

NORTH HERTFORDSHIRE DISTRICT COUNCIL



24 October 2025

Our Ref Planning Control Committee 6 November 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, 6TH NOVEMBER, 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 ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda **Part I**

Item		Page
1. APOLOGIES FOR ABSENCE	Members are required to notify any substitutions by midday on the day of the meeting. Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
2. MINUTES - 9 OCTOBER 2025	To take as read and approve as a true record the minutes of the meeting of the Committee held on the 9 October 2025.	(Pages 5 - 8)
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. 25/01539/FP HOLBORN FARM, DANE END, THERFIELD, ROYSTON, HERTFORDSHIRE SG8 9RH REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER	Extension and conversion of the existing barn into a four bedroom dwelling with associated landscaping, following demolition of non-original stable extension, car port and lean-to structure (as amended by drawing nos. 300-Pr; 301-Pr; 302-Pr; 303-Pr; 310-Pr; 311-Pr; 312-Pr; 313-Pr; 314-Pr; _ 315-Pr received 3rd October 2025).	(Pages 9 - 26)

7. **25/01745/S73 LAND TO THE EAST OF FOXHOLES AND GAINSFORD HOUSE AND ON THE WEST SIDE OF CROW FURLONG, HITCHIN, HERTFORDSHIRE** (Pages 27 - 54)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Variation of condition 2 (revised plans) and condition 10 (Flood Risk Assessment) of planning permission 22/03092/FP granted 15.03.2024 for Residential development of 47 dwellings and associated car parking, open space, landscaping and creation of access off Grays Lane (as amended).

8. **TPO/00221/(2025) LAND AT CROUCHGREEN WOOD AND CHURCH WOOD, THREE HOUSES LAND, CODICOTE** (Pages 55 - 62)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

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

9. **APPEALS** (Pages 63 - 70)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

To update Members on appeals lodged and any decisions made.

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Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCHWORTH GARDEN CITY, SG6 3JF

ON THURSDAY, 9TH OCTOBER, 2025 AT 7.00 PM

MINUTES

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

In Attendance: *Amy Cantrill (Trainee Committee, Member and Scrutiny Officer), Susan Le Dain (Committee, Member and Scrutiny Officer), Anne McDonald (Principal Planning Officer (Development Management)), Tom Rea (Senior Planning Officer) and Stephen Reid (Locum Planning Lawyer).*

Also Present: *At the commencement of the meeting there were no members of the public.*

62 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 38 seconds

Apologies for absence were received from Councillor Ruth Brown.

63 MINUTES - 4 SEPTEMBER 2025

Audio Recording – 1 minute 51 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 4 September be approved as a true record of the proceedings and be signed by the Chair.

64 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minutes 38 seconds

There was no other business notified.

65 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 46 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 confirmed the procedure for moving to debate on an item.

(4) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.

(5) The Chair confirmed the cut off procedure should the meeting proceed at length.

66 PUBLIC PARTICIPATION

Audio recording – 4 minutes 29 seconds

The Chair confirmed that no registered speakers were in attendance.

67 TPO/00221 LAND AT CROUCHGREEN WOOD AND CHURCH WOOD, THREE HOUSES LANE, CODICOTE

Audio recording – 4 minutes 35 seconds

The Chair advised that this item has been **DEFERRED** to a future meeting of the Committee.

N.B. The Locum Planning Lawyer entered the Chamber at 19:09

68 25/01834/S73 LAND AT HEATH ROAD, BREACHWOOD GREEN, HERTFORDSHIRE, SG4 8PL

Audio recording – 5 minutes 5 seconds

The Senior Planning Officer advised this application had been brought before the Committee due to it slightly exceeding the 0.5-hectare threshold, being 0.56 hectares.

The Senior Planning Officer then presented the report in respect of Application 25/01834/S73 supported by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Louise Peace
- Councillor Martin Prescott
- Councillor Bryony May
- Councillor Emma Fernandes

In response to questions the Senior Planning Officer advised that:

- The developer was seeking permission to make roof alterations to Plots 1 and 10.
- It would be the right of the householder once the dwellings was occupied and not the developer to install dormer windows.
- This planning application complied with policy D1 of the Local Plan and was only seeking partial relaxation of permitted development rights for two of the plots as detailed in paragraph 4.3.1 of the report.
- This application would not have any impact on the parking concerns raised by the Committee in April 2025, as outlined in paragraph 4.3.2 of the report.
- As this application had not been restricted under Class C permitted development rights internal conversion of the roof spaces into habitable dwellings could be undertaken without obtaining planning permission, as detailed to in paragraph 4.3.5 of the report.
- No reason had been provided by the developer as to why they had selected Plots 1 and 10 for this variation.
- Granting this application could set a precedent for the other householders to make similar applications for their properties, but every planning application received would be considered in its own rights.

Councillor Nigel Mason, as Chair, proposed to grant permission and this was seconded by Councillor Emma Fernandes.

The following Members took part in the debate:

- Councillor Claire Billing
- Councillor Tom Tyson
- Councillor Emma Fernandes
- Councillor Martin Prescott
- Councillor Louise Peace
- Councillor Ian Mantle
- Councillor Val Bryant
- Councillor Dave Winstanley

Points raised during the debate included:

- The Committee was required to support this application if there was not a suitable planning reason to reject it.
- Future occupiers of the properties would have the right to internal conversion of the roof spaces into habitable accommodation without obtaining planning permission, due to the non-restriction of Class C permitted development rights in the original application.
- There was some concern around granting this application could then set a precedent for the other properties on the development to also request a variation to their roof space.
- The conditions included by the Committee when this application was originally considered were added over concern about the undesirable housing mix of the properties being all 4-bed dwellings, affordability, roof extensions and increased cars and traffic.
- Removal of permitted development rights should only be considered when there was a concern about the development rights, which was not the case with this application.
- Members needed to accept the decision made by the previous Committee and to consider this application in its own merits.

In response to points raised during the debate, the Locum Planning Lawyer advised that Members needed clear reasons for refusal of this application, otherwise there would be a prospect of an appeal.

In response to points raised during the debate, the Chair advised that if the motion was lost, he would ask for a further proposer and seconder on a motion to defer or refuse the application.

In response to points raised during the debate, the Principal Planning Officer (Development Management) advised that if Members declined the recommendation, then the item would have to be deferred.

In response to points raised during the debate, the Senior Planning Officer advised that the applicant had considered the conditions set by the previous Committee and had made this case for a variation to only two of the dwellings.

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

RESOLVED: That application 25/01834/S73 be **GRANTED** planning permission subject to the conditions set out in the report of the Development and Conservation Manager.

69 APPEALS

Audio recording – 43 minutes 16 seconds

The Principal Planning Officer (Development Management) presented the report entitled 'Planning Appeals' and advised that:

- There had been one appeal withdrawn which had been submitted alongside a planning application. The planning application would be brought before the Committee at a future meeting.
- There had been three appeal decisions all of which had been dismissed.
- It was interesting to note that the hearing for the agricultural workers dwelling was dismissed due to there being no evidence that a property of this type was justified in that location. However, the Inspector did conclude that if the proposal had been for a market house under the grey belt, it would have been approved.

In response to a question from Councillor Louise Peace, the Principal Planning Officer advised that details of appeals could only be publicised once a start date had been given and this could sometimes take up to 18 months.

The meeting closed at 7.50 pm

Chair

<u>Location:</u>	Holborn Farm Dane End Therfield Royston Hertfordshire SG8 9RH
<u>Applicant:</u>	Mr Cassidy
<u>Proposal:</u>	Extension and conversion of the existing barn into a four bedroom dwelling with associated landscaping, following demolition of non-original stable extension, car port and lean-to structure (as amended by drawing nos. 300-Pr; 301-Pr; 302-Pr; 303-Pr; 310-Pr; 311-Pr; 312-Pr; 313-Pr; 314-Pr; _ 315-Pr received 3rd October 2025)
<u>Ref. No:</u>	25/01539/FP
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 25/08/2025

Extension of statutory period: 11/11/2025

Reason for Delay:

Negotiations amended plans and awaiting consultee responses and in order to present the application to an available committee meeting.

Reason for Referral to Committee:

In accordance with section 8.4.5 of the Council's Constitution

"The Planning Control Committee shall determine: (c) any other planning application, application for advertisement consent, listed building consent or conservation area consent where: (i) a statutory consultee has submitted a written opinion contrary to the recommendation of the Service Director: Regulatory and which is a valid material planning consideration in the opinion of the Service Director: Regulatory;"

The recommendation is contrary to the view of the Highway Authority, with details of such outlined in this report.

1.0 Site History

- 1.1 23/01220/FP: Conversion of existing barn into one 4-bed dwelling including extensions, detached car port, widening of existing vehicular access, associated landscaping and parking following demolition of existing stable extension, car port and lean-to structure. (as amended by plan nos 301_R1, 302_R2, 3010_R1 _ 313_R1, 304 PR R2 (P3); 303 PR (R1); 300 PR R2 (P3); 100 R2 (P3) Granted 12.04.24

- 1.2 23/01221/LBC: Conversion to existing barn into one 4-bed dwelling including extensions, detached car port, widening of existing vehicular access, associated landscaping and parking following demolition of existing stable extension, car port and lean-to structure Granted listed building consent 12.04.24

The above permissions have not been implemented but are still extant.

2.0 **Policies**

2.1 North Hertfordshire Local Plan 2011 – 2031

Policy SP1: Sustainable Development in North Hertfordshire
Policy SP2: Settlement Hierarchy and Spatial Distribution
Policy SP6: Sustainable Transport
Policy SP8: Housing
Policy SP9: Design and Sustainability
Policy SP11: Natural Resources and Sustainability
Policy SP13: Historic Environment
Policy T1: Assessment of Transport Matters
Policy T2: Parking
Policy CGB1: Rural Areas beyond the Green Belt
Policy CGB4: Existing buildings in the Rural Area Beyond the Green Belt
Policy D1: Sustainable Design
Policy D3: Protecting Living Conditions
Policy D4: Air Quality
Policy NE4: Biodiversity and Geological Sites
Policy NE7: Reducing flood risk
Policy NE8: Sustainable Drainage Systems
Policy NE9: Water Quality and Environment
Policy HE1: Designated Heritage Assets
Policy HE3: Non-designated heritage assets Policy HE4: Archaeology

2.2 **National Planning Policy Framework (December 2024)**

Section 2: Achieving sustainable development.
Section 5: Delivering a sufficient supply of homes
Section 8: Promoting healthy and safe communities
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

Neighbourhood Plan

There is no 'made' Neighbourhood Plan for Therfield Parish

3.0 **Representations**

3.1 **Therfield Parish Council:** No response

3.2 **Hertfordshire Highways:** Advice as follows: 'The Highway Authority does not support the application. The proposal fails to demonstrate a policy-led and design-led approach

to access and movement, particularly for pedestrians and cyclists. It does not align with the principles of sustainable development and represents a potential risk to highway safety. The application is therefore considered contrary to the objectives of LTP4, the NPPF, and current government planning priorities.'

