

28 November 2025

Our Ref Planning Control Committee 11 December  
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,  
LETCWORTH GARDEN CITY, SG6 3JF**

On

**THURSDAY, 11TH DECEMBER, 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**

<b>Item</b>		<b>Page</b>
<b>1. APOLOGIES FOR ABSENCE</b>	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.	
<b>2. MINUTES - 23 OCTOBER AND 6 NOVEMBER 2025</b>	To take as read and approve as a true record the minutes of the meeting of the Committee held on the 23 October and 6 November 2025.	(Pages 5 - 24)
<b>3. NOTIFICATION OF OTHER BUSINESS</b>	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.	
<b>4. CHAIR'S ANNOUNCEMENTS</b>	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.	
<b>5. PUBLIC PARTICIPATION</b>	To receive petitions, comments and questions from the public.	

6. **25/01579/S73 LAND ON THE SOUTH WEST SIDE OF, STEVENAGE ROAD, ST IPPOLYTS, HERTFORDSHIRE** (Pages 25 - 42)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Variation of Condition 2 (revised plans) of planning permission 19/01669/FP granted 11.02.2025 for erection of 14 dwellings including new vehicular access off Sperberry Hill (serving 10 dwellings) and new vehicular accesses off Stevenage Road (serving 4 dwellings).

7. **24/00765/FP FOXLEA, THE MOUNT, BARLEY, ROYSTON, HERTFORDSHIRE, SG8 8JH** (Pages 43 - 62)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Erection of two 3 bed dwellings and one 2-bed chalet bungalow with associated parking, amenity space and access to the site through the existing access off The Mount

8. **25/01707/FP HATCH PEN, THE JOINT, REED, ROYSTON, HERTFORDSHIRE, SG8 8AZ** (Pages 63 - 72)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Erection of two proposed agricultural buildings and retention of extended excavated area.

9. **APPEALS** (Pages 73 - 90)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

To update Members on appeals lodged and any decisions made.

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## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,  
LETCWORTH GARDEN CITY, SG6 3JF  
ON THURSDAY, 23RD OCTOBER, 2025 AT 7.00 PM

#### MINUTES

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

**In Attendance:** *Peter Bull (Project Officer), Faith Churchill (Democratic Services Apprentice), Ben Glover (Senior Planning Officer), Shaun Greaves (Development and Conservation Manager), Sarah Kasparian (Senior Planning Officer), Susan Le Dain (Committee, Member and Scrutiny Officer), Edward Leigh (Senior Transport Policy Officer), James Lovegrove (Committee, Member and Scrutiny Manager) and Stephen Reid (Locum Planning Lawyer).*

**Also Present:** *At the commencement of the meeting approximately 38 members of the public, including registered speakers.*

*Councillors Elizabeth Dennis, Daniel Wright-Mason, Tim Johnson and Matt Barnes were in attendance as Member Advocates.*

#### 70 APOLOGIES FOR ABSENCE

*Audio recording – 1 minutes 27 seconds*

Apologies for absence were received from Councillors Bryony May and Martin Prescott.

Having given due notice Councillor Steve Jarvis substituted for Councillor May and Councillor Claire Strong substituted for Councillor Prescott.

#### 71 MINUTES - 18 SEPTEMBER 2025

*Audio recording – 1 minute 52 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 18 September be approved as a true record of the proceedings and be signed by the Chair.

#### 72 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 21 minutes 38 seconds*

There was no other business notified.

**73 CHAIR'S ANNOUNCEMENTS**

*Audio recording – 2 minutes 42 seconds*

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

**74 PUBLIC PARTICIPATION**

*Audio recording – 5 minutes 10 seconds*

The Chair confirmed that the registered speakers were in attendance.

**75 21/00765/OP LAND OFF BARKWAY ROAD AND NORTH OF FLINT HALL, BARKWAY ROAD, ROYSTON, HERTFORDSHIRE**

*Audio recording – 5 minutes 53 seconds*

*N.B. Councillor Ruth Brown declared an interest in this item due to her role as a Royston Town Councillor but confirmed that she had received a dispensation from the Monitoring Officer for this item only. She would therefore remain in the Council Chamber for consideration of this item.*

*N.B. Councillor Ruth Brown further declared that she was a Hertfordshire County Councillor, however following discussions with the Monitoring Officer previously, it was deemed that this was not an interest to prevent participation.*

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

- There had been a few additional matters set out in the addendum to the main report.
- An objection from Councillors Matt Barnes, Ruth Clifton and Tim Johnson was received in response to the re-consultation advice which had been omitted from the main report regarding technical matters and some general queries.
- The existing highways issues on Barkway Road were localised.
- The traffic survey held in December 2024 was deemed by the Highway Authority to be adequate.
- Traffic on Barkway Road was not free flowing at peak times, but the additional delays were not considered by the Highway Authority to have an impact on this.
- It could now be confirmed that Royston Town Council were not opposed to the routing of active travel through Green Walk Plantation.
- The published report and addendum set out potential additional highway mitigation measures.

- The Conservators of Therfield Heath and Greens had written a further letter withdrawing their request for mitigation and requesting that their application be refused in the absence of requested funding. This letter was available on public access system of the Council. If the Conservators did not accept the Section 106 contribution, the mitigation strategy would need to be amended.
- The addendum was an outline application with all matters reserved apart from the means of access.
- Members were considering an in-application Masterplan as part of the proposal, details of this were set out in informative part of the report.

*N.B. Councillor Steve Jarvis entered the Chamber at 19:18.*

The Chair confirmed with Councillor Steve Jarvis that as the item had been started, he would be unable to participate due to his late arrival.

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

The following Members asked questions:

- Councillor Louise Peace
- Councillor Claire Strong
- Councillor Ruth Brown
- Councillor Tom Tyson
- Councillor Val Bryant

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

- The Highways Objection in 2022 had been withdrawn because they were satisfied that the solution reached to change the red line boundary to reach Shrubbery Grove was in accordance with the Local Transport Plan.
- The additional traffic modelling had shown there was no impact to the junction but did not advise on the effect of traffic from Barkway Road.
- Conversion of the existing level crossing was proposed to improve the junction and to make it more accessible to pedestrians.

In response to a question from Councillor Claire Strong, the Committee, Member and Scrutiny Manager advised that under the Planning Code of Good Practice, a Member could not take part in debate or vote at a meeting when they had not been present at the meeting when the item had previously been discussed. Therefore, as Councillor Strong was not present at the meeting on 4 September 2025, when the item was initially considered, she would be unable to participate in this item.

In response to questions, the Project Officer advised that:

- It was a matter for the Applicant and not the Highways Authority to build a cycle route through the Green Walk Plantation.
- The developers would be building the eastern phase of the development first and the cycle way would be part of the later western phase.
- The mitigation cost of £350 per dwelling had been adopted as a reasonable amount using advice in the mitigation strategy.
- Affordable housing did not currently require social rent.
- Discussions with Sport England following the meeting on 4 September had resulted in a reduction to the amount required from the developer towards the cricket pitch.

In response to questions, the Locum Planning Lawyer advised that covenants were not a material planning consideration.

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

- The proposal to refuse this application had been deferred to allow the developer time to provide more evidence on traffic issues which they had failed to provide.
- The developer had still not provided evidence that this site was sustainable.
- The developer had not undertaken the proposed microsimulation for analysis due to the cost.
- There would be 197 cars leaving the site at peak times which was not sustainable.
- 98% of these 197 cars would drive down Barkway Road causing the traffic congestion to become severe.
- Hertfordshire County Council Highways Authority have recognised this but say it would only cause moderated harm to the area.
- The steep gradient of the hill remained unaddressed
- Would the committee accept the 450 plus objections from local residents who knew the area, or the word of the developer.
- This application contravened policies 5 and 6 of the Local Transport Plan.

There were no points of clarification from Members.

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

- This application had been deferred to allow the Applicant time to provide further traffic modelling so Members could fully understand the situation.
- The committee was left without the requested and necessary information required to determine whether the impact would cause severe harm as detailed in paragraph 116 of the National Planning Policy Framework (NPPF).
- Junction modelling showed that the traffic problems in Barkway Road and the A10 gyratory would still exist.
- Microsimulation software should have been used for an accurate assessment and was not expensive.
- The Strand 2 contribution was calculated using 2019 rates rather than index linked 2024 rates, which had resulted in the approximate £850K shortfall.
- The Applicant had failed to submit further modelling requested by the committee.
- The effect on highway network will be severe.
- This application failed to meet the requirements of the NPPF and should be refused under grounds of paragraphs 115d and 116 of the NPPF.

There were no points of clarification from Members.

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

- This unallocated site was beyond the settlement boundary and fell to be judged against the NPPF having regard to the development plan.
- A critical issue was that the site was not in a sustainable location.
- The application conflicted with four broad policy areas of the Local Plan

- The site was inaccessible to key services and facilities by sustainable travel contrary to SP6B.
- The application failed to meet the threshold under SP9Ci and could not demonstrate transport systems were viable.
- GIS gradient mapping confirmed a 43-metre level change from the top of site to bottom of Barkway Road which was a gradient of 1 in 10 in parts.
- The section 106 contributions for Strand 2 Sustainable Transport were not compliant with policy SP7 sub paragraph C, which required refusal in such cases.
- Potential highways impact and safety risks were not accounted for contrary to paragraphs 115-118.
- Para 195 of the NPPF did not apply as the projects habitat had not been assessed.
- The adverse effects arising from cumulative impacts and with the loss of open countryside contrary to para 11D of the NPPF the application should be refused.

In answer to a point of clarification from Councillor Ruth Brown, Ms Dunthorne confirmed that under sub paragraph C of policy SP7 of the Local Plan, an application should be refused when section 106 contributions had not been met and there was a shortfall of £900K.

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

- The technical note provided by the Applicant still failed to address the court issue with this development.
- No adequate modelling had been carried out on Barkway Road and adding 280 houses at the top of the hill would have a significant impact in this location.
- There was nothing in the updated documents that addressed the major problem of parked cars along Barkway Road and 98% of journeys would travel along this route.
- There was no evidence that an appropriate assessment on a habitat site had been carried out and considering the impact on Therfield Heath Site of Special Scientific Interest (SSSI) under Para 195 of the NPPF, the tilted balance should not be considered in this case.
- Impact on SSSI was a material consideration on this site and failure to mitigate the harm posed provided a reason for refusal.
- This application conflicted with the NPPF guidelines on sustainable travel.
- No agreement was recorded as being found for the Green Walk Plantation access on the west side of this development.
- Incorrect traffic modelling had been used for Barkway Road and the A10 gyratory system.
- The application was outside the Local Plan and should be refused.

Following a point of clarification from Councillor Ruth Brown, Councillor Matt Barnes advised that a tilted balance should not be considered when a plan was likely to have a significant effect on a habitat site unless an appropriate assessment was carried out as detailed in paragraph 195b of the National Planning Policy Framework (NPPF).

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

- When this application was deferred in September Members asked for firm evidence on four key issues.
- These key issues were responded to in technical note 008 which was submitted on 15 September.

- Hertfordshire County Council Highway Authority carried out its own independent review and the final consultation response dated 3 October showed there was no new information that would affect the previous recommendation.
- The Highway Authority do not want to restrict the application subject to agreed £1.56million section 106 contributions.
- Sustainable transport connections were reviewed again in technical note 008 and it was confirmed that all the cycle and bus routes would enable residents to travel safely.
- Para 116 of NPPF was clear in that permission should only be refused on highway grounds if the harm impacts are severe which was not the case with this application.
- Every transport issue raised in September has been answered and verified.
- This scheme would deliver major investment and more sustainable travel for Royston.

The following Members asked points of clarification:

- Councillor Ruth Brown
- Councillor Louise Peace

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

- Phasing of the development had been set out to follow the active travel route that would be provided by the Highways Authority, Hertfordshire County Council.
- The Applicant would be working with authorities to meet the requirements for an improved bus service.
- The Strand 2 contribution had been approved by Hertfordshire County Council.
- It was part of the planned works to provide a new footpath to Grange Bottom.
- The new cycle route through Greenway Plantation would be a benefit to the whole of Royston.

In response to points raised in the verbal presentations, the Senior Transport Officer advised that:

- The Strand 2 contribution amount quoted in the report would be subject to change as it was index linked.
- The Strand 2 contribution could be used at the discretion Hertfordshire County Council to secure the bus service on Barkway Road.
- Although it would be possible to access the bridleway where the two pieces of land crossed, this was a recreational route and not suitable for travel to work.
- The existing traffic problem on Barkway Road would not be considered a severe impact as detailed in paragraph 116 of the National Planning Policy Framework (NPPF).

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

- The tilted balance was not disengaged by paragraph 195 of the National Planning Policy Framework for this application.
- Natural England were satisfied subject to a recreation strategy which was conditional.
- Prospects on appeal was not a material planning consideration. The National Planning Practice Guidance sets out advice on how planning authorities should consider costs on appeal.
- This cost regime encouraged local authorities to rely only on reasons for refusal which would stand up to scrutiny.
- The applicant would be entitled to appeal against the refusal of planning permission and make a cost application against the Council if it was considered that the Council had acted unreasonably.
- Members should only decide to vote against the advice from Officers in exceptional circumstances.

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

The following Members took part in the debate:

- Councillor Ruth Brown
- Councillor Dave Winstanley
- Councillor Ian Mantle
- Councillor Louise Peace
- Councillor Val Bryant
- Councillor Tom Tyson
- Councillor Nigel Mason

Points raised during the debate included:

- This site was outside the Local Plan and outside the settlement boundary.
- Access would have to be by car making sustainable travel impossible.
- Sites must be able to be accessed by active travel routes.
- This did not meet the appropriate criteria for housing sites in North Herts.
- The titled balance was the only reason to support this application.
- There needed to be realistic planning reasons for rejecting this application.
- The requested traffic information following the last meeting had not been received and the data was still unreliable.
- Due to the shortage of housing, Members would have to demonstrate that the harm of this application outweighed the benefits to refuse the application.

Having been proposed and seconded and, following a vote, the motion to grant planning permission was LOST.

Councillor Ian Mantle proposed to refuse planning permission on the grounds that it was contrary to policy and that it was inadequate in provision of alternative means of access other than cars. Councillor Ruth Brown seconded this motion on the grounds that it was a site outside of the Local Plan and outside the settlement boundary.

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

**RESOLVED:** That application 21/00765/OP be **REFUSED** planning permission for the following reasons:

- a) The site, if developed, would fail to provide adequate opportunity for travel by residents and visitors by non-car transport modes and would therefore be contrary to paragraphs 110, 115 and 116 of the NPPF and adopted North Hertfordshire Local Plan policy SP9.
- b) The site was not an allocated housing site within the adopted North Hertfordshire Local Plan and was located outside the settlement boundary of Royston and within the rural area beyond the Green Belt. It was therefore in conflict with policies SP5 and CGB1 of the adopted North Hertfordshire Local Plan.

*N.B. Following the conclusion of this item, there was a break in proceedings at 20.56 and the meeting reconvened at 21.07.*

**76 24/02780/RM LAND NORTH OF HIGHOVER FARM TO STOTFOLD ROAD, HIGHOVER WAY, HITCHIN, HERTFORDSHIRE**

*Audio recording – 2 hours 4 minutes 40 seconds*

*N.B. Councillor Nigel Mason declared an interest and left the Chamber and did not take place in the debate or vote. The Vice-Chair, Councillor Emma Fernandes, chaired the item.*

The Senior Planning Officer provided a verbal update on matters relating to Application 24/02780/RM and advised that:

- There were no further updates for Members.
- No objections had been received from the Highway Authority or the Lead Local Flood Authority (LFFA) on any detail of the plans.

The Senior Planning Officer then presented the report in respect of Application 24/02780/RM accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Dave Winstanley
- Councillor Ruth Brown

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

- The design of the road caused the carriageway narrowed from two lanes to one lane as illustrated in one of the slides in the presentation.
- The Sustainable Drainage Systems (SuDS) would be attractive, with two ponds in the northern corner, one with a level of water and one without.
- The swales would be green and usable.

In response to questions the Senior Transport Officer advised that:

- This application was for groundworks, not for the infrastructure that would make the bus gate open.
- There was expectation that a camera would be installed in the spine road after correct procedure was followed and Hertfordshire County Council would have the power to enforce penalty charges for vehicles that passed through that were not buses.

