the appeal site is located outside of a settlement boundary and within the countryside for the purposes of the development plan, where the delivery of new homes would not normally be supported.
32. The last section of Policy CGB3 of the LP states that 'where proposals are for development that would be inappropriate in the Green Belt, this policy will be used to help consider and assess any case of very special circumstances'. I therefore consider that the tests set out in Policy CGB3 are relevant as a guide in considering whether it has been demonstrated that there is an essential need for a rural worker's dwelling at the appeal site.

33. The appellant confirmed at the hearing that the land was purchased in 2018 and that up until that time it was not in active agricultural production. Since purchasing the land, the appellant has constructed an agricultural building on the site, along with siting a storage container and water tank to the rear within the yard area. The appellant has put part of the land to use as an orchard, some is in use for growing willow trees for the production of cricket bats and a small area is in use as allotments. Based on the evidence before me I do not find that any of the current uses of the land necessitates the essential need for someone to permanently reside on site to sustain or ensure the effective operation of the business.
34. From both the written evidence and the hearing, it is clear that the appellant wishes to provide the opportunity for someone else, a tenant, to come on to the land and to make use of it in terms of potentially farrowing a small number of pigs and keeping a limited number of chickens. However, I did not witness nor was it confirmed that there is currently any livestock on the site. I have not been provided with any information on the likely number of animals, where they would be housed, when they would be introduced on the site or the nature of any such agricultural business.
35. There is no business plan before me which sets out the aims of the enterprise, the intentions for agricultural production or diversification nor any financial projections and whether it would be viable in the longer term. I am not satisfied, based on the limited information provided, that there would be an essential need for someone to permanently reside on site to sustain or ensure the effective operation of the business in the future.
36. Whilst I accept that there is currently no existing dwelling at the holding, it was confirmed at the hearing that no other alternative options for accommodation within the local area have been considered. Although the appellant suggested that the likely rental figures of properties in Hitchin would be beyond the financial capabilities of a rural worker, there is no substantive evidence before me to demonstrate this.
37. I acknowledge that the appellant has concerns about security, particularly since the outlet on the water tank was damaged in a recent incident. Nevertheless, it was confirmed at the hearing that other surveillance options, such as cameras had been considered but not yet installed. Given other measures to ensure security have not been tested yet, I do not find this consideration to be sufficient to justify a need for someone to live at the appeal site.
38. For the above reasons I find that it has not been demonstrated that there is an essential need for a dwelling at the appeal site to accommodate a rural worker.
39. The appeal proposal would provide a new dwelling on a small site. The appeal site is not isolated, and future occupants would have access to services, facilities, employment and public transport provision. The development would provide some economic benefits during the construction phase and after, in that future occupants would support the local economy. The intention to provide a zero-carbon dwelling that would result in a scheme with sustainability credentials that would be in excess of the minimum requirements would also be a benefit.
40. However, the proposal is for a farm worker's dwelling which would limit significantly who could reside within it. This restriction along with the scale of the

proposal, means that, any benefits would carry only limited weight in favour of the development.

41. The appellant asserts that there would be no detrimental effects on the living conditions of the occupants of neighbouring properties, that the design approach would be appropriate for the area, that sufficient parking, cycle storage and access would be provided, that protected species would not be harmed and that the appeal site would not be at risk of flooding. Even if I were to agree, a lack of harm or policy compliance in these respects are neutral considerations that weigh neither for nor against the proposal.

Green Belt Balance

42. The development would constitute inappropriate development in the Green Belt which is by definition, harmful. Furthermore, there would be moderate harm to the openness of the Green Belt. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt.
43. I have found that it has not been demonstrated that there is an essential need for a dwelling at the appeal site to accommodate a rural worker. Taking into account all of the other considerations put forward in support of the proposal, I consider that these attract limited weight in favour of the proposal.
44. Therefore, in considering the substantial weight I must give to the harm to the Green Belt, I conclude that the very special circumstances needed to justify the development in the Green Belt have not been demonstrated. As such, the proposal would be contrary to Policy SP5 of the LP and the Framework, which both seek to protect the Green Belt from inappropriate development.