- 3.3 **Environment Agency:** Advises no objections on flood risk grounds. Recommends an informative.
- 3.4 **NHDC Senior Ecologist:** Notes the BNG gain 171%. Advises a condition concerning a protected species licence.
- 3.5 **NHDC Conservation officer:** Comments in relation to amended plans - Advises no objection recommendation. Advises that this is a case where the scheme will enable the heritage asset to be used in a manner that secures its conservation and preserves its significance (part a, Policy HE1 of NHLP) and where the less than substantial harm identified will serve to secure the asset's optimum viable use (part c, HE1 of NHLP).
- 3.6 **NHDC Environmental Health:**
Land contamination – Recommends a standard land contamination condition
Air Quality – Recommends an EV condition and informative
Noise/Nuisance – Raises no objections
- 3.7 **Natural England:** Advises no objection subject to appropriate mitigation being secured.
- 3.8 **Conservators of Therfield Heath and Greens:** No response
- 3.9 **Thames Water:** Advises that due to the proximity of the site to a public sewer a build over agreement may be required.
- 3.10 **Site Notice / Adjoining occupiers:** No responses received

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site is situated on the east side of Dane End within the grounds of Holborn Farm House, a Grade II listed building. The site consists of a Grade II listed barn and associated extensions and hardsurfaced area located immediately to the south of Holborn Farm House.
- 4.1.2 The site is not located within a Conservation Area but is within the Rural Area Beyond the Green Belt. The site is located approximately 1500m to the southeast of Therfield village centre and similar distance from the village of Reed.
- 4.1.3 The site is partially within Flood Zone 3 due to the proximity of a watercourse on the opposite side of Dane End to the application site.

4.2 **Proposal**

4.2.1 The proposals, as amended, are for Full Planning Permission for the conversion of one barn to a dwelling house including the demolition of adjoining outbuildings at Holborn Barn, Holborn Farm.

4.2.2 The proposals include the demolition of adjoining buildings to the listed barn and the construction of three single storey extensions attached to the north elevation and south elevation of the barn. Vehicular access would be via the existing access onto Dane End shared with Holborn Farmhouse. The total proposed footprint of the development would be 432 sq metres with a net footprint reduction across the site of 16 sq metres.

4.2.3 The proposed dwelling would comprise 4 bedrooms, living area, kitchen/dining room and bathroom. The barn would have its own residential curtilage including garden area created to the east and south. The front car port extension would provide parking for several cars.

4.2.4 The proposed external materials for the barn conversion and extension are as follows:

- ☐ Clay plain tiled roof – refurbished
- ☐ Black painted timber cladding – refurbished and replaced where required
- ☐ Red brick – repointed in lime mortar and refurbished where required
- ☐ Timber framing
- ☐ Black corrugated metal cladding and black cappings
- ☐ Aluminium framed glazing

4.2.5 The application is supported by the following documents: -

- ☐ Planning Statement
- ☐ Design and access statement
- ☐ Heritage Impact Assessment
- ☐ Ecology Report and Bat Survey
- ☐ Tree Report
- ☐ Arboricultural Impact assessment
- ☐ Flood Risk Assessment
- ☐ Transport Technical Note

4.3 Key Issues

4.3.1 The key issues for consideration are as follows:

- ☐ The Principle of Development
- ☐ The Impact on Designated Heritage Assets
- ☐ Sustainability
- ☐ Design and impact on the character and appearance of the area
- ☐ Living conditions and amenity of adjoining occupiers
- ☐ Landscaping and Ecology
- ☐ Highways, Access, and Parking
- ☐ Other Matters.

4.3.2 Principle of development

- 4.3.3 The site is in the Rural Area beyond the Green Belt in the adopted Local Plan. Policy SP5 states the Council will operate a general policy of restraint in Rural Areas beyond the Green Belt through the application of additional detailed policies. These policies are CGB1 and CGB4. Part d) of CGB1 is considered applicable, as the proposal relates to existing rural buildings. Policy CGB4 states that planning permission for the re-use, replacement or extension of buildings in the Rural Area beyond the Green Belt will be granted provided that:

b) Any existing building to be converted for re-use does not require major extension or reconstruction; c) The resultant building(s) do not have a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original building(s); and d) Any outbuilding(s) are sited as close as possible to the main building(s) and visually subordinate to them.

The proposal is considered to meet b), c) and d) above and therefore the proposed development is considered acceptable in principle

Further to the above it should be noted that the LPA granted planning permission and listed building consent for the conversion of the barn the subject of this application into a 4 bedroom dwelling (see history above). These permissions are still extant and therefore are a material planning consideration in the determination of this application.

4.3.4 The impact on designated heritage assets

- 4.3.5 The heritage assets affected by this proposal are the barn itself (Grade II listed) and the adjacent Holborn Farmhouse (Grade II listed). The application is accompanied by a heritage statement and impact assessment.

- 4.3.6 The Heritage assessment sets out the historical significance of the barn to be converted and extended describing its evolution from a 5-bay threshing barn with further bays added due to increasing grain production on the farm. The requirements of the working farm necessitated further additions in the form of stables and shelter shed and lean-to. The barn has been greatly altered but large amounts of the eighteenth-century timber frame survive. The overall historical interest is given as moderate with low to moderate archaeological interest.

- 4.3.7 The assessment sets out the detailed proposals for the barn conversion and extension highlighting which parts of the barn have high significance (to be retained) and those parts which have low or neutral significance (to be removed). A full table is included in the assessment showing which elements are classed as minor and moderate positive and those proposals which are minor detrimental or neutral. Overall the principle and the detail design of the conversion and extension of the barn for residential use is considered consistent with good conservation practice.

- 4.3.8 The proposed development has been significantly revised following the first appraisal by the Council's Senior Conservation on the originally submitted scheme. The main element that was considered unacceptable was a two-storey replacement wing to the north elevation of the historic barn facing Dane End.

- 4.3.9 The applicant has responded to the Conservation officer's concerns reducing the car port wing and glazed link to single storey, simplifying the external elevations to produce a more agrarian appearance and several other amendments to secure a less domesticated appearance throughout the scheme.

- 4.3.10 The Conservation officer now raises no objections to the scheme and are summarised as follows:

*‘Although there would be a small amount of harm occasioned to the barn by reason of alterations, extensions and change of use, the amended scheme is considered overall to be a sensitive yet contemporary handling of the host building. Whilst not fully compliant with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 215 of the NPPF states that harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This is a case where the scheme will enable the heritage asset to be used in a manner that secures its conservation and preserves its significance (part a, Policy HE1 of NHLP) and where the less than substantial harm identified will serve to secure the asset’s optimum viable use (part c, HE1 of NHLP). Thus, I raise **NO OBJECTION**’.*

- 4.3.11 In summary the Conservation officer supports the proposals subject to conditions on matters of details such as materials and landscaping. The development is therefore acceptable in heritage terms.

4.3.12 Sustainability

- 4.3.13 The overarching purpose of the planning system is to contribute to achieving sustainable development, as stated in Section 2 of the NPPF. This is considered against the three objectives of sustainable development, the economic, social, and environmental objectives.

- 4.3.14 Firstly, in terms of the economic objective, the proposed development would see the delivery of jobs during the build/construction phase and the contribution to the local economy by future occupiers, which is a modest benefit.

- 4.3.15 Secondly, in terms of the social objective, this would add an additional dwelling to the districts housing stock which could be delivered in a relatively short space of time, which is a modest benefit.

- 4.3.16 In terms of the environmental objective, it is acknowledged that future occupiers of this proposal would be reliant on private vehicles for the majority of their needs. This issue is covered in more detail in the section below on highway matters however the site is only a relatively short distance from two nearby category ‘A’ villages both of which have primary schools and some local facilities. Paragraph 83 of the Framework states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. This proposal, in providing a residential use for a redundant building has the potential to meet this objective.

- 4.3.17 More importantly however the proposal would represent the optimal viable use of a heritage asset and would re-use a redundant building and enhance its setting thus meeting two of the following bullet points of paragraph 84 of the Framework:

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage

assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

4.3.18 The proposal will incorporate sustainable building features, such as an EV charging point and a condition is recommended to secure other low carbon and energy reducing features in the construction and operational phase of the development. Overall, these environmental benefits are deemed appropriate relative to the scale of development proposed.

4.3.19 As such, it is considered that the proposal accords with the three strands of sustainability and attributed due weight in the planning balance.

4.3.20 Design and impact on the character and appearance of the area

4.3.21 Policy D1 of the Local Plan states that planning permission will be granted for development proposals that respond positively to the sites local context and create or enhance the public realm. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context.

4.3.22 The proposal would result in the removal of non-original features attached to the historic barn and provide a sensitive refurbishment of the internal spaces maintaining where possible original spaces and timber framing. The new northern wings (including garaging are single storey with low roofs designed to be subservient to the host building respecting its original agricultural use and courtyard setting. The original form of the listed building would still be clearly legible and enhanced. A combination of traditional and contemporary materials is proposed with the aim of creating a dwelling that compliments the vernacular of the listed building and sensitively differentiates old from new.

4.3.23 The barn is prominent in views from Dane End however the sensitive conversion and extension works will enhance its setting and maintain the rural character of the lane. Works to the exiting access are limited with only minor cutting back of the hedgerow to achieve adequate sightlines. The proposed development is therefore considered to respond positively to local context, in accordance with Policies SP9 and D1 of the Local Plan.

4.3.24 Living conditions and amenity of adjoining occupiers

4.3.25 Policy D1 of the Local Plan states that, amongst other things, development proposals should meet or exceed the nationally described space standards. Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.

4.3.26 The proposal largely deals with alterations to an existing barn and replacing existing extensions with smaller low-rise additions. The use would be compatible with the adjoining residential use of Holborn Farm House and unlikely, given a single residential unit use, to result in any undue noise and disturbance to the occupiers of the Farm House. There are no other immediately adjoining neighbours that would be affected by the proposal. As such, the scheme will not give rise to any materially adverse impacts upon the reasonable living conditions and well-being of neighbouring properties. This is in accordance with Policies D1 and D3 of the Local Plan.

4.3.27 The proposed dwelling at approximately 290 sqm would exceed the minimum nationally described space standards for a 4 bedroom/8-person property (127 sqm), would have sizable rear private amenity space, and would see all habitable rooms achieve suitable levels of natural light. It is therefore my view that the proposal would not result in any harm to the reasonable living conditions and well-being of future occupiers.

4.3.28 Landscaping and ecology

4.3.29 The detailed landscaping matters will be the subject of a landscaping scheme pre-commencement condition, which will consider which trees/hedgerows are to be retained and where new planting will be proposed to deliver measurable gains in biodiversity. This condition will also cover the boundary treatments that will create the new residential curtilage and subdivide the host and proposed properties.