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

- At that Planning Committee held in July 2023 a decision was taken to defer this item to allow for more traffic data to be gathered.
- In September 2023 a weeklong traffic survey was carried out, but this data was not shared.
- In a transport note provided for the planning meeting councillors were given a report showing old data related from manual counts which indicated that traffic flows were in decline.
- Numerous reasons were given for why data was not provided, including that it wasn't ready and that traffic data wasn't material to the outline decision.
- The Department for Transport does have a count point on the Cambridge Road but the data was not from manual counts as it was estimated.



- The Department for Transport figures were robust and reported as national statistics, but traffic estimates for individual roads were less robust as they were not always based on up-to-date counts.
- The response received in August was specifically referenced to this Department for Transport data.
- Therefore, a decision was made to approve this application where traffic data had been falsely represented and other pertinent data had been withheld.

There were no points of clarification from Members.

The Chair thanked Mr Wilcox for his presentation and the Member Advocate Objectors, Councillors Elizabeth Dennis and Daniel Wright-Mason to speak against the application. Councillors Dennis and Wright-Mason thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- This was the first development of this scale in North Hertfordshire for decades.
- They were reflecting the concerns of the Walsworth residents which were most directly affected.
- It should be considered that the bus gate would only work if it was used by buses.
- Since the floods in September and November 2024 the flood risk evidence had been updated.
- In the interests of the public, the developer should provide a drop-in session for residents to keep them informed.
- The infrastructure of the main spine road and the facilities around it did amount to necessary highway and service infrastructure.
- The layout was a matter considered within reserved matters applications.
- The way the traffic routes in development were situated did include the main spine road.
- The bus route was essential to ensure that policies 3 – 10 of the local transport policies of Hertfordshire County Council were complied with.
- The Council needed to be critically aware of child safety in that part of the spine road.
- Condition 17 which in the outline permission, was discharged on 17 October based on the bus design.
- The inclusions of electrical ducts to detect number plates had not been taken forward by the Highways Authority.

There were no points of clarification from Members.

The Chair thanked Councillors Dennis and Wright-Mason for their verbal presentations and invited the Applicant's Representative, Mr Mark Osborn to speak in support of the application. Mr Osborn thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- This was the first phase of the development following approval of the outline permission in November 2024 for 700 new homes.
- The infrastructure in place was to provide a coordinated and sustainable solution.
- No objections had been received from all relevant authorities.
- The bus gate principles were agreed with Hertfordshire Country Council and had been cemented through the discharge of condition 17.
- The drainage strategy would channel water to the northern corner of the plot and this had been designed to accommodate 40% climate change.
- Foul drainage would disperse through a pumping station with timed discharge to the Anglian water network via Stotfold Road to the east.
- A public consultation was held in Hitchin in June 2025 where residents were updated on progress with the development.
- The developer had met with the Hitchin Forum in July 2025.

- A further detailed design reserved matters application would be submitted by the end of the month for phase 1 of the development, detailing the site and landscaping and open spaces.
- Details around the main public square had been delayed until later phases to work with Hertfordshire County Council to integrate the school design into this key space.
- This development would bring the much-needed new housing supply to the district with 40% of affordable housing.

The following Members asked points of clarification:

- Councillor Emma Fernandes
- Councillor Claire Strong

In response to points of clarification, the Applicant's Agent advised that public consultations would be held in each phase of the development.

In response to a point of clarification, the Senior Transport Policy Officer advised that:

- There was a process that would have to be followed with bus route signage and if it was demonstrated that people were abusing the traffic order, then the Highways Authority could enforce a camera.
- The bus service was designed by Hertfordshire County Council as a new service which would stop on Stotfold Road before entering the site and it could turn around in the site.
- This would be a new bus service along the Stotfold Road which would expand to serve the whole of the site as it was built.

Councillor Emma Fernandes proposed to grant permission and this was seconded by Councillor Ian Mantle.

The following Members took part in the debate:

- Councillor Ian Mantle
- Councillor Claire Strong
- Councillor Dave Winstanley
- Councillor Val Bryant

Points raised during the debate included:

- This application had been accepted at the masterplan stage.
- This was one of the strategic sites in the Local Plan and needed to be moved forward.
- It would be beneficial to have the camera installed at the start of the project rather than at a later stage.
- There was already a bus service in place along the Stotfold Road.

In response to points raised during the debate, the Senior Transport Policy Officer advised that installation of a camera was a matter for the Highways Authority and not the Council. Highways were required to follow the correct procedure and demonstrate the need for a camera before one could be installed.

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

**RESOLVED:** That application 24/02780/RM be **GRANTED** planning permission subject to the conditions set out in the report of the Development and Conservation Manager and the delegation of authority to the Development and Conservation Manager to update conditions and information with minor amendments as required.

*N.B. Councillor Nigel Mason returned to the Chamber at 21:50.*

**77 25/02234/S73 LAND BETWEEN ROYSTON ROAD AND CAMBRIDGE ROAD, BARKWAY, HERTFORDSHIRE**

*Audio recording – 2 hours 50 minutes 40 seconds*

The Senior Planning Officer provided a verbal update on matters relating to Application 25/02234/S73 and advised that:

- The applicant had agreed to the pre commencement conditions.
- An amendment had been made to point a) to include legal mechanism wording.
- The additional condition 4 had been agreed by the Applicant.
- No objections had been received from the Highways Authority or from the Lead Local Flood Authority (LFFA).

The Senior Planning Officer then presented the report in respect of Application 25/02234/S73 accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Louise Peace
- Councillor Claire Strong

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

- The original condition 3 was restrictive and had therefore been amended to be in accordance with the details which formed the basis of the application.
- A Masterplan Compliance Statement would be submitted for condition 4 which would provide explanation of how it would accord with the masterplan and that any variation would require justification.
- The original masterplan was predated from 2018.

In response to questions, the Local Planning Lawyer advised that:

- The original section 106 agreement did not include a Section 73 clause.
- It was critical to ensure that any amended condition was dealing with the legal mechanism to protect the original Section 106 agreements.

The Chair invited the Applicant's Representatives, Mr Andrew Hodgson and Ms Alice Kirkham to speak in support of the application. Mr Hodgson and Ms Kirkham thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- Mr Hodgson was a representative from Redrow homes.
- This Section 73 (S73) application followed the withdrawal of the previous S73 application.
- No changes were being made to the original plans.
- The new condition 4 was being imposed to comply with the masterplan document.
- Condition 20, from the 2018 agreement, related to surface water and a more appropriate solution had been prepared and agreed.
- Amendments in this application were to address the original restrictive wording of condition 3.
- The changes only related to the conditions amended and were not part of the scheme.

There were no points of clarification from Members.

Councillor Nigel Mason, as Chair, proposed to grant permission and this was seconded by Councillor Dave Winstanley and, following a vote, it was:

**RESOLVED:** That application 25/02234/S73 be **GRANTED** planning permission subject to the conditions set out in the report of the Development and Conservation Manager, amended as follows:

- a) The completion of a satisfactory Deed of Variation or other legal mechanism that secures the S106 obligations agreed as part of the Outline Application (18/01502/OP) and the applicant agreeing to extend the statutory period to complete it, if required.
- b) Delegation of power to the Development and Conservation Manager to:
  - (i) Resolve any outstanding matters,
  - (ii) Update conditions and informatives with minor amendments as required and,
  - (iii) Authorise the completion of other legal mechanism if not completed through a satisfactory Deed of Variation.

## 78 APPEALS

*Audio recording – 3 hours 8 minutes 10 seconds*

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

- There had been two appeals lodged.
- One appeal decision had been dismissed and the other one had been partly allowed in relation to the front access path.

The meeting closed at 10.12 pm

Chair

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**

**PLANNING CONTROL COMMITTEE**

**MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,  
LETCWORTH GARDEN CITY, SG6 3JF  
ON THURSDAY, 6TH NOVEMBER, 2025 AT 7.00 PM**

**MINUTES**

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

**In Attendance:** *Amy Cantrill (Trainee Committee, Member and Scrutiny Officer), Sam Dicocco (Principal Planning Officer), Sarah Kasparian (Senior Planning Officer), Susan Le Dain (Committee, Member and Scrutiny Officer), Tom Rea (Senior Planning Officer) and Stephen Reid (Locum Planning Lawyer).*

**Also Present:** *At the commencement of the meeting approximately 5 members of the public, including registered speakers.*

*Councillor Paul Ward was in attendance as Ward Member.*

**79 APOLOGIES FOR ABSENCE**

*Audio recording – 1 minute 24 seconds*

No apologies for absence were received.

**80 MINUTES - 9 OCTOBER 2025**

*Audio Recording – 1 minute 28 seconds*

Councillor Nigel Mason, as Chair, proposed and Councillor Emma Fernandes seconded and, following a vote, it was:

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 9 October be approved as a true record of the proceedings and be signed by the Chair.

**81 NOTIFICATION OF OTHER BUSINESS**

*Audio recording – 2 minutes 13 seconds*

There was no other business notified.

**82 CHAIR'S ANNOUNCEMENTS**

*Audio recording – 2 minutes 17 seconds*

(1) The Chair advised that, in accordance with Council Policy, the meeting would be recorded.

- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (3) The Chair clarified matters for the registered speakers.
- (4) The Chair confirmed the procedure for moving to debate on an item.
- (5) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.
- (6) The Chair confirmed the cut off procedure should the meeting proceed at length.

### 83 PUBLIC PARTICIPATION

*Audio recording – 4 minutes 54 seconds*

The Chair confirmed that the registered speakers were in attendance.

### 84 25/01539/FP HOLBORN FARM, DANE END, THERFIELD, ROYSTON, HERTFORDSHIRE SG8 9RH

*Audio recording – 5 minutes 18 seconds*

*N.B. Councillor Bryony May declared an interest in this item due to her husband being a Trustee for the Conservators of Therfield Heath and Greens. Councillor May advised that following advice received from the Locum Planning Lawyer, she would leave the Council Chamber for consideration of the item.*

The Senior Planning Officer provided a verbal update on matters relating to Application 25/01539/FP and advised that Cllr May was correct and a letter had been received from the Conservators of Therfield Heath and Greens, requesting a £680 financial contribution towards signage and website project. This was based on the Therfield Heath Site of Special Scientific Interest (SSSI) Mitigation Strategy published in November 2022.

The Senior Planning Officer then presented the report in respect of Application 25/01539/FP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Dave Winstanley
- Councillor Louise Peace
- Councillor Tom Tyson
- Councillor Val Bryant
- Councillor Ruth Brown

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

- The objection received from the Highway Authority was based on the principle of a new dwelling in a rural area. This was contrary to the Local Transport Plan and it was also the same objection received in the previous application.
- The main difference between this application and the previous application was to build a larger car port and garage and to replace the lean-to with a single storey extension.
- The tree within proximity to the new building would be retained.
- This application did not meet the requirements for a Section 106 agreement.
- No response had been received from Therfield Parish Council.
- The footprint of the application was slightly larger than the previous application.

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

- The original objection to the planning application had been overturned in April 2024.
- This application was to build a forever home for the Applicant and his family.
- The planned renovations were sympathetic and would ensure the preservation of a listed building.

In response to a point of clarification from Councillor Ruth Brown, Mr Cassidy advised that the extra space was required to convert the property into a forever home for his family.

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

The following Members took part in the debate:

- Councillor Ruth Brown
- Councillor Emma Fernandes
- Councillor Val Bryant

Points raised during the debate included:

- This application was on rural land which was not in the green belt.
- This was a sympathetic scheme which would safeguard a listed building and give it a new lease of life.

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

**RESOLVED:** That application 25/01539/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

*N.B. Councillor Bryony May returned to the Chamber at 19:32.*

**85 25/01745/S73 LAND TO THE EAST OF FOXHOLES AND GAINSFORD HOUSE AND ON THE WEST SIDE OF CROW FURLONG, HITCHIN, HERTFORDSHIRE**

*Audio recording 30 minutes 46 seconds*

The Senior Planning Officer presented the report in respect of Application 25/01745/S73 accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Dave Winstanley
- Councillor Louise Peace
- Councillor Val Bryant

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

- The substation would be located away from the houses in the northeast corner of the site.
- The spine road would have a footpath on one side of the road.
- The housing mix was the same as the original application, but the number of house types had increased.

- The footpath links would help the permeability of the site, with local residents being able to access the play area.
- This updated application sought to discharge conditions through a Section 73 agreement and was satisfactory.

The Chair invited the Applicant, Ms Chloe Houston to speak in support of the application. Ms Houston thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- The Hill Group were an award-winning housebuilder.
- This site was allocated in the Local Plan and planning permission for 47 new homes was granted back in March 2024.
- This application proposed improved layout of homes and also improvements to the landscaping.
- The substation to the northeast of the site would help to achieve sustainability targets of the Council.
- All homes would have air sourced heat pumps and EV charging points installed.
- A Section 106 agreement was in place for £1.4 million and this application secured more bedroom spaces in the affordable homes.
- There had been no objections received from the Highway Authority about pedestrian access to Crow Furlong.

The following Members asked points of clarification:

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

In response to points of clarification, Ms Houston advised that:

- Solar panels were not being installed in this development, as the aim was to be sympathetic to the surrounding rural countryside.
- In this application one of the two bedroomed properties had been replaced by a four bedroomed property.
- This site would be adjacent to an existing development of Hills.

In response to a point of clarification, the Principal Planning Officer advised that:

- The extra bedrooms provided in the affordable housing should be seen as a benefit.
- A slight change in the housing mix was acceptable.
- Each planning application was assessed on its own merits and it was not a necessity in planning terms to install solar panels on energy efficient homes.

In response to a point of clarification, the Locum Planning Lawyer advised that an additional point should be added to the recommendations to ensure that if required the Section 106 agreement were still complied with.

Councillor Nigel Mason proposed to grant permission as amended and this was seconded by Councillor Ruth Brown.

The following Members took part in the debate:

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



Points raised during the debate included:

- This application was an improvement to the original application with benefits to landscaping and sustainability.
- If a new Section 106 agreement was required, it was incumbent on the Council to ensure there were no delays to the commencement of this development.
- Access to Crow Furlong had already been granted in the previous application.

In response to a point raised in the debate, the Locum Planning Lawyer advised that if a new Section 106 was required, legal services would expedite it.

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

**RESOLVED:** That application 25/01745/S73 be **GRANTED** planning permission subject to the following:

- a) Providing delegated powers to the Development and Conservation Manager to update conditions and informatives as set out in the report above.
- b) Conditions as set out in the report with the following amendments to Conditions 7 and 21:

‘Condition 7

*BNG Management Plan*

*The development shall be carried out in accordance with the approved Biodiversity Net Gain – Landscape and Ecological Management and Maintenance Plan Rev C (October 2025) prepared by James Blake Associates unless otherwise agreed in writing with the Local Planning Authority.*

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

Condition 21

*Open Space Management and Maintenance*

*The development shall be carried out in accordance with the Open Space Management and Maintenance Scheme contained in the Biodiversity Net Gain – Landscape and Ecological Management and Maintenance Plan Rev C (October 2025) prepared by James Blake Associates. 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.’*

- c) Completion of a new Section 106 agreement if required in consultation with the Chair.

86 **TPO/00221/(2025) LAND AT CROUCHGREEN WOOD AND CHURCH WOOD, THREE HOUSES LAND, CODICOTE**

*Audio recording 1 hour 5 minutes 15 seconds*

The Senior Planning Officer provided a verbal update on matters relating to Application TPO/00221(2025) and advised that:

- The Applicant had objected to the original Tree Preservation Order under section 8.45 of the constitution.
- A letter had been received since the report had been published from a local resident in support of the Tree Preservation Order.

The Senior Planning Officer then presented the report in respect of Application TPO/00221(2025) accompanied by a visual presentation consisting of plans and photographs.

The Chair invited the Public Supporter, Nicholas Pellett to speak in support of the application. Mr Pellett thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- He was the representative for 30 local residents and other concerned parties which included some countryside experts.
- These woods had enjoyed a natural existence free from development.
- The natural habitat had taken centuries to evolve and was irreplaceable.
- The woodland had suffered the last two years from development in the area resulting in inappropriate drainage in the woodland.
- The subsequent raised ground level and flooding of the woods was detrimental to the trees.
- This Tree Preservation Order would provide effective protection for the future of the trees which were threatened by development.