Other Matter

45. The development would provide a dwelling in an area where the Council is unable to demonstrate a five-year housing land supply. However, I have found that the proposal would harm the Green Belt. Therefore, this is a situation in terms of paragraph 11 (d) (i) of the Framework, where the presumption in favour of sustainable development is not engaged because the application of the policies in the Framework that protect land designated as Green Belt provides a clear reason for refusing the development proposed.

Conclusion

46. The proposal conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

G Dring
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Fred Quartermain	Thrings Solicitors
Tom Donovan	Peter George Planning
Mr Parker	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Thomas Howe	Planning Officer
Anne McDonald	Development Management Team Leader
Tom Rea	Senior Planning Officer

INTERESTED PARTIES:

Paul Dee	Chair of the Allotment Association
John Nelson	Representing residents of Old Hale Way
Mark Schilling	Representing residents of Bessemer Close



Appeal Decision

Site visit made on 8 July 2025

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 11th September 2025

Appeal Ref: APP/X1925/W/25/3358840

Land to the east of Old Hale Way, Hitchin, Hertfordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Bruce Parker against the decision of North Hertfordshire District Council.
 - The application Ref is 24/01920/FP.
 - The development proposed is 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.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address above from the appeal form rather than the planning application form as it more clearly identifies the location of the site. The same address is also used by the Council on its decision notice.
3. I have taken the description of development in the banner heading above from the planning application form, albeit I have removed wording that does not refer to an act of development, in the interests of clarity.

Main Issues

4. The main issues are:
 - whether the proposed development comprises inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and the development plan including whether openness would be preserved and the effect on the purposes of including land within the Green Belt;
 - whether the proposed development would promote sustainable modes of travel;
 - the effect of the proposed development on highway safety; and
 - if the proposal would comprise inappropriate development in the Green Belt, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations that would amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development

5. The appeal site comprises a roughly rectangular shaped area of land laid to grass which lies within the Green Belt. Policy SP5 of the North Hertfordshire Local Plan 2011-2031 (LP) states, amongst other things, 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.
6. The appeal proposal would involve alterations to an existing vehicular access to facilitate the use of the land as a community car park which would provide 30 vehicle spaces. Other works including the installation of gates, fencing, electric vehicle charging points, cycle stands and the creation of an additional earth bund are also proposed along with landscaping.
7. Paragraph 154 h) of the Framework sets out a list of exceptions, where subject to them preserving openness and not conflicting with the purposes of including land within the Green Belt, other forms of development are not considered to be inappropriate development in the Green Belt.
8. The appellant asserts that two exceptions set out under paragraph 154 h) could apply to the proposed development including, local transport infrastructure which can demonstrate a requirement for a Green Belt location (iii) and material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) (v). Even if I were to agree, in both cases a requirement of paragraph 154 h) of the Framework is that the development proposed would preserve openness and would not conflict with the purposes of including land within the Green Belt.

Openness and purposes

9. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
10. The existing access would be repositioned further north. I accept that it would appear more engineered compared with the existing access which is currently more informal in its characteristics. Nevertheless, given the limited distance that it would be moved from the current position, I do not find that there would be a significant impact on the openness of the Green Belt as a result of this altered access. It would remain visible in the context of the neighbouring access road into the allotments and the edge of the built up area of Hitchin.
11. The new car parking area would be formed of grasscrete in order to try and assimilate the surfacing into the rural character of the area. However, the plans indicate that the site would comprise of marked bays and above ground features, including cycle stands, electric vehicle charging points and additional boundary treatments. There would also be an increase in the number of vehicular movements into and out of the site compared with the current situation. The proposed arrangement along with the parking of vehicles at the site would result in an urbanising effect that would be harmful to the spatial openness of the site.