4.3.30 The proposal is accompanied by a bat survey and emergence and bat activity survey. The surveys have shown three common pipistrelle *Pipistrellus pipistrellus* day roosts, and a Brown Long-Eared *Plecotus auratus* maternity roost with six individuals recorded. Mitigation and compensation for the disturbance to bats is provided for in the bat survey report and these include two types of bat boxes. A Natural England Protected Species Licence (NEPSL) is required and the applicant will be required to demonstrate that this has been obtained via a condition prior to any works starting on site.

4.3.31 This proposal is presented as a self-build project and is therefore exempt from the need to achieve a 10% bio-diversity net gain under the Environment Act legislation. However, the submitted BNG metric and ecology report reveals that due to the conversion of hardstanding yard into vegetated garden the proposed development will result in a + 171.12% net gain in habitat units thereby exceeding the national requirements in any case. A suitably worded pre-commencement condition covers a landscaping scheme, including the retention and provision of new landscaping where appropriate, in order to ensure net gains in biodiversity.

4.3.32 In view of the above there are considered to be no objections to the landscaping and ecology matters under this application, in accordance with Policy NE4 of the Local Plan.

4.3.33 Highways, access and parking

4.3.34 The Highway Authority's concerns can be summarised as follows:

- ☐ The site is not considered acceptable for intensification of use by residential development in such a location because it is not viable for access by non-car transport modes and is therefore contrary to all local and national policies and guidance's, in particular NPPF which seeks new development to provide safe and suitable access for all, and to create safe and secure layouts minimising conflicts between traffic and pedestrians.
- ☐ Pedestrian route to the development access must also consider the needs of those with small children, pushchairs and those with reduced mobility, including visually impaired people and people using wheelchairs or mobility scooters (Equalities Act).
- ☐ Residential developments should be delivered in the most sustainable locations, connectivity is maximised, the need to travel is minimised, and safe and direct walking and cycling routes are provided.

4.3.35 The concerns of the Highway Authority are acknowledged however the proposal is for a single residential dwelling unit to replace buildings that were once used as part of a working farm which would have generated significantly more vehicular and pedestrian movement. The number of additional traffic movements generated by the single dwelling would be negligible (i.e. 4, two – way vehicular movements per weekday).

4.3.36 The response of the Highway Authority is disappointing given the extant and similar planning permission for a conversion scheme to a dwelling although it is acknowledged that the HA is entitled to its view. Nevertheless, there are several matters unique to this case that warrant a more flexible view being taken to highway matters such as the following:

- ☐ The proposal is small scale with one new dwelling
- ☐ The access is safe in terms of pedestrian and vehicular visibility (drivers travelling on Dane End are able to see vehicles exiting the site access at a distance of 75 metres (from the north) and 82 metres (from the south)).
- ☐ Dane End is regularly used by walkers, cyclists and horse riders
- ☐ The carriageway in Dane End has no significant gradient that would make it difficult for people with mobility issues to navigate
- ☐ There is a network of public footpaths in the locality including footpaths directly linking Dane End to Therfield village
- ☐ Vehicle speeds in Dane End are between 20 – 25mph
- ☐ The width of Dane End carriageway (between 3.5m – 5m provides good visibility for motorists and sufficient passing space.
- ☐ There are community transport options available for people with permanent disability

4.3.37 The NPPF states at paragraph 109 that *‘Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.’* However, in this regard it is considered that the provision of one dwelling cannot be deemed significant in scale and paragraph 110 does explain that transport solutions will vary between urban and rural areas.

4.3.38 The NPPF also states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and that where there are groups of smaller settlements, development in one village may support services in a nearby village. In this case there is other residential development nearby including at Hay Green and Therfield. In addition, whilst the NPPF seeks to avoid isolated homes in the countryside, there are several exceptions to this approach, two of which would be relevant to this proposal if it was considered to be in an isolated location. The first exception relates to a development that would represent an optimal viable use of a heritage asset and the second is where a development would re-use redundant or disused buildings and enhance its immediate setting, which would be the case in this instance on both matters.

- 4.3.39 The location of the site does present an opportunity to walk or cycle to nearby facilities in Therfield or Reed both of which are category 'A' villages. This proposal will also include the availability of high-speed broadband for home working and shopping and the proposed installation of electric vehicle charging points are further options which will reduce the reliance on petrol and diesel cars.
- 4.3.40 Overall the proposed dwelling would be only marginally less accessible to local services than nearby dwellings including those in Hay Green. The limited scale of the development means that the number of car journeys would not be significant and given the proximity of a range of services in Therfield and Reed and slightly further afield in Royston, the majority of journeys are likely to be short.
- 4.3.41 In taking account all of the above, it is considered that the proposal would be reasonably located in terms of access to local services and facilities and would facilitate sustainable modes of transport in a manner commensurate to its scale and location. The concerns of the Highway Authority are therefore not considered to be justified or sufficient to refuse planning permission on highway grounds in this instance.
- 4.3.42 Other matters
- 4.3.43 The majority of the application site lies within Flood Zone 1 with only the site frontage and Dane End being within the more vulnerable to flooding area (Zone 2 and 3). The hard-surfaced area within the former farmyard site will be reduced by the introduction of gardens at the rear of the barn and therefore there will be reduced impact with respect to surface water run-off. The height of the application site relative to the adjacent drainage ditch on the opposite side of Dane End is such that there would be no risk to flooding. It should be noted that the Environment Agency have not objected to the proposed development in terms of flood risk.
- 4.3.44 The proposed development, by virtue of its limited scale would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with the criteria set out in Policy D1 'Sustainable Design' of the North Hertfordshire Local Plan 2011-2031 and Section 14 - 'Meeting the challenge of climate change, flooding and coastal change' of the NPPF 2024.
- 4.3.45 It is noted that Natural England have requested a package of appropriate mitigation measures and/or financial contributions in accordance with North Hertfordshire's Therfield Heath SSSI Mitigation Strategy and for the appropriate measures to be agreed with the Conservators of Therfield Heath and Greens. The appropriate planning mechanism for this would normally be through a Section 106 legal agreement. The Council has not adopted the Community Infrastructure Levy (CIL) which is intended to support an area's infrastructure.

Planning Obligations should only be used where they met the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development

The Court of Appeal determined in May 2016 that tariff style planning obligations should not be sought from small scale and self-build development and such circumstances included developments of ten units or less.

In this case the applicants have declared on the application form that the development would be a self-build / custom build project. Therefore the development is exempt from any requirement to enter into a planning obligation.

4.3.46 Conclusion and planning balance

- 4.3.47 The site is located within the Rural Area Beyond the Green Belt but close to villages that provide local services (such as schools, pub, churches, village halls). The development would contribute in a modest way to the Council's housing supply and would enhance local services. The proposal would comply with Policy CGB4 of the Local Plan and the re-use and extension of buildings in the Rural Area Beyond the Green Belt, and paragraph 84 (b & c) of the NPPF which allows for the housing development in the countryside that would represent the optimal use of a heritage asset and re-use redundant or disused buildings and enhance its immediate setting.
- 4.3.48 The proposal would conserve a heritage asset (i.e. the Grade II listed barn) and secure its long-term future in conformity with Policy HE1 of the Local Plan and the guidance set out in Section 16 of the NPPF. This aspect of the scheme can be given considerable weight.
- 4.3.49 The dwelling has been designed with a mix of traditional and contemporary features which respect the historic setting of the barn and the setting of the nearby Farm House and also has regard to the rural setting of the area. As such, the proposal is deemed in accordance with Policies SP9 and D1 of the Local Plan and Section 12 of the NPPF. This should be given moderate weight.
- 4.3.50 The proposal is a small site that will deliver measurable gains in biodiversity, in accordance with Policy NE4 of the Local Plan
- 4.3.51 The proposal is considered acceptable in terms of parking provision and highway safety having regard to the low level of traffic on Dane End and the low number of traffic movement generated. The proposal would comply in general terms with Policies T1 and T2 of the Local Plan.
- 4.3.50 The Council cannot currently demonstrate a 5-year supply of deliverable housing sites and consequently in this case the tilted balance set out at paragraph 11 (d) of the Framework applies. There are no strong heritage grounds for refusal and the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole.
- 4.3.52 Overall, taking all matters into account the proposal complies with the Local Plan and the NPPF as a whole and the application is recommended for approval, subject to conditions.

Alternative Options

None applicable

Pre-Commencement Conditions

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

5.0 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 begun before the expiration of 3 years from the date of this permission.

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

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

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

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

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

4. All existing clay pantiles capable of reuse shall be stored on site and used in the re-roofing of the main barn unless otherwise agreed and approved in writing by the Local Planning Authority. In addition, details and/or samples of clay pantiles to make up any shortfall shall be submitted to and approved in writing by the Local Planning Authority before the re-roofing commences. Thereafter only salvaged tiles or the approved alternative shall be used on the re-roofing.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

5. Notwithstanding approved drawing no. 313-Pr Elevation-West Rev P2, further details of the brick type and bond to the triple carport shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby consented. Thereafter, the brickwork shall be completed in accordance with the approved details.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031

6. Details of all structural works to the barn's envelope shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Thereafter the structural works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building to which this consent relates and to comply with Policies SP13 and HE1 of the North Hertfordshire Local Plan 2011 to 2031.

7. The method of external insulation to include materials to be used, hereby granted planning permission, shall be submitted to and agreed, in writing, by the Local Planning Authority before any works are commenced. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building to which this consent relates and to comply with Policies SP13 and HE1 of the North Hertfordshire Local Plan 2011 to 2031

8. Notwithstanding the detail show on the submitted drawings further details of shutter doors to the primary entrance on the North Elevation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building to which this consent relates and to comply with Policies SP13 and HE1 of the North Hertfordshire Local Plan 2011 to 2031

9. No development to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure that an appropriate record is made of the historic building fabric that may be affected by the development.

10. No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:
- A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination;
 - A Phase 2 Site Investigation (where shown as necessary the Phase 1 Desk Study);
 - A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation)

All such work shall be undertaken in accordance with BS:10175:2011 or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.

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

11. Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

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

12. No works are in any circumstances to commence unless the local planning authority has been provided with either:
- a licence issued by Natural England authorizing the specified activity/development to go ahead; or
 - a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure that works do not result in adverse impacts to protected species. To comply with Policy NE4 of the North Herts Local Plan 2011 - 2031

13. No development shall take place until an Ecological Enhancement Plan (EEP) detailing the inclusion of integrated swift boxes in buildings / structures as informed by the submitted April 2025 Ecological Appraisal has been submitted to and approved in writing by the local planning authority. The agreed measures are to be implemented on site prior to the first occupation of the first dwellinghouse hereby approved and shall remain on site thereafter.

Reason: To ensure development secures biodiversity enhancements in accordance with Policy NE4 of the Local Plan.

14. The development hereby permitted shall be carried out in accordance with the recommended mitigation and enhancements set out in the submitted ecology report by Cherryfield Ecology dated June 2025 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of nature conservation and to comply with Policy NE4 of the North Herts Local Plan 2011 – 2031.