In response to a point of clarification from Councillor Val Bryant, Mr Pellett advised that the woods were formerly part of the estate owned by Lord Brockett and were a local resource.

The Chair thanked Mr Pellett for his presentation and invited the Ward Member, Councillor Paul Ward to speak in support of the application. Cllr Ward thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- He was in support of the Tree Preservation Order.
- He had been contacted in September 2024 by a local resident who was concerned about the impact on the woods from nearby properties.
- As a result of this, he met with residents and listened to their concerns.
- Following a visit to the woods, he could confirm his agreement with paragraph 4.3.2 of the report.
- This Tree Preservation Order was critical to protect the trees in the woodland.
- The high ecological status of the site and the scale of unauthorised works and damage that had already happened, it was imperative that the woodlands were protected for the community, as detailed in paragraph 4.3.7 of the report.

There were no points of clarification from Members.

The Chair thanked Councillor Ward for his verbal presentation and invited the Representative of the Applicant, Ms Sophie Cairns to speak against the application. Ms Cairns thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- This proposed Tree Preservation Order was neither justified nor proportionate.
- The trees were located on private land with no public rights of way.
- The current owners had developed good woodland management and were enhancing biodiversity.
- A Tree Preservation Order would only introduce hurdles to the management of any coppicing and thinning of trees.
- The Applicant was willing to cooperate by implementing a woodland management plan for the site.
- She urged the Council to withdraw the Tree Preservation Order and to work with the owners to create a woodland management plan.

In response to points of clarification, Ms Cairns advised that:

- A meeting was planned to discuss the longevity of the site and how to ensure best management in the future.
- Flooding in the woods came from the road and not just from the drainage works from the site.
- A woodland management plan would prevent the hurdles which resulted from a Tree Preservation Order.

In response to points of clarification, the Senior Planning Officer advised that:

- A woodland management plan could only be secured through a planning application or a Section 106 agreement.
- The view of the site could be accessed by members of the public from Three Houses Lane and therefore the site did have amenity value.
- There was concern around inappropriate tree species that had been planted on and around the boundary of the site which were not native species.

Councillor Nigel Mason proposed to grant permission, and this was seconded by Councillor Val Bryant.

The following Members took part in the debate:

- Councillor Ruth Brown
- Councillor Louise Peace
- Councillor Clare Billing

Points raised during the debate included:

- Trees and the ancient ecosystem must be protected, as advised by CPRE Hertfordshire, Natural England and The Woodland Trust in paragraphs 4.3.3 and 4.3.6 of the report.
- The native species of trees in the woodland must be protected by ensuring no irresponsible planting happened.
- There were many bluebells in the woodland which needed to be protected.

In response to a point raised during the debate, the Senior Planning Officer advised that bluebells were protected by the Wildlife and Countryside Act.

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

**RESOLVED:** That Tree Preservation Order (TPO/00221) be **CONFIRMED**.

**87 APPEALS**

*Audio recording – 1 hour 35 minutes 37 seconds*

The Principal Planning Officer presented the report entitled 'Planning Appeals' and advised that there had been two appeals which had both been dismissed.

The meeting closed at 8.38 pm

Chair

<u>Location:</u>	<b>Land On The South West Side Of Stevenage Road St Ippolyts Hertfordshire</b>
<u>Applicant:</u>	<b>Mr D Vercoe</b>
<u>Proposal:</u>	<b>Variation of Condition 2 (revised plans) of planning permission 19/01669/FP granted 11.02.2025 for erection of 14 dwellings including new vehicular access off Sperberry Hill (serving 10 dwellings) and new vehicular accesses off Stevenage Road (serving 4 dwellings)</b>
<u>Ref. No:</u>	<b>25/01579/S73</b>
<u>Officer:</u>	<b>Anne McDonald</b>

**Date of expiry of statutory period:** 17.12.2025

**Target Determination date:** 17<sup>th</sup> December 2025.

**Reason for delay:** N/A.

**Reason for referral to committee:**

The application is to be determined by Planning Control Committee by reason of the development being residential development with a site area of 0.5 hectares or greater, as set out in 8.4.5 of the Council's Scheme of Delegation.

## **Supporting documents**

Plans:

- 18142-1004 – site location plan;
- 5761-CAL-ZZ-ZZ-DR-A-SK01-P3 – proposed site plan;
- 5761-CAL-2376-ZZ-DR-A-109-P2 – first floor plan plots 7 & 10;
- 5761-CAL-2376-ZZ-DR-A-108-P2 – ground floor plan plots 7 & 10;
- 5761-CAL-2060-ZZ-DR-A-306-P2 – elevations plot 1;
- 5761-CAL-2060-ZZ-DR-A-305-P2 – first floor plan plot 1;
- 5761-CAL-2060-ZZ-DR-A-206-P2 – elevations plot 9;
- 5761-CAL-2060-ZZ-DR-A-205-P2 – first floor plan plot 9;
- 5761-CAL-2060-ZZ-DR-A-106-P2 – elevations plot 5;
- 5761-CAL-2060-ZZ-DR-A-105-P2 – first floor plan plot 5;
- 5761-CAL-2039-ZZ-DR-A-106-P2 – elevations plots 2 & 3;
- 5761-CAL-2036-ZZ-DR-A-105-P2 – first floor plan plots 2 & 3;
- 5761-CAL-AT-ZZ-DR-A-107-P2 – floor plans plots 11, 12 & 13;
- 5761-CAL-2971-ZZ-DR-A-113- P2 – elevations plot 4 plan 2 of 2;
- 5761-CAL-2971-ZZ-DR-A-112 – P2 – elevations plot 4 plan 1 of 2;
- 5761-CAL-2971-ZZ-DR-A-111-P2 – first floor plan plot 4;
- 5761-CAL-2971-ZZ-DR-A-110-P2 – first floor plan plot 4;

- 5761-CAL-2060-ZZ-DR-A-306-P2 – elevations plot 1;
- 5761-CAL-2376-ZZ-DR-A-211-P2 – elevations plots 6 & 8 plan 2 of 2;
- 5761-CAL-2376-ZZ-DR-A-210-P2 – elevations plots 6 & 8 plan 1 of 2;
- 5761-CAL-2376-ZZ-DR-A-209-P2 – first floor plan plots 6 & 8;
- 5761-CAL-2376-ZZ-DR-A-208-P2 – ground floor plan plots 6 & 8;
- 5761-CAL-2376-ZZ-DR-A-111-P2 – elevations plots 7 & 10 plan 2 of 2;
- 5761-CAL-2376-ZZ-DR-A-110-P2 – elevations plots 7 & 10 plan 1 of 2;
- 5761-CAL-2BAB-ZZ-DR-A-105-P2 – elevations plot 14;
- 5761-CAL-2BAB-ZZ-DR-A-104-P2 – ground floor plan plot 14;
- 5761-CAL-G4-ZZ-DR-A-103-P2 – elevations plots 9 & 10;
- 5761-CAL-G4 -ZZ-DR-A-102-P2 – ground floor plan plots 9 & 10;
- 5761-CAL-G2 -ZZ-DR-A-103-P2 - elevations;
- 5761-CAL-G2 -ZZ-DR-A-102-P2 – ground floor plan;
- 5761-CAL-G20 -ZZ-DR-A-103-P2 – elevations plot 4;
- 5761-CAL-G20-ZZ-DR-A-102-P2 – floor plans plot 4;
- 5761-CAL-AT-ZZ-DR-A-108-P2 – elevations plots 11, 12 & 13.

Supporting documents:

- Clearing Fusion Brochure -solar PV;
- Vaillant Air Source Heat Pump Brochure.

## 1.0 Policies

### 1.1 North Herts Local Plan 2011 - 2031

Policy SP1: Sustainable development in North Hertfordshire  
 Policy SP2: Settlement Hierarchy and Spatial Distribution  
 Policy SP6: Sustainable Transport  
 Policy SP7: Infrastructure requirements and developer contributions  
 Policy SP8: Housing  
 Policy SP9: Design and Sustainability  
 Policy SP10: Healthy communities  
 Policy SP11: Natural resources and sustainability  
 Policy SP12: Green Infrastructure, landscape and biodiversity  
 Policy SP13: Historic Environment

Policy T1: Assessment of Transport matters  
 Policy T2: Parking  
 Policy HS1: Local Housing Allocations  
 Policy HS2: Affordable housing  
 Policy HS3: Housing mix  
 Policy HS5: Accessible and adaptable housing  
 Policy D1: Sustainable Design  
 Policy D3: Protecting living conditions  
 Policy D4: Air Quality  
 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 NE11: Contaminated land  
 Policy HE1: Designated heritage assets  
 Policy HE4: Archaeology  
 Policy SI2: Land south of Stevenage Road

## 1.2 National Planning Policy Framework

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 and beautiful 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

## 1.3 Supplementary Planning Documents

Developer Contributions SPD (2023)

## 2.0 Site History

2.1 90/01554/1 - Outline Application for three detached dwellings – Refused 09/07/91.

Appeal dismissed.

2.2 01/00348/1 - 5 Detached dwelling houses (Outline Application - All matters reserved) - Refused 31/05/01 for:

1. The proposed dwellings are in an area that is designated in the approved County Structure Plan Review 1991-2011 and the North Hertfordshire District Local Plan No 2 with Alterations as Green Belt. Within that area there exists a general presumption against new housing development. In the view of the Local Planning Authority the nature of the proposal does not justify that strong presumption being overridden. Additionally, the proposal would be viewed as encroaching into the surrounding countryside, thereby having an adverse impact from the visual amenities and landscape of this part of the Green Belt contrary to paragraph 1.5 of Planning Guidance Note 2 (Green Belts).

Appeal dismissed 26/10/01.

2.3 19/01669/FP – Erection of 14 dwellings including new vehicular access off Sperberry Hill (serving 4 dwellings) and new vehicular access off Stevenage Road (serving 10 dwellings). Conditional permission – granted 11<sup>th</sup> February 2025.

2.4 Discharge of condition applications have been submitted for conditions 3, 11, 11b, 12, 19, 20, 23, 24, 25, 26, 28, 29 and 31 imposed on planning permission 19/01669/FP.

2.5 Applications 25/02732/S106A (open space); 25/02733/S106A (LLFA / drainage) and 25/02734/S106A (fire hydrants) have also been submitted regarding matters within the S106 Agreement which require approval. These applications are currently pending.

### 3.0 **Representations**

- 3.1 **HCC Highways** – an incorrect response has been provided, referring to items that not within the scope of the application. The highways officer has been re-consulted, and an update will be given as the PCC meeting.
- 3.2 **HCC Archaeology** – although some or all of the on site fieldwork has been carried, a report on the investigations has not yet been submitted nor proposal for analysis and publication of the results. Therefore, conditions remain appropriate to secure this information.
- 3.3 **HCC LLFA** – no comment as no change is proposed to the drainage strategy.
- 3.4 **HCC Fire and Rescue Team** – no comment.
- 3.5 **NHDC Environmental Health** – no objection.
- 3.6 **NHDC Housing Officer** – this is an allocated housing site, and with 14 dwellings being proposed, 25% should be affordable housing. This will be four dwellings and they should be 2 x 2-bed, 1 x 2-bed and 1 x 3-bed homes.
- 3.7 **Anglia Water** – no comment.
- 3.8 **Sport England** – no comment as this application does not fall within our remit.
- 3.9 The application has been advertised with site and press notices and neighbour notification letters. At the time of writing two objections have been received. Key points raised include:
- I and many others all object for the same reasons as last time.
  - I strongly object to any additional traffic into Stevenage Road.
  - For a small village there is already a lot of traffic and there is no pavement along part of the road.
  - Children have to walk to school in the road.
  - The road is a narrow and it is difficult for cars to pass delivery vans or rubbish trucks making is unsafe for pedestrians.
  - Driving past the green and school at drop off and pick up there already has been many confrontations.
  - The village cannot cope with any more traffic, and four new homes could result in many more traffic trips.
  - I am dismayed that this application is trying to go through again after it seem that it was settled with ne dwelling with access from Stevenage Road.

### 4.0 **Planning Considerations**

#### 4.1 **Site and Surroundings**

- 4.1.1 The site is approx. 1.2 ha in size, in the south-east of St Ippolyts. The houses approved under application 19/01669/FP are being constructed on site.



- 4.1.2 The site lies between two public highways to its north and south (Stevenage Road, and Sperberry Hill, respectively). A public footpath runs along the east side of the site and connects the two above public highways. Stevenage Road is narrow for much of its length, with pedestrian footways approx. 330m to the NW. Vehicular access from Stevenage Road to Sperberry Hill is closed by barriers near dwelling Ryefield to the east.
- 4.1.3 The site is adjacent to two storey dwellings to the east, west and north. To the NE is the Wymondley Electrical sub-station. To the south is an agricultural field. The site is allocated Housing Site SI2 within the settlement boundary of St Ippolyts and Gosmore, which is a Category A village in the Local Plan.
- 4.1.4 Opposite the site on the south side of Sperberry Hill, is the site where a 35.5 ha solar farm is to be sited, which has been granted planning permission under application ref. no. 24/02455/FP.

## **4.2 Proposal**

- 4.2.1 This is a S73 application to vary planning permission 19/01669/FP. The proposed changes are:
- the addition of solar PV panels to plots 11, 12, 13 and 14;
  - the addition of a 10kW Air Source Heat pump (ASHP) to plot 4;
  - the addition of a 7kW Air Source Heat (ASHP) to plots 1, 2, 3, 5, 6, 7, 8, 9 and 10.
  - the elevations aligning with the materials approved by the discharge of condition application.

## **4.3 Key Issues**

- 4.3.1 The parent application, 19/01669/FP, considered the full details of this proposal and the report for this application is attached at Appendix 1. As this S73 proposal is not changing the principle of development, the site layout or the design of the development, it is not considered necessary to repeat the key issues within this report.

### Solar PV panels and Air Source Heat Pumps

- 4.3.2 There is no objection to the addition of the Solar PV panels to plots 11 – 14. These are to be sited on the rear roof slope of plots 12 – 14 and on the side roof slope of plot 11. In my view these will have a minimal visual appearance on the appearance of the houses and there is no objection to them. There is also no objection to the addition of ASHPs to plots 1 – 10. The ASHPs are to be located against the side wall of the garage for most plots, or adjacent so the side flank wall of the house in plots 1 and 4 and against the ground floor rear wall of plot 8. All of the ASHPs are set well back from the public realm, behind a side garden fenced and will have no visual impact in the development. These changes are in accordance with aim of Local Plan Policy D1, Sustainable Design, and in accordance with the Council's pledge to take action to tackle climate change.
- 4.3.3 There will be no adverse harm or impact on the residential amenity of existing neighbours to the site or future neighbours within the development from the inclusion of Solar PV or ASHPs.

### S106 Contributions

4.3.4 As set out in the report for application 19/01669/FP, the development is making the contributions of the following planning obligations:

- 3 x 2-bed and 1 x 3-bed houses for affordable housing;
- Open Space Management Company and SUDs Management Scheme;
- primary, secondary and SEND education contributions;
- childcare services;
- library services;
- youth services; and
- fire hydrants.

4.3.5 With the existing S106 Legal Agreement it is stated that applications made under the provisions of a S73 application are bound to the existing legal agreement so a Deed of Variation to the existing S106 Agreement is not needed. The wording of this part of the S106 Agreement is attached at Appendix 2.

### Other matters

4.3.6 There is no objection raised to the external materials to be used, that are in accordance with the materials agreed under 25/00478/DOC.

4.3.7 The concerns raised by local residents regarding traffic generation are noted. However, as the principle of this development has been established by the granting of planning permission 19/01669/FP, the consideration of traffic is not a matter of consideration of this S73 application.

4.3.8 The Highways Officer raised objection to a wall and gates on the Sperberry Hill side of the development without the details being provided. A wall and gate is not proposed as part of this S73 application.

## **4.4 Conclusion**

4.4.1 There is no objection to the addition of Solar PV panels and ASHPs to the development. Grant conditional permission.