12. Vehicles parked on the site would be arranged in rows and reasonably close together, exacerbating their visual impact. The visual presence of the other associated development, including the additional fencing, gates and the provision of an additional earth bund would also create an appreciable sense of enclosure by obviously man-made features. I therefore find that the use of the site as a car park would have a harmful visual impact on openness. Whilst I accept that the level of vehicle use would vary at different times, even low level use of the car park would be likely to have a greater effect on openness than any agricultural use of the site.
13. Whilst the earth bund alongside the frontage currently screens the appeal site to a certain degree from Old Hale Way, there is a footpath along the top of that bund which is identified as an existing feature on the proposed layout. If retained as suggested, open views across the appeal site would be visible from this elevated vantage point. The proposed car park, earth bund and new gates would be visible in views from Old Hale Way, across the proposed access point. The new car park area would also be clearly visible from those using the adjacent access road to enter and exit the allotments and from those members of the public using the wider site to the east of the appeal site. As a result, the proposal would give rise to an appreciable reduction in openness in visual terms.
14. The proposal would be located on open agricultural land which is currently rural in character. The car park would extend from the edge of the town of Hitchin into the agricultural field. It would be contained by an existing post and rail fence along the eastern boundary and a bund along the western boundary, but it is currently open to the remainder of the field to the north. Beyond the appeal site to the north, east and west is agricultural land and allotments which also appear open and rural in character.
15. Given the nature of the existing site characteristics and the surrounding context, the appeal proposal would result in encroachment into the countryside, extending development of an urban character from the edge of Hitchin out into open countryside. The proposal would therefore be at odds with purpose c) of paragraph 143 of the Framework, which is to assist in safeguarding the countryside from encroachment.
16. Consequently, I find that the proposal would not preserve the openness of the Green Belt. It would not assist in safeguarding the countryside from encroachment. The proposed development would therefore fall outside the exceptions set out in paragraph 154 h) of the Framework and would be inappropriate development in the Green Belt.

Sustainable modes of travel

17. The proposal would result in a car park for up to 30 vehicles. The appellant states that the primary purpose of the car park would be to provide parking for those using the wider site, including allotment holders and dog walkers but that the intention is to encourage a much wider range of people to make use of the site that are not within walking distance.
18. There is very limited information before me that suggests the needs of such users of the site are not already being adequately provided for within the wider site. There is also very little information before me on the number of people who currently drive to the wider site to carry out such recreational activities, or whether

it is mostly accessed by local residents walking and cycling, given its location in close proximity to both Hitchin and Ickleford and that the submitted Transport Statement (TS) identifies that the area is well connected in terms of walking, cycling and public transport opportunities.

19. It is also stated that the car park would provide overspill parking for those attending village events and would also provide parking for occasional farmers markets and car boot sales. Nevertheless, I have very limited information before me on the parking issues currently experienced during local events and whether the level of parking proposed is proportionate to any expected demand. Very little information is also before me on the scale and location of the proposed farmers market/car boot use. I note that it is suggested that such events could be limited in number to what could be carried out under permitted development rights. Nevertheless, there is no substantive information on the likely parking demand that would be created by such events, which would impact on the use of the proposed development before me now.
20. Therefore, without substantive evidence to the contrary, I find that the need for the car park at the scale proposed has not been demonstrated. Whilst I note that it is proposed to provide electric vehicle charging points and four cycle stands, I still consider that overall, the proposal would encourage people to drive, which is contrary to promoting the use of more sustainable modes of transport, which are available in the local area.
21. Whilst I note that the proposal may result in some social benefits including allowing wider access to recreational pursuits, the extent of these has not been demonstrated to be any more than minor in this case. I also note the potential economic benefits in terms of supporting the operation of a farmers market/car boot sale, however, without substantive information on the scale of such a use, I am not satisfied that such benefits would overcome the environmental harms I have identified.
22. Consequently, based on the evidence before me, the proposal would be contrary to Policies SP1 and SP2 of the LP which seek, amongst other things, to manage the pattern of development across the Council area in order to support the principles of sustainable development. The proposal would also be contrary to an overarching aim of the Framework, which is to manage patterns of growth in support of promoting the use of sustainable transport.
23. The proposal would also be contrary to Hertfordshire's Local Transport Plan 2018 – 2031 (May 2018) which seeks to achieve a change in travel behaviour so that people choose to travel by other modes for journeys that do not need to be made by car.