15. Prior to the first occupation of the dwelling hereby approved a scheme of sustainable energy saving measures to be incorporated into the dwelling shall be submitted to, and approved in writing by, the Local Planning Authority and implemented on site.

Reason: To address the climate emergency in accordance with Local Plan Policy D1 of the North Herts Local Plan

16. Prior to the relevant phase of works full details of all hard and soft landscaping measures, including boundary treatment, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the setting of the listed building to which this permission relates and to comply with Policies SP13 and HE1 of the North Hertfordshire Local Plan 2011 to 2031

Proactive Statement:

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

Informative/s:

1. The applicants attention is drawn to the following Informatives:

Thames Water have advised as follows: (response dated 3rd July 2025)

Thames Water has reviewed this H4 consultation. Your client may require a build over agreement, as we believe the proposed development could be within 3 metres of a public sewer (of which, the internal diameter is less than or equal to 150mm). There are no mapped public sewers in the vicinity, however following the private sewer transfer in October 2011, it is likely that houses of this type and location will have unmapped public sewers within their boundary.

We therefore strongly recommend your client employs a professional to conduct a survey within their property to ascertain if any shared pipework is present. If there is, then please do contact us again to discuss the next steps.

For more information on locating sewers and drains, watch our video.

Watch our guide to the Private Sewer Transfer - note this only applied to existing drains and sewers that existed and were operational in 2011, not any new sewers or drains built since that time.

Please also advise your client, if applicable, that Thames Water do not permit driven piles within 15m of a public sewer. Our technical guidance can be found [here](#).

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<u>Location:</u>	Land To The East of Foxholes and Gainsford House and On the West Side of Crow Furlong, Hitchin
<u>Applicant:</u>	Hill Residential
<u>Proposal:</u>	Variation of condition 2 (revised plans) and condition 10 (Flood Risk Assessment) of planning permission 22/03092/FP granted 15.03.2024 for Residential development of 47 dwellings and associated car parking, open space, landscaping and creation of access off Gray's Lane (as amended)
<u>Ref. No:</u>	25/01745/S73
<u>Officer:</u>	Sarah Kasparian

Date of expiry of statutory period: 15 October 2025

Extension of statutory period: 10 November 2025

Reason for Delay

Following re-consultation on amended documents

Reason for Referral to Committee

The site area for this application for residential development exceeds 0.5ha and therefore under the Council's scheme of delegation, this application must be determined by the Council's Planning Control Committee.

1.0 Site History

- 1.1 The site has been subject of housing proposals for several years through submission of site representations during the preparation of the adopted North Hertfordshire Local Plan 2011-2031. The site is a Local Housing Allocation ref. HT6 in the now adopted Local Plan for 53 homes (Local Plan para 13.128).
- 1.2 In 2021 an application for outline planning permission was submitted ref. 21/01562/OP for 58 dwellings. At the time this application was premature to the adoption of the Local Plan, but feedback was given by Officers following public consultation, including advice for the preference for an application for full planning permission rather than outline, requiring more detail than previously submitted given the scale and sensitivities of the site. This application was withdrawn by the applicant on 14 December 2021.

- 1.3 Full planning permission was given in March 2024 ref 22/03092/FP for 47 homes and associated parking, open space, landscaping and access.
- 1.4 Full planning permission was also given for the adjacent site reference HT5 (22/00516/FP) for nine units. There is overlap in the site boundaries in relation to the highway access, where the proposals have been coordinated together. It is understood that Hill Residential are the owners and developers of both sites, which will be developed at the same time. Work has commenced on HT5.

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan 2011 – 2031** (adopted 8 November 2022)

Spatial Strategy and Strategic Policies

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy

Policy SP6: Sustainable transport

Policy SP7: Infrastructure requirements and developer contributions

Policy SP8: Housing

Policy SP9: Design and sustainability

Policy SP10: Healthy communities

Policy SP11: Natural resources and sustainability

Policy SP12: Green infrastructure, biodiversity and landscape

Policy SP13: Historic Environment

Development Management Policies

Policy HT6: Local Housing Allocations and site-specific policy criteria – Land at junction of Grays Lane and Lucas Lane

Policy HS1: Local Housing Allocations

Policy HS2: Affordable Housing

Policy HS3: Housing Mix

Policy HS5: Accessible and adaptable housing

Policy T1: Assessment of transport matters

Policy T2: Parking

Policy D1: Sustainable design

Policy D3: Protecting living conditions

Policy D4: Air quality

Policy NE1: Strategic green infrastructure

Policy NE2: Landscape

Policy NE4: Biodiversity and geological sites

Policy NE6: New and improved open space

Policy NE7: Reducing flood risk

Policy NE8: Sustainable drainage systems

Policy NE9: Water quality and environment

Policy NE10: Water conservation and wastewater infrastructure

Policy HE4: Archaeology

- 2.2 **Supplementary Planning Documents**
 Design SPD
 Developer Contributions SPD 2023
 Vehicle Parking Provision at New Development SPD (2011)
 North Hertfordshire and Stevenage Landscape Character Assessment
- 2.3 **National Planning Policy Framework (February 2019)**
 Section 2: Achieving sustainable development
 Section 5: Delivering a sufficient supply of homes
 Section 6: Building a strong competitive economy
 Section 8: Promoting healthy and safe communities
 Section 9: Promoting sustainable transport
 Section 11: Making effective use of land
 Section 12: Achieving well-designed places
 Section 13: Protecting Green Belt land
 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
- 2.4 **Hertfordshire County Council**
 Local Transport Plan (LTP4 – adopted May 2018)
 Hertfordshire Waste Core Strategy and Development Management Policies
 Development Plan Document 2012
- 2.5 **National Planning Practice Guidance**
 Provides a range of guidance on planning matters including flood risk, viability, design and planning obligations.
- 3.0 **Representations**
- Statutory Consultees**
- 3.1 **NHDC Environmental Health (Noise, Contaminated Land, Air Quality)** – No objection, subject to continuation of previous conditions and informatives. Subsequent re-consultation has resulted in agreement of Phase II assessment and elements of the CEMP details secured by condition.
- 3.2 **NHDC Housing Supply Officer** – No objection given no changes proposed to affordable housing.
- 3.3 **HCC Highways** – No objection to proposed s73 changes and subsequent re-consultation has resulted in agreement to details secured by condition.
- 3.4 **HCC Rights of Way** – No objection subject to informatives.
- 3.5 **HCC Ecology** – Objection to some parts of discharge of conditions related to ecology.
- 3.6 **HCC Lead Local Flood Authority (LLFA)** – Initial objection has been addressed. No objection to s73 changes but suggested amended wording of previous conditions 10 and 11.

- 3.7 **HCC Historic Environment (Archaeology)** – No objection to s73 changes. Separate discharge of Part A of condition 19 related to WSI ref 25/01880/DOC.
- 3.8 **Herts Gardens Trust** – No objection subject to retention of hedgerows, inclusion of new trees and use of native species suitable for the terrains and locale.
- 3.9 **NHC Greenspaces** – No objection, subject to clarification on management and maintenance requirements. Following confirmation and updated document this is now resolved.
- 3.10 No comments have been received from HCC Growth and Infrastructure, Affinity Water or NHS, which are not considered as necessary for the subject of this application.

Neighbour and Local Resident Representations

- 3.11 The application has been advertised via neighbour notification letters, the display of site notices and a press notice. At the time of finalising this report, a total of 14 comments have been received of which 13 were objections and 1 comment.
- 3.12 The issues raised are summarised as follows:
- Objection to overdevelopment of the site
 - Impact on local road network
 - Lack of active travel routes along Upper Tilehouse Street
 - Highway safety of Crow Furlong with reference to the footpath link from the site
 - Impact on local services and infrastructure
 - Objection to removal of hedgerow for privacy, light pollution and visual amenity
 - Note that protected trees on site are not shown
 - Concern about surface water management from existing site and impact of development on that.
 - No access rights onto private, unadopted road of Crow Furlong
 - Opportunity to address problem of significant through traffic through Hitchin
- 3.13 There were no comments on the proposed substation or changes to the design of the homes on site. Many of the objections relate to 'in principle' matters. This application merely seeks to amend previously approved plans. The extant permission ref 22/03092/FP secured contributions towards local services and infrastructure, and highway improvements including active and sustainable travel projects.
- 3.14 Many comments referred to the introduction of a footpath link from the site into Crow Furlong, which was part of an amended plan during the course of the approved application ref 22/03092/FP. Officers note comments made regarding the privately owned road and lack of rights to install a footpath. This application does not make changes to the footpath, it already has planning permission, and it would be carried forward should this application be approved. However, this application is seeking amendments to an existing planning permission only, there may be other reasons that prevent the footpath from being constructed, including land ownership. Officers made enquiries with the Highway Authority for clarity and received no reply.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is located on the western side of Hitchin, less than 1km due west from the town centre. The site currently comprises an approximately square plot of land of about 2 hectares at the end of Gray's Lane, previously used as pastureland.
- 4.1.2 There is another square plot of land adjoining to the south comprising woodland, and a small square plot of land to the north which is allocated for housing development (ref. HT5). To the east of the site is the existing urban area of Hitchin comprising established residential area with mainly detached housing of single and two storey buildings. To the west of the site is open arable fields which slope down away from the site and the Foxholes Care Home and Gainsford House.
- 4.1.3 The sites entrance is taken from the northeast corner of the site at the end of Gray's Lane. The junction at the end of Gray's Lane is informal and serves the site, the byway to the west, a limited extent of Crow Furlong and Lucas Lane.
- 4.1.4 The site is currently vacant having previously been used for pasture and now comprises rough grassland with hedgerow and trees around the perimeter. Two trees within the site are protected by Tree Preservation Order (TPO).