## **4.5 Alternative Options**

4.5.1 None applicable

## **4.6 Pre-Commencement Conditions**

4.6.1 None applicable as the development is already commenced on site.

## **5.0 Legal Implications**

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

## 6.0 **Recommendation**

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

1. The development hereby permitted shall be begun before the expiration of 3 years from the grant of planning permission 19/01669/FP.

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. The external materials shall be in accordance with the details agreed under application ref. no. 25/00478/DOC unless otherwise agreed in writing with the LPA.

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. 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; 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. 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

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

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2

of the North Hertfordshire Local Plan 2011 to 2031

7. Works to trees and protection of existing trees shall be in accordance with the submitted Arboricultural Impact Assessment & Method Statement (Revision B:25/04/2024) and drawing WHK21863-03 Rev B (both received 03/06/24), unless otherwise agreed in writing with the LPA.

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, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

8. Prior to the occupation of each dwelling hereby permitted, the car parking spaces shown for that dwelling on the approved plans 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.

9. The use of the garages hereby permitted shall remain at all times incidental to the enjoyment of the dwellinghouses to which they relate, and shall not be used in connection with any form of trade, business or commercial activity (aside from the temporary sales suite).

Reason: To safeguard the residential character of the locality and the amenities of nearby residents, both of which would be prejudiced by the activities and visual intrusion likely to be associated with a commercial activity on the site and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031

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

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

11. Land Contamination Condition:
  - (a) The development hereby permitted shall be in accordance with the details approved under application ref. no. 25/00479/DOC with regards to the Remediation Method Statement.
  - (b) The development hereby permitted shall be in accordance with the details approved under application ref. no. 25/01546/DOC.
  - (c) Any contamination, other than that reported in the Paddock Geo Engineering Reports dated March 2019 (P18-184pra & P18-184gi), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination

harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters. To comply with Policy NE11 of the Local Plan.

12. Prior to occupation, each approved new dwelling shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality. To comply with Policy D4 of the Local Plan.

13. The development hereby approved shall be undertaken in accordance with the details approved under application ref. no. 25/00480/DOC with regards to any on site archaeology unless otherwise agreed in writing by the LPA.

Reason: In the interests of assessing impacts on assets of archaeological interest. To comply with Policy HE4 of the Local Plan.

14. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under application ref. no. 25/00480/DOC and the provision made for analysis and publication where appropriate.

Reason: In the interests of assessing impacts on assets of archaeological interest. To comply with Policy HE4 of the Local Plan.

15. Prior to first occupation of the development a scheme of external lighting shall be submitted to the Local Planning Authority. The scheme shall be designed to ensure public safety and to minimise the potential effects upon the ecology of the site and its surroundings. The scheme shall include details of external lighting of the Public Right of Way No. 17 within the site. The strategy shall be designed to minimise the potential adverse effects of external lighting on the amenity and biodiversity of the site and its immediate surroundings. The scheme shall be implemented as approved and in accordance with an agreed programme/strategy, and the arrangements shall be maintained and retained thereafter.

Reason: In the interests of biodiversity and local amenity. To comply with Policies D1 and NE4 of the Local Plan.

16. Prior to the commencement of these parts of the development, full details shall be provided of sheds as shown on drawing 18142-1006 Rev G. These details shall then be approved, and the sheds erected and completed before occupation of each dwelling they would be in association with.

Reason: In the interests of providing adequate cycle storage and sustainable transport. To comply with Policies T1 and T2 of the Local Plan

17. These first floor openings of the approved dwellings shall be obscure glazed: Plot 4 - SW side window, Plot 5 - west side window, Plot 6 - west Bed 2 window and east Dressing room window, Plot 7 - west Dressing room window, Plot 13 - west side window, Plot 8 - south elevation dressing room window, Plot 1 - east elevation Bathroom window.

Reason: In the interests of privacy and amenity. To comply with Policies D1 and D3 of the Local Plan.

18. The on site BNG measures shall be in accordance with the details to be agreed under application ref. no. 25/00482/DOC unless otherwise agreed in writing with the LPA.

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

19. The bat and bird boxes in the development shall be installed in accordance with the details approved under application ref. no. 25/00484/DOC unless otherwise agreed in writing with the LPA.

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

20. During the construction 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. To comply with Policy D3 of the Local Plan.

21. Mechanical ventilation shall be installed in first floor bedrooms as detailed in Section 6 and Figure 4B of "Proposed Residential Development at Stevenage Road /Sperbery Hill St Ippolyts, Noise Assessment" Report reference 2019-05-31a dated 31 May 2019 by Auracle Acoustic.

Reason: To protect the residential amenity of future residents. To comply with Policies D1 and SI2 of the Local Plan.

22. The finished floor levels shall be in accordance with the details agreed under application ref. no. 25/00487/DOC unless otherwise agreed in writing with the LPA.

Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area and to comply with Policy D1 of the Local Plan.

23. The hard landscaping works shall be in accordance with the details agreed under application ref. no. 25/00488/DOC unless otherwise agreed in writing by the LPA.

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.

24. The drainage scheme shall be in accordance with the details agreed under application ref. no. 25/00489/DOC unless otherwise agreed in writing by the LPA.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF Policies of North Herts Council. To comply with Policy NE8 of the Local Plan and Section 14 of the NPPF.

25. The maintenance and management of the sustainable drainage scheme shall be in accordance with the details agreed under application ref. no. 25/00490/DOC unless otherwise agreed in writing by the LPA.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of North Herts Council. To comply with Policy NE8 of the Local Plan and Section 14 of the NPPF.

26. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 1. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of North Herts Council. To comply with Policy NE8 of the Local Plan and Section 14 of the NPPF

27. The interim and temporary drainage measures for the construction phase shall be in accordance with the details agreed under application ref. no. 25/00491/DOC unless otherwise agreed in writing by the LPA.

Reason: To prevent flooding and pollution offsite in accordance with the NPPF. To comply with Policy NE8 of the Local Plan and Section 14 of the NPPF.

28. The vehicular access shall be completed and thereafter retained in accordance with the details agreed under application ref. no. 25/00492/DOC unless otherwise agreed in writing by the LPA.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018). To comply with Policy T1 of the Local Plan.

29. Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number 18142-1006 Rev G. The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018). To comply with Policy T1 of the Local Plan.

30. The development hereby approved shall be completed in accordance with the details approved under application ref. no. 25/00493/DOC with regards to the Construction Management Plan unless otherwise agreed in writing by the LPA.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018). To comply with Policy T1 of the Local Plan.

31. Prior to the first use of the development hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018). To comply with Policy T1 of the Local Plan.

32. Notwithstanding the approved plans, a permanent pedestrian access shall be provided between approved Plots 7 and 8, and the dwellings approved to be accessed off Stevenage Road. The access shall be retained in perpetuity. Detailed plans of the access, its location within the development, and adjacent boundary details and landscaping and hard surfacing, shall be submitted to the Local Planning Authority for approval prior to the commencement of construction of the 'affordable' dwellings. The access shall be completed in accordance with the approved details prior to the first occupation of the 'affordable' dwellings, unless otherwise agreed in writing with the LPA.

Reason: In the interests of maximising physical and social accessibility. To comply with Policy D1 of the Local Plan.

**Proactive Statement:**

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



7.0 **Appendices**

7.1 [Appendix 1 – Report for application 19/01669/FP](#)

7.2 Appendix 2 – Section of S106 Legal Agreement

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Appendix 2 – Section of S106 Agreement for 19/01669/FP:

19 **SECTION 73 PERMISSIONS**

19.1 In the event that any new planning permission(s) are granted by the Council pursuant to Section 73 of the Act and unless otherwise agreed between the Council and the County Council, with effect from the date that the any new planning permission is granted pursuant to Section 73 of the Act:

19.1.1 The obligations in this Deed shall (in addition to continuing to bind the Land in respect of the Planning Permission) relate to and bind all subsequent planning permission(s) in respect of the Land granted pursuant to Section 73 of the Act and the Land itself without the automatic need to enter into any subsequent deed of variation or new agreement pursuant to Section 106 of the Act;

19.1.2 The definitions of Application, Development and Planning Permission in this Deed shall be construed to include references to any applications under Section 73 of the Act, the planning permission(s) granted thereunder and the development permitted by such subsequent planning permission(s); and

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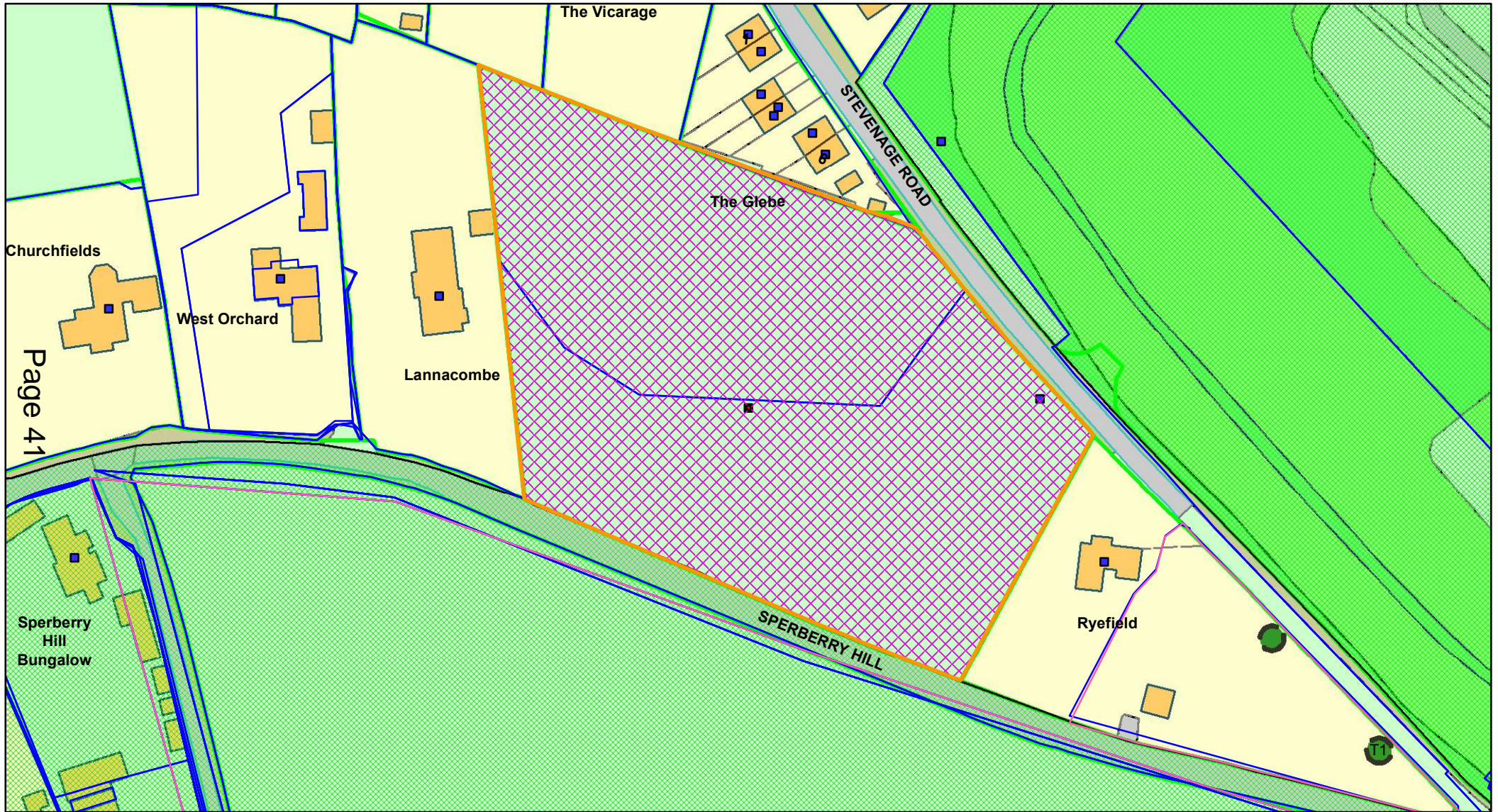
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19.1.3 This Deed shall be endorsed with the following words in respect of any future Section 73 application:

“The obligations in this Deed relate to and bind the Land in respect of which a new planning permission referenced [ ] has been granted pursuant to Section 73 of the Town and Country Planning Act 1990”

provided that nothing in this clause shall fetter the discretion of the Council in determining any application(s) under Section 73 of the Act or of the Council or the County Council the appropriate nature and/or quantum of Section 106 obligations in so far as they are materially different to those contained in this Agreement and required pursuant to a determination under Section 73 of the Act whether by way of a new deed or supplemental deed pursuant to Section 106A of the Act.

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<u>Location:</u>	<b>Foxlea The Mount Barley Royston Hertfordshire SG8 8JH</b>
<u>Applicant:</u>	<b>Mr &amp; Mrs Richard and Gill Emerson</b>
<u>Proposal:</u>	<b>Erection of two 3 bed dwellings and one 2-bed chalet bungalow with associated parking, amenity space and access to the site through the existing access off The Mount (as amended by plans received September 2025)</b>
<u>Ref. No:</u>	24/00765/FP
<u>Officer:</u>	<b>Melissa Tyler</b>

**Date of expiry of statutory period:** 29/05/2024

**Extension of statutory period:** 19/12/2025

**Reason for Delay:** Amended scheme following consultee responses and in order to present the application to an available committee meeting.

**Reason for Referral to Committee:** Following Parish Council Objections Cllr Prescott, being a solo ward member requested that Cllr Graziano call this in on his behalf.

## 1.0 Policies

### **National Planning Policy Framework**

Section 2: Achieving sustainable development

Section 4: Decision making

Section 5: Delivering a sufficient supply of homes

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable development

Section 11: Making effective use of land

Section 12: Achieving well-designed places

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

Section 15: Conserving and enhancing the natural environment

### **Supplementary Planning Document.**

Design SPD 2011

Sustainability SPD 2024

Vehicle Parking Provision at New Development SPD

## North Herts Local Plan 2011-2031 Local Plan and Proposals Map

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 SP10 - Healthy Communities  
Policy SP11: Natural Resources and Sustainability  
Policy SP12: Green Infrastructure, Landscape and Biodiversity  
Policy HS3: Housing mix  
Policy T1: Assessment of Transport Matters  
Policy T2: Parking  
Policy D1: Sustainable Design  
Policy D3: Protecting Living Conditions  
Policy NE1: Landscape

### 2.0 **Site History**

2.1 **16/00599/1PRE** Detached bungalow

2.2 **16/02400/1** Erection of 1 x 2 bed dwelling with integral garage and creation of new vehicular access off Cambridge Road **GRANTED**

2.3 **17/02491/NMA** The extension of a gable on the south elevation to form a veranda on part of the patio area. Increase in roof pitch from 35" to 37 1/2", raising the ridge approximately 250-300mm. Minor amendments to fenestration and changing roof finish from slate to red clay tiles, as Non Materials Amendments to planning application 16/02400/1 granted on 28/11/16. **AGREED**

2.4 **18/00317/FP** Erection of 1 x 4-bed dwelling, detached double garage and creation of new access off Cambridge Road **CONDITIONAL PERMISSION**

2.5 **18/01841/FP** Revised position of dwelling and garage - variation of plans approved under application 18/00317/FP (Amended plans received 25/10/2018) **CONDITIONAL PERMISSION**

2.6 **18/01900/FP** Erection of 2no. four bedroom dwelling and 2no. car port, with associated ancillary works and creation of a new access to highway **CONDITIONAL PERMISSION** (Extant permission for additional dwellinghouse)

### 3.0 **Representations**

#### **Statutory Consultees**

3.1 **Herts Highways – No objection**

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

3.2 **HCC Infrastructure** - *refer to the above mentioned application and am writing in respect of planning obligations sought by Hertfordshire County Council towards early years; primary and secondary education; SEND, library, youth, waste and HFRS services, to minimise the impact of development on HCC's services for the local*



community. Planning obligations should only be sought for residential developments that are major development, which is defined in the National Planning Policy Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more and the number of dwellings is unknown. Therefore we will not be seeking financial contributions. However, you may receive separate comments from the Highways Unit.