Highway safety

24. The submitted TS identifies a relatively high level of traffic flows along Old Hale Way. During my site visit, whilst only a snapshot in time, there were regular vehicular movements in both directions along Old Hale Way. The collision data provided in the TS identifies that there have been no recorded accidents in recent times. Nonetheless, the proposal would result in an increase in the number of vehicles accessing and egressing from the appeal site using a relocated access on Old Hale Way. The Highway Authority does not object to the use of the proposed car park by walkers or allotment holders, its concern relates to the use of the

proposed parking in connection with the potential operation of a farmers market/car boot sale use on the wider site.

25. Whilst the farmers market/car boot use maybe limited to what could be carried out under permitted development rights, meaning that it would not be an overly regular occurrence, the location and scale of such a use is not identified. Without knowing more detailed information on this potential proposed use, it is not clear what the likely number of additional vehicle movements using the site would be or the level of resultant parking demand. Dependent on the scale, it could result in overspill parking along the road and if this is to a significant level it could become a nuisance and result in harmful highway safety impacts.
26. It is asserted that the farmers market/car boot use could take place under permitted development rights, without the proposed car park, which would result in visitors parking elsewhere. Whilst I accept that there maybe a theoretical possibility that a farmers market/car boot use could take place, it may not be an attractive option for many, if no off street parking is provided or if it resulted in undesirable nuisance parking or highway safety impacts.
27. It is suggested that a planning condition could be used to require a Traffic Management Plan to be submitted. However, without substantive information on the potential farmers market/car boot use, I am not satisfied that it is a matter that could be adequately addressed by a planning condition.
28. I therefore find that there is insufficient information before me to demonstrate that the appeal proposal would not be likely to result in harm to highway safety. The proposal would therefore be contrary to Policy T1 of the LP which seeks, amongst other things, that development does not lead to highway safety problems or cause unacceptable impacts upon the highway network.

Other considerations

29. The appellant contends that various different initiatives have been implemented at the wider site, including the introduction of permissive footpaths and footways that link with Public Rights of Way and public footpaths, the provision of allotments and the siting of dog waste bins. Whilst the introduction of such initiatives is admirable and the Framework does advocate for development that promotes well-being, there is no evidence before me which clearly explains the demand for parking in respect of these uses, or whether any such demand can be adequately accommodated within the existing arrangements on the wider site.
30. As stated above, whilst the appellant identifies that the car park could be used for overspill parking when village events take place, there is no substantive information before me that there is a need for such overspill car parking in this location.
31. The potential use of land within the wider site for a farmers' market or car boot sale in line with the limitations of permitted development rights is also raised as a public benefit. Whilst I accept that the use for a farmers market/car boot sale maybe a theoretical possibility, there is little compelling evidence before me, such as a business plan or a lawful development certificate suggesting that it would occur. Nevertheless, I am mindful that the Framework supports sustainable growth and the expansion of rural businesses. Given the limited information before me on this potential use I can attribute only limited weight to it as a benefit.

32. Having regard to the evidence before me, I find that these other considerations, cumulatively, attract only limited weight.

Green Belt Balance

33. The proposal would be inappropriate development in the Green Belt, which is harmful by definition and to which I attach substantial weight as required by the Framework. The proposed development would reduce the openness of the Green Belt, and would not accord with one of the purposes of the Green Belt set out at paragraph 143 of the Framework.
34. The appeal proposal would also encourage the use of the private car and, based on the information before me, it has not been demonstrated that it would not be likely to result in harm to highway safety. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
35. The other considerations put forward by the appellant are not sufficient, either individually or cumulatively, to clearly outweigh the harm to the Green Belt nor would they outweigh the other harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Other Matter

36. I note from the submitted information that there is a dispute as to whether Biodiversity Net Gain is adequately provided for. Nevertheless, given I am dismissing the appeal based on the main issues, I have not considered this matter further.

Conclusion

37. In conclusion, the proposal would be contrary to the development plan as a whole. Material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development plan. Having considered all matters raised, I conclude that the appeal should be dismissed.

G Dring

INSPECTOR