4.2 **Proposal**

- 4.2.1 This is an application to amend the details of the full planning permission for 47 homes and associated car parking, open space with play area, landscaping and new access off Gray's Lane ref 22/03092/FP. This application relates to the amendment of plans and a new substation to be included on site.
- 4.2.2 This application also includes information in order to discharge conditions attached to the previous planning permission.
- 4.2.3 The application is supported by the following plans and supporting documents, which supersede approved versions as shown in the table below:

Approved plan 22/03092/FP	Updated version 25/01745/S73
Location Plan EX100	Location plan 181-PS-2-100
Proposed Site Plan PL100 Rev R	Proposed Site Plan 181-PS-2-101
Proposed Parking Plan PL110 Rev D	Proposed Parking Plan 181-PS-2-102
Proposed Materials Plan PL120 Rev E	Proposed Materials Plan 181-PS-2-203
Proposed Housing Mix PL130 Rev D	Proposed Housing Mix 181-PS-2-104
Proposed Tenure Plan PL140 Rev D	Proposed Tenure Plan 181-PS-2-105
Proposed Boundary Plan PL150 Rev D	Proposed Boundary Plan 181-PS-2-106
Proposed Waste and Recycling Plan PL160 Rev E	Waste and Recycling Plan 181-PS-2-107
House Type A PL170 Rev A House Type B PL180 Rev A House Type C PL190 Rev A House Type D PL200 Rev A	Housetype A Detached 181-PS-2-200 Housetype A Semi 181-PS-2-201 Housetype B 181-PS-2-210 Housetype C 181-PS-2-220

House Type E PL210 Rev A House Type F PL220 Rev B House Type G PL230 Rev A House Type H PL240 House Type I PL250 Rev A House Type J PL260 House Type K PL270 Rev A House Type L PL280 Rev B House Type M PL185	Housetype D 181-PS-2-230 Housetype E 181-PS-2-240 Housetype F Detached 181-PS-2-250 Housetype F Semi 181-PS-2-251 Housetype G 181-PS-2-260 Housetype H 181-PS-2-270 Housetype H with Garage 181-PS-2-271 Housetype I 181-PS-2-280 Housetype I with Garage 181-PS-2-281 Housetype J 181-PS-2-290 Housetype K Detached 181-PS-2-300 Housetype K Semi 181-PS-2-301 Housetype L Detached 181-PS-2-310 Housetype L Semi 181-PS-2-311 Housetype M 181-PS-2-320 Housetype N Detached 181-PS-2-330 Housetype N Semi 181-PS-2-331 Housetype O 181-PS-2-340 Housetype P 181-PS-2-350
Street scenes (Plots 16-21) PL290 Rev A	Street Scene 1 (Plots 17-23) 181-PS-2-500
Street scenes (Plots 11-15 and 44-47) PL295 Rev A	Street Scene 2 (Plots 38-47) 181-PS-2-501
Street scenes (Plots 1, 8-10) PL300 Rev A	Street Scene 3 (Plots 1,8-10) 181-PS-2-502
Street scenes (Plots 7-32) PL305 Rev A	Street Scenes 4 (Plots 2-7) & Street Scene 5 (Plots 26-29, 34/35) 181-PS-2-503
Section AA PL310 Rev A	Site Sections A-A 181-PS-2-510
Section BB PL320 Rev A	Site Sections B-B 181-PS-2-511
Section CC PL330 Rev A	Site Sections C-C 181-PS-2-512
Proposed Private and Public Areas PL340 Rev E	Proposed Private and Public Areas 181-PS-2-108
Proposed House Type Plan PL350 Rev A	Proposed Housetype Plan 181-PS-2-109
A1622 PL360 Garage plans	Garages 181-PS-2-400
Landscape Strategy Plan 6089/ASP4/LSP Rev M	Landscape Overview Plan JBA 24 555 14
Infiltration Basin – cross sectional 188-FRA 107	-
	Proposed Sections 181-PS-2-124
	Proposed Ground Floor Layout 181-PS-2-110
	Proposed Hydrant Locations 181-PS-2-130
	Temporary Run-off Plan 181-PS-2-140
	GIA vs Space Standards 181-PS-2-610
	Substation 181-PS-2-410
	Bin & Bike Store 181-PS-2-420
	Shed 181-PS-2-430
	Proposed Access Drawing 188-TA50D
	Hard & Soft Landscape Proposals for Plots & POS JBA 24 555 02 JBA 24 555 03 JBA 24 555 04 JBA 24 555 05

	JBA 24 555 06 JBA 24 555 07 JBA 24 555 08 JBA 24 555 09 JBA 24 555 10 JBA 24 555 11 JBA 24 555 12 JBA 24 555 13
	Proposed Hardscaping Plan 181-PS-2-120 Proposed Hardscaping Plan 181-PS-2-121 Proposed Hardscaping Plan 181-PS-2-122 Proposed Hardscaping Plan 181-PS-2-123
Air Quality Assessment 2023	-
Arboricultural Impact Assessment 2022	Arboricultural Impact Assessment June 2025
Archaeological Assessment (including geophysical survey and trial trenching report)	-
Design and Access Statement updated 2023	Design and Access Statement (July 2025) ref 181-PS-2-600 181-PS-2-601 181-PS-2-602 181-PS-2-603
Updated Ecological Appraisal (including Biodiversity net Gain Assessment) 2022	Updated Ecological Appraisal (June 2025)
-	Biodiversity Net gain Calculation Statement (June 2025)
Flood risk and Drainage Assessment (April 2023)	Drainage Strategy Update (July 2025)
Ground Investigation Report 2020	-
Landscape and Visual Impact Assessment 2023	-
Sustainability Statement 2022	Sustainability and Carbon Statement (June 2025)
Technical Note on Access 2022	-
Transport Assessment 2022	-
Travel Plan 2022	-
Planning Statement 2022	Addendum Planning Statement (July 2025)
	Biodiversity Net Gain – Landscape and Ecological Management and Maintenance Plan (July 2025)
	Construction Phasing & Environmental Management Plan (July 2025)
	Phase II Ground Investigation Report (September 2023)
	Site Waste Management Plan (July 2025)
	Lighting Strategy (July 2025)
	'External finishes specification – houses' schedule (received 8 October 2025)

4.3 Legal basis of determining the Planning application

- 4.3.1 Members will be familiar with the standard legal advice that is set out at the end of each planning Control Committee report which advises that legislation requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. This approach was developed within Section 54A of the Town and Country Planning Act 1990 (as amended). It is also re-emphasised within Section 38(6) of the Planning and Compensation Act 2004, which reads as follows:

'if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise'.

5.0 Key Issues

- 5.1 The key issues for consideration of this planning application are as follows:

- a. Variation of Condition 2 – approved plans
 - i. Design of the proposals and impact on the character and appearance of the area
 - ii. Standard of proposed accommodation for future occupiers
 - iii. Impact on the amenity of adjoining properties
- b. Variation of Condition 10 – drainage
- c. Consideration of details submitted to address conditions
- d. Conclusions

5.2 Variation of Condition 2 – Approved plans

- 5.2.1 The North Hertfordshire Local Plan 2011-2031 (NHLP) was adopted by the Council in November 2022. NHLP Policy SP9 on Design and Sustainability *'support[s] new development where it is well designed and located and responds positively to its local context'*. The Design SPD 2011 sets out 8 'key urban design principles' which are: character, continuity and enclosure, quality of public realm, ease of movement, legibility, adaptability, diversity and quality of private space.
- 5.2.2 The changes proposed in the amended plans include a new substation close to the entrance of the site and changes to detailed design including:
- Replacement of all house types with Hill house types
 - Reorientation of some plots within their plots
 - Alteration of position of garages
 - Removal of footpath on both sides of the main road and along 'secondary roads'
 - Relocation of two affordable homes
 - Redistribution of visitor parking spaces to improve amount of play area, loss of one visitor space

- 5.2.3 The inclusion of a new substation is a necessary addition to meet the electricity needs of future homes. The building will be dual pitched in materials to match the homes and measuring about 4.2m square and 4.5m to the top of the pitch. It needs to be close to the access, and without making significant changes to the existing layout the potential location is limited to where it is proposed. The building is relatively small and would not be dominant in the streetscene. Landscaping is proposed between the road and footpath and the substation to help screen it from Gray's Lane. Parking for one vehicle is a requirement to be adjacent to the substation, and in pre-application discussions the applicant agreed to use a grass with a reinforced 'turfguard' surface to help it blend in as landscaping while it's not in use for parking.
- 5.2.4 Officers see many of these changes to the detailed arrangement to be an improvement to the layout, including reduction of garages protruding into rear garden amenity space, and relocation of parking spaces from along one side of the play area to elsewhere on the site, which will improve the amount and quality of the play area. The reduction of footpaths within the site also makes best use of the land, in accordance with highway advice on a site which will have low traffic movements.
- 5.2.5 All house types will change, but the housing mix and tenures all remain the same. Features change such as form and pitch of roofs, gable features, fenestration, porch detail and form and size of rear projections. It is not as straight forward on the proposed plans to translate one house type on the approved plans on one plot to another house type on the proposed plan. However, overall, officers consider that the changes proposed are acceptable and have no objection to the alterations.
- 5.2.6 The material palette will be simpler than previously approved, rather than a mix of multi red, render, half render and half brick with timber, elevations will comprise either multi red brick or multi red with half black horizontal cladding. Roof materials will remain either grey or red roof tiles. Materials proposed in this variation provide a more logical layout and distribution across the site to signpost around the site and create a readable sense of place. Boundary treatment remains a mix of brick wall and close board fence, with sensitive and/or publicly visible elevations being in brick, but due to units changing orientation within plots, some of the locations of boundaries will change.
- 5.2.7 On review of the waste and recycling strategy, generally the site will be well served by kerbside collection. There will be a few units that will need to use a bin collection point and an acceptable drag distance for operatives. There is capacity in all gardens to provide individual units with space to store bins including for flatted units 44-47. Submitted details are acceptable.
- 5.2.8 It is noted that the Arboricultural Impact Assessment has also been reviewed, given that the previous assessment is now 3 years old. The review has led to the proposal for less trees to be removed, namely T8, T9 and T10 to the west, which will be within the complementary habitat and buffer. This area will form greenspace which will be adopted by the council. It is noted that more hedgerows would be removed to facilitate the new substation on site and footpath onto Crow Furlong, which was approved under 22/03092/FP. It is noted that residents have objected to the footpath onto Crow Furlong, however this was approved in the previous application. Regardless of the planning permission granted for the footpath, officers are not clear on the legal ability for the developer to implement the footpath onto 'a highway which is not maintainable at public

expense'. However, the implementation of a footpath is desirable from a planning perspective to encourage integration and permeability of the site. The play area and other greenspace will be maintained and managed by the District Council and so encouraging an open boundary will also help the communities access to those new facilities.

- 5.2.9 Back to the AIA, there will be two improvements noted in the updated version, where there is to be no encroachment at all into the root protection area of T5 on the northern boundary where the garage has been relocated; and to T15 (TPO 129:T1), which would be within the central area of greenspace where the LAP is to be located, the kerb where the greenspace meets the road is extended further north away from the tree, still noting that the road will be constructed above the soil level.
- 5.2.10 Officers previously considered that the proposed development would result in a well-designed housing development on the edge of Hitchin, which protects the character and appearance of the area using landscaping and a suitable layout. The internal design of the site and dwellings was considered appropriate, and the amended plans offer a suitable alternative to the approved plans, whilst maintaining the approved appearance, character, housing mix and layout of the site. The proposed variation of condition 2 and amended plans are therefore considered to be in accordance with the NPPF, the NHLP Policies SP9 and HT6, and with the Design SPD.