**3.3 HCC Fire and Rescue – Condition recommended.**

*Hertfordshire Fire and Rescue service (hydrants only) will require a condition for the provision and installation of fire hydrants, at no cost to the county council, or fire and rescue service. This is to ensure there are adequate water supplies available for use in an emergency, at all times.*

**3.4 North Herts Environmental Health - Given the location, nature of the site and proposals I raise no objection and make no comments in relation to noise, other nuisances and land contamination. I make the following comments in relation to air quality.**

*North Herts Council have specific air quality planning guidance that can be found at <http://www.north-herts.gov.uk/home/environmental-health/pollution/air-quality/air-quality-and-planning>*

*Application of the guidance to a development of this scale (erection of 3 dwellings) and location defines the site as being a MINOR scale development and so the following condition is recommended to ensure that appropriate local air quality mitigation is provided.*

**3.5 North Herts Waste – For houses, waste collection is a kerbside service; therefore, residents must be able to take their bins to the kerbside for emptying. Bins must be accessible to crews directly from the kerbside, without pulling distances. Adequate off-street storage must be provided for bins, and storage areas need to have sufficient space for all necessary waste and recycling containers. Storage areas should be conveniently located with easy access for residents - residents should not have to take their waste and recycling more than 30 metres to a bin storage area or take their waste receptacles more than 25 metres to a collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance.**

**3.6 North Herts Urban Design – Received prior to amendments – no further comments received**

*The plot for the Bungalow is large and some space could be given over to the detached 4-bed house plots - this would help to create a more even distribution of plots/housing along the lane. The standalone garage is currently in-line with the frontage of the detached houses. In my view, the garage should be stepped back so that it is visually subservient to the houses on the street-scene. The raised side entrance to the garages should be flipped to the bungalow side of the plot so that the stair and door are not visible from the lane. Can the small window to the rear be removed?*

*In terms of materiality, I would advise the use of grey slate tiles throughout the scheme, rather than mixing with red clay tiles. Also all timber cladding should be real timber, painted/stained black to reference the black timber structures in the village. The rules for material composition should also remain consistent across the houses, where the*

*tall gable element at the front is in brick and the house volume behind is timber clad - not alternating between the houses. This will give the scheme a sense of homogeneity.*

### 3.7 Conservation Officer comments – following amendments

*By reason of the amount of development proposed with limited space between each built form, three vehicular entrance points and associated hard surfacing, the proposed development would erode the transitional character of this site at the edge of countryside resulting in a scheme that would not be sympathetic to the local area and will harm the character & appearance of the Barley Conservation Area. The degree of harm would be moderate on the less than substantial harm continuum and it is for the case officer to assess this against the benefits of the scheme. I raise an **OBJECTION**, on the basis that the development would fail to satisfy the provisions of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of Paragraph 135 and Section 16 of the NPPF together with Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.*

### 3.8 Barley Parish Council – OBJECTION

*Barley Parish Council considered the amendments to this application at the Council meeting on the 3<sup>rd</sup> November, and resolved to object to the application.*

*In 2018 consent was granted for two residential units within the garden of Creeve, The Mount Barley. One has subsequently been built and in 2024 this application was submitted proposing three residential units, 2x4bed and 1x2bed, on the remaining site; this has subsequently been amended to 2x3bed and 1x2bed.*

*Barley Parish Council (BPC) has twice submitted comments on this application and the various iterations of amendments, each time raising objections and urging the refusal of the application; we would refer the NHDC to those previous objections.*

*The fundamental concern of BPC is that three units on this plot is an over development and none of the “tweaks” made by the applicant address these concerns. The quantum, size and layout of the proposed development of three units is wholly inappropriate in the context of the Conservation Area and the setting of the adjoining properties. The key characteristic of this area is the openness between dwellings, which provides a transition from the village to the open countryside. The garden of Creeve has already seen the development of one substantial unit (consented in 2018 together with one other unit) – this application, if consented, would see four units crammed into the former garden of Creeve.*

*The Council recognises Barley is defined as a Category A village in the adopted Local Plan, and, as such the planning policies support limited infill development of windfall sites within the village envelope. Additionally, NHDC does not have a recognised five-year housing land supply and there is a presumption in favour of development. But development should not be supported where demonstrable harm will be caused; inappropriate, overdevelopment should not simply be accepted. There is a fundamental difference between the development of one unit and the development of three units. BPC do not dispute that this is a “windfall” site within the context of the local plan, what we do dispute is the increased extent of the development being proposed by the applicant.*

*In summary, BPC remained opposed to this application. The area of The Mount is an important gateway to Barley and exhibits the key characteristics of the Barley Conservation Area: an openness, a loose knit character reinforced by the open layout*

*of the development within the village, complimented and softened by the presence of mature landscaping. The openness is undoubtedly a significant characteristic. The proposed increase in development from one to three units is unquestionably over development and should be resisted*

3.9 **Cllr Fiona Hill** – Representation prior to amendments – no further reps received  
*I was present at the meeting on Monday, 13th May, when Barley Parish Council considered the above planning application. Please accept my endorsement of their response as part of the formal planning process.*

3.10 **North East Herts Swift Group. A local group of Swift Conservation ([www.swift-conservation.org](http://www.swift-conservation.org))** - *This site is suitable for the inclusion of integrated Swift bricks within the walls of the new development, which at present does not have any biodiversity enhancements proposed.*

3.11 **Neighbour Representations**

**Representations received from Neighbours – (All representations are available on the website in full)**

**Support – 2 representations received - Summary of reps:**

- a low density scheme – infill development
- quality development,
- appropriate for a conservation area,
- better to provide 3 smaller dwellings for the village rather than the very large house, as currently approved.
- infinitely preferable to a larger, estate style, development that has occurred in other villages such as Barkway. We need extra smaller houses for the next generation rather than large houses.
- They will barely be noticeable and will utilise the existing access

**Objection – 16 received – summary of reps below:**

**1. Conflict with Planning Policy:**

The proposal conflicts with Policies D3 and HE1 of the North Hertfordshire Local Plan 2011–2031, relevant sections of the NPPF, and statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990. On this basis, refusal is justified in its current form.

**2. Harm to Neighbour Amenity (Creeve)**

The scale and massing of the development would enclose the neighbouring property, causing:

Loss of privacy and outlook

Loss of daylight and increased overshadowing

Noise and disturbance

An overbearing impact on the living conditions of occupants

**3. Harm to Conservation Area Character:**

The introduction of new built form, access road, and parking would erode the spacious character of the Conservation Area.

The “home office” appears akin to a separate dwelling, creating the impression of overdevelopment.

No public benefits are identified that would outweigh the heritage harm.

#### **4. Highway Safety Concerns**

Additional traffic from residents, visitors, servicing, and deliveries would create unacceptable risks on a sensitive part of the road network.

#### **5. Biodiversity and Environmental Harm**

The proposal threatens protected species, local ecology, and existing trees, leading to a destructive impact on the site’s natural environment.

#### **6. Inadequate Drainage Strategy**

The foul and surface water drainage details lack clarity and certainty, raising concerns over functionality and flood/drainage risk.

### **4.0 Planning Considerations**

#### **4.1 Site and Surroundings**

4.1.1 The application site currently comprises the gardens of the Foxlea, with boundaries facing on to The Mount and Cambridge Road.

#### **4.2 Proposal**

4.2.1 Planning permission is sought for the amended scheme for the erection of two 3 bed dwellings and one 2-bed chalet bungalow with associated parking, amenity space and access to the site through the existing access off The Mount.

4.2.2 This submission provides the following:

- Application form
- Foxlea Design & Access Statement,
- Plans –
  - FX-PL-01 Location plan,
  - FX-PL-02 Rev A Block Plan,
  - FX-PL-03 Existing Site Plan,
  - FX-PL-04 Rev A Proposed Site Plan,
  - FX-PL-05 Rev A Proposed Plans Plot 1
  - FX-PL-06 Rev A Proposed Plans Plot 2,
  - FX-PL-07 Rev A Proposed Elevation Plot 1,
  - FX-PL-08 Rev A Proposed elevations Plot 2,
  - FX-PL-09 Rev A Proposed Plans,
  - FXPL-10 Proposed Elevations Plot 3,
  - FX-PL-12 Rev B Proposed site Elevations

4.2.3 The application drawings and documents have been amended to reflect the following changes because of consultation responses and discussion with Officers, and are considered in further detail below:

- Garage & workshop relating to Plot 3 has been completely removed to reduce overall density;
- As a result, Plot 2 has been relocated 4m to the north of Plot 1 to increase separation.
- Plots 1 & 2 have reduced in scale from 4 bedrooms to 3 bedrooms with the two storey porches omitted to reduce massing;
- Gable glazing on the front elevation of Plots 1 & 2 has been removed;
- Parking provision to Plot 1 & 2 has reduced from 3 spaces to 2 spaces;
- The level of hard standing has been significantly reduced overall and replaced with lawn and landscaping to 'soften' and increase greenscaping; and
- Various adjustments to plot boundary lines as a result of relocating Plot 2.

#### 4.2.4 Proposed materials are as follows:

- Plot 1 Multi red Brick; Larch Cladding; Clay tiled roof
- Plot 2 Multi red Brick; Larch Cladding; Clay tiled roof
- Plot 3 Multi red Brick; Larch Cladding; Slate tiled roof

### 4.3 Key Issues

#### 4.3.1 The key issues are:

- Principle of development and Policy compliance
- Planning history
- Sustainability
- Impact on Conservation Area
- Design and layout, visual impact on the character of the area
- Impact on neighbouring properties
- Standard of proposed accommodation for future occupiers
- Highway access and car parking
- Biodiversity net gain, Landscape and Ecology
- Planning Balance

#### **Introduction to principle of development and Policy compliance**

4.3.2 The North Hertfordshire Local Plan was adopted in November 2022 and is now part of the development plan, where full weight shall be given to relevant policies. The National Planning Policy Framework (NPPF) is a material consideration attracting significant weight.

4.3.3 Policy SP1 of the Local Plan supports the principles of sustainable development and seeks to maintain the role of key settlements as the focus for housing and to ensure the long-term vitality of the villages by supporting growth which provides opportunities for existing and new residents and sustains key facilities. The policy elaborates on this stating that planning permission will be granted for proposals that deliver an appropriate mix of homes, create high quality development that respects and improves their surroundings and provides for healthy lifestyles, provides for necessary infrastructure to support an increasing populations, protects key elements of the District's environment including biodiversity, important landscapes, heritage assets and green infrastructure, and mitigates the impact on climate change.

- 4.3.4 Barley is defined in Local Plan Policy SP2 as a Category A village where general development will be permitted within the recently defined settlement boundary. The proposed development is within the defined settlement boundary for Barley. The Category A villages, normally containing primary schools, also have defined boundaries within which development will be allowed and sites have been allocated to meet the District's overall housing requirement. These villages are excluded from the policy designation (either Green Belt or Rural Area Beyond the Green Belt – see Policy SP5) which affects the surrounding countryside. The proposed dwellinghouses would be considered as windfall as the site is not allocated by Local Plan Policy SP8. Development of the site for housing would therefore be supported in principle under Policy SP2.

#### Five-Year Housing Land supply

- 4.3.5 Though the Local Plan is still within its date range of 2011 – 2031, the Council does not have a 5-year supply of deliverable housing land (5YHL). In The Five-Year Housing Land Supply Update dated November 2025 (pages 17-19) it concludes with two options. Both concluding we cannot demonstrate a 5YHL. Table 10 shows that we can demonstrate a five-year land position of 2.6 years against our adopted housing requirement. This figure falls below the five-year requirement. And Table 11 shows that we can demonstrate a five-year land position of 3.3 years using the Governments New Standard Methodology. This figure also falls below the five-year requirement. The tilted balance set out at paragraph 11 (d) of the NPPF would be engaged. Therefore, a there is a presumption in favour in terms of harm and benefits should be applied, whereby planning permission should be granted unless the application of policies in the NPPF that protect areas of assets of particular importance provides a strong reason for refusing the proposal; or the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF take as a whole.
- 4.3.6 The principal benefit is that the development would approve 3 new dwellings on land that can be relatively easily developed, resulting in an improvement to the District's housing land supply position.
- 4.3.7 Overall, it is considered that the principle of development is acceptable within the settlement boundary of Barley. The site is now within the settlement boundary for Barley under the Local Plan, where general development will be allowed. Therefore, there is no conflict with Policy SP2 of the Local Plan and Policy AHS1 of the ANP.

#### **Planning History**

- 4.3.8 The site was the subject of a previous application under ref: **18/01900/FP** Erection of 2no. four bedroom dwellings and 2no. car port, with associated ancillary works and creation of a new access to highway. It is acknowledged that the principle of development on this site has been established. The three dwellings being sought would be sited on the land forming Plot 2 only of the scheme granted in 2018 with the dwelling on Plot 1 already having been built. The current application therefore must consider that principle for an additional house is given and we are to consider in this application an additional of 2 extra dwellings on this generous plot.

## **Sustainability**

- 4.3.9 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.
- 4.3.10 Firstly, in terms of the economic objective, the proposed development would see the delivery of jobs during the build/construction phase and additional spending locally from future occupiers, which is a modest benefit.
- 4.3.11 Secondly, in terms of the social objective, this would add additional dwellings to the districts housing figures, whilst the scheme is modest in size, significant weight is attached as a planning benefit, given that the Council does not have a 5-year supply of housing.
- 4.3.12 In terms of the environmental objective, it is acknowledged that future occupiers of this proposal would be reliant on private vehicles for most of their needs. This issue is covered in more detail in the section below on highway matters. The site is within a category 'A' village which has primary school and some local facilities. Paragraph 83 of the NPPF states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities.
- 4.3.13 The proposal will incorporate sustainable building features, such as an EV charging points, whilst these are now required by building regulations, air source heat pumps are also show on the elevation plans. Overall, these environmental benefits are deemed appropriate relative to the scale of development proposed.
- 4.3.14 As such, it is considered that the proposal accords with the three strands of sustainability and attributed due weight in the planning balance.

## **Impact on Designated Heritage Assets**

- 4.3.15 Policy SP13 of the Local Plan states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset’s conservation and the management of its setting”. This reflects paragraph 212 of the NPPF which stipulates that great weight should be given to the conservation of designated heritage assets, such as Conservation Areas.
- 4.3.16 Policy HE1 of the Local Plan states that “Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they: c) Will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset’s optimum viable use”. This is reinforced by paragraph 215 of the NPPF.
- 4.3.17 The application site is located within a designated heritage asset for the purpose of applying the aims of the NPPF.
- 4.3.18 The site is within the Barley Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of planning powers, in conservation areas “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*”. In addition,

Section 66(1) requires that when considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting.

4.3.19 As such, the Council's Conservation Officer was consulted on the proposed development. Objections were initially received in regards to the original proposed scheme.

4.3.20 Amendments were sought to the proposed dwelling to reduce the harm in regards to Designated Heritage assets, given that the principle of development is supported by SP2. The amendments included

- *Garage & workshop relating to Plot 3 has been completely removed to reduce overall density.*
- *As a result, Plot 2 has been relocated 4m to the north of Plot 1 to increase separation.*
- *Plots 1 & 2 have reduced in scale from 4 bedrooms to 3 bedrooms with the two storey porches omitted to reduce massing.*
- *Gable glazing on the front elevation of Plots 1 & 2 has been removed.*
- *Parking provision to Plot 1 & 2 has reduced from 3 spaces to 2 spaces.*
- *The level of hard standing has been significantly reduced overall and replaced with lawn and landscaping to 'soften' and increase greenscaping; and*
- *Various adjustments to plot boundary lines because of relocating Plot 2.*

4.3.21 The Conservation Officer concluded following these amendments

*"In my opinion, there is no significant difference between the original submission and that now under consideration. The question here remains whether the amount, size & layout of the proposed development is appropriate in this conservation area context when compared with the dwelling previously granted on 'Plot 2'. I maintain my position that a two-dwelling scheme would be more sympathetic to the local area, creating a more generous spacing between units on this transition site and would reduce the impact of frontage car parking and hard surfacing. To conclude:*

- *There is no heritage objection to the development of this site.*
- *There is no objection to the site receiving two well-designed dwellings within relatively generous plots thus maintaining the grain and transitional character of this site between village and countryside.*
- *Modifying the proposal by removing the garage building and workshop to Plot 3 thus reducing density of built form is welcomed but does not go far enough as three dwellings remain.*
- *Parking provision to Plots 1 & 2 is reduced from 3 spaces to 2 spaces and is welcomed but once again three plots would remain."*

4.3.22 However, I am of the view that the development of this site with this proposal would not cause significant harm to the character and appearance of the Conservation Area. The proposed amended scheme has reduced the overall bulk and removal of the garage and creation of a more open and green frontage with less hardstanding



and to create a simple pallet of materials. As a result, this is a form of development that would result in harm to the lower end of less than substantial. Relevant policy dictates that this harm should be weighed against the public benefits of a proposed development.

- 4.3.23 In line with the above and subject to the conditions, it is my view that the amended proposed development would not result in material harm to the character and appearance of the Barley Conservation Area as designated heritage assets.

#### **Design and layout, visual impact on the character of the area**

- 4.3.24 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site's local context in addition to other criteria. 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. These considerations are echoed in Section 12 of the NPPF.
- 4.3.25 The application site is located between Foxlea and The Creeves forming part of a large private rear garden. The site is on the edge of the village boundary but is not isolated as adjacent to residential development to the north and east. Officers consider the site could accommodate new residential development subject to acceptable siting, design, landscaping etc.
- 4.3.26 The proposed layout indicates dwellinghouses between Foxlea and The Creeves, using the existing access that serves Foxlea the host dwelling. There is a well defined vegetation along the front boundary which will help screen the proposed dwellinghouse from view from The Mount and along Cambridge Road. The existing vegetation along the front boundary would soften and enhance the appearance of the development from The Mount.
- 4.3.27 The dwellings have been designed with modern architectural forms but using materials which reflects the local vernacular. The dwellings would have generous spacing between them, parking, and large gardens. They would be orientated to avoid excessive solar gain. Each dwelling would benefit from an air source heat pump and electric vehicle charging point and will comply with or exceed the Building Regulations part L requirements. All the proposed dwellings would comply with the requirements of accessibility contained in the Building Regulations Part M4(2)
- 4.3.28 The application is for 3 new dwellings. I consider the density and number of dwellings would be acceptable as the large amenity areas, retained landscaping a retaining mature boundary treatment would be contextually appropriate.
- 4.3.29 Overall, it is considered that the design and layout of the proposed scheme is acceptable. As such, the proposal would accord with Policies SP9 and D1 of the Local Plan and Section 12 of the NPPF in terms of the design and layout of the scheme.

#### **Impact on neighbouring properties**

- 4.3.30 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. Policy D1 seeks to ensure that residential development will meet or exceed the nationally described space standards.

- 4.3.31 I note the concerns raised by neighbours in regards to loss of privacy and outlook; Loss of daylight and increased overshadowing; Noise and disturbance and an overbearing impact on the living conditions of occupants.
- 4.3.32 However, given the distances between the scheme and nearby dwelling houses, the proposed boundary treatment, flat topography, and the scale and layout, it is considered that this proposal would not give rise to any materially adverse harm upon the reasonable living conditions and well-being of occupiers of neighbouring dwellings.
- 4.3.33 The proposed residential use of this site would not result in any materially adverse impacts upon the reasonable living conditions and well-being of occupiers of neighbouring properties and the living conditions of future occupiers would be acceptable. This is in accordance with Section 12 of the NPPF and Policy D3 of the Local Plan.

#### **Standard of proposed accommodation for future occupiers**

- 4.3.34 All the dwellings would exceed the nationally prescribed minimum space standards depending on their no. of bedrooms/persons, would benefit from a suitable size and type of private amenity space, and all habitable rooms would benefit from acceptable levels of natural light. Therefore, the proposal would not result in unacceptable harm to the reasonable living conditions of future occupiers.

#### **Highway access and car parking**

- 4.3.35 Local Plan Policy T1 requires that the development should not result in highway safety problems or to cause unacceptable impacts on the highway network, whilst Policy T2 requires that new development meet the car parking requirements. Regarding parking, the parking standards require for each new house of two or more bedrooms to have two parking spaces and between 0.25 – 0.75 visitor parking with the higher number where there are no garages and the lower number where garages are provided.
- 4.3.36 The proposed modification has reduced the level of parking in Plots 1 and 2, from 3 spaces per home to 2 spaces. This is still in accordance with adopted standards set out in policy T2 and appendix 4 so this proposal meets the parking requirements of the Local Plan.
- 4.3.37 Following consultation with the Highway Authority the following comments were received

*The application site can be accessed via an existing access off The Mount/Cambridge Road. Cambridge Road is designated as a numbered classified road type-B 1368, subject to a speed limit of 30mph and is highway maintainable at public expense. While The Mount is an unclassified road. In summary, the Highway Authority considers that the amended proposal is still small in scale and will not generate significant number of vehicular trips in the vicinity which would not have severe impacts and would be contrary to the local and national policies (such as LTP4, para 116 of the NPPF-2024). The Highway Authority therefore do not want to raise objection to the development.*

- 4.3.38 Each house must provide bin storage and cycle parking for each plot. The provision of these stores are supported as providing secure cycle parking is in accordance with the parking requirements, and a bin store will prevent the bins from being left cluttering the parking area. A Condition is recommended to provide the details of the stores and their locations.

### **Biodiversity net gain, Landscape and Ecology**

- 4.3.39 As the application was clearly submitted through the Planning Portal on the 1 April and the application form was not backdated to 1 April, I am prepared to conclude that BNG Metric is not required in this instance.
- 4.3.40 The development will retain existing trees and hedges where possible to support biodiversity and provide a mature landscape setting for the new built environment. This will be enhanced by new indigenous trees, hedges and other planting.
- 4.3.41 Existing trees and vegetation will be retained and revised proposals include significant greening of the site. This ensures that the green character of the site is protected and that proposals will encourage biodiversity and ecological enhancement. Enhancement could include ensuring a wide range of perennials are planted and established to provide continuous supply of pollen and nectar for pollinators throughout the flowering season. Provision of different types of wildlife boxes and houses for nesting and shelter to accommodate a range of species. Facilitating wildlife movement by connecting gardens with the adjoining woodland to the west. Detailed landscaping proposals can be secured by condition.

### **Waste and Recycling**

- 4.3.42 The Waste and Recycling Team were consulted on this application but gave general advice. Bin locations have been shown on the proposed site plan to the side of each house. Residents will be expected to present the bins for collection at the entrance of the access onto The Mount.

### **Planning Balance**

- 4.3.43 The Council does not have a five-year supply of deliverable housing land. The proposal would deliver three dwellings within the settlement boundary of Barley. Social and economic benefits would arise from this modest housing development. Overall, the provision of the proposed development in this location within a Category A village, which would contribute towards maintaining the vitality of the village, is a planning benefit to which significant weight is attributed.
- 4.3.44 It is considered that the design and layout of the proposed scheme is acceptable, through its low-density nature that would respond positively to the site's rural location and the high-quality buildings.
- 4.3.45 The proposal will not result in any material harm to the reasonable living conditions and well-being of these neighbours, with respect to overdominance, overlooking and loss of daylight/sunlight, which attracts neutral weight in the planning balance.
- 4.3.46 Whilst the site lies within a Category A village, future occupiers would be reliant upon private vehicles to meet their day-to-day needs. Whilst the Local Plan and the NPPF promote sustainable transport, NPPF paragraph 110 accepts that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In the circumstances it is considered that the site is in a sustainable rural location. Highway safety issues have been raised by the Parish Council and residents. However, these have been addressed by the applicant and the Highway Authority considers that highway safety benefits would arise from the proposed development. Overall, in terms of sustainable transport and highway safety this matter to which limited positive weight is attributed.

4.3.47 Overall, the scheme has considerable benefits. The layout, appearance and scale of the proposed development is considered acceptable in planning terms, following the submission of an amended scheme which followed initial concerns. The Council acknowledge that the development will result in a marked change to the visual character of the area and by extension the Conservation Area. However, it is considered that the proposal is well designed in form and layout with considerable landscaping and tree retention on all boundaries, such that it will have an acceptable impact on the visual character of the area and the negligible harm to the character and setting of the Conservation Area would be outweighed by the public benefits that would arise from the delivery of 3 dwellings houses. The scheme as submitted is considered well designed and would respond positively to the site's local context. The proposal would not result in any material harm to the reasonable living conditions and well-being of neighbours and potential future occupiers. The scheme would contribute positively to the economic, social, and environmental pillars of sustainability. Significant weight is attached to these benefits.

#### 4.4 **Conclusion**

4.4.1 It is concluded that the proposal would be sustainable development, and that planning permission should be granted subject to the recommended conditions.

#### 4.5 **Alternative Options**

None applicable

#### 4.6 **Pre-Commencement Conditions**

4.6.1 The agent has confirmed agreement to the pre-commencement conditions.

#### 4.7 **Climate Change**

4.7.1 The NPPF supports the transition to a low carbon future and the increased use of renewable energy sources. North Hertfordshire District Council has declared itself a Climate Emergency authority and its recently adopted Council Plan (2020 – 2025) seeks to achieve a Council target of net zero carbon emissions by 2030 and protect the natural and built environment through its planning policies. Local Plan Policy D1 seeks to reduce energy consumption and waste.

#### 5.0 **Recommendation**

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

1. BNG Not required

This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.

2. 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.

3. 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.

4. Details and/or samples of materials to be used on all external elevations and the roof, including rainwater goods 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.

5. Prior to the commencement of above ground construction works of the development hereby permitted full details of a comprehensive hard and soft landscaping scheme (including planting details) and all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority.

All approved hard standing and boundary treatments shall be completed prior to the first occupation of the development.

The approved soft landscaping / planting details shall be carried out before the end of the first planting season following either the occupation of the (first) dwelling or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To ensure the development is comprehensively landscaped in the interests of visual amenity. Local Plan Policies D1 and N2.

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

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

7. Prior to the commencement of above ground construction works of the development hereby permitted a plan of cycle parking should be submitted in accordance with (Cycle Infrastructure Design' DfT Local Transport Note 1/20 (July 2020) and approved in writing by the Local Planning Authority. Prior to first occupation the approved scheme shall be fully implemented and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018)

8. No development shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures, has been submitted to and approved in writing by the local planning authority.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the North Herts Local Plan policy NE4.

9. The dwellings hereby approved shall incorporate 1 Swift Brick each within the built fabric of the property. Once installed, the Swift Brick shall be maintained in perpetuity.

Reason: To ensure the proposal has regard for wildlife and contributes to net gains in biodiversity, in line with Policy NE4 of the Local Plan

10. No gates shall be provided across the approved vehicular access to the site.

Reason: In the interests of highway safety and to comply with Policy T1 of the North Hertfordshire Local Plan 2011 to 2031.

11. Prior to the first occupation of the dwellings hereby approved, details of the Air Source Heat Pump shall be submitted to the LPA and approved in writing and installed on site.

Reason: To ensure that there are no adverse impacts on the design of the dwelling hereby approved or adverse harm on the amenities of the neighbouring occupiers. Local Plan Policies D1 and D3.

12. No external lighting shall be installed unless and until a scheme providing the details of the lighting have been submitted to and approved in writing by the Local Planning Authority and then implemented in accordance with the approved details and thereafter maintained as such.

Reason: In order to protect the character and appearance of the area and night-time ecology in accordance with Policy NE2 of the North Hertfordshire Local Plan 2011-2031 and Section 15 of the NPPF 2024.

13. 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.

14. 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.

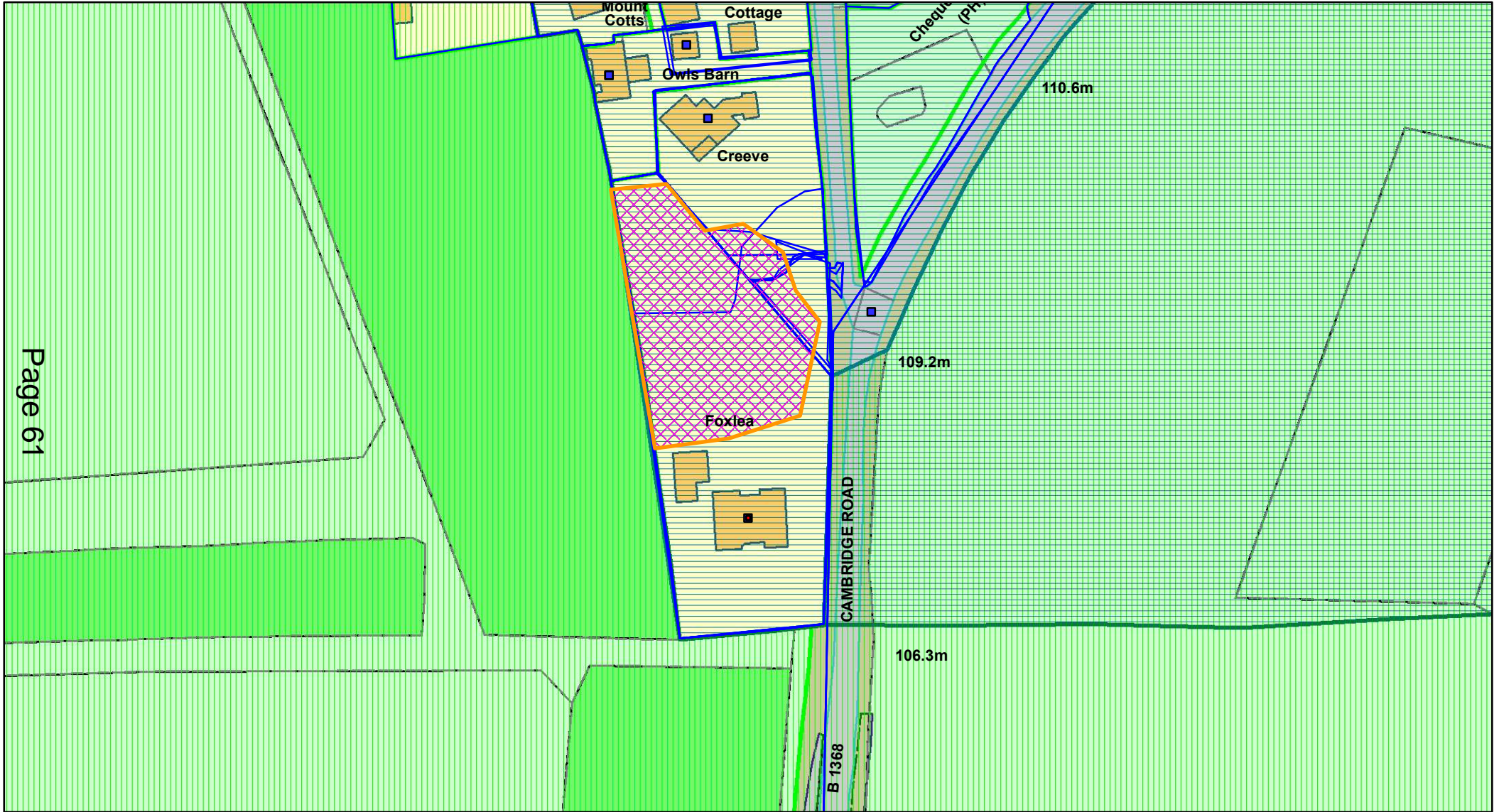
Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

### **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.

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<u>Location:</u>	<b>Hatch Pen The Joint Reed Royston Hertfordshire SG8 8AZ</b>
<u>Applicant:</u>	
<u>Proposal:</u>	<b>Erection of two proposed agricultural buildings and retention of extended excavated area</b>
<u>Ref. No:</u>	25/01707/FP
<u>Officer:</u>	<b>Anne McDonald</b>

**Date of expiry of statutory period:** 18.12.2025

**Target Determination date:** 18/12/25

**Reason for delay:** N/A

**Reason for referral to committee:**

The application is being presented to Planning Control Committee in accordance with paragraph 8.4.5(b) of the Council's Constitution which requires for any development with greater than 500 sqm of floorspace on a site of more than 1 hectare to be determined by the committee. In this instance, the site area is 4.5 hectares the proposed floorspace is 4,754.88 sqm.

**Supporting documents:**

- Local plan;
- Block plan;
- Plan RH48697PL – elevations;
- Plans L11505 – Hatchpen Farm, sheets 1 – 9;
- Planning, Design and Access Statement dated September 2025;
- BNG Metric;
- Draft Biodiversity Gain Plan dated May 2025.

**1.0 Policies:**

**1.1 North Herts Local Plan 2011 – 2031:**

- SP5 – Countryside and Green Belt;
- CGB1 – Rural Areas beyond the Green Belt;
- D1 – Sustainable design;
- NE2 – Landscape;

- NE4 – Biodiversity and geological sites;
- NE7 – Reducing flood risk;
- HE4 – Archaeology.

## 1.2 National Planning policy Framework:

- 6 – Building a strong, competitive economy.

## 2.0 Site History

2.1 There is a moderate planning history for the site including a detached farmhouse in 1991, the game keeper's cottage and associated shoot accommodation in 2008 and in 2020 an application for a dedicated farm office building with car parking. This has not been constructed on site.

2.2 More specifically to this proposal, planning permission was granted for granted planning permission for the erection of three agricultural buildings under application reference 21/01742/FP. These buildings have been constructed on site and neighbour the location for the proposed buildings the subject of this application.

## 3.0 Representations

3.1 **HCC Archaeology** – an archaeology evaluation was undertaken to provide information in advance of the determination of application 21/01742/FP where no significant heritage assets with archaeological interest were found. Therefore, we have no comment on this application.

3.2 **NHDC Ecologist** – the excavation works are existing and therefore there is no mandatory BNG requirement. However, Policy NE4 still applies and the submitted Biodiversity Metric shows that the proposal will deliver 11% BNG. The application is considered to be in accordance with policy.

3.3 **NHDC Environmental Health** – no comment.

3.4 **Reed Parish Council** – no objection but state that they want the visual impact of the proposal in the landscape considered and raise a suggestion that the farm stops HGV movements from the access on The Joint and uses the access to the north onto the A10. This is due to concerns that traffic along The Joint will increase with the new housing to be built in Barkway.

3.5 The application was advertised with site and press notices. No third party replies have been received at the time of writing this report.

## 4.0 Planning Considerations

### 4.1 **Site and Surroundings**

4.1.1 Hatchpen farmyard complex lies on the north side of The Joint, in a position set well back off the lane with an access track leading down to the existing farmyard. The land levels fall to north and east, with the existing farm buildings set on a low point in the landscape with established tree planting screening the buildings in views in the locality. The three buildings and land excavation proposed under application 21/01742/FP has been

implemented on site. The area is attractive open countryside in the rural area beyond the Green Belt. The application site area has no land designations on it, it is not land within a wildlife site, AONB, SSSI or conservation area and does not contain or neighbour any listed buildings.

## 4.2 Proposal

4.2.1 This is a full planning application for the extension to the existing farmyard with the retention of the excavated area and two further buildings proposed to be used for the storage of straw. The proposed buildings are open sided and are 30m wide by 79.2m long with a shallow pitched roof with an eave's height of 10m and ridge height of 11.57m.

4.2.2 A Planning, Design and Access Statement has been submitted in support. Key points for this include:

- Rand Brothers was established in 1934 and the business has grown to become one of the largest arable and straw production operations in East Anglia, farming over 3,000 hectares of land and processing up to fifty thousand tonnes of straw per annum.
- The straw is sold as fuel for local renewable energy power stations.
- The power stations have stringent quality specifications, particularly moisture content. The power station demands that the straw is dry and in excellent condition.
- This has resulted in a significant need for additional agricultural buildings at Hatchpen Farm.
- The excess straw is currently being stored in outside stacks. The top two layers of bales, the bales on the side and the bottom of the stacks are open to the elements and are unsaleable. Up to thirty percent of these outside stacks are waste. The purpose of the additional straw buildings is to eliminate the wastage.
- The two proposed straw buildings are located adjacent to the existing straw buildings. These are situated on an area of existing hard standing that was implemented when the adjacent buildings were constructed.
- The buildings will comprise grain walling and profile sheeting roofing, with PVC composite panels on the roofs. This is the same materiality as the existing straw buildings at Hatchpen Farm.
- If the bales are stacked correctly in the shed, the side of the bales act as a wall protecting the straw from the elements, whilst the roof protects the tops layers of the stack from rain.
- Leaving the sheds open allows direct access to different types of straw, as required during the year. It also helps build a safe stack in the shed, as you can access the straw from the sides of the building when constructing that stack. Open sided sheds allow improved airflow which will improve the quality of the straw when it is stacked soon after harvest. Open sided sheds are also less expensive than sheds that have the side cladded.
- The Rand Brothers also have various long standing supply agreements to animal feed manufacturers, bedding manufacturers, livestock farmers and equine businesses.
- Straw demand has grown over the past 25 years, is reflected in the price that it can achieve. The substantial demand from straw burning powers stations, improvements in the technology of biogas plants and recognition of the value of straw (and straw pellets) as a source of fibre (particularly in ruminant diets) is only increasing demand for straw in the UK.
- All of these end users require high quality straw that has been stored correctly over winter. As such, to support the continued growth of the business, the straw sheds are required to ensure that high-quality straw can be produced and stored at Hatchpen Farm.

- According to the Government's Flood Risk Mapping Database, the site is located wholly within Flood Zone 1, where there is a low risk of tidal or fluvial flooding. The site is also at very low risk of surface water flooding.

### 4.3 Key Issues

- 4.3.1 The key considerations for this proposal are the principle of development, whether there would be any adverse harm in the context of the landscape, the siting and design of the buildings and traffic concerns.

#### Principle of development

- 4.3.2 The NPPF at paragraph 88 and a and b) states that planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings; and
- b) the development and diversification of agriculture and other land based rural business.

- 4.3.3 The Local Plan supports this policy aim, with Policy CGB1 which states that in the Rural Area beyond the Green Belt planning permission will be granted if (criteria c) the proposal is strictly necessary for the needs of agriculture and forestry. As set out above these straw barns are needed to support the applicant's existing straw business to reduce the amount of straw getting ruined by rain and become wastage. On this basis it is considered that the proposed barns comply with the policy requirements of Local Plan Policy CGB1 and the aims of paragraph 88 of the NPPF, and there is no objection to the principle of this proposal.

#### Landscape

- 4.3.4 The area is attractive rolling countryside. The main farmyard area is set down in the landscape with trees around which effectively screen the buildings in views in the landscape. When the 2021 application was considered, the excavated land area was to allow those buildings to be set down on a level that would ensure they would be screened by the land in views from The Joint and A10, which has been successful.

- 4.3.5 The area where the proposed barns would be sited has already been excavated as this was done when the area approved under the 2021 application was excavated. This application is seeking approval for this excavated land area. The submitted plans shows that that yard area is fairly level with a datum point of between +112.10 - +112.24. The top of the bank on the field level to the south and west of the excavated area is a land level of +126.75. This is a land level change of 14m between the top of the adjacent field and the yard area where the buildings are to be sited. As the proposed buildings have an eaves height of 10m and a ridge of 11.57m this shows how the buildings will be set down into the land.

- 4.3.6 There is no objection to this land area being removed to allow the location of these building to be sited in this location, adjacent to the existing straw buildings and set at a ground level to minimise any adverse visual impact in the countryside. Furthermore, it ensures that the farm buildings are grouped in one location and not scattered throughout the landscape.

4.3.7 Local Plan Policy NE2 requires for new development to respect the sensitivities of the relevant landscape and to not cause unacceptable harm to the character and appearance of the surrounding area or the landscape character area in which the site is located, taking account of any suitable mitigation. Given the mitigation measure is the excavation works to lower the ground level to ensure the buildings are set into the landscape, the proposal is considered to comply with the aims of Policy NE2 and no objection is raised to the application on this basis. These new buildings, like the existing ones adjacent to this application site, will be effectively screened in views from The Joint and A10 and will only become visible from the farm access track at the point when the whole farmyard becomes apparent.

#### Siting and design

4.3.8 Local Plan Policy D1 requires for the development to respond positively to a site's local context. There is no objection to the layout or design of the buildings. The proposed straw barns are open sided agricultural style buildings, designed for the purpose needed, and open sided to allow a fork lift truck to access all side and parts of the barn for stacking and unstacking of the straw bales. The external materials are to match the existing buildings at the farm, and a condition is imposed to ensure the colour is the same, which is grey. It is considered that the buildings will appear as part of the farmyard group. The proposal is considered to comply with the aims of Policy D1.

#### Other matters

4.3.9 The comments made by Reed Parish Council are noted. However, this application is proposing to accommodate straw bales that are already being stored in the open and is not proposed an increase in traffic generation at the farm. Therefore, traffic generation and the route the traffic takes are unaffected. Furthermore, the farm has a long-established access on The Joint and it would be both unreasonable and unenforceable to impose a limitation requiring the trips associated with these straw barns to travel via the north side of the farm to the A10 whilst the trips associated with the existing straw barns could use the access on The Joint.

4.3.10 The proposal does not require any parking provision as the buildings are needed for the farm's current operations.

4.3.11 Local Plan Policy NE4 requires for all development proposed to deliver a measure net gain for biodiversity. The metric submitted with the application sets out that there will be an 11% gain in habitat units. A condition is recommended to ensure the details of this are secured on site.

#### **4.4 Conclusion**

4.4.1 There is no objection to this proposal. National and local planning policies support development in rural areas that is needed for agriculture and the excavation works and landscaping will set the buildings down into the landscape and effectively screen the buildings to protect views in the landscape. The application is therefore recommended for conditional permission.

#### **4.5 Alternative Options**

4.5.1 None applicable

#### 4.6 **Pre-Commencement Conditions**

4.6.1 There are no pre-commencement conditions.

#### 5.0 **Legal Implications**

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

#### 6.0 **Recommendation**

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

1. The development hereby permitted shall be 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. The external colour of the buildings hereby permitted shall be the same grey colour to match the existing farm buildings at Hatchpen Farm.

Reason: For consistency in the locality. Local Plan Policy D1.

4. Prior to the first use of the buildings hereby approved, details of the habitat enhancement measures, including a timetable for their implementation on site, shall be submitted to and approved in writing by the LPA. These measure are to include a mix of native trees, including some fruit bearing trees, to be planted in the landscaped buffer around the yard area.

Reason: To protect views in the landscape and BNG requirements. Local Plan Policies NE2 and NE4.

5. There shall be no external lighting unless the details of the lighting and the hours it is to be on for are agreed in writing by the local planning authority and only the agreed details can be implemented on site.

Reason: To prevent light pollution in the rural area that could harm wildlife. Local Plan Policy NE4.



**Proactive Statement:**

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

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Red Rectangles = Proposed Straw Buildings  
Black Rectangles = Existing Straw Buildings



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**PLANNING CONTROL COMMITTEE**

**DATE: 11 December 2025**

**PLANNING APPEALS DECISION**

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mr Matthew Judge	Erection of 3 no. detached dwellings with garages following demolition of existing house and outbuildings. Formation of vehicular access onto the highway.	Trees Gosmore Road Hitchin SG4 9AN	25/00423/FP	Appeal Dismissed on 24 October 2025	Delegated	<p>The Inspector concluded that the overall contributing factors of size, scale and positioning means that the proposal would be detrimental to the character and appearance of the area and contrary to policy D1 (Sustainable design) of the North Hertfordshire Local Plan 2011-2031 (NHLP) and National Planning Policy Framework in that it would not enhance the public realm.</p> <p>The Inspector also concluded that the first-floor rear facing windows would have direct vantage towards the private garden area and facing windows of number 8 Coach Drive in close proximity and this would result in a loss of privacy to the occupants of 8 Coach Drive. This is notwithstanding boundary screening or the opportunity to obscure glazing some of the windows. This overlooking would have an adverse effect on the living conditions of the occupants of number 8 Coach Drive and is thus contrary to policy D3 (Protecting living conditions) of the NHLP.</p>

The Trustees, Trinity Life Church	Raise existing roof ridge height and replace existing slate roof coverings with fibre cement slates and flush mounted photovoltaic panels following removal of existing roof vent.	The Old School House 4 Market Hill Royston SG8 9JL	24/02696/FP	Appeal Dismissed on 10 November 2025	Delegated	The Inspector stated that raising of the ridge height, brings a substantial concern about the effect of this on the decorative details on the gable elevations and that it would be difficult to see how this would be achieved without damaging the stepped features in red brick and the lozenge feature. The Inspector considered that any harm to these features would be unacceptable, certainly amounting to less than substantial harm, of medium degree. The Inspector also stated that the proposal would not preserve or enhance its character or appearance.
Mr Luke Papworth	Use of buildings as (Sui Generis) car sales and (Use Class B2 general industrial) car servicing. Alterations to fenestration to building 2 and retention of southern vehicular access.	Friends Green Farm Friends Green Damask Green Road Weston SG4 7BU	25/00926/FP	Appeal Allowed on 17 November 2025	Delegated	The Inspector concluded that with the necessary conditions in place, the southern vehicular access would not have an unacceptably harmful effect on highway safety. Consequently, the proposal is not contrary to Policy T1(Assessment of transport matters) of the NHLP which requires that development should not lead to highway safety problems or cause unacceptable impacts upon the highway network. It is also not contrary to Policy 5 of Hertfordshire's Local Transport Plan 2018-2031 (2018), which requires safe and suitable access arrangements.

**PLANNING CONTROL COMMITTEE  
PLANNING APPEALS LODGED**

**DATE: 11 December 2025**

<b>APPELLANT</b>	<b>Appeal Start Date</b>	<b>DESCRIPTION</b>	<b>ADDRESS</b>	<b>Reference</b>	<b>PROCEDURE</b>
D&A Architectural & Structural	11 November 2025	Change of use of land to equestrian and erection of stables and covered menage.	Land At Church Wood Three Houses Lane Codicote	24/01042/FP	Written Representations
Mr Larry Connors	18 November 2025	Use of land for residential caravan site for 8 gypsy families including hardstanding and existing lights (development already carried	Land To The West Of St Albans Road Codicote	25/00979/FP	Hearing

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## Appeal Decision

Site visit made on 30 September 2025

by **N Bowden BA(Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 OCTOBER 2025

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**Appeal Ref: APP/X1925/W/25/3369632**

**Trees, Gosmore Road, Hitchin, Hertfordshire SG4 9AN**

- 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 Matthew Judge (Judge & Sons Building Services Ltd) against the decision of North Herts Council.
  - The application Ref is 25/00423/FP.
  - The development proposed is the construction of 3no detached dwellings with garages following demolition of existing house and outbuildings.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - 1) the effect of the proposed development on the character and appearance of the area, and
  - 2) the effect of the proposed development on the living conditions of neighbours having particular regard to overlooking and visual impact upon number 8 Coach Drive.

### Reasons

#### *Character and appearance*

3. The appeal site is formed of an existing, substantially proportioned detached home constructed in an Arts and Crafts vernacular featuring rendered walls with casement windows under a tiled roof with notable prominent chimneys. It occupies a large corner plot which tapers to a fairly sharp corner on the junction between Gosmore Road and Coach Drive.
4. The area in the locality is formed of predominantly detached houses, many in a similar Arts and Crafts style and within a sylvan setting. Homes typically address the street with ample front gardens and driveways. This is most typical towards the east and south along Coach Drive, Lister Avenue and Priory Way where the regular pattern of development, albeit with individually distinct homes, contributes to a comforting, tree lined setting. This character dissolves to the north where more recent and comprehensive development has introduced some rather uninspiring red brick homes within smaller plots. These homes do not readily address the surrounding streets and feature limited detailing and landscaping.

5. The proposal appears to take design cues from this notably less appealing layout to the north whilst simultaneously disregarding the pleasing arrangement of properties to the south and east. The density of the scheme, whilst not high in its own right, would mark a step change in the impression of the area, especially on this verdant corner plot. The proposed dwellings would largely shun any street elevations to Gosmore Road or Coach Drive. This is apparent due to plots 2 and 3 presenting side or rear elevations to the surrounding roads and all three being clustered around a small courtyard style cul-de-sac. The proposal would create an insular form of development that contributes little, if anything, to the street scene. Whilst the design of the homes are acceptable in their own right, they have been shoehorned into this sensitive corner site with scant regard for their context.
6. The overall contributing factors of size, scale and positioning means that the proposal would be detrimental to the character and appearance of the area and contrary to policy D1 of the North Hertfordshire Local Plan 2011-2031 (NHLP) and National Planning Policy Framework in that it would not enhance the public realm.

#### *Living conditions*

7. Number 8 Coach Drive is set back from the road with its private garden and amenity area being located at the front of the property. The proposed plots 1 and 2 would be arranged with their rear walls facing number 8. The plots are stated to be between 8.2 and 10.5 metres away from the boundary with this property and I have no reason to disagree with this assessment.
8. This separation distance is sufficient to ensure that the proposed dwellings would not appear overbearing. However, the first-floor rear facing windows would have direct vantage towards the private garden area and facing windows of number 8 in close proximity and this would result in a loss of privacy to the occupants of 8 Coach Drive. This is notwithstanding boundary screening or the opportunity to obscure glaze some of the windows. This overlooking would have an adverse effect on the living conditions of the occupants of number 8 Coach Drive and is thus contrary to policy D3 of the NHLP.

#### **Other Matters**

9. Whilst I appreciate that the appellant considers that the proposal followed pre-application advice, I have not been provided the full details of this which is undertaken by the Council on a without prejudice basis, and, in any case the appeal must be determined on its merits as it has been presented to me.

#### **Planning Balance and Conclusion**

10. The Council accepts that it cannot demonstrate a five-year supply of deliverable housing land and therefore the provisions of 11 d) ii. of the Framework are engaged. This means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits including securing well-designed places.
11. I have found that the proposal would be detrimental to the character and appearance of the area in addition to having an adverse effect on the living conditions of neighbours. Whilst there would be a modest benefit in providing a net increase of two new dwellings, one of which would be Self or Custom Housebuilding, this does not outweigh the significant harms that I have identified.

12. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is dismissed.

*N Bowden*

INSPECTOR

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## Appeal Decision

Site visit made on 22 October 2025

**By Terrence Kemmann-Lane JP DipTP FRTPI MCMI**

an Inspector appointed by the Secretary of State

Decision date: 10 November 2025

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**Appeal Ref: APP/X1925/W/25/3366316**

**The Old School House, 4 Market Hill, Royston, SG8 9JL**

- 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 Paul Brown of The Trustees, Trinity Life Church, against the decision of North Hertfordshire District Council.
  - The application Ref is 24/02696/FP.
  - The development proposed is raise existing roof ridge height and replace existing slate roof coverings with fibre cement slates and flush mounted photovoltaic panels following removal of existing roof vent.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this case is the effect of the proposed alterations to the building on its character and appearance, and the character and appearance of the Royston Conservation Area.

### Reasons

3. The building occupies a prominent position south of The Old Court House, and between the parallel streets known as Market Hill and Fish Hill, in Royston Conservation Area. It is single storey, but the main part, the Meeting Hall, is under a high, steeply sloping pitched roof, with very distinctive gables fronting both Market Hill and Fish Hill. As a result of this steep roof and its height, longer views of the building and its roof slope can be seen from Market Hill to the west, north and south and from Fish Hill to the east and south, although the elevation fronting Fish Hill is predominantly under a lower, less steep roof.
4. The building was formerly an old schoolhouse and is designated as a Building of Local Interest (BLI) on the Register for Royston dated 27 March 2007. The BLI entry states: *'Former Royston National School, Fish Hill. The National School was built in 1886 for the children of Church of England families of Royston. It is a flint building with gault brick dressings and chimneys. Its location between Fish Hill and Market Hill results in it fronting and contributing to both streets. The school provides a strong building line to both streets and has an enclosed courtyard facing onto Market Hill. The angled chimneys in gault brickwork at regular positions along the eaves make a particular architectural contribution. The use of flint is a characteristic within the town and is emphasised on the building's Market Hill elevation.'* The reason for inclusion on the BLI Register is stated as: *'Building of local interest to the*

*social and educational history of the town constructed in local materials strongly characteristic of the town.'*

5. The description of the building given above is not entirely accurate, since the flint is only on limited areas on the lower elements of the building. For the most part the elevations are of gault brick with red brick quoins and a stepped red brick feature along the verges of the tall roof, as well as outlining the triangular arches on the Market Hill elevation. In addition, there are redbrick lozenge shaped features just below the top of the gables. These features are of great importance to the visual quality and attractiveness of the building.
6. Within a conservation area, I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, in accordance with Section 72 of the Listed Building and Conservation Areas Act (1990). Furthermore, Section 16 of the National Planning Policy Framework (NPPF) sets out guidance relating to sustaining and enhancing heritage assets. Policies HE1 and HE3 of the North Hertfordshire Local Plan (the Local Plan) are consistent with the NPPF. I need not set out the detail here, as they are well known to the parties.
7. I am told that the appellants, The Trustees of Trinity Life Church, have carried out significant internal improvements in recent years to facilitate the use of the building as a community asset with various local groups, charities and businesses making use of it. For the appellants it is explained that Approved Document Part L2 of the current Building Regulations states that any existing thermal elements being renovated (or renewed) should meet minimum 'limiting' standards with regard to thermal performance. With the roof over the Meeting Hall, subject of the appeal proposal, it is possible to introduce insulation either between and below the existing rafters or over and between them to meet the Regulations.
8. Internally this part of the building benefits from exposed collar tied timber roof trusses and diagonal timber boarding fixed to the underside of the existing rafters, all of which contribute to the historic character of the building. Installing insulation below and between these rafters would result in the removal of the timber boarding and the partial obscuring of the trusses whilst insulating over and between the same rafters would preserve these elements but would result in an increase in the height of the existing roof. It is the latter option which has been chosen, driven by the desire to preserve the visibility of the existing historic fabric inside the building. Thus, the proposed raising of the existing roof ridge height.
9. However, raising of the ridge height, brings a substantial concern about the effect of this on the decorative details on the gable elevations, described in paragraph 5 above. Drawing No.19/010/A/006 shows that raising the ridge involves raising both roof slopes, from eaves up to the new ridge level. I appreciate the appellants' point that the Heritage and Conservation Officer did not comment beyond the fact that there would be a minimal impact from the extra height, but it is difficult to see how this would be achieved without damaging the stepped features in red brick and the lozenge feature. I consider that any harm to these features would be unacceptable, certainly amounting to less than substantial harm, of medium degree. I also have to consider the fact that The Old School House is within the Royston Conservation Area: such harm would not preserve or enhance its character or appearance.

10. I can fully appreciate why the appellants would prefer not to install insulation below and between the rafters, as explained in paragraph 8 above, as this would result in the removal of the timber boarding and the partial obscuring of the trusses, whilst the proposed scheme, insulating over and between the same rafters would, preserve these elements. Ideally the existing boarding and unobstructed trusses would be left as they are, but these are not visible from the public realm, and these features have no effect on the character and appearance of the conservation area.
11. Turning to other matters, with regard to the roof covering of natural slate or cement fibre, had I been allowing the appeal, I would have favoured the appellants' suggestion of imposing a condition requiring approval of the proposed materials prior to construction commencing, in accordance with NPPF paragraph 56.
12. The other controversial feature of the proposal, the photovoltaic panels, would be beneficial in making a positive contribution towards energy savings and, with the proposed insulation, would be likely to improve the overall energy efficiency of the building. They would be installed flush and integrated into the roof, and their dark colour would make them reasonably unobtrusive against the slates. The roof plane on which they would be installed is visible coming down Market Hill, although intermediate buildings would reduce the visual impact. On balance, taking account of the environmental benefits, I do not consider that their appearance would materially affect the conservation area sufficiently to warrant refusal.
13. However, for the reasons that I have given in respect of raising the roof, the appeal will be dismissed.

*Terrence Kemmann-Lane*

INSPECTOR

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## Appeal Decision

Site visit made on 27 October 2025

by **J Bell-Williamson MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

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**Appeal Ref: APP/X1925/W/25/3370125**

**Friends Green Farm, Friends Green, Damask Green Road, Weston, Hertfordshire SG4 7BU**

- 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 Luke Papworth against the decision of North Hertfordshire District Council.
  - The application Ref is 25/00926/FP.
  - The development proposed is use of building as (Sui Generis) car sales and (Use Class B2 general industrial) car servicing. Alterations to fenestration to building 1 and retention of southern vehicular access.
- 

### Decision

1. The appeal is allowed and planning permission is granted for use of building as (Sui Generis) car sales and (Use Class B2 general industrial) car servicing, alterations to fenestration to building 1 and retention of southern vehicular access at Friends Green Farm, Friends Green, Damask Green Road, Weston, Hertfordshire SG4 7BU. The permission is granted in accordance with the terms of the application Ref 25/00926/FP, dated 22 April 2025, subject to the conditions included in the Schedule at Annexe A.

### Preliminary Matters

2. The original description of development is amended so that changes to fenestration to building 2 now refers to building 1, in accordance with what is shown on the submitted plans.
3. The use for car sales and servicing is currently permitted by an extant two year temporary permission, but this is subject to a condition requiring closing up of the southern access, which is unlawful as it was implemented without planning permission<sup>1</sup>. The current proposal seeks the continuation of the existing use with retention of the southern access.
4. The Council indicates that it has served an Enforcement Notice with regard to the southern access<sup>2</sup> and that this is the subject of a current, undecided appeal<sup>3</sup>. While I note this, the appeal before me involves a separate application for planning permission, which I have considered on its individual merits.

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<sup>1</sup> Ref 23/01259/FP.

<sup>2</sup> Ref 22/00062/1ENF.

<sup>3</sup> APP/X1925/C/25/3372597.

## Main Issue

5. The main issue is the effect of the southern vehicular access that has been constructed on highway safety.

## Reasons

6. The appeal site is within a rural setting to the south of Friends Green Farmhouse and adjacent barns, all of which are Grade II listed buildings. The site includes two buildings, which accommodate the use for car sales and servicing with an internal roadway running between them and a parking area to the north of the site. The site is served by two accesses from Damask Green Road. The one to the north provides access to the car park, while the southern one provides access via the internal roadway to the two buildings. The appeal site is within the Green Belt.
7. The Highway Authority (HA) maintains that it cannot support a second vehicular access serving a single development on highway safety grounds, in particular to limit any adverse impact of additional conflict points and due to the substandard visibility from the southern access.
8. The appellant's business relates to high-end car sales and servicing, which will generate a limited number of vehicle movements in terms of customers and deliveries. The level of use will not alter between the permitted temporary use and the appeal proposal. The principal issue, therefore, is whether there are any differences between the permitted use and current proposal that have a bearing on the matters raised by the HA regarding the effects of use of the southern access.
9. The main point in this regard is that the appellant proposes to operate a one-way traffic flow, with entry to the site from the southern access and egress from the northern one. This will be facilitated by appropriate signage and automated gates with sensors triggering opening only for vehicles travelling in the correct direction. On this basis, vehicles would not leave the site via the southern access, which would overcome concerns about visibility, while the in/out arrangement combined with the relatively low level of usage would avoid possible vehicle conflict on Damask Green Road.
10. I note the HA's comment that the proposed one-way system is unenforceable and unsafe. However, on the basis of the evidence taken as a whole and the site inspection, I consider that for the reasons given above the proposed approach would overcome the concerns previously raised about the use of the southern access.
11. The National Planning Policy Framework (the Framework) indicates that authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Conditions should only be imposed where they are necessary, relevant, enforceable, precise and reasonable in all other respects<sup>4</sup>. In the circumstances of this case, a condition to require implementation and use of the one-way system, the details of which are included in the appeal submissions, would make the development acceptable and would meet the requisite tests. Whether or not the system is implemented and in use in accordance with the condition would be readily apparent, addressing concerns about compliance and enforceability.

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<sup>4</sup> Paragraphs 56 and 57.

12. I accept the related concern that were the site to be passed to another operator for the same use, this could generate significantly more trips resulting in possible adverse implications for highway safety. I acknowledge also that the Council would not support a general car sales and servicing use in this rural location in the Green Belt.
13. To address these concerns a condition was initially considered with regard to the extant permission to make it personal to the applicant, although this was not possible as the application was made in the company's name. The current application is made in the appellant's name and, therefore, it is possible to make the permission personal through the use of an appropriately worded condition, as previously suggested.
14. I have had regard to the Council's contention that a planning obligation would be preferable, because the applicant might apply successfully to remove or vary a condition. However, any such future application would need to be determined by the Council in accordance with circumstances and policies pertaining at the time. Current concern about such proposals coming forward is not sufficient reason to set aside the general principle in the Framework that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition<sup>5</sup>. Moreover, I am mindful with regard to the alternative suggestion for a further temporary five year permission of the Planning Practice Guidance, which indicates that it will rarely be justifiable to grant a second temporary permission<sup>6</sup>. I note that the appellant accepts that a personal permission would be appropriate.
15. The extant temporary permission includes a requirement to close the southern access at the end of the permitted period. The same principle should apply in this case, to ensure that once the use associated with the personal permission has ended there is no uncontrolled use of the southern access in relation to any subsequent use of the site.
16. I have had regard to the representation from Weston Parish Council concerning the extant permission and highway safety. While the full two year period of the extant permission has not expired, the majority of the period has passed with no specific concerns raised concerning the use of the site. I note the approval of 96 properties on Back Lane and likely associated increase in traffic. However, there is no basis to conclude that this will result in material harm with regard to use of the appeal site with the conditions already referred to in place.
17. Therefore, taking these findings as a whole, with the necessary conditions in place the southern vehicular access would not have an unacceptably harmful effect on highway safety. Consequently, the proposal is not contrary to Policy T1 of the North Hertfordshire Local Plan 2011-2031 (2022), which requires that development should not lead to highway safety problems or cause unacceptable impacts upon the highway network. It is also not contrary to Policy 5 of Hertfordshire's Local Transport Plan 2018-2031 (2018), which requires safe and suitable access arrangements.

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<sup>5</sup> Paragraph 56.

<sup>6</sup> *Use of Planning Conditions*, paragraph 014.

## **Other Matters**

18. The appeal site is within the setting of the Grade II listed Friends Green Farmhouse, Farm Buildings and East Barn and Attached Outbuildings. I am, therefore, mindful of the statutory requirement for decision makers to have special regard to the desirability of preserving the setting of a listed building<sup>7</sup>. In this regard, I agree with the Council's assessment that the proposal would not have a harmful effect on the setting or significance of the listed buildings.

## **Conclusion and conditions**

19. For the reasons given, the appeal should succeed.
20. In addition to the conditions already referred to, it is necessary to include a condition requiring compliance with the approved plans, particularly due to the changes to the fenestration to building 1. Conditions are also necessary, as suggested by the Council, to limit the operational hours of the permitted use and to limit the use itself to what is applied for, in the interest of the amenity of the area.
21. Finally, the Council draws attention to a condition requiring sight lines for the northern access, which was imposed on the extant temporary permission. I note that the Council does not suggest this condition is necessary with regard to the current proposal and based on the appeal submissions and site inspection I concur with this.

*J Bell-Williamson*

INSPECTOR

Annexe A

## **Schedule – conditions**

- 1) The use hereby permitted shall be carried on only by Mr Luke Papworth. When the premises cease to be occupied by Mr Luke Papworth, the use hereby permitted shall cease and all materials and equipment brought on to the premises in connection with the use shall be removed, and the southern access shall be permanently closed.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: FGP1-1 (site and location plan) and FGP1-4 (plans and elevations – building 1).
- 3) The use hereby permitted, including the operation of machinery and associated deliveries, shall only take place between the following hours: 08:00 to 17:30 Monday to Friday; 08:00 to 13:00 Saturday; and not at any time on Sundays and Bank/Public Holidays.

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<sup>7</sup> Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 4) The use hereby permitted shall only be limited to car sales and servicing (Use Class B2/Sui Generis) and for no other purpose, unless otherwise agreed in writing by the Local Planning Authority.
  
- 5) Within three months of the date of this permission, the site access arrangements shown on Appendix B of the submitted *Appeal Transport Statement*, dated July 2025, shall be implemented. The arrangements shall include one-way vehicular movements within the site, with the southern access to be used for entry to the site only and the northern access to be used for egress from the site only. These arrangements shall be in operation for the full duration of the permitted use.

[End of Schedule]

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