5.3 Variation of Condition 10 – Drainage Strategy

- 5.3.1 Referring to the details submitted with this application; approval is sought for the '*Drainage Strategy Update*' (July 2025) for the site relating to Condition 10 of the planning permission reference number 22/03092/FP. The updated information shows full calculations which make provision for 40% climate change allowance, and under the principle that all surface water drainage from the site will be managed and disposed of within the site boundary, to ensure that there would be no adverse effects on flood risk or the existing drainage infrastructure.
- 5.3.2 The LLFA have been consulted and there is no objection to the updated information and recommends the variation of condition 10 to exclude the previously requested calculations and amend as follows:

Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement and Drainage Strategy Update (1318-FRA-01-B, Martin Andrews Consulting Ltd, 1 July 2025), remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority. Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF Policies of North Herts Council.

5.4 Consideration of details submitted to address conditions

Discharge of Condition 5 soft and hard landscaping

- 5.4.1 Referring to the details submitted with this application; approval is sought for the 'Landscape Overview plan' (ref JBA 24 555 14) and 'Hard and Soft landscape Proposals for Plots and POS' (ref. JBA 24 555 02-13) for the site pursuant to Condition 5 of the planning permission reference number 22/03092/FP.
- 5.4.2 Following consultation with the NHC Greenspaces, Officers confirm that the above referenced plans received 8 July 2025 are considered acceptable thereby amending the condition.

Discharge of Condition 6 Phase II site investigation

- 5.4.3 Referring to the details submitted with this application; approval is sought for the 'Phase II Ground Investigation Report' dated September 2023 (ref R-GI-26671-01-00) for the site pursuant to Condition 6 of the planning permission reference number 22/03092/FP.
- 5.4.4 Following consultation with the NHC Environmental Health, Officers confirm that the above referenced plans received 8 July 2025 are considered acceptable thereby amending the condition.

Discharge of Condition 7 Biodiversity Net Gain Management Plan

- 5.4.5 Referring to the details submitted with this application; approval is sought for the discharge of Condition 7 of the planning permission reference number 22/03092/FP. Following consultation with HCC Ecology, Officers confirm that the details received 8 July 2025 are not considered sufficient and/or acceptable. The condition will therefore remain.
- 5.4.6 Since receiving comments from HCC Ecology (15 October 2025) updated information has been received, to confirm the BNG metric, information about hedge cutting and wildflower mix. Officers have reconsulted HCC Ecology and will update Members at committee on whether this condition and condition 21 could be discharged.

Discharge of Condition 8 Swift and bat boxes

- 5.4.7 Referring to the details submitted with this application; approval is sought for the discharge of Condition 8 of the planning permission reference number 22/03092/FP.
- 5.4.8 Following consultation with HCC Ecology, Officers confirm that the details received 8 July 2025 are not considered sufficient. Further detail of swift and bat boxes is required. The condition will therefore remain but with amended wording to allow submission after development above ground level.

Discharge of Condition 9 Fire hydrants

5.4.9 Referring to the details submitted with this application; approval is sought for the '*Proposed Hydrant Locations*' (ref. 181-PS-2-130) for the site pursuant to Condition 9 of the planning permission reference number 22/03092/FP.

5.4.10 Following consultation with the HCC Water Officer, Officers confirm that the above referenced plans received 8 July 2025 are considered acceptable thereby amending the condition.

Discharge of Condition 11 Temporary drainage

5.4.11 Referring to the details submitted with this application; approval is sought for the '*Temporary Run-off Plan*' (ref. 181-PS-2-140) for the site pursuant to Condition 11 of the planning permission reference number 22/03092/FP.

5.4.12 Following consultation with the Lead Local Flood Authority, Officers confirm that the above referenced plans received 8 July 2025 are considered acceptable thereby amending the condition.

Discharge of Condition 13 Construction Traffic Management Plan

5.4.13 Referring to the details submitted with this application; approval is sought for the '*Construction Traffic Management Plan*' (received 8 October 2025) for the site pursuant to Condition 13 of the planning permission reference number 22/03092/FP.

5.4.14 Following consultation with the Highway Authority and NHC Environmental Health on amended versions of the CEMP, there is now no objection to the content of the document. Officers therefore confirm that the above referenced document received 8 October 2025 is considered acceptable thereby amending the condition.

Discharge of Condition 18 Site Waste Management Plan

5.4.15 Referring to the details submitted with this application; approval is sought for the '*Site Waste Management Plan*' (July 2025) for the site pursuant to Condition 18 of the planning permission reference number 22/03092/FP.

5.4.16 Following consultation with HCC Minerals and Waste, Officers confirm that the above referenced document received 8 July 2025 is considered acceptable thereby amending the condition.

Discharge of Condition 21 Open space management and maintenance plan

5.4.17 Referring to the details submitted with this application; approval is sought for the '*Biodiversity Net gain – Landscape and Ecological management and Maintenance Plan (July 2025) James Blake Associates*' for the site pursuant to Condition 21 of the planning permission reference number 22/03092/FP.

- 5.4.18 There is no objection to the management plan from NHC Greenspaces who would manage the greenspace when complete, however this plan is based on BNG calculations and proposals that are not complete and able to be discharged by HCC Ecology. Following consultation with HCC Ecology, the above referenced details are not considered acceptable, and the condition cannot be discharged. However, officers note an erroneous trigger which can be corrected through the approval of this s73 application.

Discharge of Condition 22 Materials of external elevations and roofs

- 5.4.19 Referring to the details submitted with this application; approval is sought for the materials specified on drawings and within the updated Design and Access Statement pursuant to Condition 22 of the planning permission reference number 22/03092/FP.
- 5.4.20 The materials strategy is set out on plan 181-PS-2-103 and detail on the 'External finishes specification – houses' schedule (received 8 October 2025). The strategy is logical, and the applicant followed pre-application advice to simplify the material palette and use materials to help reinforce the sense of place that is created on this site. The details specified in the schedule provides sufficient detail on the finish and quality of materials proposed for the buildings. As set out in the variation of condition 2 above this is supported and will create a logical pattern across the site and assist with way finding.
- 5.4.21 Officers confirm that the above referenced details received 8 July and 8 October 2025 are considered acceptable thereby amending the condition.

Discharge of Condition 25 Site wide sustainability strategy

- 5.4.22 Referring to the details submitted with this application; approval is sought for the materials specified on drawings and within the Sustainability and Carbon Statement June 2025 Sol Environment pursuant to Condition 25 of the planning permission reference number 22/03092/FP.
- 5.4.23 Officers confirm that the above referenced document received 8 July 2025 are considered acceptable thereby amending the condition.

Discharge of Condition 26 Cycle parking

- 5.4.24 Referring to the details submitted with this application; approval is sought for the location of bike storage on plans 181-PS-2-102; details of the sheds 181-PS-2-430; and garages on other plans recommended for approval. These details are pursuant to Condition 26 of the planning permission reference number 22/03092/FP.
- 5.4.25 Sheds are proposed for all units within rear gardens, and where a garage is proposed it will be long enough to accommodate cycle parking at the end. Officers confirm that the above referenced plans received 8 July and 3 October 2025 are considered acceptable thereby amending the condition.

Discharge of Condition 27 Footpath details

- 5.4.26 Referring to the details submitted with this application; approval is sought for the construction of the footpath onto Crow Furlong shown on plans 181-PS-1-120, 181-PS-2-122 and 181-PS-2-124 for the site pursuant to Condition 27 of the planning permission reference number 22/03092/FP. The footpath would be tarmac and remove a small section of hedgerow. The path would slope down from the site down to Crow Furlong.
- 5.4.27 Officers confirm that the above referenced plans received 8 July and 14 October 2025 are considered acceptable thereby amending the condition.

Discharge of Condition 28 Lighting Strategy

- 5.4.28 Referring to the details submitted with this application; approval is sought for the '*Lighting Strategy*' by DW Windsor (July 2025) for the site pursuant to Condition 28 of the planning permission reference number 22/03092/FP.
- 5.4.29 Following consultation with the HCC Ecology, Officers confirm that the above referenced plan received 8 July 2025 is considered acceptable thereby amending the condition.

5.5 Summary and Conclusion

- 5.5.1 The application site at the end of Gray's Lane, to the east of Foxholes and Gainsford House, Hitchin, under Site Allocation and Policy HT6 was removed from the Green Belt on adoption of the North Hertfordshire Local Plan in November 2022 to enable to development of the site. The site received full planning permission under application ref. 22/03092/FP and this application seeks to vary the detailed design of house types, include a new electricity substation, and discharge various pre-commencement conditions.
- 5.5.2 The inclusion of a substation is necessary and has been located and designed well as far as possible, to set it back from the access, screen it and provide parking sensitively. The change to the proposed design of house types represents a high standard of urban design, green infrastructure and would be in keeping with the context of the site. The proposals continue to be in accordance with Policies SP9 and HT6 of the NHLP 2022. There are no changes to the housing mix or tenure on the site, and the housing delivery remains the same.
- 5.5.3 The applicant has also sought to discharge pre-commencement conditions set out on the previous planning permission, most of which the details have been agreed with relevant consultees and therefore the wording of those conditions have been reviewed with amended wording at the end of this report.
- 5.5.4 Overall, the proposed development is in accordance with the NPPF 2021 and the NHLP 2022 as a whole.

6.0 Alternative Options

- 6.1 None applicable (see 'Key issues' section of this report above)

7.0 Pre-Commencement Conditions

- 7.1 I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

8.0 Legal Implications

- 8.1 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.

9.0 Recommendation

- 9.1 That outline planning permission is resolved to be **GRANTED** subject the following:
- A) Providing delegated powers to the Development and Conservation Manager to update conditions and informatives as set out in the report above; and
 - B) Conditions as set out below:

1. Time Limit (C001)

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

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

2. Development in Accordance with the Approved Plans (C002)

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:

Infiltration Basin – cross sectional 188-FRA 107
Air Quality Assessment 2023
Archaeological Assessment (including geophysical survey and trial trenching report)
Ground Investigation Report 2020
Landscape and Visual Impact Assessment 2023
Technical Note on Access 2022
Transport Assessment 2022
Travel Plan 2022
Location plan 181-PS-2-100
Proposed Site Plan 181-PS-2-101
Proposed Parking Plan 181-PS-2-102
Proposed Materials Plan 181-PS-2-103
Proposed Housing Mix 181-PS-2-104
Proposed Tenure Plan 181-PS-2-105
Proposed Boundary Plan 181-PS-2-106
Waste and Recycling Plan 181-PS-2-107
Housetype A Detached 181-PS-2-200

Housetype A Semi 181-PS-2-201
Housetype B 181-PS-2-210
Housetype C 181-PS-2-220
Housetype D 181-PS-2-230
Housetype E 181-PS-2-240
Housetype F Detached 181-PS-2-250
Housetype F Semi 181-PS-2-251
Housetype G 181-PS-2-260
Housetype H 181-PS-2-270
Housetype H with Garage 181-PS-2-271
Housetype I 181-PS-2-280
Housetype I with Garage 181-PS-2-281
Housetype J 181-PS-2-290
Housetype K Detached 181-PS-2-300A
Housetype K Semi 181-PS-2-301
Housetype L Detached 181-PS-2-310
Housetype L Semi 181-PS-2-311
Housetype M 181-PS-2-320
Housetype N Detached 181-PS-2-330
Housetype N Semi 181-PS-2-331
Housetype O 181-PS-2-340
Housetype P 181-PS-2-350
Proposed Private and Public Areas 181-PS-2-108
Proposed Housetype Plan 181-PS-2-109
Proposed Ground Floor Layout 181-PS-2-110
Proposed Sections 181-PS-2-124
Proposed Hydrant Locations 181-PS-2-130
Temporary Run-off Plan 181-PS-2-140
Garages 181-PS-2-400
Substation 181-PS-2-410
Bin & Bike Store 181-PS-2-420
Shed 181-PS-2-430
Proposed Access Drawing 188-TA50D
Hard & Soft Landscape Proposals for Plots & POS JBA 24 555 02A
JBA 24 555 03A
JBA 24 555 04A
JBA 24 555 05A
JBA 24 555 06A
JBA 24 555 07A
JBA 24 555 08A
JBA 24 555 09A
JBA 24 555 10A
JBA 24 555 11A
JBA 24 555 12A
JBA 24 555 13A
Landscape Overview Plan JBA 24 555 14
Proposed Hardscaping Plan 181-PS-2-120
Proposed Hardscaping Plan 181-PS-2-121
Proposed Hardscaping Plan 181-PS-2-122
Proposed Hardscaping Plan 181-PS-2-123
Proposed footpath section 181-PS-2-124

External works construction details Sheet 5 ROS-GRA-XX-D-C 01404 P01
Arboricultural Impact Assessment June 2025
Design and Access Statement (July 2025) ref 181-PS-2-600, 181-PS-2-601, 181-PS-2-602, 181-PS-2-603
External Finishes Specifications – Houses Rev A
Drainage Strategy Update (July 2025)
Sustainability and Carbon Statement (June 2025)
Addendum Planning Statement (July 2025)
Construction Phasing and Environmental Management Plan (October 2025)
Phase II Ground Investigation Report (September 2023)
Site Waste Management Plan (July 2025)
Lighting Strategy (July 2025)

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

3. Removal of PD rights

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

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

4. Standard Landscape completion condition C017

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.

5. Landscape Scheme

The development shall be carried out in accordance with the approved hard and soft landscaping details unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenity of residents and to ensure that a detailed approach to the development of the built-up area (or parcels thereof) is agreed, in order to safeguard the setting of the site and its surroundings, and to ensure a suitable relationship and integration of the built development with its surroundings

6. Land Contamination Condition

The development shall be carried out in accordance with the approved Site Investigation (Phase II environmental risk assessment) Report unless otherwise agreed in writing with the Local Planning Authority.

In the event that any contamination is encountered during the development of this site, this shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

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

7. BNG Management Plan

Development shall not commence until a biodiversity net gain management plan (BNGMP) has been submitted to, and approved in writing by, the local planning authority. The content of the BNGMP shall ensure the delivery of the agreed number of habitat and hedgerow units as a minimum (+0.47 habitat units, +0.64 hedgerow units) to achieve a net gain in biodiversity and include the following.

- a) Description and evaluation of habitat parcels to be managed, cross referenced to individual lines in the metric.
- b) Maps of all habitat parcels, cross referenced to corresponding lines in the metric.
- c) Appropriate management options for achieving target condition for habitats as described in the approved metric.
- d) Preparation of an annual work schedule for each habitat parcel (including a 30 year work plan capable of being rolled forward in perpetuity).
- e) Details of the body or organisation responsible for implementation of the plan.
- f) Details of species selected to achieve target habitat conditions as identified in approved metric, definitively stated and marked on plans.
- g) Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met.
- h) Reporting plan and schedule for informing LPA of condition of habitat parcels for 30 years. The BNGMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the BNGMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: To enhance biodiversity in accordance with the NPPF and the North Hertfordshire Local Plan Policy NE4

8. Bird and bat boxes

No development above ground level shall commence until details of 20 integrated swift boxes and 20 integrated bat boxes have been submitted and approved by the LPA. These devices shall be fully installed prior to occupation of the specific dwelling and retained as such thereafter.

Reason: To enhance biodiversity in accordance with the NPPF and the North Hertfordshire Local Plan Policy NE4.

9. Fire Hydrants

The development shall be carried out in accordance with the approved fire hydrant details unless otherwise agreed in writing with the Local Planning Authority. The provision and installation of fire hydrants, at no cost to the County or Fire & Rescue Service.

Reason: To ensure all proposed dwellings have adequate water supplies for in the event of an emergency.

10. FRA

Prior to the commencement of development above ground level, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement and Drainage Strategy Update (1318-FRA-01-B, Martin Andrews Consulting Ltd, 1 July 2025), remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants, and to ensure that the development achieves a high standard of sustainability and to comply with NPPF Policies of North Herts Council.

11. Drainage Method Statement

The site works and construction phase shall be carried out in accordance with approved method statement for interim and temporary drainage measures during the demolition and construction phases unless alternative measures have been subsequently approved by the Planning Authority.

Reason: To prevent flooding and pollution offsite during construction in accordance with the NPPF.

12. Drainage Management and Maintenance Scheme

Prior to the occupation of the first unit, details shall be provided in respect to the management, inspection and maintenance of any non-adopted drainage features. The details shall identify the responsible parties and set out how these will be funded and managed and provide a schedule of the proposed inspections and annual maintenance for the lifetime of the development. The plan shall be submitted to and approved in writing with the Local Planning Authority prior to first occupation and the development shall thereafter be maintained at all times in accordance with the approved details.

Reason: To ensure the drainage system is adequately maintained in order to function effectively for its lifetime.

13. Construction phasing and environmental management plan

The construction of the development shall be carried out in accordance with the approved Construction phasing and environmental Management Plan (dated 8 October 2025) unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, and in the interests of minimising disruption nearby residents during construction, minimising any environmental impacts and amenity in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

14. Highway Improvements

A) Design Approval Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing number 188-TA50 Rev D have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

B) Implementation / Construction Prior to the first occupation of the development hereby permitted the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

15. Access Design

Prior to use the gradient of the main vehicular access road shall be constructed not be steeper than 1 in 20.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy 5, of Hertfordshire's Local Transport Plan 4

16. Electric Vehicle (EV) Charging Point

Prior to occupation, each of the proposed new dwellings shall incorporate an Electric Vehicle (EV) ready charging point. Proposals should also be made for the provision of EV charging within other public parking areas of the proposed development.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality in accordance with Building Regulations Part S and Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

17. Hours of working

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

Reason: To protect the residential amenity of existing residents

18. Site Waste Management Plan

The development shall be carried out in accordance with the approved Site Waste Management Plan (SWMP) unless otherwise agreed in writing with the Local Planning Authority.

Reason: This is a pre-commencement condition to promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

19. Archaeology

The development shall be carried out in accordance with the approved Archaeological Written Scheme of Investigations unless otherwise agreed in writing by the Local Planning Authority. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under 25/01880/DOC and the provision made for analysis and publication where appropriate.

Reason: To ensure the implementation of an appropriate archaeological investigation, recording, reporting and publication, and the protection and preservation of archaeological features of significance, in accordance with North Hertfordshire Local Plan Policy HE4 and Section 16 of the NPPF 2021

20. Tree protection

Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

21. Open Space Management and Maintenance

Prior to development above ground level a detailed Open Space Management and Maintenance Scheme for the management and maintenance of all areas of open space (to include parks, greenways, allotments, play areas, informal open space, semi-natural green space, public squares) shall be submitted to and agreed in writing by the Local Planning Authority and implemented in accordance with an agreed timetable and phasing strategy approved under condition 6. Details to be submitted shall include:

- a) Management organisation;
- b) Details of landscape management and maintenance plans;
- c) Details of planting, grass cutting, weeding and pruning;
- d) Management of sustainable urban drainage features;
- e) Inspection, repair and maintenance of all hard landscaping and structures;
- f) Management, monitoring and operational restrictions; and
- g) Maintenance and planting replacement programme for the establishment period of landscaping

The open spaces provided shall be retained for their intended purpose and in accordance with the approved management plan unless otherwise agreed in writing by the local planning authority.

Reason: To ensure adequate open space and amenity provision as per NHLP Policy NE6

22. Standard materials condition

The development shall be carried out in accordance with the approved materials to be used on all external elevations and roofs unless otherwise agreed in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

23. Standard parking provision (Residential)

Before the occupation of any of the dwellings hereby permitted, the car parking facilities shown on the approved plan shall be marked out and made available and shall thereafter be kept available solely for the parking of motor vehicles.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development and to comply with Policy T2 of the North Hertfordshire Local Plan 2011 to 2031.

24. Standard Tree Retention C018

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.

25. Energy Statement

The development shall be carried out in accordance with the approved site-wide sustainability strategy set out in the Sustainability and Carbon Statement (July 0245) prepared by Sol Environmental unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce carbon dioxide emissions and promoting principles of sustainable construction and the efficient use of buildings in accordance with Policies SP9 and D1 in the local plan.

26. Scheme of cycle parking

The development shall be carried out in accordance with the approved cycle parking details unless otherwise agreed in writing by the Local Planning Authority. The approved details shall be implemented on site and shall thereafter be kept available for the parking of bicycles.

Reason: To ensure the provision of satisfactory cycle parking facilities to meet the needs of the development and to comply with Policy T2 of the North Hertfordshire Local Plan 2011 to 2031.

27. Details and surfacing of new footpath links

The development shall be carried out in accordance with the approved details for the route and surfacing of the two footpath links from the site to Bridleway 004 and Crow Furlong and thereafter retained.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

28. Lighting Strategy

The development shall be carried out in accordance with the approved lighting strategy unless other agreed in writing by the Local Planning Authority.

Reason: To ensure the protection, enhancement and management of biodiversity, and to comply with Policy NE4 of the North Hertfordshire Local Plan 2011 to 2031.

Proactive Statement:

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

Informatives:**Environmental Health Noise**

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

HCC Minerals and Waste

The county council, as the Minerals Planning Authority, would like to encourage the opportunistic use of these deposits within the developments, should they be found when creating the foundations/footings. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make sustainable use of these valuable resources.

Highways:

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN1) The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN4) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN5) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

LLFA:

In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some www.hertfordshire.gov.uk areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide (hydrosolutions.co.uk)). Any new planning applications that have not already commissioned an FRA or drainage strategy to be completed, should use the most up to date FEH22 data. Other planning applications using FEH2013 rainfall, will be accepted in the transition period up to 1 April 2023. This includes those applications that are currently at and advanced stage or have already been submitted to the Local Planning Authority. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded by FEH 2013 and 2022 and therefore, use in rainfall simulations are not accepted.

EV Charging Point Specification:

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

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

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

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

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

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

UK Government is intending to issue legislation in 2021 to require domestic EV charge points to be smart, thus we recommend that all charge points will be capable of smart charging, as detailed in UK Gov consultation response.

Crime Prevention Design Advisor

The applicant may seek to achieve accreditation to the preferred minimum security standard that is Secured By Design (SBD) by way of contact the Hertfordshire Constabulary CPDS. It appears that doors and windows are to be certified to PAS 24:2016 or a suitable equivalent. This will assist with demonstrate the discharge of obligations under Approved Document 'Q' – Security of Building Regulations.

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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 including 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 horseriders. 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 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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TPO/00221 (2025) ((Land At Crouchgreen Wood And Church Wood, Three Houses Lane, Codicote)



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PLANNING CONTROL COMMITTEE

DATE: 03 November 2025

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mr Grindal	Insertion of dormer to existing front roofslope to facilitate conversion of loftspace into habitable accommodation.	56 Chilvers Bank Baldock SG7 6HT	25/00846/FPH	Appeal Dismissed on 10 October 2025	Delegated	The Inspector concluded that the proposed front loft dormer would have a materially detrimental effect on the character and appearance of the host dwelling and the street scene of Chilvers Bank. In consequence, it would conflict with Policies D1(Sustainable design) and D2 (House extensions, replacement dwellings and outbuildings) of the adopted North Hertfordshire Local Plan 2011 – 2031 (LP). Taken together and amongst other things, these expect extensions to dwellings to be sympathetic to the existing house in height, form, proportions, roof type, window details and materials and to respond positively to the site's local context
Mr Martin Basak	Erection of single storey rear and side extension, patio and rear outbuilding (development commenced)	31 Thatchers End Hitchin SG4 0PD	24/02811/FPH	Appeal Dismissed on 14 October 2025	Delegated	The Inspector concluded that in view of the harm caused by the development, a clear conflict arises with the provisions of LP policy D since the extent of building at the rear is disproportionate to the size and scale of the host property and the erection of the outbuilding taken in combination with the rear extensions

						<p>has harmed the character and appearance of the site and its surroundings.</p> <p>The Inspector also concluded that the living conditions of the appeal property's immediate neighbours would be harmed because of loss of privacy and the overbearing visual impact of the development as built. A clear conflict therefore arises with those provisions of LP policy D3 (Protecting living conditions) which seeks to protect residents' living conditions from harm.</p>
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Appeal Decision

Site visit made on 30 September 2025

By G Powys Jones FRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2025

Appeal Ref: APP/X1925/D/25/3368979

31 Thatcher's End, Hitchin, SG4 0PD

- 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 Martin Basak against the decision of North Hertfordshire District Council.
 - The application Ref is 24/02811/FPH.
 - The development is the erection of rear/side extension, patio and rear outbuilding.
-

Decision

1. The appeal is dismissed.

Preliminary and procedural matters

2. The appeal property is a dwelling set at the end of a small terrace within an established residential estate. The works are described as being comprised of a rear/side extension, a patio and outbuilding. I saw that building works were far advanced. The shell of the rear/side extension was complete with its roof in place and external glazing installed. The patio seemed complete, as was the outbuilding, which appeared pre-fabricated.
3. The single storey rear/side extension appears however to have been built in a single and continuous operation extending the full width of the plot between the side boundaries shared with Nos 29 and 33 Thatcher's End respectively. The elevated patio also extends from one side boundary to the other. The outbuilding is free-standing, being set in the rear garden, but alongside the boundary shared with No 33.
4. The applicant sought permission for all elements set out in the development's description. Since all elements are either wholly or partly complete, I have treated the appeal as if the original application had been made under s73A of the Act¹ in which the appellant seeks to retain all that's been built and to complete the development in accordance with the submitted plans.
5. The appellant refers to a certificate of lawfulness² granted for a proposed extension directly to the rear of the host property. The appellant suggests that this element should not prove controversial for that reason. However, that is not the scheme that has been built; the scheme built is significantly greater in scale.

¹ Town and Country Planning Act 1990.

² Ref 24/00159/NCS

6. Although no specific measurements have been provided, I also harbour doubts as to whether the rear extension has been built below the maximum height permissible in the Order next to the boundary with No 29. The roof of this part of the scheme is slightly higher than that of the side extension, whose height, according to the appellant, disqualified it from being regarded as permitted development.

Main Issues

7. The main issues are the effect of the development on: (a) the character and appearance of the host property and its surroundings, and (b) the living conditions of the residents either side of the development with particular reference to privacy and visual impact.

Reasons

Character and appearance

8. Policy D2 of the North Hertfordshire Local Plan (LP) contains a specific policy relating to house extensions and outbuildings. In respect of extensions, it provides that permission will be granted where the extension is sympathetic to the existing house in specified matters and where they do not dominate adjoining properties.
9. In this case the dwelling is a modestly sized link property. The extensions are placed to the rear, and I therefore share the appellant's view that there is little or no effect on the public realm, particularly since a pre-existing brick wall linking the dwelling with No 33 has been incorporated into the scheme.
10. At the rear, however, the extensions, given that they spread deeply across the full width of the plot, appear disproportionate in size and scale to that of the host property. The dwelling's appearance when viewed from adjacent gardens has changed significantly, to its detriment, in view of the perceived disproportionality of the additions. The previous open character of the rear gardens in the vicinity of the appeal site has also been subject to harmful alteration by the addition of the extensions, patio and outbuilding which have given rise to visual congestion, the result of what I regard as an overdevelopment.
11. I conclude that in view of the harm caused by the development, a clear conflict arises with the provisions of LP policy D2 since the extent of building at the rear is disproportionate to the size and scale of the host property and the erection of the outbuilding taken in combination with the rear extensions has harmed the character and appearance of the site and its surroundings.

Living conditions

12. As mentioned before, the side walls of the extensions have been built on the common side boundaries shared with the immediately neighbouring dwellings. I noted that No 33 has been extended at the rear, but at a lesser depth than the appeal scheme. A fence separates the patio from No 33, and this is topped by a trellis. I could see directly into No 33's rear garden from the stepped patio, given its height above garden level, and obliquely into No 33's rear room. No 33's residents have thus been harmfully deprived of their privacy.
13. The fence on the boundary with No 29 is solid, and its privacy remains unaffected by the scheme. However, No 29 is un-extended, so the appeal property's rear extension, as built, runs from No 29's original rear wall deep into the garden. The

extension's internal floor level coincides with that of the original dwelling, but judging from the 'dead work' observed its finished floor level at its deepest point seemed to me to be significantly above the original level of the sloping garden.

14. I note that No 29's residents did not object to either the scheme put forward for a certificate of lawfulness or to the current scheme, nevertheless it seems to me that the visual impact upon any resident of that property, current or future, would be significant and harmful in view of the overbearing nature of the development.
15. I therefore conclude that the living conditions of the appeal property's immediate neighbours would be harmed because of loss of privacy and the overbearing visual impact of the development as built. A clear conflict therefore arises with those provisions of LP policy D3 which seeks to protect residents' living conditions from harm. Although a mitigation measure has been proposed in respect of the patio, this would prove insufficient to overcome the harm identified.

Other matters

16. All other matters raised in the representations have been considered, including the references to the *National Planning Policy Framework*. The Framework advises that planning decisions should ensure that development should create places with a high standard of amenity for existing and future users. That objective would not be achieved in this case.
17. Whilst I find this development unacceptable on its individual merits, I am also mindful that a successful appeal could encourage others to pursue similar proposals, which the Council would find difficult to resist.
18. No other matter raised is of such strength or significance as to outweigh the considerations leading to my conclusions.

G Powys Jones

INSPECTOR

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Appeal Decision

Site visit made on 30 September 2025

by **K E Down MA(Oxon) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 October 2025

Appeal Ref: APP/X1925/D/25/3370432

56 Chilvers Bank, Baldock, Hertfordshire, SG7 6HT

- 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 C Grindal against the decision of North Hertfordshire District Council.
 - The application Ref is 25/00846/FPH.
 - The development proposed is a front loft dormer.
-

Decision

1. The appeal is dismissed.

Main Issue

2. There is one main issue which is the effect of the proposed front loft dormer on the character and appearance of the host dwelling and the street scene of Chilvers Bank.

Reasons

3. The appeal dwelling is a mid-terraced house in a well-established street of similar, mainly semi-detached and terraced houses. It is situated in a prominent location on a bend in the street but set back from the highway behind a small green with trees. The building line is uneven but there is a uniformity in the scale, materials and character of the dwellings. The appeal dwelling, No 56, is set slightly back from No 54 but shares a building line with No 58 which has a modest two storey front extension under a pitched, hipped roof, set away from No 56.
4. The proposed front dormer would occupy less than half the width of the roof but would extend almost to the ridge and almost down to the eaves. It would have a flat roof, be clad in zinc and have a centrally located, high level window. It would be a prominent and clearly visible addition at roof level. The boxy shape of the dormer and use of zinc cladding would draw attention to the structure in the context of the generally uniform roof-scape of pitched, tiled roofs. The window would not relate well in either position or shape to those in the main façade of the dwelling, adding to the incongruous appearance of the dormer as a whole. I did not see any similar front dormers in the street.
5. The appellant suggests that the existing variety in the street, including variations in the building line and the front extension at No 58, together with the fact that the site is not within a designated area, would allow for a degree of flexibility. However, these differences have a limited effect on the roofs which remain generally uniform.

- The unsympathetic disruption of the predominantly consistent roof-scape in a prominent location would thus materially detract from the character and appearance of the dwelling, the terrace and the street scene of Chilvers Bank.
6. The appellant further suggests that the scale of the proposed dormer would be modest, such that it remained subservient to the dwelling, and the use of zinc cladding would provide a high quality finish. However, despite its limited width I do not consider the dormer to be a modest structure and whilst the zinc cladding may be of high quality it would be a stark and unsympathetic material in this setting.
 7. The two storey extension at No 58, which is a well-designed and sympathetic addition with a roof that complements the roof of the host dwelling, would not justify the proposed development.
 8. I note that the dormer is needed to allow for stairs to serve a proposed loft extension to sit above the existing stairs. I understand the desire to maximise habitable space in the converted loft and have sympathy with the needs of the appellant's family. Nevertheless, these would not outweigh the requirement to secure good visual design.
 9. Finally, the appellant points out that there are other box dormers visible in the street scene of Chilvers Bank. However, those that I saw were all on rear roof slopes where their relationship with the street was different and they were generally less prominent. Moreover, they may have been constructed under permitted development rights. In any case, their presence is not comparable with and would not justify allowing the proposed front dormer.
 10. It is concluded on the main issue that the proposed front loft dormer would have a materially detrimental effect on the character and appearance of the host dwelling and the street scene of Chilvers Bank. In consequence, it would conflict with Policies D1 and D2 of the adopted North Hertfordshire Local Plan 2011 – 2031. Taken together and amongst other things, these expect extensions to dwellings to be sympathetic to the existing house in height, form, proportions, roof type, window details and materials and to respond positively to the site's local context.
 11. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR